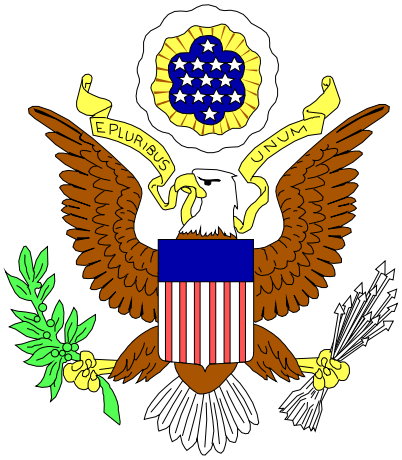

NEBRASKA RULES OF BANKRUPTCY PROCEDURE

Adopted by the United States District Court
for the District of Nebraska
July 25, 2014

Effective September 1, 2014

United States Courts
Judicial Council of the Eighth Circuit
Thomas F. Eagleton United States Courthouse
111 South 10th Street – Suite 26.325
St. Louis, Missouri 63102-1116

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Circuit Executive

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EIGHTH CIRCUIT JUDICIAL COUNCIL

ORDER

I hereby certify that the United States Bankruptcy Court for the District of Nebraska has furnished a copy of its amended Rules of Bankruptcy Procedure to the Judicial Council in accordance with 28 U.S.C. § 2071(d) and Fed. R. Civ. P. 83(a)(1). The amended local rules have been reviewed by the Judicial Council, and it has determined to take no action with respect to the rules. The rules, therefore, remain in effect in accordance with 28 U.S.C. §2071(c)(1) and Fed. R. Civ. P. 83(a)(1).

Millie B. Adams
Millie B. Adams
Circuit Executive

St. Louis, Missouri
August 18, 2014

cc: Judicial Council Members
Chief District Judge Laurie Smith Camp
Chief Bankruptcy Judge Thomas L. Saladino
Diane L. Zech, Clerk of Court

Review was undertaken by the Rules and Bankruptcy Committees.

JCO 2566

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF THE ADOPTION	)	**GENERAL ORDER**
OF THE AMENDED NEBRASKA RULES	)	
OF BANKRUPTCY PROCEDURE	)	**No. 2014-05**
	)	

The bankruptcy judge of this district and the clerk of the bankruptcy court have drafted proposed amendments to the local bankruptcy rules. All of the attorneys registered on the electronic case filing system for the bankruptcy court for the District of Nebraska were given an opportunity to comment on the proposed draft.

The final date for comments has expired.

The bankruptcy judge has determined that the proposed amended rules are consistent with, but not duplicative of, Acts of Congress and do not prohibit or limit the use of official forms. In addition, the bankruptcy judge has determined that the proposed amended local rules do conform to the uniform numbering system prescribed by the Judicial Conference of the United States for Bankruptcy Rules. The bankruptcy judge does now recommend to the United States District Court that the final draft of the rules submitted to the United States District Court judges, district clerk of court, district chief deputy clerk and all attorneys registered on the bankruptcy court electronic case filing system, should be adopted by the district court pursuant to Federal Rules of Bankruptcy Procedure 9029.

The Nebraska Judicial Council approved the amended Nebraska Rules of Bankruptcy Procedure on July 25, 2014.

IT IS, THEREFORE, ORDERED that the proposed amended rules of the bankruptcy court as submitted to the district court are adopted.

The amended Nebraska Rules of Bankruptcy Procedure are effective as of July 25, 2014, subject only to review by the Judicial Council of the Eighth Circuit Court of Appeals.

DATED: July 25, 2014

BY THE COURT:

s/ Laurie Smith Camp
Chief Judge

NEBRASKA RULES OF BANKRUPTCY PROCEDURE

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PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

RULE 1001-1. SCOPE OF LOCAL RULES, FORMS, APPENDICES, AND DEFINITIONS

A. **Citation**. These Local Rules shall be formally referred to as Nebraska Rules of Bankruptcy Procedure and cited as Neb. R. Bankr. P. A Rule may also be referred to as "Local Rule ____."

B. **Application**. These Rules are intended to supplement the Federal Rules of Bankruptcy Procedure and shall apply in all cases filed under all chapters unless specifically excluded.

C. **District Court Rules**. The Nebraska General Rules of the United States District Court for the District of Nebraska concerning the following matters are specifically made applicable in bankruptcy cases and adversary proceedings and can be found at www.ned.uscourts.gov.

1. Admission, discipline of attorneys, clinical legal education for law students, non-resident attorneys, and appearance of counsel. NEGenR 1.3(d), 1.7, and 1.8.

2. Withdrawal of Reference. NEGenR 1.5(b).

D. **Forms**. The Bankruptcy Court may adopt suggested forms for use in Nebraska cases. Current forms are available from the United States Bankruptcy Court website at www.neb.uscourts.gov or at the Clerk's office.

E. **Appendices**. The appendices attached to the Local Rules are for information only and may be modified or deleted from time to time by order of the Judges of the Bankruptcy Court.

RULE 1002-1. PETITION - REQUIREMENTS

A. The petition shall conform to the Official Bankruptcy Forms.

B. If the debtor is a corporation, attached to each copy of the petition shall be a certified copy of the corporate action authorizing the filing of the petition.

RULE 1005-1. CAPTION OF PETITION - PERSONAL IDENTIFIERS

If an individual's Social Security number or individual taxpayer identification number is relevant in a pleading, only the last four digits of that number should be used. Official Form 21,

Statement of Social Security Number, should contain the full Social Security number or individual taxpayer identification number and should be processed as prescribed.

RULE 1006-1. FILING FEES - INSTALLMENT PAYMENTS

A. **Application to Pay in Installments**. An individual or joint case seeking to pay the filing fee in installments must be accompanied by the "Application to Pay Filing Fee in Installments" and an initial installment payment of at least $75.00 or the application will be denied. If the application is denied, an order will direct the debtor to pay the filing fee in full within 14 days or the case may be dismissed. Direct payments from debtors may only be in the form of cashier's checks or money orders.

B. **Dismissal**. The Court may dismiss a case if the full filing fee is not paid in accordance with the terms outlined in the application. The balance of the filing fee must be paid immediately upon the dismissal of the case or a collection action may be taken.

RULE 1007-1. LISTS, SCHEDULES, AND STATEMENTS

A. **Schedules of Liabilities**. If a tax obligation is listed, it shall include the date the tax obligation was incurred or assessed and the type of tax (e.g., personal income tax – Form 1040; payroll tax – Forms 940 and 941; 100% penalty, etc.).

B. **Service**.

1. The debtor shall serve all affected entities with a copy of any amendment to the petition, schedules, and statement of affairs along with the original § 341 notice and electronically file a certificate of service.

2. The Clerk's office shall not maintain a paper Court file in any case filed after January 2, 2002. The official Court record shall be an electronic file maintained on the Court's server.

C. **Extension of Time to File Schedules**. No hearing shall be required on motions to extend time to file lists of creditors and equity security holders, or to file schedules and statement of affairs unless requested by the United States Trustee within seven days of service. Requests for extension of time should set forth whether or not a previous request for extension has been granted.

D. **Failure to File all Information in Chapter 7, Chapter 12, and Chapter 13 Cases**. If an individual debtor in a case under Chapter 7, Chapter 12, or Chapter 13 fails to file all information required under 11 U.S.C. § 521, § 1221, or § 1321, or a motion for an extension of time has not been filed, the trustee or United States Trustee will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.

E. **Privacy Rules**.

1. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's office will not review documents for compliance with this Rule or redact documents, whether filed electronically or on paper. In addition, the Court will not go back and redact documents filed before December 1, 2003.

2. Copies of all amended Statements of Social Security Number or Individual Taxpayer Identification Number (Official Form 21) should be submitted to the Court in paper format. The filing attorney shall maintain the original signed document for all bankruptcy cases at least one year after the case is closed.

RULE 1007-2. MAILING - LIST OR FILING MATRIX

A. In all Chapter 7, 12, and 13 cases, the Internal Revenue Service shall be listed only if the debtor believes a tax is owing. In all Chapter 11 cases, whether or not the Internal Revenue Service is known to be a creditor, the Internal Revenue Service shall be listed on the Matrix at the address shown on Appendix "B" to these Local Rules.

B. In all cases where the Nebraska Department of Revenue is known to be a creditor and in all Chapter 11 cases, whether or not the Nebraska Department of Revenue is known to be a creditor, the Nebraska Department of Revenue shall be listed on the Matrix at the address shown on Appendix "B" to these Local Rules.

C. In all cases, the county attorney and county treasurer from the county in which the debtor resides shall be listed on the Matrix.

RULE 1017-1. DISMISSAL OR SUSPENSION OF CASE PROCEEDINGS

A. **Voluntary Dismissal**. In addition to stating with particularity the grounds for relief, all motions to dismiss shall comply with Neb. R. Bankr. P. 9013-1 and shall fully disclose any existing arrangement or agreement between the debtor and creditors or any person or entity in connection with the motion for dismissal. The Court may condition dismissal upon payment of fees, including quarterly fees due to the United States Trustee, as warranted. After notice and a hearing, the Court may enter judgment for the fees against the debtor and debtor-in-possession upon filing of an appropriate declaration or affidavit by the United States Trustee.

B. **Motions to Alter, Amend, Reinstate, or Reconsider Dismissal of Chapter 13 Cases**. A timely filed motion to alter, amend, reinstate, or reconsider dismissal of a Chapter 13 case which was dismissed for failure of the debtor to make plan payments shall comply with Neb. R. Bankr. P. 9013-1 and state with particularity:

1. The circumstances which explain why the required payments were not made;

2. The circumstances which have changed so as to permit the debtor to make future payments; and

3. The date and the manner of the future payments the debtor proposes to make to the Chapter 13 standing trustee.

If the future payments are to be made by payroll deduction, the motion shall state the name and address of the employer and the pay period of the debtor.

RULE 1073-1. ASSIGNMENT OF CASES; EMERGENCY SITUATIONS

If the Bankruptcy Judge to whom the case is assigned is disabled and unable to consent to the reassignment of the case, the Chief Judge may reassign the case without the Bankruptcy Judge's consent. In the event that the Chief Bankruptcy Judge is disqualified or disabled, the authority to reassign a case passes to the Bankruptcy Judge who is next senior in service. If all Bankruptcy Judges are disqualified or disabled, the authority to reassign a case passes to the Chief District Judge.

PART II. OFFICERS/ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS/ACCOUNTANTS

RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

A. **Appearance at § 341 Meetings**. Debtors are required by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure to attend a § 341 first meeting of creditors. In Chapter 7 and 13 cases, the appointed trustee with authorization from the United States Trustee, and in Chapter 11 and 12 cases, the United States Trustee will schedule a continued § 341 meeting if the debtor fails to appear at the originally scheduled meeting. The Chapter 7 trustee will announce the date/time of the continued meeting. No further notice will be provided by the Clerk, the trustee, or the United States Trustee except through the CM/ECF system, when applicable. It is the responsibility of the debtor's counsel to inform the debtor of the obligation to attend. If the debtor fails to appear at the continued § 341 meeting, the trustee, with authorization from the United States Trustee, may file a Notification with the Clerk of such fact and the case will be dismissed without further notice or hearing.

B. **Service**.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate a "Notice of Electronic Filing" to the filing party

and any other party who is a registered user and has requested electronic notice in that case.

a. If the recipient is a registered participant in the System, the Clerk's email of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

b. Service of the "Notice of Electronic Filing" on a party who is not a registered participant in the System may be accomplished by email, subject to the additional service requirements below.

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a "Certificate of Service" is attached to these procedures as Appendix "I."

3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading or paper. The filing party must, therefore, provide the non-registered party with the pleading or paper according to the Federal Rules of Bankruptcy Procedure. When mailing paper copies of documents that have been electronically filed, the filing party may include the "Notice of Electronic Filing" to provide the recipient with proof of the filing.

4. If a registered attorney in CM/ECF determines that their involvement in the case has terminated, they may remove their name from the case in order to stop receiving notices of electronic filings ("NEF"). The attorney may certify that they have no controversy before the Court and that their client consents to the withdrawal by filing event, "Withdraw as Attorney" in each case. This feature is not available to attorneys for debtor, joint debtor, plaintiff, or defendant.

5. Notices required to be provided by the Clerk are now sent to "Registered CM/ECF E-Filers" electronically through the Case Management/Electronic Case Files ("CM/ECF") System. The Clerk has discontinued the practice of sending redundant paper notices to registered CM/ECF e-filers through the BNC, except for the "Notice of the Meeting of Creditors," which will continue to be sent in paper through the BNC, and the electronic transmission of notices by the Clerk will be deemed complete upon transmission.

C. **Notice to the United States**. All notices required to be served on the United States pursuant to the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, Nebraska Rules of Bankruptcy Procedure, or United States District Court Local Rules shall, in addition to any other requirements therein stated, clearly designate, when known, the department, agency, or instrumentality of the United States through which the debtor became indebted and shall be served at the address listed on Appendix "B" to these Local Rules. In all such cases, notice shall also be

served on the United States Attorney's office located in the same city in which the petition for relief has been filed.

D. **Notice to the United States Attorney General**. If service upon the United States Attorney General is required under applicable statute or rule, the place of service shall be at the address or addresses listed on Appendix "B" to these Local Rules.

E. **Notice or Reports to the Internal Revenue Service**. A debtor-in-possession or a trustee operating a business shall timely submit to the Area Director of the Internal Revenue Service, at the address listed on Appendix "B" to these Local Rules, a copy of each report submitted to the United States Trustee. *See* Neb. R. Bankr. P. 4002-1(A) for federal tax returns.

F. **Notice and Reports to Nebraska Department of Revenue**.

1. In all Chapter 11 cases, whether or not the Nebraska Department of Revenue is known to be a creditor, the Nebraska Department of Revenue shall receive all notices pursuant to Fed. R. Bankr. P. 2002(a), (b), and (f) at the address listed on Appendix "B" to these Local Rules.

2. A debtor-in-possession or a trustee operating a business shall timely submit to the Nebraska Department of Revenue, at the address listed on Appendix "B" to these Local Rules, a copy of each report submitted to the United States Trustee. *See* Neb. R. Bankr. P. 4002-1(B) for state tax returns.

RULE 2002-2. UNITED STATES AS CREDITOR/PARTY

A. **Departments, Agencies, and Instrumentalities of the United States**. If one or more of the following departments, agencies, or instrumentalities of the United States is a creditor, the schedule of liabilities and Matrix shall list such departments or agencies at the address indicated on Appendix "B" to these Local Rules. In the event of an address change, the following departments or agencies must notify the Clerk of such change in address and make a specific request that the Appendix be changed:

1. Department of Agriculture (for Commodity Credit Corporation and Farm Service Agency also list the directors as set forth on Appendix "B").
   a. Commodity Credit Corporation ("CCC").
   b. Farm Service Agency ("FSA") .
2. Department of Education.
3. Department of Health and Human Services ("HHS").
4. Department of Housing and Urban ("HUD").
5. Internal Revenue Service ("IRS").
6. United Postal Service ("USPS").
7. Small Business Administration ("SBA").

8. Veterans Administration ("VA").

B. **United States Attorney's Office**. In all cases in which any department, agency, or instrumentality of the United States is a creditor, the schedule of creditors and Matrix shall also list the United States Attorney's office located in the city in which the petition for relief has been filed, at the address listed on Appendix "B" to these Local Rules.

RULE 2002-3. NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. § 342(e)-(f) AND NATIONAL CREDITOR REGISTER SERVICE

Notwithstanding Fed. R. Bankr. P. 2002(g)(1)-(3), an entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

1. The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the entity that provides noticing services for the Court will constitute the filing of such a notice with the Court.

2. Registration with the National Creditor Registration Service must be accomplished through the entity that provides noticing services for the Court. Forms and registration information are available at https://ncrs.uscourts.gov.

3. A model local form for use by creditors in filing notice of preferred address under 11 U.S.C. § 342(e) is available on the Court's website at www.neb.uscourts.gov.

RULE 2003-1. MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

A. **Location of § 341 Meeting**. The United States Trustee shall determine the location of § 341 first meetings of creditors.

B. **Change in Location of § 341 Meeting**. As a general policy, the location of the § 341 meeting will not be changed. In exceptional circumstances, when a case is ready for filing, the United States Trustee will consider requests for changes in location of the meeting. To request a change in location prior to filing a new case, send an email to ustpregion13.om.ecf@usdoj.gov to receive approval.

RULE 2015-1. TRUSTEES - GENERAL

A. **Trustee's Duty to Pay Costs**. Prior to the closing of the case, the standing trustee, the panel trustee, or debtor-in-possession, if no trustee is appointed, shall pay from estate property all fees and other costs incurred by the Clerk.

RULE 2016-1. COMPENSATION OF PROFESSIONALS

A. **Fee Applications**.

1. Mandatory Application. Subject to paragraph 4 below, applications for allowance of compensation for services and reimbursement of expenses shall be filed when Court approval of compensation is required under 11 U.S.C. § 330. Except in Chapter 7 cases, a fee application must also be filed if the debtor's attorney received a pre-petition bankruptcy retainer or payment from property of the debtor, or from property of a person or entity other than the debtor. In the case of a pre-petition retainer or payment, and except in Chapter 7 cases, the fee application shall be filed even if no further compensation is sought in connection with the bankruptcy case. Applications for compensation and reimbursement of expenses shall comply with the national fee guidelines promulgated by the Executive Office for United States Trustee pursuant to 28 U.S.C. § 586(a)(3)(A)(i) and any Policy of the United States Trustee for Region 13 for Implementation of Fee Guidelines.

2. Time to File. Professionals seeking compensation and reimbursement of expenses from property of the estate shall file an application for allowance of fees and expenses. All applications by professionals for compensation and reimbursement of expenses from property of the estate shall be filed with the Clerk before the case is closed. If a trustee has been appointed in the case, the trustee shall give all professionals, retained by the debtor with Court approval, 14 days notice of the trustee's intention to file the final report and account so as to provide such professional with an opportunity to file an application before the notice of hearing on the trustee's final report and account. In any case in which interim compensation has been approved, the professional for whom interim compensation was approved must file a final fee application.

3. Contents. Unless otherwise ordered, a time summary exhibit, constructed from contemporaneously kept time records, shall be attached to all fee applications. The exhibit shall state the dates, the number of hours spent and estimated to be spent in the future to tenths of an hour on particular tasks, a concise statement of the task, the identity of the individual performing the work, the relationship of the service to the estate, and the value thereof. If the application seeks compensation for future services, the exhibit shall also state an estimate of the number of hours to be expended in future services. All fee applications shall disclose all fees paid to the applicant, including pre-petition payments for services rendered or to be rendered in connection with the case. The description of legal services and

expenses shall also include services and expenses to be compensated from a pre-petition retainer, if any.

4. Chapter 13 Fee Applications. Notwithstanding any of the foregoing provisions to the contrary, debtor's attorney fees in Chapter 13 cases shall be requested and awarded only in accordance with the No-Look Compensation Plan set forth in Appendix "K."

B. **Compliance with Neb. R. Bankr. P. 9013-1**. Applications by professionals for compensation and reimbursement of expenses shall be filed and served pursuant to the provisions of Neb. R. Bankr. P. 9013-1.

C. **Order**. If no resistance is filed to applications for compensation and reimbursement of expenses, the Court will enter an order.

RULE 2080-1. CHAPTER 9

A. **Notices, Claims Bar Date, List of Creditors, Fees**.

1. Notices.

a. After the filing of a petition under Chapter 9 of the Bankruptcy Code, the Clerk's office shall serve on the attorney for the debtor a "Notice of Commencement of Case Under Chapter 9, Notice of Automatic Stay, Notice of Time for Filing Resistances to the Petition, Order for Relief, Notice of Time for Filing Proofs of Claims, and Related Orders Combined with Notice Thereof" ("Chapter 9 Notice"). The Chapter 9 Notice shall conform to Neb. Official Form 9-1 which is set forth on Appendix "F." The debtor shall immediately serve a copy of the Chapter 9 Notice on all parties in interest. The debtor shall file with the Court proof of service of the Chapter 9 Notice at least seven days before the last date for filing of resistance to the petition.

b. All notices required by subdivisions (a)(2), (3), and (7) of Fed. R. Bankr. P. 2002 shall be served on the committee(s) or its authorized agents and to the creditors who file with the Court a request that all notices be served on them.

2. Claims Bar Date. If the debtor applies for a claims bar date in the petition and such application is granted, the established claims bar date shall be included in the Chapter 9 Notice.

3. List of Creditors. The list of creditors required by 11 U.S.C. § 924 shall be filed within 14 days of the petition date unless otherwise ordered. The list shall include the

name and address of the creditor, the amount of the claim, and whether the claim is disputed, contingent, or unliquidated.

4. Fees. To enable the Court to determine administrative expenses allowable under 11 U.S.C. § 503(b) and priorities under 11 U.S.C. § 507(a) and reasonableness of such expenses under 11 U.S.C. § 943(b)(3), the debtor shall disclose a detailed good faith estimate of such fees and expenses in the disclosure statement and the plan.

B. **Publications**.

1. Unless otherwise requested by the debtor in the petition and ordered by the Court after notice and hearing, all publications required pursuant to 11 U.S.C. § 923 shall be made in *The Wall Street Journal, Lincoln Journal Star*, and the *Omaha World-Herald.* The debtor shall file with the Court proofs of publication no later than 14 days after the last publication.

2. After a petition is filed, the debtor shall immediately cause to be published the notice of the commencement of the case and notice of the order of relief as required by 11 U.S.C. § 923. The last date of the publication of such notice shall not be less than 14 days prior to the last day to file resistances to the petition.

C. **Resistances to Petition and Order for Relief**. Resistances to the petition may be filed by a party in interest no later than 45 days after the service of the Chapter 9 Notice to all creditors, special taxpayers, and other parties in interest. Resistances shall be filed with the Clerk and served on the attorney for the debtor. All resistances shall state the facts and legal authorities in support of such resistance. If a timely resistance to the petition is filed with the Court, the Court will schedule a hearing and order the resisting party to give proper notice to all parties in interest of the hearing on the resistance.

D. **Plan of Adjustment and Disclosure Statement**.

1. The Plan of Adjustment and Disclosure Statement shall be filed no later than 90 days after the creditors' committee is appointed. The Court may extend such time for good cause shown.

2. The requirements of Fed. R. Bankr. P. 2002(b) apply to the Disclosure Statement and Plan of Adjustment, except with regard to pre-approved plans. *See* Neb. R. Bankr. P. 2080-1(E).

E. **Pre-Approved Plans**. If the debtor is proposing a Plan of Adjustment which was accepted by more than two-thirds in amount and one-half in number of the creditors prior to the filing of the petition, then the debtor's petition shall also include a request for consolidated hearing to consider resistances to the petition, resistances to the adequacy of the disclosure made pursuant

to 11 U.S.C. § 1126(b)(2), and resistances to the confirmation of the plan. If the request is approved, the notice and service requirements of Neb. R. Bankr. P. 9013-1 apply.

PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

RULE 3002-1. FILING PROOF OF CLAIM

A. **General**. The original proof of claim with attachments shall be filed with the Clerk in all chapters.

B. **Chapter 12 and Chapter 13**. A proof of claim filed in a Chapter 12 or 13 case shall be accompanied by evidence that any security interest claimed has been perfected. *See* Fed. R. Bankr. P. 3001(d). All creditors, including secured creditors, shall file proofs of claim in Chapter 12 and Chapter 13 proceedings within the time limit specified in Fed. R. Bankr. P. 3002(C)**.**

RULE 3002-2. CLAIMS - SECURED BY INTEREST IN DEBTOR'S PRINCIPAL RESIDENCE

In accordance with Fed. R. Bankr. P. 3002.1(f), within 30 days after the debtor completes all payments under the plan, the Chapter 13 trustee shall file and serve on the holder of the claim, the debtor, and the debtor's counsel a Notice of Final Cure Payment stating that the debtor has paid the full amount to cure any default (arrearage) on the mortgage claim.

1. Within 21 days after service of the Notice of Final Cure Payment, the holder of the claim shall file a response/statement as referenced in Fed. R. Bankr. P. 3002.1(g). The response shall be filed as a supplement to the holder's proof of claim on the Court's claims register.

2. No action will be taken on the Response to Notice of Final Cure Payment unless the debtor or trustee files a Motion to Determine as referenced in Fed. R. Bankr. P. 3002.1(h), within 21 days of the filing of the response. After hearing and notice, the Court shall determine whether the debtor has cured the default (arrearage) and paid all required post-petition amounts.

3. A proof of claim that is secured solely by a mortgage or deed of trust and does not contain any pre-petition arrearage amount shall be deemed allowed without further order of the Court, even if it is filed after the expiration of the proof of claims bar date. The trustee or debtor may request reconsideration of the proof of claim allowance at any time.

RULE 3007-1. CLAIMS - OBJECTIONS

A. **Content**. The caption of all objections to claims shall identify the claimant (e.g., Objection to Claim of XYZ Co.) and claim number. The objecting party has the burden of overcoming the presumption afforded by Fed. R. Bankr. P. 3001(f). If the objecting party relies on facts not established by the proof of claim, an affidavit or declaration shall be filed and served with the objection. Objections to claims shall be filed and served in compliance with Neb. R. Bankr. P. 9013-1 and shall state with particularity:

1. The proof of claim by filing date, creditor and amount, or in some other specific manner (Note: reference to a proof of claim number without the claimant's name will not be deemed sufficient notice);

2. The specific ground(s) upon which the objection is made; and

3. The proposed treatment of the claim with a specific dollar amount.

B. **Transfer or Assignment of Claim**. The party filer must serve all transfers or assignments of claim on the Chapter 12 or Chapter 13 trustee, the attorney for the debtor or debtor-in-possession, and attorney for each official committee, if any. The Clerk will comply with Fed. R. Bankr. P. 3001(e)(2). Transferee will be substituted for the transferor at the time of filing, unless a timely objection is filed with the Court.

C. **Chapter 13 Procedures**.

1. Pursuant to Fed. R. Bankr. P. 3007, the Chapter 13 trustee may object to any claim filed. If the trustee does not object to the claim, the trustee will then file a notice concerning allowance of such claim after the expiration of 90 days from and after the first date set for the meeting of creditors, pursuant to 11 U.S.C. § 341(a). Within seven days from the date of the notice concerning allowance of claims, the trustee shall serve the notice upon the debtor and the debtor's attorney. Within 30 days from the date of the notice, the debtor may object to the allowance of a claim as set forth in the trustee's notice. If the debtor does not file an objection to trustee's notice to allow claims within the time period required, the claims shall be deemed allowed as provided in the notice.

2. An objection to the allowance of claim shall be filed and served upon the Chapter 13 trustee, the claimant, and counsel for the claimant pursuant to Neb. R. Bankr. P. 9013-1.

D. **Chapter 7 Procedures**.

1. A Chapter 7 trustee may object to claims as part of the trustee's final report. The trustee will attach a report on claims to the final report, making recommendations as to the status of each claim.

2. An objection to the allowance of a claim and the trustee's final report shall be filed and served upon the Chapter 7 trustee, claimant, and counsel for the claimant pursuant to Neb. R. Bankr. P. 9013-1.

E. **Order**. If no resistance to the objection to claim is filed pursuant to Neb. R. Bankr. P. 9013-1, the Court will enter an order.

RULE 3011-1. REQUESTS FOR PAYMENT OF UNCLAIMED FUNDS

All Requests for Payment of Unclaimed Funds, which have been deposited with the Court pursuant to 11 U.S.C. § 347(a), Fed. R. Bankr. P. 3010, or Fed. R. Bankr. P. 3011, shall be filed with the Clerk. All such requests shall be made in accordance with the procedures established by the Court which are available in the Clerk's office and on the Court's website at www.neb.uscourts.gov.

RULE 3015-1. CHAPTER 12 - GENERAL

A. **Plan Confirmation Requirements**. The Court shall confirm a plan only if the plan provides a basis for determining whether the requirements of 11 U.S.C. § 1225(a)(4) and (b) have been met. The requirements of §§ 1225(a)(4), 1225(a)(5)(B)-(C), and 1225(a)(6)-(7) shall be deemed not satisfied if a plan does not contain at least the following information:

1. A statement disclosing any change of the debtor's assets or liabilities from the date of filing of the petition through the date of the filing of the plan.

2. A cash-flow projection for the year immediately following confirmation of the proposed plan, including and identifying the debtor's farm and non-farm income sources.

3. Assumptions and sources upon which the cash-flow projection is based, with historical or other data justifying such assumptions.

4. Farm income and expense information in a form comparable to Internal Revenue Code Schedule F forms filed by the debtor for the previous four years plus a statement of the debtor's non-farm income for the tax year preceding the filing of the motion.

5. Projected administrative expenses, including attorney fees.

6. A plan summary indicating the dates, amounts, and payees of all amounts to be paid under the plan as provided by the Chapter 12 trustee.

7. If the plan proposes the sale of assets, a statement from a qualified tax accountant or attorney, setting forth the probable tax consequences thereof.

8. The basis of any valuation of property, including names of appraisers and dates of appraisal, if any.

9. A statement with detailed information, specifying the need for the plan payments to be made over a period longer than three years.

10. If the debtor proposes to retain secured property, a statement itemizing such property, the value of the property, and the basis of the valuation estimate.

11. A liquidation analysis sufficient to show compliance with 11 U.S.C. § 1225(a)(4), including a statement from a qualified tax accountant or attorney as to tax liabilities from liquidation, if any.

12. A projected disposable income statement for the term of the plan.

13. In the event the debtor asserts that certain taxes are to be treated as general unsecured claims under 11 U.S.C. § 1222(a)(2)(A), the debtor shall provide to the affected governmental units copies of the debtor's complete tax returns for the three years prior to the filing for Chapter 12 relief.

14. The debtor has paid all amounts that are required under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.

15. In a Chapter 12 case, the debtor must file the certification of payment of domestic support obligations (Appendix "H") with the Court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans and all amended plans and all post-confirmation amended plans. If the certification is not filed with the Court, the confirmation or approval may be denied. The certification should not be filed before the applicable plan is filed.

Whether a Chapter 12 plan provides for payments to be made to creditors directly or through the Chapter 12 standing trustee, the debtor shall pay to the Chapter 12 standing trustee a fee, for each year of the plan, which shall be the lesser of the percentage of all payments under the plan set by the Attorney General or its delegate from time to time pursuant to the requirements of 28 U.S.C. §

586(e), or the dollar amount established by the Court. Chapter 12 standing trustee fees allowed are set forth on Appendix "G."

B. **Resistance to Plan**. The debtor shall serve the plan on all interested parties and comply with Neb. R. Bankr. P. 9013-1. All resistances to the plan will be heard at the confirmation hearing.

C. **Confirmation Order**. If no objection is filed to the confirmation of plan, the plan will be confirmed only upon the electronic filing by the Chapter 12 trustee of a "Consent to Confirmation." Such consent by the trustee is not required to be filed until the trustee receives a "Plan Summary" prepared by counsel for the debtor. Upon such filing by the trustee, the Court will enter an order.

D. **Reports**. The debtor shall serve on the Chapter 12 trustee, within 30 days following a request thereof, such periodic or annual reports as are necessary for the trustee to comply with the provisions of 11 U.S.C. § 1231. The trustee is authorized to generate forms on which periodic or other annual reports shall be made. Upon request, the Chapter 12 trustee or the debtor shall provide a copy of said reports to a party in interest. The trustee may charge a reasonable copy fee for such reports.

E. **Discharge**. After Motion for Discharge and Notice pursuant to Neb. R. Bankr. P. 9013-1 and upon the filing of a "Consent to Discharge" by the Chapter 12 trustee, an order discharging the debtor shall be entered. Such "consent" shall represent the trustee's notification to the Court that all matters precedent to the discharge have been completed and no objections have been filed.

The Court shall not grant a discharge of all debts provided for in the plan or disallowed under 11 U.S.C. § 502 in a Chapter 12 case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation unless such the debtor certifies that all amounts payable under such order or such statute that are due on or before the date of said certification have been paid as referenced in 11 U.S.C. § 1228(a).

Therefore, prior to the expiration of the 9013-1 deadline on the Motion for Discharge, the debtor must file the Certification by Debtor in Support of Discharge Regarding Payment of Domestic Support Obligations (Appendix "L") with the Court or the case may be closed without a discharge. In such event, a Motion to Reopen (with payment of the full filing fee) may be needed to permit filing of the certificate.

F. **Tax Returns**. A debtor operating under a confirmed plan must file post-petition tax returns, both state and federal, and pay post-petition taxes, both state and federal, on a timely basis. The debtor shall comply with all requirements of Title 26 of the United States Code or applicable state tax code. Failure to file post-petition federal or state tax returns or failure to timely pay post-petition federal or state tax liabilities, in the manner prescribed by Title 26, or applicable state law,

absent a showing of good cause, may be considered a material default of a confirmed plan. All post-petition federal and state tax returns and all post-petition federal and state tax liabilities are included in this paragraph, including returns or liabilities for which the debtor is a responsible party under 26 U.S.C. § 6672 or similar state laws.

RULE 3015-2. CHAPTER 13 - GENERAL

A. **Form**. Chapter 13 plans shall be in substantial conformity with Appendix "D." Chapter 13 plans and amended plans are governed by Neb. R. Bankr. P. 9013-1 and are treated as a "Motion" under that Rule.

B. **Timely Filing of Plan, Schedules, and Statement of Affairs**. The Chapter 13 plan, schedules, and statement of affairs must be filed within the time authorized by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure. If these required documents are not timely filed, and no motion for an extension of time has been filed, the Chapter 13 trustee, with authorization from the United States Trustee, will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing. Fed. R. Bankr. P. 1007(c), 3015(b), 11 U.S.C. § 1307(c)(9).

C. **Notice in Chapter 13**.

1. Upon the filing of a Chapter 13 petition, the Clerk shall schedule a first meeting of creditors, as authorized by 11 U.S.C. § 341, and shall provide notice of the date and time of such meeting to the Chapter 13 trustee, the debtor, counsel for the debtor, and all parties listed on the Matrix filed with the petition. The notice shall provide that, if a Chapter 13 plan is filed with the petition, counsel for the debtor shall serve the plan, with a resistance date of 14 days after the conclusion of the meeting of creditors.

2. Counsel will not have the exact date of the meeting of creditors when the petition and plan are filed. Therefore, the notice may state: "Any resistance to the plan must be filed no later than 14 days after the conclusion of the meeting of creditors."

3. If the plan is not filed with the petition, it shall be filed and served, with an appropriate resistance date. No resistance date required under Neb. R. Bankr. P. 9013-1 shall be set for a date earlier than 14 days after the conclusion of the meeting of creditors.

D. **Pre-confirmation Adequate Protection and Lease Payments**.

1. The Chapter 13 plan shall provide that § 1326(a)(1) pre-confirmation adequate protection and lease payments are to be paid in the plan and through the Chapter 13 trustee. The plan shall list the creditor's name, address, last four digits of the account number, payment due date, and payment amount for each creditor receiving § 1326(a)(1) pre-confirmation adequate protection or lease payments. The debtor must immediately

commence plan payments to the trustee for the amounts necessary to pay these pre-confirmation payments plus statutory trustee's fees. The debtor shall not reduce plan payments to the trustee under § 1326(a)(1)(B) and (C) without an order of the Court. A creditor may file a motion requesting a change in the amount of the § 1326(a)(1) pre-confirmation payments pursuant to § 1326(a)(3). Until the creditor's motion is resolved, the Chapter 13 trustee shall continue to make the payments proposed to such creditor as set forth in the plan.

2. The Chapter 13 trustee is authorized to pay § 1326(a)(1) pre-confirmation payments set forth in the proposed plan without entry of an order of the Court. No payments shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to the creditors within 30 days of the filing of the proof of claim unless sufficient funds have not been paid by the debtor to the trustee in order to make such payments within seven working days prior to the end of such 30-day period. The Chapter 13 trustee is authorized to deduct from an allowed claim, as of the date of payment, each § 1326(a)(3) pre-confirmation payment made by the trustee.

3. If a creditor obtains an order for payments under § 1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the trustee any payments due and owing upon dismissal of the case from funds collected by the trustee under § 1326(a)(1)(A) less statutory trustee fees and allowed § 503(b) claims including the debtor's attorney fees.

E. **Objection to Confirmation**.

1. If a timely objection to confirmation is filed, the debtor has 14 days after the objection to confirmation deadline to file a response with the Court. All responses shall set forth specific factual and legal details and conclude with a request for relief. Any response that fails to include specific factual and legal details will not be considered.

a. If the debtor fails to file a timely response to the objection to confirmation or files a response that lacks specific factual and legal details, the Court will enter an order sustaining the objection and denying confirmation of the debtor's plan, and the debtor will be ordered to file an amended plan in 21 days. Further, repeated failure by the debtor to file a response to plan objections may result in dismissal of the bankruptcy case for unreasonable delay that is prejudicial to creditors and/or for failure to confirm a plan.

b. Upon timely filing a proper response, debtor's attorney shall immediately contact the objecting party and attempt to resolve the objection through a stipulated confirmation order or an amended plan.

c. If the objection to confirmation is settled, the parties must notify the Courtroom Department of the settlement or file an amended plan prior to the expiration of the debtor's response deadline. All confirmation orders submitted shall be in conformity with Appendix "E." No confirmation order shall be entered before the meeting of creditors has been concluded.

d. If debtor's attorney and the objecting party are unable to resolve the objection despite all good faith efforts, any party may file a Certification and Request for Confirmation Trial in the form of Appendix "O." THE COURT WILL NOT SET A CONFIRMATION TRIAL UNTIL THE CERTIFICATION AND REQUEST IS FILED. If a proper certification and request is filed, the Court will set a confirmation trial date at which all parties and their attorneys and witnesses shall appear and live testimony shall be presented. The only issues to be addressed at trial shall be those specifically set forth in the plan objection(s) and debtor's response.

e. If a Certification and Request for Confirmation Trial is not filed within 60 days after the filing of a response to a plan objection, confirmation will be denied and the Court may consider dismissing the case for failure to confirm a plan without further notice or hearing.

2. In a Chapter 13 case, the debtor must file the certification of payment of domestic support obligations (Appendix "H") with the Court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans, all amended plans, and all post-confirmation amended plans. If the certification is not filed with the Court, the confirmation or approval may be denied. The certification should not be filed before the applicable plan is filed.

3. If no timely objections to confirmation are filed, the Clerk shall enter a text-only order confirming the plan.

4. If counsel for the debtor, after consultation with the trustee or a creditor, desires specific order language, agreed to by the parties, counsel shall submit such an order. All confirmation orders submitted shall be in conformity with the Local Rules.

F. **Extension of Time to File Plan**. If an extension of time to file a plan is granted and the plan is not filed and noticed at least 14 days prior to the first date set for the meeting of creditors, the Chapter 13 trustee will continue the meeting of creditors. Notice of the rescheduled meeting of creditors shall be sent by counsel for the debtor to all creditors and parties requesting notice and a certificate of service shall be filed with the Court. If the plan is not filed at least 14 days prior to the second date set for the meeting of creditors, the Chapter 13 trustee, with authorization from the United States Trustee, will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.

G. **Tax Returns**. A debtor operating under a confirmed plan must file post-petition tax returns, both state and federal, and pay post-petition taxes, both state and federal, on a timely basis. The debtor shall comply with all requirements of Title 26 of the United States Code or applicable state tax code. Failure to file post-petition federal or state tax returns or failure to timely pay post-petition federal or state tax liabilities, in the manner prescribed by Title 26, or applicable state law, absent a showing of good cause, may be considered a material default of a confirmed plan. All post-petition federal and state tax returns and all post-petition federal and state tax liabilities are included in this paragraph, including returns or liabilities for which the debtor is a responsible party under 26 U.S.C. § 6672 or similar state laws.

H. **Employer Deduction**. To enhance the likelihood that a debtor will successfully complete a plan, each plan shall provide for an employer wage deduction and transmission to the Chapter 13 trustee unless the debtor, through counsel, files a detailed motion concerning the reason the debtor does not desire an employer deduction. Such motion shall be served upon the trustee, with an appropriate resistance date required by Neb. R. Bankr. P. 9013-1. If the trustee does not object, the motion will be granted by a text-only order in the electronic docketing system. If the trustee objects, a hearing shall be scheduled.

I. **Employment of Attorney for the Debtor**. No application for appointment as attorney for a Chapter 13 debtor is required.

J. **Discharge**. Within 14 days after the trustee files the "Certificate of Final Payment," the debtor must file with the Court the Certification by Debtor in Support of Discharge Regarding (1) Payment of Domestic Support Obligations and (2) Discharge in Prior Cases (Appendix "M") or the case may be closed without a discharge. In such an event, a Motion to Reopen (with payment of the full filing fee) shall be required to permit filing of the certificate and entry of the discharge.

RULE 3015-3. CHAPTER 13 - AMENDMENTS TO PLANS

A. **Withdrawal of Plan**. A Chapter 13 plan may not be withdrawn. Such plan may be superseded by a subsequently-filed amended plan. If an amended plan is filed, pre-confirmation or post-confirmation, it must be served, with an appropriate resistance date, pursuant to Neb. R. Bankr. P. 9013-1. No resistance date required under Neb. R. Bankr. P. 9013-1 shall be set for a date earlier than 14 days after the conclusion of the meeting of creditors. If an amended plan is filed while there are objections pending to a previously-filed plan, whether or not a hearing has been scheduled, counsel for the debtor is required to notify those parties that have filed objections that an amended plan has been filed and that no further action will be taken on the previously-filed plan.

B. **Limited Motion to Modify the Chapter 13 Plan After Confirmation**.

1. After confirmation, the debtor may elect to utilize the Limited Motion to Modify (Appendix "P") for the purpose of curing plan payment delinquencies, abating future payments, or increasing payments and/or the base amount of the plan. The Limited Motion

to Modify is available as an alternative to filing a full amended plan in the form required by Appendix "D." The Limited Motion to Modify may NOT be used to REDUCE (a) plan payments permanently; (b) the base amount of the plan or; (c) the term of the plan (Applicable Commitment Period). Any change to the treatment of a creditor must be provided for in a full amended plan as set forth in Appendix "D."

2. The Limited Motion to Modify shall be governed by Neb. R. Bankr. P. 9013-1. If no objection to the Limited Motion to Modify is filed, the Court will approve the motion. If an objection is filed, then the debtor must file a response within 14 days after the objection deadline. If no response is filed by the debtor, the Court will deny the motion. If a response is filed by the debtor, the objection to the Limited Motion to Modify shall proceed in the manner set forth in Neb. R. Bankr. P. 3015-2(E).

3. Motions to Suspend Payments or Motions to Extend Plan Payments shall be summarily denied based upon lack of authority in the Federal Rules of Bankruptcy Procedure for such a motion. Prior to confirmation, cure of delinquent payments, requests for abatement of payments, and changes to the amount of plan payments or base amount of the plan must be dealt with by filing a full amended plan in the form required by Appendix "D."

4. When the Limited Motion is filed, the debtor's attorney must calculate the remaining months available for plan payments within the maximum plan term of 60 months from the date of confirmation. This calculation can be made as follows:

Month of confirmation plus 60 months = plan completion month.

Plan completion month minus month in which regular plan payments will resume = remaining available months.

After calculating the "remaining available months," the total dollar amount needed to complete the plan should be divided by the remaining available months to determine whether an increase in the monthly payment is necessary. The base amount of the plan is the TOTAL of all payments required to be made under the plan. When the payment is increased, it may be necessary to increase the base amount of the plan. Upon request, the trustee's office will supply the exact amount of money previously paid by the debtor so as to allow correct calculation of the new base amount.

RULE 3015-4. CHAPTER 13 - DISMISSAL OF CASE UPON PAYMENT DEFAULT

A. **Notice of Payment Default**. The Chapter 13 trustee may provide a debtor with Notice of Payment Default and file the Notice of Payment Default and proof of service with the Clerk. The notice shall state the amount of the existing payment default and the date on which the next scheduled payment is due under the proposed plan or confirmed plan. The notice shall further

state that under this Local Rule, the bankruptcy case will be dismissed upon the filing of a declaration by the Chapter 13 trustee unless, within 21 days after the date of the Notice of Payment Default, the debtor either cures the payment default and makes all payments due before expiration of the 21-day period or makes other arrangements satisfactory to the trustee. The Notice of Payment Default shall state the specific calendar date by which the payment default must be cured.

B. **Cure Default**. Within 21 days of the mailing of a Notice of Payment Default, the debtor shall either:

1. Cure existing payment defaults and make all payments due before expiration of the 21-day period; or

2. If the debtor disputes the existence of the payment default, the debtor shall file a request with the Clerk that the Notice of Payment Default be set for hearing. If the request sets forth facts in support of specific allegations of good cause, the Clerk shall schedule the Notice of Payment Default for hearing upon affidavit evidence. At the hearing, the debtor shall be prepared to provide evidence that all plan payments have been made to the trustee and that a default does not exist. If the request does not set forth genuine facts disputing the default, the Court will take no action on the request for hearing. The filing of a contested matter by the debtor, such as an amended or modified plan, shall not constitute a dispute as to the existence of the default and shall not, alone, preclude dismissal of the case.

No action will be taken by the Court on a request for hearing that is simply seeking additional time to cure a payment default or to take other action. If the debtor is seeking additional time to respond to a trustee's notice of payment default, the debtor shall make such request directly to the trustee rather than file a request for hearing with the Clerk.

C. **Dismissal on Payment Default Pursuant to Chapter 13 Trustee's Declaration**. A Chapter 13 case shall be dismissed upon the filing of a declaration by the Chapter 13 trustee establishing that Notice of Payment Default was provided to the debtor and the debtor's counsel and that the debtor did not timely cure the payment default or take other curative action satisfactory to the trustee. The declaration shall state that the Chapter 13 trustee has complied with this Local Rule, has served the Notice of Payment Default on the debtor and the debtor's counsel, that the debtor has not timely cured the payment defaults, and that the case should be dismissed.

RULE 3017-1. CHAPTER 11 - SMALL BUSINESS CASE

A. When filing a Chapter 11 - Small Business case, counsel should be sure that the small business designation is properly selected. If the United States Trustee files an objection to the designation, the Court will enter an order setting a hearing. If the debtor agrees that the designation was improperly selected, an amendment to the petition should be filed immediately.

B. According to 11 U.S.C. § 1121(e), the plan and disclosure statement shall be filed no later than 300 days after the case is filed. The disclosure statement may be a separate filing or may be combined in the plan. *See* 11 U.S.C. § 1125(f) for small business plan and disclosure statement requirements.

C. Once the plan is filed, 11 U.S.C. § 1129(e) requires the Court to confirm a plan that complies with the applicable requirements no later than 45 days thereafter. To assist in meeting the 45-day confirmation requirement, upon the filing of the disclosure statement and plan (regardless of whether the disclosure statement is filed separately or as part of the plan), the United States Trustee will file a statement as to the adequacy of the disclosure statement for purposes of conditional approval.

1. If the United States Trustee has determined that the disclosure statement is adequate, the Court will enter an Order Conditionally Approving Disclosure Statement, Setting the Final Hearing Date and Establishing Deadlines. The disclosure statement will be considered for final approval along with confirmation of the plan on the final hearing date.

2. If the United States Trustee determines that the disclosure statement is inadequate for conditional approval, the disclosure statement will be set for hearing.

RULE 3020-1. UNCONTESTED CONFIRMATION ORDERS - CHAPTERS 9, 11, AND 12

A. **General**. The Court will not confirm an uncontested plan unless the proponent of the plan submits the following:

1. Declaration establishing that the plan was filed in good faith;

2. Declaration establishing facts requisite to confirmation including a summary of balloting in Chapter 11 cases;

3. Statement of counsel that the plan complies with applicable legal requirements for confirmation; and

4. A proposed confirmation order.

B. **Deemed Submitted**. If, in a Chapter 12 case, the requirements of Neb. R. Bankr. P. 9013-1, and if, in a Chapter 9 or 11 case, the requirements of Fed. R. Bankr. P. 2002(b)(2), and subsection A of this Rule are complied with, the Court shall consider such submission as meeting the requirement that a hearing be held and no further hearing shall be scheduled. The Court will then consider entry of the confirmation order without further notice.

RULE 3022-1. CHAPTER 11 INDIVIDUAL DISCHARGES AND CASE CLOSINGS

A. Upon completion of all plan payments required of an individual debtor under a confirmed Chapter 11 plan, the individual debtor shall file an Application for Final Decree and Motion for Discharge.

B. The Application for Final Decree and Motion for Discharge shall be governed by Neb. R. Bankr. P. 9013-1 and shall be served on all creditors. If no objection to the Application for Final Decree and Motion for Discharge is filed and the debtor is eligible to receive a discharge, the Court may issue a discharge in this case.

C. Upon entry of a discharge order on behalf of an individual debtor, and in the absence of any other pending matters, a final decree closing the case shall be entered.

D. If a Chapter 11 individual debtor proposes to close the case before plan payments have been completed, and intends to reopen the case after plan completion to obtain a discharge, a debtor shall file a Motion to Close the case and include in that motion the debtor's intent to reopen.

E. The Motion to Close Case prior to discharge shall be governed by Neb. R. Bankr. P. 9013-1 and shall be served on all creditors. If no objection to the Motion to Close Case is filed and there are no other pending matters, the Court may issue an order closing the case. Upon the filing of a motion to reopen, the debtor shall be required to pay any fees due for reopening the case.

RULE 3023-1. FORMULA FOR DETERMINING VALUE, AS OF THE EFFECTIVE DATE OF THE PLAN, FOR USE IN CHAPTERS 9, 11, 12, AND 13

Whenever the Court is required to determine the value, as of the effective date of a plan, of property to be distributed under a plan for any confirmation purposes, there is a presumption that the appropriate interest rate shall equal the national average of the prime rate as published in *The Wall Street Journal* on the last day prior to the confirmation hearing, stated as a simple interest rate per annum, plus two percentage points. The formula approach has been approved by the United States Supreme Court in *Till v. SCS Credit Corp.*, 124 S. Ct. 1951, 158 L. Ed. 2d 787 (2004). If the creditor desires a different interest rate, it must specifically object to confirmation based upon inadequacy of the interest rate and shall have the burden of proof by a preponderance of the evidence on the appropriate rate of interest, which issue shall be considered at the confirmation hearing. Consistent with the plan in Appendix "D," a Chapter 13 plan shall contain the specific interest rate proposed to be paid to a creditor.

RULE 3057-1. CRIMINAL REFERRALS

A. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 created a new § 158 to Title 18 of the United States Code. This section requires the designation of both the United States Attorney and agents of the Federal Bureau of Investigation to address abuse and fraud in bankruptcy schedules. In addition, § 158 requires that all bankruptcy courts establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the designated agents of the United States Attorney and Federal Bureau of Investigation.

B. To comply with the Court's requirement, the following procedures have been adopted with the consent of the Court:

1. This procedure is promulgated pursuant to 18 U.S.C. § 158(d).

2. In the event that a Judge of this Court determines that a bankruptcy schedule or statement filed in a case may contain a materially fraudulent statement, the Presiding Judge will send a referral letter and/or a Notification Statement, together with copies of relevant documents, to the Chief Deputy or Deputy-in-Charge.

3. The Chief Deputy or Deputy-in-Charge will make a copy of the Notice for the file and recordkeeping purposes and will transmit the notice to individual(s) designated by the Attorney General in accordance with 18 U.S.C. § 158.

4. The presiding Bankruptcy Judge may elect to first transmit the referral to the United States Trustee for further investigation and review. The United States Trustee may elect to make a referral, based upon the further investigation, in which case the referral must be sent to the individuals specified in subparagraph (3) of this Rule. In addition, a copy of the criminal referral must also be sent to the Administrative Office of the United States Courts.

5. This procedure will also apply to criminal referrals pursuant to 18 U.S.C. § 3057.

PART IV. THE DEBTOR - DUTIES AND BENEFITS

RULE 4001-1. AUTOMATIC STAY - RELIEF FROM

A. **General**. A motion for relief from the automatic stay under 11 U.S.C. § 362 shall bear the caption "Motion for Relief from the Automatic Stay." If it is an amended motion, the caption shall bear "Amended Motion for Relief from the Automatic Stay." Proceedings for relief from the automatic stay shall conform to the requirements of Fed. R. Bankr. P. 4001(a)(1) as supplemented by this Local Rule. **This procedure is different from, and not governed by, Neb.**

R. Bankr. P. 9013-1. Motions for relief from the co-debtor stay pursuant to 11 U.S.C. §§ 1201 or 1301 may be combined with any other motion for relief from the automatic stay.

B. **Co-Debtor Stay**. Motions for relief from the co-debtor stay pursuant to 11 U.S.C. §§ 1201 or 1301 shall proceed in the same manner as a motion for relief from the automatic stay of 11 U.S.C. § 362(a) as set forth in this Rule and (1) shall contain the caption "Motion for Relief from Co-Debtor Stay"; (2) shall specifically identify the co-debtor, the collateral, and/or the amount of the debt; and (3) may be combined with a motion for relief from the automatic stay of 11 U.S.C. § 362(a). Notwithstanding §§ 1201(d) or 1301(d), the stay shall remain in effect until the Court rules on the motion.

C. **Hearing**. Upon the filing of a motion for relief from the automatic stay, the Clerk shall (1) set a date by which resistances must be filed; (2) schedule the matter for a final hearing to take place within 30 days in conformity with Fed. R. Bankr. P. 4001; and (3) provide notice thereof to the moving party. The hearing may be treated as a preliminary hearing pursuant to 11 U.S.C. § 362(e) if the Court so elects. Unless otherwise ordered, the hearing will be upon affidavits or declarations and documentary evidence. Unless otherwise ordered, oral arguments will be scheduled in the courtroom or by telephone conference.

D. **Notice**. The moving party shall serve notice of the motions for relief from the automatic stay and co-debtor stay in the manner prescribed in Fed. R. Bankr. P. 7004 upon the debtor and the debtor's attorney, if any, and those parties specifically designated in Fed. R. Bankr. P. 4001(a)(1). In all cases in which a trustee has been appointed, the trustee or interim trustee shall be named and served as an additional responding party. The moving party shall immediately serve on all parties in interest the motion, proposed affidavit or declaration evidence or a detailed summary thereof, notice of the hearing date and the specific calendar date which any resistance with evidentiary summary must be filed and served. The movant must file with the Court a Certificate of Service at least five days prior to the hearing. The notice shall state that Neb. R. Bankr. P. 4001-1 applies.

1. If no timely resistance is filed, the Court will rule on the motion for relief from stay without further notice or hearing.

2. If a timely resistance is filed and served, with evidentiary material or summary, a hearing will take place as scheduled pursuant to this Local Rule, and the moving party and resisting party shall appear at the hearing.

3. If the movant requires an earlier hearing date, the movant must file a separate Motion for Expedited Hearing containing the specific date on which the 30-day period expires.

E. **Relief from Stay - Applicability of Neb. R. Bankr. P. 9013-1**. Motions for relief under 11 U.S.C. § 362(d) filed by a county respecting tax claims and motions to approve stipulations

or agreements which provide for relief from 11 U.S.C. § 362 may proceed under Neb. R. Bankr. P. 9013-1 upon notice and opportunity to request hearing.

F. **Evidentiary Materials**. Exhibits and evidence for hearings shall be filed with the Clerk in accordance with the requirements of Neb. R. Bankr. P. 9017-1.

RULE 4001-2. SECTIONS 362(C)(3), 362(C)(4), AND 521(A)(6), AUTOMATIC STAY EXTENSIONS AND TERMINATIONS

A. **General**. Proceedings filed pursuant to 11 U.S.C. §§ 362(c)(3), 362(c)(4), and 521(a)(6) shall conform to the requirements of Fed. R. Bankr. P. 4001(a)(1) as supplemented by this Local Rule. **This procedure is different from, and not governed by, Neb. R. Bankr. P. 9013-1.**

B. **Hearing**. Upon the filing of the motion, the Clerk shall (1) set a date by which resistances must be filed; (2) schedule the matter for a final hearing to take place within 30 days, in conformity with Fed. R. Bankr. P. 4001; and (3) provide notice thereof to the moving party. The hearing may be treated as a preliminary hearing pursuant to 11 U.S.C. § 362(e)(1) if the Court so elects. Unless otherwise ordered, the hearing will be upon affidavits or declarations and documentary evidence. Unless otherwise ordered, oral arguments will be scheduled in the courtroom or by telephone conference.

C. **Notice**. The moving party shall serve notice of the motion in the manner prescribed in Fed. R. Bankr. P. 7004 upon the debtor and the debtor's attorney, if any, and all parties in interest, including, but not limited to, those parties specifically designated in Fed. R. Bankr. P. 4001(a)(1). In all cases in which a trustee has been appointed, the trustee or interim trustee shall be named and served as an additional responding party. The moving party shall immediately serve on all parties in interest the motion, proposed affidavit or declaration evidence or a detailed summary thereof, notice of the hearing date, and the specific calendar date by which any resistance with evidentiary summary must be filed and served. The movant must file with the Court a Certificate of Service at least five days prior to the resistance deadline.

1. If no timely resistance is filed, the Court may rule on the motion without further notice or hearing.

2. If a timely resistance is filed and served, with evidentiary material or summary, a hearing will take place as scheduled pursuant to this Local Rule, and the moving party and resisting party shall participate in the hearing.

3. If the movant requires an earlier hearing date, the movant must file a separate Motion for Expedited Hearing containing the specific date on which the 30-day period expires.

D. **Evidentiary Materials**. Exhibits and evidence for hearings shall be filed with the Clerk in accordance with the requirements of Neb. R. Bankr. P. 9017-1.

RULE 4002-1. DEBTOR - DUTIES

A. **Federal Tax Returns**.

1. In all Chapter 7 and Chapter 13 cases filed on or after October 17, 2005, copies of the federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a federal income tax return was filed, shall NOT be filed with the Court unless otherwise ordered.

2. All original fiduciary returns (Form 1041), whether filed routinely, filed late, or if filed pursuant to 11 U.S.C. § 505(b), should be submitted to the Internal Revenue Service, Centralized Insolvency Operation at the address shown on Appendix "B."

3. All delinquent original returns should be submitted to the Internal Revenue Service, Centralized Insolvency Operation at the address shown on Appendix "B," unless the taxpayer is specifically advised otherwise by a representative of the Area Director.

4. When a federal tax return is filed electronically, the taxpayer shall, in writing, advise the Area Director of the Internal Revenue Service, Centralized Insolvency Operation at the address shown on Appendix "B," that the filing has been filed electronically and shall provide a copy of the document.

5. If, on the petition date, the debtor had failed to timely file a tax return due pre-petition, the debtor shall file all such delinquent returns within 30 days of the petition date unless an extension of time for filing has been granted by the Court after notice and hearing pursuant to Neb. R. Bankr. P. 9013-1.

6. Except as provided in this Rule for Forms 1041, all non-delinquent original federal tax returns should be submitted to the Internal Revenue Service unless specifically advised otherwise by a representative of the Area Director.

B. **State Tax Returns**.

1. If, on the petition date, the debtor had failed to timely file any state tax return due pre-petition, the debtor shall file all such delinquent state tax returns within 30 days of the petition date unless an extension of time for filing has been granted by the Court after notice and hearing pursuant to Neb. R. Bankr. P. 9013-1.

2. All delinquent original Nebraska tax returns should be submitted to the Nebraska Department of Revenue address on Appendix "B" unless the taxpayer is specifically advised otherwise by a representative of the State Tax Commissioner.

C. **Requests for Copy of the Debtor's Tax Information**. In order to obtain access to tax information required to be filed with the Bankruptcy Court under 11 U.S.C. § 521(f), an entity must:

1. File with the Court a Request for Copy of Debtor's Tax Information, pursuant to 11 U.S.C. § 521(f), served on the debtor and the debtor's counsel, if any.

2. Once the debtor files the tax documents with the Court, in order to obtain access to the tax information the entity must file a Motion for Access to Tax Information which should include:

a. A description of the movant's status in the case, which will allow the Court to ascertain whether the movant may properly be given access to the requested tax information;

b. A description of the specific tax information sought;

c. A statement indicating why the information cannot be obtained by the movant from any other sources; and

d. A statement showing a demonstrated need for the tax information.

3. The Motion to Access Tax Information filed with the Court is limited to the debtor, the debtor's attorney, if any, the trustee, and the United States Trustee. Neb. R. Bankr. P. 9013-1 applies to all motions, except those explicitly excluded by Neb. R. Bankr. P. 9013-1. In the absence of a timely objection, no hearing on the motion will be held.

4. An order granting a motion for access to tax information prohibits secondary dissemination of the information other than to the movant's attorney. Sanctions may be imposed if the tax information is improperly used, disclosed, or disseminated.

5. The Court will serve via first-class United States mail a paper copy of the tax information to the movant, upon order of the Court. The transmission of the tax information will be recorded on the Court's docket.

D. **Duties of Debtors in Small Business Chapter 11 Cases**. In all Chapter 11 small business cases, federal income tax returns shall not be filed with the Court unless otherwise ordered.

RULE 4003-1. LIEN AVOIDANCE UNDER 11 U.S.C. § 522

A. A proceeding under 11 U.S.C. § 522(f) by a debtor to avoid a lien or transfer of property may be brought by motion pursuant to Neb. R. Bankr. P. 9013-1. The caption of the motion shall identify the creditor whose lien is to be avoided. The motion shall set forth the amount of the lien and the debtor's obligation secured by the lien sought to be avoided; the identity and fair market value of the property subject to said lien; the nature and amount of any other debts or obligations secured by an interest in the property; the dollar amount of the exemption; the specific statutory authority for the exemption; and the identity of any other property claimed to be exempt under said specific statute. All proceedings to avoid a lien except those under 11 U.S.C. § 522(f) shall be brought by adversary proceeding. A motion to sell free and clear of liens does not constitute a proceeding to avoid a lien within the meaning of this Local Rule and may be brought by motion.

B. If a proof of claim has been filed by the creditor whose lien is to be avoided, the motion to avoid lien and notice pursuant to Neb. R. Bankr. P. 9013-1 shall be served on the creditor at the address for notice set forth in the proof of claim. If no proof of claim has been filed, the motion and notice pursuant to Neb. R. Bankr. P. 9013-1 shall be served on the creditor in a manner that would be sufficient service of process under the Federal Rules of Civil Procedure. If no resistance is timely filed pursuant to Neb. R. Bankr. P. 9013-1, the Court will enter an order.

RULE 4008-1. HEARINGS ON REAFFIRMATION AGREEMENTS

A. All reaffirmation agreements filed with the Court must comply as follows:

1. Reaffirmation agreements filed with the Court shall be in compliance with Official Form B-240A/B ALT.

2. Reaffirmation hearings may be scheduled at the Court's discretion.

B. All motions to approve reaffirmation agreements and the reaffirmation agreements must be filed as separate documents and shall not be combined in one document or filed as an attachment.

PART V. COURTS AND CLERKS

RULE 5005-1. ELECTRONIC FILINGS

A. **The Electronic Filing System**. All documents submitted for filing in this district, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System ("System") or shall be scanned and uploaded to the System. Unless otherwise authorized by the assigned Judge, all documents submitted for filing in bankruptcy cases or adversary proceedings in this district must be filed electronically using the System. Attorneys annually filing more than five separate pleadings or documents in paper format shall be required to file

electronically and will be scheduled for a show cause hearing in front of the Presiding Judge. Parties proceeding pro se shall not be required to file electronically. Claimants filing more than 50 separate proofs of claim in paper format in any 12-month period shall be required to file electronically and will be scheduled for a show cause hearing in front of the Presiding Judge.

B. **Registration for Attorneys**.

1. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form and complete the necessary training required by the Court. This form is available on our web site at www.neb.uscourts.gov.

2. All originally signed Attorney Registration Forms shall either be emailed to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 111 South 18th Plaza, Suite 1125, Omaha, Nebraska 68102.

3. To ensure that the Clerk's office has correctly entered a registering attorney's email address in the System, upon certification of requirements, the Clerk's office will send the attorney an email message after assigning the attorney a password. The attorney may request the password by email, telephone, regular first-class mail, or arrange to pick up their password at the Clerk's office.

4. Once registered, an attorney may withdraw from participating in the System by providing the Clerk's office with notice. Such notice must be in writing, and either emailed to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 111 South 18th Plaza, Suite 1125, Omaha, Nebraska 68102. Upon receipt, the Clerk's office will immediately cancel the attorney's password and will delete the attorney's name from any applicable electronic service list.

5. If a registered attorney's mailing address needs updated, an amended Attorney Registration Form must be submitted either via email to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 111 South 18th Plaza, Suite 1125, Omaha, Nebraska 68102. Email address and password changes can be completed under Maintain User Account in the CM/ECF system.

C. **Registration for Parties/Creditors**. To obtain electronic filing access, all filers must submit the Application for Limited Use/Claim Password for Electronic Case Filing System found at www.neb.uscourts.gov. The application may be submitted either via email to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 111 South 18th Plaza, Suite 1125, Omaha, NE 68102.

D. **Fax Filings**. Filings with the Clerk may not be made by facsimile transmission unless previously authorized by the Clerk or Clerk's designee. In an emergency situation, counsel may seek

leave to transmit matters by facsimile by telephoning the Clerk or Clerk's designee. If leave is obtained, the sender shall follow the instructions of the Clerk.

RULE 5005-2. DOCUMENTS FILED UNDER SEAL

A motion to seal document (use CM/ECF event "Motion to Seal Document") and the document to be sealed (use CM/ECF event "Sealed Document") must be electronically filed with the Court as separate filings.

1. Motion to Seal. The filer must not include the document to be sealed as an attachment to the motion. The document to be sealed will be provisionally sealed, on the docket, and available only to the party filer and the Court. If the Court denies the Motion to Seal Document, the document to be sealed will be made accessible for public viewing.

2. Motion to Unseal or View. A motion to unseal or view a sealed document or object to a sealed document may be made on any grounds permitted by law.

3. Destruction of Sealed Documents. The Clerk shall retain paper sealed documents for a period of 90 days after a final order is entered on a motion. The Clerk shall discard the sealed documents without notice 90 days after final judgment or order has been entered on a motion provided that a final order has been entered on all appeals thereof. On the date that the Clerk destroys or returns the sealed documents, the Clerk shall enter a remark on the docket sheet stating the disposition and the date thereof.

RULE 5010-1. REOPENING CASES

A motion to reopen a closed case shall be filed with the Clerk, together with the appropriate filing fee. The motion shall state specific facts showing cause for reopening the case and whether appointment of a trustee is necessary. Notice of the motion shall be provided to any former trustee in the case and the United States Trustee. If the case is being reopened to enable the movant to file a motion, pleading, document, or adversary proceeding regarding a specific creditor or party, notice shall also be given to that creditor or party. The motion shall inform the parties of the resistance date pursuant to Neb. R. Bankr. P. 9013-1. NOTE: Reopening a case is not a prerequisite to filing an 11 U.S.C. § 523 dischargeability complaint.

RULE 5011-1. WITHDRAWAL OF REFERENCE

A. **Motions to Withdraw**. All cases under Title 11 of the United States Code, and all proceedings arising under such Title 11, or arising in, or related to, a case under Title 11, are referred by the United States District Court for the District of Nebraska to the Bankruptcy Court pursuant to Nebraska General Rule NEGenR 1.5. Motions to withdraw the reference shall be filed in accordance with NEGenR 1.5. A motion to withdraw reference shall proceed under Neb. R. Bankr. P. 9013-1.

B. **Emergency Situations**. If all Bankruptcy Judges are disqualified or incapacitated, the Clerk of the Bankruptcy Court shall refer motions for withdrawal of reference to the Clerk of the District Court. The motion for withdrawal of reference shall then be assigned to a District Judge in accordance with Nebraska General Rule 1.4(a)(2) and any applicable general order regarding assignment of District Judges. The assigned District Judge shall, after conducting such proceedings as he or she deems necessary, determine whether the motion to withdraw should be granted.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

RULE 6004-1. SALES OF ESTATE PROPERTY - CONTENT OF NOTICE

A. **General**. In addition to compliance with Fed. R. Bankr. P. 2002(a)(2), 2002(c)(1), 6004, and Neb. R. Bankr. P. 9013-1, notices regarding motions for private sales or leases of property shall include a disclosure of the name of the purchaser and the relationship, if any, that the purchaser or the purchaser's firm, partnership, corporation, or any other form of business association or relationship, and all members, associates, and professional employees thereof may have directly or indirectly with the case in which notice of sale is filed or any case related thereto.

B. **Tax Information**. The notice shall include the following information concerning the tax consequences of the sale: the tax basis of the property, projected costs of sale, anticipated capital gain or loss, and anticipated net taxable income from sale after adjustments. If the information is not available, the notice shall state information that is available and an explanation as to why other information is not available.

C. **Motions for Sale of Assets in Chapter 11 Cases**. In a Chapter 11 case, if the debtor or trustee seeks authority to sell property of the estate pursuant to 11 U.S.C. § 363(b) prior to the entry of an order of confirmation, and such sale encompasses all or substantially all of the assets of the estate, the notice of sale shall contain a clear and conspicuous statement to that effect. In addition to the information required under Fed. R. Bankr. P. 2002(c), the notice of sale shall specify the extent, if any, to which the proceeds of sale shall be used to benefit each class of creditors, the extent of the debtor's liabilities, and the estimated net value of any of the remaining assets not subject to the proposed sale. The notice shall further state the business justification for disposing of estate assets before a disclosure statement has been approved or a plan confirmed.

D. **Notice of All Sales**. In all individual Chapter 7 or individual Chapter 11 proceedings, whether or not the Internal Revenue Service is a creditor or has filed a claim, the Internal Revenue Service is an interested party and must be provided notice of all sales under 26 U.S.C. § 363. In all proceedings, whether or not the Internal Revenue Service is an interested party, the Internal Revenue Service must be provided notice of a debtor's intent to enter into a lease under § 363 or to accept an existing lease under § 365.

PART VII. ADVERSARY PROCEEDINGS

RULE 7001-1. ADVERSARY PROCEEDINGS - GENERAL

A. **Applicability of Neb. R. Bankr. P. 9013-1 to Adversary Proceedings**. In adversary proceedings, Neb. R. Bankr. P. 9013-1 applies to all motions except those motions listed in Appendix "A," and service is required on all parties appearing in the adversary proceeding.

B. **Motion to Dismiss Adversary Proceeding Concerning Discharge or Dischargeability of a Debt**. A motion to dismiss an adversary proceeding which seeks to bar discharge under 11 U.S.C. § 727 or to except a debt from discharge under 11 U.S.C. § 523 shall set forth the consideration, terms, and conditions under which the pleading is being withdrawn or dismissed. A motion to dismiss an adversary proceeding which seeks to bar discharge under § 727 shall be served upon the adverse party, the trustee, if any, and upon the United States Trustee pursuant to Fed. R. Bankr. P. 7041, with notice of a resistance date established pursuant to Neb. R. Bankr. P. 9013-1.

C. **Applicability of Fed. R. Civ. P. 16 to Adversary Proceedings**. Unless otherwise ordered by the Court sua sponte, or upon motion filed pursuant to Neb. R. Bankr. P. 9013-1, Fed. R. Civ. P. 16(b) shall not apply in adversary proceedings. The Court will continue its practice of entering a pretrial order which shall require the filing of a joint preliminary pretrial statement by a date certain.

D. **Applicability of Fed. R. Civ. P. 26 to Adversary Proceedings**. Fed. R. Civ. P. 26, excepting subsections (d) and (f), shall apply in adversary proceedings. Disclosures required by Rule 26(a)(1) shall be made within 45 days after the answer is filed.

RULE 7004-1. PROCESS - SERVICE OF SUMMONS, COMPLAINT

If the debtor is represented by an attorney, whenever service is made upon the debtor under this Rule, service shall also be made upon the debtor's attorney by any means authorized under Fed. R. Civ. P. 5(b).

RULE 7016-1. MEDIATION

A. **The Mediation Process**. Upon its own initiative, the stipulation of the parties, or the motion of a party or other interested person, the Court may order the parties to engage in mediation. If the Court orders mediation on its own initiative, a party may, within seven days, file an objection to the mediation and request a hearing.

1. If mediation is stipulated or ordered, the parties shall, within seven days, thereafter choose one mediator from the Court's Mediation Panel. If that mediator is not available or has a conflict that the parties do not waive, the parties shall have three additional

business days to choose another mediator. The parties may request the Court's assistance in selecting a mediator if they cannot agree.

2. When a mediator is chosen, the parties shall submit a proposed mediation order for entry, unless the Court has already entered a mediation order. If a mediation order has not been entered by the time of the mediation, the mediator shall submit a proposed mediation order.

3. Mediation may be ordered at any time during the case. Mediation shall be completed by the date noted in the order. If the order does not specify a date, then mediation shall be completed within 14 days after the entry of the mediation order, at such time as the parties may agree or within such other time as the Court may otherwise fix.

4. The total fees and expenses of the mediator shall be equally paid by all parties to the mediation, unless otherwise agreed by the parties or ordered by the Court.

a. Each of the parties to the mediation process shall pay $200.00 to the mediator before or at the commencement of the mediation session as an advance retainer, unless otherwise ordered by the Court.

b. The Nebraska Federal Practice Fund applies to bankruptcy mediations, as specified in Part II(A)(1)(b) thereof: "Mediation expenses of litigants who, although not proceeding *in forma pauperis* or with appointed counsel, are without adequate funds to pay mediation expenses themselves, as found by the assigned district, bankruptcy, or magistrate judge."

5. All proceedings and writings incident to the mediation shall be privileged and confidential, and shall not be reported or placed in evidence. Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in mediation. No party shall be bound by mediation unless a statement is reached, reduced to writing, and executed by all parties. If necessary, the parties shall file a motion for approval of the settlement under Fed. R. Bankr. P. 9019 promptly after it is executed.

6. The mediator shall have the duty and authority to establish the mediation process, including the submission of documents, the attendance of parties with authority to settle, and the procedure governing the mediation. The mediator may provide the attorneys for the parties or unrepresented parties with a written settlement memorandum. Such memorandum shall be governed by the first sentence of the preceding subparagraph and shall not be filed or made available to the Court, unless and until it is executed by all parties. The mediator shall not be called as a witness.

7. Within seven days after the initial mediation session, the mediator shall file an interim or final certification: (a) demonstrating compliance with the mediation requirements of this Rule; (b) stating whether a settlement was achieved, without referring to any substantive matters involved in the mediation, and, if not, whether further mediation efforts continue; and (c) stating whether mediation fees have been paid.

B. **The Mediation Panel**. Individuals may apply to the Court for appointment to the Mediation Panel, and the Court shall make such appointments as it deems necessary from time to time.

1. Before serving as a mediator, an individual shall have participated in at least 30 hours of training in alternative dispute resolution, according to the requirements of the Nebraska Dispute Resolution Act, and shall provide in their application to the Court a certificate of such training.

2. Individuals who wish to serve on the Mediation Panel shall inform the Clerk in writing and shall provide the Clerk with information requested on the Mediation Panel Application form and such additional information that the applicant or the Court deems pertinent.

3. Each appointment of an individual to the Mediation Panel shall be for a period of five years, at which time a mediator may apply for a renewed five-year appointment.

4. A list of mediators on the Mediation Panel is maintained by the Clerk and is available on the Court's website.

5. The Court may meet periodically with the Mediation Panel or its chair persons as necessary to discuss improving the mediation process.

C. **State Mediation Centers**. A mediation center approved by the State of Nebraska may, upon its written request, be appointed by the Court to the Mediation Panel, including Nebraska Farm Mediation Act centers (for mediating Chapter 12 and other farm-related disputes) and Nebraska Dispute Resolution Act centers (for mediating Chapter 13 and other consumer disputes).

D. **Judicial Mediation**. Upon a joint request by the parties to a dispute, the Court may ask a Bankruptcy Judge from another jurisdiction to provide dispute resolution services for that particular dispute.

RULE 7026-1. DISCOVERY MOTIONS

A. Except as otherwise provided in this Rule, Neb. R. Bankr. P. 9013-1 and NECivR 7.1(i) apply to discovery motions.

B. To curtail undue delay in the administration of justice, this Court will not consider any discovery motion unless counsel for the moving party, as part of the motion, shows in writing that after personal consultation with counsel for opposing parties and sincere attempts to resolve differences, they are unable to reach an accord. This showing shall also recite the date, time, and place of such communications and the names of all persons participating in them. As used in this Rule, "counsel" includes parties who are acting pro se.

RULE 7055-1. DEFAULT

A. While Fed. R. Bankr. P. 7055(a) provides for a Clerk's Entry of Default , the Court has determined that the Clerk's Entry of Default is unnecessary. A party seeking entry of a judgment by default under Fed. R. Bankr. P. 7055(b) shall present a motion to the Court, rather than to the Clerk.

B. To obtain entry of a default judgment under Fed. R. Bankr. P. 7055(b), the party requesting the judgment shall, submit the following materials:

1. A Motion for Entry of Default Judgment.

2. An affidavit stating that the party against whom the default judgment is requested: (a) has failed to plead or otherwise defend in this matter; (b) is not an infant or incompetent person as set out in Fed. R. Bankr. P. 7055(b)(2); and (c) has provided a statement that the defendant is not in the military service. (Counsel preparing the affidavit are referred to the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521.)

3. If judgment is sought for a sum certain, the affidavit should set forth that amount, including the exact computation of interest and costs.

4. A proposed judgment for the Court's consideration submitted pursuant to Neb. R. Bankr. P. 9072-1.

C. An Entry of Default Judgment by the Court supersedes the need for a separate Clerk's Entry of Default.

RULE 7056-1. SUMMARY JUDGMENT PROCEDURE

A. **Summary Judgment Motions**. Except as otherwise provided in this Rule, Neb. R. Bankr. P. 9013-1 and the procedures of NECivR 56.1 apply to motions for summary judgment. The Court will determine on a case-by-case basis whether to schedule summary judgment motions for oral argument.

B. **Moving Party**.

1. Motion and Supporting Materials. The moving party shall contemporaneously file a brief in support of the motion. The moving party shall also contemporaneously file the evidentiary materials upon which the party is relying, or identify any previously filed evidentiary materials upon which the party is relying.

2. Statement of Material Facts. The moving party shall set forth in the brief in support of the motion for summary judgment a separate statement of material facts as to which the moving party contends there is no genuine issue to be tried and that entitle the moving party to judgment as a matter of law. Failure to submit a statement of facts constitutes grounds for denial of the motion.

3. Form; Citation to Record. The statement of facts shall consist of short numbered paragraphs, each containing pinpoint references to affidavits, pleadings, discovery responses, deposition testimony (by page and line), or other materials relied upon to support the material facts recited in that paragraph. A fact is "material" if pertinent to the outcome of the issues identified in the motion for summary judgment. The statement of facts shall describe the parties and recite all facts supporting the Court's venue and jurisdiction. The statement shall not contain legal conclusions. Failure to provide citations to the exact locations in the record supporting the factual allegations shall be grounds to deny the motion.

C. **Opposing Party**.

1. Response to the Motion. A party resisting a motion for summary judgment must file a written objection or resistance pursuant to Neb. R. Bankr. P. 9013-1. A brief in support of the resistance, along with any evidentiary materials not previously filed on which the objecting party relies, should be filed at the same time as the resistance or objection.

2. Response to Movant's Statement. The party opposing a motion for summary judgment shall include in its brief a concise response to the moving party's statement of material facts. The response shall address each numbered paragraph in the movant's statement and, in the case of any disagreement, contain pinpoint references to affidavits, pleadings, discovery responses, deposition testimony (by page and line), or other materials upon which the opposing party relies. Properly referenced material facts in the movant's statement will be deemed admitted unless controverted by the opposing party's response.

3. Response Time. An opposing brief may be filed no later than 21 days after service of the motion and supporting brief. Failure to file an opposing brief *alone* shall not be considered to be a confession of the motion; however, nothing in this Rule shall excuse a party opposing a motion for summary judgment from meeting the party's burden under Fed. R. Civ. P. 56, made applicable to bankruptcy cases by Fed. R. Bankr. P. 7056.

RULE 7067-1. REGISTRY FUNDS; DEPOSIT IN THE COURT

A. **Receipt of Funds**. No money shall be sent to the Court or the Clerk for deposit into the Court's registry without a Court order. The order shall be prepared by the party seeking the order of deposit. The order shall state the exact amount or approximate amount to be deposited, that the funds are to be deposited into an interest-bearing account, and that the funds will remain on deposit until further order of the Court.

1. All monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

2. The party making the deposit or transferring the funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.

B. **Investment of Registry Funds**. As soon as practicable, the Clerk shall deposit the monies pursuant to the order of deposit into the Court's registry account in the Court Registry Investment System ("CRIS").

1. By order of the Court, funds on deposit with the Court are to be placed in the interest-bearing account (CRIS), which is administered by the Administrative Office of the United States Courts.

2. Money from each case deposited in CRIS shall be "pooled" together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts, hereby designated as custodian of the registry funds.

3. An account for each case will be established in CRIS, titled in the name of the case giving rise to the investment fund. Income generated from the fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each Court participating in CRIS and made available to litigants and/or their counsel.

C. **Registry Investment Fee**. The custodian is authorized and directed by Court order to deduct, for maintaining accounts in CRIS, a registry fee. The proper registry fee is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference. If registry fees are assessed against the case under the old 45-day requirement prior to deposit in CRIS, no additional fee will be assessed.

D. **Disbursements of Registry Fund; Content of Court Order**. To withdraw money deposited in the Court pursuant to Fed. R. Civ. P. 67 and subsequently deposited into an interest-bearing account or instrument as required by Rule 67, a party must file a motion for withdrawal of the funds and simultaneously submit a proposed order and completed IRS Form W-9. The proposed order shall include the name(s) of the recipient(s) and the address where the check is to be delivered.

PART IX. GENERAL PROVISIONS

RULE 9004-1. CAPTION

The caption of each pleading, proposed order, or other document shall describe with specificity its purpose and shall include the bankruptcy number and adversary number, if any, assigned by the Clerk and the chapter in which the debtor seeks or has been granted relief.

RULE 9004-2. ATTORNEY IDENTIFICATION

The name, office address, email address, telephone number, facsimile number, and state bar identification number of any attorney filing any pleading or motion shall be included on the document.

RULE 9004-3. DEFICIENCY NOTICE, CORRECTED FILINGS, DATE OF FILINGS

A. The Court will continue its current practice of issuing a Deficiency Notice for all documents it deems to be incorrectly filed.

B. The Deficiency Notice will generally describe the deficiency.

C. If the filing party disputes the existence of a deficiency it shall file a request for hearing with the Court within 14 days of issuance of the notice, at which time the Court will determine whether the filing should be stricken.

D. Alternatively, the filing party may file an amended document (citing the original filed document docket number) within 14 days of the Court's issuance of the Deficiency Notice. If filed within this time period, the amended document's filing date will be deemed the original filing date of the original filed document for all purposes. Any applicable objection or resistance deadlines related to the amended document shall be recomputed and re-noticed by the filing party from the corrected document's filing date or Court order, if applicable.

E. If the document is not amended as required herein and no hearing is requested, the incorrectly filed document will be deemed stricken without further order of the Court.

RULE 9006-1. TIME PERIODS

A. **Shortened Notice**. For good cause shown, a party may request that a hearing or bar date be set on notice shorter than would otherwise be required.

1. Caption. On all requests for expedited hearings or expedited rulings, the caption of the motion shall include the language "Request for Expedited Hearing" or "Request for Expedited Ruling" or "Request for Shortened Notice." All motions for expedited hearings or shortened notice must be filed as separate motions and shall not be combined within the body of other relief.

2. Application. All requests for a hearing or bar date to be set upon shortened notice shall state the nature of the request, the name of counsel for the opposing party, if known, the reasons for seeking an order shortening notice, and points and authorities in support thereof. All such applications shall state facts that justify the setting of a hearing or bar date on shortened notice. Notice of the application for order shortening time is not required. The application for order shortening time will be determined ex parte by the Court, subject to the right of any party to object to the adequacy of notice pursuant to subsection B.

3. Scope of Notice Required. Unless otherwise ordered by the Court, the moving party shall give notice of both the order shortening time and the substance of the underlying motion to all parties to whom notice of the underlying motion is required to be given by the Federal Rules of Bankruptcy Procedure or by these Local Rules, as well as to any other party that is likely to be adversely affected by the granting of the underlying motion.

4. Proof of Notice to be Presented at Hearing on the Substantive Motion. It shall be the duty of the party that has obtained an order shortening time:

a. Telephone Notice. To make a good faith effort to advise all other parties and their counsel, if known, by telephone and confirming letter or by such other means as are reasonably calculated to give equally prompt notice of the date, time, and substance of the motion being scheduled for a shortened bar date or heard on shortened notice.

b. Expected Appearance. To advise the Court of efforts to contact other parties and their counsel and whether any other counsel, after such efforts to advise parties and their counsel, has requested to be present at the time the motion is presented to the Court.

c. Transmittal of Papers. To transmit all moving papers to all parties as soon as is practicable.

d. Declaration of Notice. To present a declaration or professional statement of the efforts to communicate with opposing parties and their counsel or present to the Court a declaration setting forth facts sufficient to show why the motion should be heard despite failure to contact opposing parties.

B. **Resistance to Shortened Notice**. At any time before the conclusion of the hearing on the underlying motion or before the expiration of the resistance period, any party may object to the adequacy of the notice received and seek a continuance for good cause shown.

RULE 9006-2. CONTINUANCES OF SCHEDULED HEARINGS

A. **Continuance upon Stipulation**. As soon as all parties in interest stipulate for the continuance of a hearing on a motion, they shall immediately notify the Courtroom Department by email at NEBml_Orders@neb.uscourts.gov of their stipulation which shall be subject to approval by the Court as required in subsection D. Unless the continuance is approved by the Court, at least one party must appear at the scheduled hearing.

B. **Continuance upon Motion**. If a party wants to continue a hearing and all parties in interest will not so stipulate, a motion for the continuance shall be filed with the Court and served upon all previously noticed parties before the day set for the hearing. The motion shall set forth, in detail, the basis for the motion and shall state whether any continuance has been previously granted.

C. **Notice of Continuance**. If a continuance is approved, the moving party shall be responsible for providing immediate telephone notice of the continuance to all parties expected to appear at the hearing.

D. **Court Approval**. No continuance (whether stipulated to by counsel or not) shall be effective unless the Court announces it in open Court, approves it in an order, or the Courtroom Department informs the parties that the Judge has authorized the requested continuance.

RULE 9010-1. APPEARANCE/WITHDRAWAL OF APPEARANCE

A. **Appearances**. Interested parties or their counsel who wish to receive notice of all documents filed in a case, shall file an appearance with the Clerk and serve the appearance on the debtor and the debtor's counsel. Parties shall provide their address, email address, telephone number, and fax number.

B. **Withdrawals**. Any change to or withdrawal of an appearance shall be filed with the Clerk and served upon the debtor and the debtor's counsel.

RULE 9011-1. SIGNATURES

A. Petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically and may include, in lieu of the actual signature, the signature form described in subsection C.

B. The attorney of record or the party originating the document shall maintain the original signed document for all bankruptcy cases at least one year after the case is closed. In adversary proceedings, the parties shall maintain the original document until after the case ends and all time periods for appeals have expired. Upon request, the original document must be provided to other parties or the Court for review (Fed. R. Bankr. P. 9011 applies).

C. The pleading or other document electronically filed may indicate a signature, e.g., "s/Jane Doe." The CM/ECF filer login and password may constitute the signature of said party on any electronically filed pleading (i.e., affidavits, petition, schedules). The attorney of record or the party originating the document shall maintain the original signed document. Upon request, the original document must be provided to other parties or the Court for review.

D. The following procedure applies when a stipulation or other document requires two or more signatures:

1. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document. For purposes of this Rule, physical, facsimile, or electronic signatures are permitted. A document may be signed in counterparts (Fed. R. Bankr. P. 9011 applies).

2. The filing attorney then shall file the document electronically, indicating the signatories, e.g., "s/Jane Doe," etc.

3. The filing attorney shall maintain the signed document for all bankruptcy cases at least one year after the case is closed. In adversary proceedings, the parties shall maintain the signed document until after the case ends and all time periods for appeals have expired. Upon request, the signed document must be provided to other parties or the Court for review.

RULE 9013-1. MOTION PRACTICE

A. **Applicability**.

1. Bankruptcy Case. The procedures of this Local Rule shall apply to all motions filed in bankruptcy cases except for those particular motions governed by Neb. R. Bankr. P. 1007-1(B) or 1017-1 and motions for relief from the automatic stay under Neb. R. Bankr. P. 4001-1 and proceedings filed pursuant to 11 U.S.C. §§ 362(c)(3), 362(c)(4), and 521(a)(6) automatic stay extensions or terminations.

2. Adversary Proceedings. The procedures of this Local Rule shall apply to all motions filed in adversary proceedings except for those particular motions included in Appendix "A."

3. Non-substantive Motions. The procedures of this Local Rule do not apply to non-substantive motions, which will be considered by the Court without resistance or hearing, or to motions which are set for hearing regardless of objection or resistance. Examples of motions which do not require 9013-1 are included in Appendix "A."

B. **Definition of Motion**. "Motion" for purposes of Neb. R. Bankr. P. 9013-1, 9017-1, and 9072-1 includes headings and documents entitled "Motion," "Application," "Objection to Claim," "Disclosure Statement," "Plan," and other documents.

C. **Form of Motion or Resistance**. All motions shall plead facts which establish that the moving party is entitled to the relief sought. The motion shall cite statutory, case, or Rule authority for granting relief. All motions, including motions for relief from stay, shall conclude with an unambiguous request for particular relief. All resistances to any motion shall set forth the specific factual and legal basis and conclude with a particular request for relief. Motions and resistances shall be served in conformance with this Neb. R. Bankr. P. 9013-1. All motions for expedited hearings or shortened notice must be filed as separate motions and shall not be combined within the body of other relief.

D. **Resistance Date**. Unless otherwise ordered or otherwise provided for in a Federal Rule of Bankruptcy Procedure (*see* Fed. R. Bankr. P. 4001(c) and (d) and 2002(b)), upon 21 days notice to creditors and interested parties entitled to notice, the Court will consider ruling on the motion pursuant to subsection I, unless a resistance or request for hearing is filed and served on or before the deadline provided in the notice of the motion. If no resistance is timely filed and served, the Court will enter an order.

E. **Notice**. At the time a motion is filed, the moving party shall serve the motion on and shall provide notice to all parties in interest and those that have requested notice pursuant to Fed. R. Bankr. P. 2002. The notice shall state the specific calendar date by which any resistance or request

for hearing must be filed and served. The notice will be defective if it provides that a resistance or request must be filed within a specified number of days.

F. **Proof of Service**. Proof of service of the separate notice and motion shall be filed contemporaneously with the motion. The proof of service shall contain a list of recipients and shall attach a copy of the notice.

G. **Service on the United States**. Notice of a matter concerning an agency of the United States should be served on the United States Attorney General, the United States Attorney for the District of Nebraska, and the agency representative at the address reflected on Appendix "B."

H. **Withdrawal of Motions**. Any request to withdraw a motion must be filed and served upon all previously noticed parties. As soon as a decision has been made to withdraw a motion, the moving party shall immediately notify the Courtroom Department.

I. **Hearings on Motions**. If the resistance period expires without the filing of any resistance or request for hearing, the Court will consider entering an order granting the relief sought without further notice or hearing. If a timely resistance or request for hearing is filed and served, the Clerk shall schedule a hearing. Parties shall exchange declarations or affidavits and documentary evidence before the hearing in accordance with Neb. R. Bankr. P. 9017-1. Unless otherwise ordered, oral arguments will be scheduled in the courtroom. A party may either appear in person or participate by telephone.

J. **Appearance at Hearings**. A party may either appear in person in the courtroom or participate by telephone. The party desiring to participant telephonically must call the AT&T Conference Center at least five minutes prior to the commencement of Court. The Clerk's hearing notice contains all the required information for telephonic participation. If the participant(s) fail to call in, the hearing will go forward as scheduled.

RULE 9014-1. APPLICABILITY OF FED. R. CIV. P. 16 AND 26 TO CONTESTED MATTERS

A. Unless otherwise ordered by the Court sua sponte or upon motion filed pursuant to Neb. R. Bankr. P. 9013-1, Fed. R. Civ. P. 16(b) shall not apply in contested matters. The Court will continue its practice of entering a pretrial order which requires the filing of a joint preliminary pretrial statement by a date certain.

B. Unless otherwise ordered by the Court sua sponte or upon motion filed pursuant to Neb. R. Bankr. P. 9013-1, Fed. R. Civ. P. 26(a), (d), and (f) shall not apply in contested matters.

C. The mediation provisions of Neb. R. Bankr. P. 7016-1 shall apply to disputes arising in contested matters.

RULE 9015-1. JURY TRIAL

A. **Applicable Rules**. Fed. R. Civ. P. 38, 47-51, and 81(c) apply in adversary proceedings defined in Fed. R. Bankr. P. 7001 and all proceedings wherein a party may have a right to trial by jury.

B. **Demand for Jury Trial**. A demand for jury trial shall be made in accordance with Fed. R. Civ. P. 38 and filed in the office of the Clerk. After notice and hearing, the Bankruptcy Judge shall rule upon the demand for jury trial and make findings as to which issues are triable to a jury as a matter of right.

C. **Reference Withdrawal**. If the Bankruptcy Judge determines that a party has a right to a jury trial on some or all issues, the Bankruptcy Judge shall request the United States District Court to withdraw the reference as to those matters triable to a jury and such other issues as the United States District Court shall determine.

RULE 9017-1. HEARINGS UPON DECLARATIONS AND DOCUMENTARY EVIDENCE; DESTRUCTION OF EXHIBITS

A. **General**. Hearings scheduled on motions shall be governed by this Local Rule and the Docketing Standards for Evidence, Appendix "J."

B. **Supporting Documents**. Documents (declarations; affidavits) submitted in support of, or in opposition to motions shall be electronically filed. A party may request to present oral testimony in support of, or in opposition to, a motion by filing and serving a request at least five days prior to the hearing. Except in the case of motions for relief from automatic stay and objections to claims (*see* Neb. R. Bankr. P. 4001-1(C) and (E) and 3007-1(A)), exhibits shall be electronically filed by the deadline set by the Court or at least three days prior to the hearing. For electronically filed exhibits, follow the procedures outlined in Appendix "J."

C. **Destruction of Exhibits**. Unless ordered by the Court, all exhibits shall be electronically filed. The Clerk shall retain paper exhibits for a period of 90 days after a final order is entered on a motion. The Clerk shall discard exhibits without notice 90 days after final judgment or order has been entered on a motion provided that a final order has been entered on all appeals thereof. On the date that the Clerk destroys or returns the exhibits, the Clerk shall enter a remark on the docket sheet stating the disposition and the date thereof.

RULE 9019-1. SETTLEMENTS AND STIPULATIONS

A. **Notification to Court of Settlement of Matter Scheduled for Hearing**. A party to a scheduled hearing shall immediately inform the Courtroom Department by (1) email at NEBml_Orders@neb.uscourts.gov; (2) telephone; or (3) other expeditious means when any matter

set for hearing has been settled out of Court. Upon receipt of notice of settlement, the Clerk shall cancel the hearing and direct the parties to file within 14 days a pleading which establishes that the matter was settled.

B. **Effect of Stipulations**. Except as otherwise provided by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, including without limitation Fed. R. Bankr. P. 4001, stipulations filed with the Court are binding upon the parties thereto in accordance with their terms. Without limiting any notices otherwise required by the Bankruptcy Code, Bankruptcy Rules, or these Local Rules, a stipulation which provides for relief from the automatic stay which prohibits or conditions the use, sale or lease of property, provides for adequate protection, or use of cash collateral, or for obtaining credit shall not be enforceable between the parties or as against third parties, unless it is approved by the Court after notice and hearing as required by Fed. R. Bankr. P. 4001(d). The party filing the stipulation must have in its possession the original document with all original signatures and retain such document.

C. **Stipulations Requiring Notice Under Fed. R. Bankr. P. 4001(d) or 9019**. Unless otherwise ordered by the Court, the notice requirement of Fed. R. Bankr. P. 4001(d) and 9019 may be satisfied by compliance with Neb. R. Bankr. P. 9013-1 as complemented by Fed. R. Bankr. P. 4001(d) or 9019.

RULE 9037-1. REDACTION

A. The Clerk shall have the authority to process certain redaction requests without a motion and Court order. Specifically, any entity seeking to redact personal identifying information as described in Fed. R. Bank. P. 9037(a) (social security or taxpayer identification numbers, financial account numbers, and/or dates of birth or names of minor children) from documents on file with the Court may file a Notice of Redaction using the CM/ECF event "Notice of Redaction (Sealed)" with the redacted document included as an attachment. The notice is restricted from public view and is available only to the party filer and the Court. The notice should specify the document to be redacted and the information to be redacted from the document.

B. Upon receipt of the notice and the redacted document, the Clerk shall remove the document from the CM/ECF system and replace it with the redacted document. Any Notice of Redaction that fails to comply with this Local Rule will remain unprocessed and will be issued a Notice of Non-Compliance.

C. Any request to redact information other than the personal identifying information described in Fed. R. Bank. P 9037(a) shall be submitted to the Court by motion.

RULE 9072-1. ORDERS - PROPOSED FORM

The Clerk's office will electronically file all orders and notices. DO NOT SUBMIT A PROPOSED ORDER TO THE COURT UNLESS INSTRUCTED TO DO SO.

1. The Court will produce and file standard orders to grant or deny motions. Many orders will be in the form of a text-only docket entry "order," entered by Court employees authorized to do so by the Judge, which orders shall constitute the only Court order concerning the matter. Under certain conditions, a party may be requested by the Court to submit the proposed order to the Courtroom Department. If counsel needs specific language in an order, counsel may submit a proposed order.

2. Electronic submission of proposed orders authorized to be submitted should be emailed to NEBml_Orders@neb.uscourts.gov.

3. Electronically submitted orders may not be combined with the application or motion into one document. The application or motion must be entered on the docket prior to submitting the order electronically. DO NOT ATTEMPT TO FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE PLEADING.

4. All proposed orders must be submitted in a format compatible with Microsoft Word or WordPerfect X5 or a lower WordPerfect version, which is a "Save As" option in most word processing software.

5. All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a Judge, but with the Judge's electronic signature, has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

6. The Court will not serve the lienholder, the claimholder, etc. any orders entered on uncontested matters. Any non-electronic creditor or party in interest required to receive service of said orders entered by the Court should be appropriately served by the movant. Orders of Conversion are excluded from this Rule. The new § 341 meeting notice served by the Court will constitute notice of the conversion.

APPENDIX "A"

MATTERS NOT GOVERNED BY NEB. R. BANKR. P. 9013-1

In the bankruptcy case, motions NOT covered by Neb. R. Bankr. P. 9013-1 shall include, without limitation, the following:

1. Allowance and Payment Applications **NOT** in excess of $1,000.00 by professionals, including attorneys, for claims for services rendered and expenses incurred under 11 U.S.C. §§ 330, 331
2. Chapter 11 Plans (Pre-confirmation)
3. Chapter 11 Small Business Disclosure Statement and Plan (Pre-confirmation)
4. Compel Motion
5. Contempt Motion
6. Continue Hearing Motion Neb. R. Bankr. P. 9006-2
7. Convert and/or Dismiss Motion - Chapter 11 and Chapter 12 cases pursuant to 11 U.S.C. § 1112(b)(1)-(3) and 11 U.S.C. § 1208(c)(d)
8. Default Judgment Motion Neb. R. Bankr. P. 7055-1
9. Defer/Delay Discharge Motion
10. Delay Closing Motion
11. Deposit Funds in Court Registry Motion
12. Determine Final Cure Mortgage Payment Motion Fed. R. Bankr. P. 3002.1
13. Dismiss Motion, filed by plaintiff in an adversary proceeding (if Neb. R. Bankr. P. 7001-1(A) has been complied with and there is no other claim pending in the adversary proceeding by another party, the motion shall so state and a proposed order shall be submitted with the motion. Service shall comply with Fed. R. Bankr. P. 7041).
14. Employ Application
15. Exemption from Filing Domestic Support Obligation Certificate in Support of Discharge/Confirmation Motion
16. Exemption from Filing Tax Returns Motion
17. Exemption from Pay Advice Motion
18. Expedited Hearing Motion/Request Neb. R. Bankr. P. 9006-1

19. Extend Automatic Stay Motion

20. Extension of Time Motion to:
    a. Appeal under Rule 8002(c) (separate event for this motion)
    b. File Answer (in an adversary proceeding)
    c. File Domestic Support Obligation Certificate regarding Chapter 12 and Chapter 13 Discharge
    d. File Objections to Claims (Chapter 13)
    e. File Objection/Resistance/Response/or Objection to Confirmation
    f. File Plan (**Note**: motions to extend the exclusivity period for filing a Chapter 11 plan or disclosure statement **do** require a 9013-1 notice – separate even for this motion)
    g. File Preliminary Pretrial Statement
    h. File Schedules and SFA
    i. Pay Filing Fee

21. Hearing Motion/Request

22. Impose Automatic Stay Motion

23. Incur Expenses Authorization regarding Federal Practice Fund ("FPF") Motion

24. *Informa Pauperis* Application

25. Injunction Motion under Fed. R. Bankr. P. 7065

26. Instanter Motion

27. Leave to File Brief and/or Reply Brief Motion

28. Leave to Intervene Motion under Fed. R. Bankr. P. 2018

29. Limit Notice/Service Motion

30. Mediation Motion Neb. R. Bankr. P. 7016-1

31. Ombudsman Appointment Motion

32. Pay Filing Fees in Installments Application

33. Payment of Unclaimed Funds Motion under 11 U.S.C. § 347 and Fed. R. Bankr. P. 3011

34. Protective Order Motion

35. Quash Motion under Fed. R. Bankr. P. 9016

36. Reaffirmation Hearing Motion

37. Redact Motion Neb. R. Bankr. P. 9037-1

38. Refund of Filing Fee Motion

39. Relief from Stay Motion under 11 U.S.C. § 362 and Relief from Co-Debtor Stay Motion under § 1201 or § 1301 Neb. R. Bankr. P. 4001-1(A) and (B)

40. Revoke *Informa Pauperis* Status Motion

41. Sanctions Motion

42. Seal Document or Case Motion Neb. R. Bankr. P. 5005-2

43. Shorten Notice Time Motion Neb. R. Bankr. P. 9006-1

44. Stay Motion

45. Stay Pending Appeal Motion

46. Strike Motion

47. Temporary Restraining Order Motion

48. Termination or Absence of Stay Motion

49. Unseal Document Motion

50. Waive Motion

APPENDIX "B"

ADDRESSES

Department of Agriculture

Regional Office of General Counsel
Beacon Facility
9240 Troost Avenue, Mail Stop 1401
Kansas City, MO 64131-3055

Department of Education

Office of General Counsel
400 Maryland Avenue, SW
Washington, DC 20202

U.S. Department of Education
Office of Postsecondary Education
1990 K Street, NW
Washington, DC 20006

Department of Health and Human Services ("HHS")

Acting Chief Counsel
601 East 12th Street, Room N1800
Kansas City, MO 64106

Department of Housing and Urban Development ("HUD")

Chief Counsel
Edward Zorinsky Federal Building
1616 Capitol Avenue, Suite 329
Omaha, NE 68102

Internal Revenue Service ("IRS")

Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

Michigan Department of Treasury, Tax Policy Division

Attn: Litigation Liaison
2nd Floor, Austin Building
430 West Allegan Street
Lansing, Michigan 48922

Mississippi State Tax Commission
Bankruptcy Section
P.O. Box 22808
Jackson, MS 39225-2808

Nebraska Department of Revenue
Attn: Bankruptcy Unit
Nebraska State Office Building
P.O. Box 94818
Lincoln, NE 68509-4818

Nebraska State Farm Service Agency
State Executive Director
7131 A Street
Lincoln, NE 68510

Oklahoma Tax Commission
Office of the General Counsel, Bankruptcy Section
120 North Robinson, Suite 2000W
Oklahoma City, OK 73102

Small Business Administration ("SBA")
District Counsel
10675 Bedford Avenue, Suite 100
Omaha, NE 68134

Social Security Administration
Office of Regional Chief Counsel
601 East 12th Street, Room 965
Kansas City, MO 64106

United States Attorney
United States Attorney's Office – Omaha
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506

United States Attorney's Office – Lincoln
487 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

United States Attorney General
United States Department of Justice
Judiciary Center Building
555 Fourth Street, NW
Washington, DC 20530

United States Department of Agriculture ("USDA") Rural Development
State Director
Room 308 Federal Building
100 Centennial Mall North
Lincoln, NE 68508-3859

United States Postal Service (all cases other than tort)
Law Department
9350 South 150 East, Suite 800
Sandy, UT 84070-2716

United States Postal Service (tort cases only)
Law Department
P.O. Box 80143
St. Louis, MO 63180-0143

United States Trustee
111 South 18th Plaza, Suite 1148
Omaha, NE 68102

APPENDIX "C"

CHAPTER 13 FEE APPLICATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	
	)	CHAPTER 13
	)	
Debtor(s).	)	

CHAPTER 13 FEE APPLICATION

Applicant, _____, was retained by the debtor with leave of the Court to serve in this bankruptcy case as _____. Applicant hereby requests the Court to approve compensation and reimbursement of expenses as follows:

Total fees requested: $_____

Total expenses to be reimbursed: $_____

Amount received to date
(exclusive of filing fees): $_____

Amount to be paid through plan: $_____

1. The amount requested, if allowed, will be paid in full after _____ monthly payments under the plan.

2. The total time and billings for services in this case to date:

Identity of Person	Attorney/Paralegal/Other	Hours	Rates	Total
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

3. A detailed statement of charges for out-of-pocket expenses in the aggregate amount of $_____ is attached.

4. The following is a short statement of any unusual, troublesome, or unique aspects of this case which resulted in more than the usual amount of time being expended: _____

_____
_____.

5. Unless excused pursuant to a Court order entered under Neb. R. Bankr. P. 2016-1, attached to this application is a detailed time summary exhibit in compliance with said Neb. R. Bankr. P. 2016-1.

6. The source of compensation previously paid to Applicant was _____
_____.

7. Applicant has not shared or agreed to share any compensation received in connection with the bankruptcy case with any person or entity other than a member or regular associate of applicant's firm (if such a sharing arrangement exists, it should be disclosed in this paragraph).

DATED: _____.

_____
[Applicant]

APPENDIX "D"

CHAPTER 13 PLAN AND NOTICE OF RESISTANCE DEADLINE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK _____
	)	Chapter 13
	)	
	)	CHAPTER 13 PLAN
	)	AND
Debtor(s).	)	NOTICE OF RESISTANCE DEADLINE

1. **PAYMENTS**.

The debtor or debtors (hereinafter called "Debtor") submits to the standing Chapter 13 trustee all projected disposable income to be received within the applicable commitment period of the plan. The payment schedule is as follows:

A. Monthly Payment Amount [include any previous payments]	B. Number of Payments	Base Amount (AxB)
$		$
$		$
$		$
$		$

Total Plan Base Amount: $_____

The payment shall be withheld from the Debtor's paycheck: Yes ☐ No ☐
Employee's name from whose check the payment is deducted: _____
Employer's name, address, city, state, phone: _____
_____

Debtor is paid: Monthly ☐ Twice monthly ☐ Weekly ☐ Biweekly ☐ Other ☐

This plan cures any previous arrearage in payments to the Chapter 13 trustee under any prior plan filed in this case.

NOTE: PLAN PAYMENTS TO THE TRUSTEE MUST BEGIN IMMEDIATELY FOR PLANS REQUIRING PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS OR LEASE PAYMENTS. IN THOSE CASES PROVIDING FOR EMPLOYER DEDUCTIONS, THE DEBTOR MUST MAKE DIRECT PAYMENT TO THE TRUSTEE BY MONEY ORDER OR CASHIER'S CHECK UNTIL THEIR EMPLOYER DEDUCTION BEGINS. IN CASES WITHOUT PRE-CONFIRMATION PAYMENTS, PLAN PAYMENTS MUST COMMENCE WITHIN 30 DAYS OF FILING OF THE PETITION. THE DEBTOR MUST MAKE DIRECT PAYMENT TO THE TRUSTEE UNTIL THEIR EMPLOYER DEDUCTION BEGINS.

2. **ORDER OF PAYMENT OF CLAIMS**.

Applicable trustee fees shall be deducted, pursuant to 28 U.S.C. § 586(e). Claims shall be paid in the following order: (1) 11 U. S. C. § 1326(a)(1)(B) & (C) pre-confirmation payments for adequate protection or leases of personal property; (2) payments to secured creditors under 11 U.S.C. § 1325(a)(5), payments due on executory contracts, the Debtor's attorney fees, 11 U.S.C. § 507(a)(1)(A) priority domestic support claims and approved Chapter 7 trustee compensation; (3) other administrative expense claims under 11 U.S.C. § 503; (4) other priority claims in the order specified in 11

U.S.C. § 507(a) including post-petition tax claims allowed under 11 U.S.C. § 1305; (5) co-signed consumer debts; (6) general unsecured claims. Unless otherwise noted, claims within each class shall be paid pro rata. If funds remain after payment of specific monthly payments provided for in the plan, the Chapter 13 trustee may distribute those funds to secured creditors in payment of their allowed secured claims.

3. **SECTION 1326(a) PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS AND LEASE PAYMENTS.**

The following pre-confirmation adequate protection payments on claims secured by personal property and pre-confirmation lease payments for leases of personal property shall be paid by the trustee to the below listed creditors without entry of an order of the Court. The Debtor proposing pre-confirmation payments will immediately commence plan payments to the trustee. Creditors must file a proof of claim to receive payment. Payments by the trustee shall commence to these creditors within 30 days of the filing of the proof of claim unless the trustee does not have funds available within seven working days prior to the end of the 30-day period. Post-confirmation payments are provided for below in Paragraphs 6 and 7 of this plan.

Creditor's Name and Full Address	Last Four Digits of Account Number	Date of Next Payment Due	Payment Amount
1.			$
2.			$
3.			$

4. **ADMINISTRATIVE CLAIMS**.

Trustee fees shall be deducted from each payment disbursed by the trustee.

Neb. R. Bankr. P. 2016-1(A)(4) and Appendix "K" provide for the maximum allowance of Chapter 13 attorney fees and expenses which may be included in a Chapter 13 plan. Total fees or costs in excess of this amount must be approved through a separate fee application. Fees and costs requested for allowance are as follows:

Total Fees Requested	Fees Received Prior to Filing	Balance of Fees to be Paid in Plan
$	$	$
Total Costs Requested	Costs Received Prior to Filing	Balance of Costs to be Paid in Plan
$	$	$

Fees and costs allowed shall be paid at the rate of not less than $_____ per month and shall accrue from the month in which the case is filed.

5. **PRIORITY CLAIMS**.

11 U.S.C. § 1322(a) provides that all claims entitled to priority under 11 U.S.C. § 507(a) shall be paid in full in deferred cash payments unless the holder of a particular claim agrees to a different treatment of such claim except for a priority claims under 11 U.S.C. § 507(a)(1)(B). It is further provided that any and all pre-petition penalties, and post-petition penalties and interest, which have attached or will be attached to any such claim, shall be treated as a general unsecured claim and not entitled to priority. Such claims are as follows:

(A) Domestic Support Obligations:
- (1) ☐ None. [If none, skip to Priority Taxes section.]
- (2) Name of Debtor who owes Domestic Support Obligation: _____.
- (3) The names(s), address(es), and phone number(s) of the holder of ANY domestic support obligation as defined in 11 U.S.C. § 101(14)(A):

Name	Address, City, and State	Zip Code	Telephone Number
1.			
2.			
3.			

(4) The Debtor is required to pay all post-petition Domestic Support Obligations directly to the holder of the claim and not through the Chapter 13 plan.

(B) Arrearages Owed to Domestic Support Obligation Holders Under 11 U.S.C. § 507(a)(1)(A):

(1) ☐ None. [If none, skip to subparagraph C below.]

(2) Name of holder of Domestic Support Obligation Arrearage Claim, estimated arrears and monthly payment:

Name of Creditor	Estimated Arrearage Claim	Monthly Payment on Arrearage
1.	$	$
2.	$	$
3.	$	$

(C) Domestic Support Obligations Assigned to or Owed to a Governmental Unit Under 11 U.S.C. § 507(a)(1)(B):

(1) ☐ None. [If none, skip to Priority Tax Claims.]

(2) Name of Creditor, estimated arrearage claim and any special payment provisions:

Name of Creditor	Estimated Arrearage Claim	Provision for Payment
1.	$	$

(D) Priority Tax Claims Including Post-Petition Tax Claims Allowed Under 11 U.S.C. § 1305:

Federal: $	State: $	Total: $

(E) Chapter 7 Trustee Compensation Allowed Under §1326(b)(3):

Amount Allowed	Monthly Payment (greater of $25.00 or 5% of monthly payment to unsecured creditors)
$	$

(F) Other Priority Claims: _____

6. **SECURED CLAIMS.**

(A)(1) Home Mortgage Claims (including claims secured by real property which the Debtor intends to retain). Unless otherwise provided in this plan, Debtor shall pay all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due beginning with the first due date after the case is filed and such creditor shall retain any lien securing its claim. Any pre-petition arrearage shall be paid through this Chapter 13 plan with interest as provided below and in equal monthly payments as specified below. The amount of pre-petition arrears is determined by the proof of claim, subject to the right of the Debtor to object to the amount set forth in the claim.

Name of Creditor	Property Description	Estimated Pre-petition Arrearage	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount on Pre-petition Arrears	Total Payments on Pre-petition Arrears Plus Interest
1.		$	___% $	___%	$	$
2.		$	___% $	___%	$	$
3.		$	___% $	___%	$	$

(A)(2) The following claims secured by real property shall be paid in full through the Chapter 13 plan:

Name of Creditor	Property Description	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount	Total Payments Plus Interest
1.		___% $	___%	$	$
2.		___% $	___%	$	$

(B) Post-Confirmation Payments to Creditors Secured by Personal Property. Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (1) and (2). If the Debtor elects a different method of payment, such provision is set forth in subparagraph (3).

(1) Secured Claims to Which § 506 Valuation is **NOT** Applicable: Claims listed in this subsection are debts secured by a purchase-money security interest in a personal motor vehicle, incurred within 910 days of filing of the bankruptcy OR debts secured by a purchase-money security interest in "any other thing of value," incurred within one year prior to filing of the bankruptcy. These claims will be paid in full with interest as provided below and in equal monthly payments as specified below:

Name of Creditor	Property Description	Estimated Claim Amount	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount	Total Payments Plus Interest
1.		$	___% $	___%	$	$
2.		$	___% $	___%	$	$
3.		$	___% $	___%	$	$

(2) Secured Claims to Which § 506 Valuation is Applicable: Claims listed in this subsection are debts secured by personal property not described in the prior paragraph of this plan, 6(B)(1). These claims will be paid either the value of the secured property or the amount of the claim, whichever is less, with interest as provided below and in equal monthly payments as specified below. The portion of a claim that exceeds the value of the secured property will be treated as an unsecured claim. The value of the secured property is determined by the proof of claim, subject to the right of the Debtor to object to such valuation.

Name of Creditor	Property Description	Estimated Value of Security or Amount Owed (use lowest amount)	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount	Total Payments Plus Interest
1.		$	___% $	___%	$	$
2.		$	___% $	___%	$	$
3.		$	___% $	___%	$	$

(3) Other Provisions:

(C) Surrender of Property. The Debtor surrenders any interest in the following collateral. Any secured claim filed by the below creditors will be deemed satisfied in full through surrender of the collateral. Any unsecured deficiency claim must be filed by the bar date for claims or allowed by separate order of the Court.

Name of Creditor	Collateral to be Surrendered
1.	
2.	

(D) Lien Avoidance. The Debtor shall file a Motion to Avoid the lien of the following creditor(s):

Name of Creditor	Amount Owed	Property Upon Which Debtor Will Seek to Avoid Lien
1.	$	
2.	$	

7. **EXECUTORY CONTRACTS/LEASES**.

(A) The Debtor rejects the following executory contracts:

Name of Creditor	Property Subject to Executory Contract
1.	
2.	

(B) The Debtor assumes the executory contract/lease referenced below and provides for the regular contract/lease payment to be included in the Chapter 13 plan. Any pre-petition arrearage will be cured in monthly payments as noted below:

Name of Creditor	Property Subject to Executory Contract/Lease	Estimated Arrearages on Contract as of Date of Filing	Monthly Payment to be Made on Contract Arrearage	Regular Number of Contract Payments Remaining as of Date of Filing	Amount of Regular Contract Payment	Due Date of Regular Contract Payment	Total Payments (arrears plus regular contract payments)
1.		$	$		$		$
2.		$	$		$		$

8. **CO-SIGNED UNSECURED DEBTS**.

(A) The following co-signed debts shall be paid in full at the contract rate of interest from petition date.

Name of Creditor	Estimated Amount Due	Contract Rate of Interest	Total Due
1.	$	___%	$

9. **UNSECURED CLAIMS**.

(A) Allowed unsecured claims shall be paid pro rata from all remaining funds.

10. **ADDITIONAL PROVISIONS**.

(A) If there are no resistances/objections to confirmation of this plan or after all objections are resolved, the Court may confirm the plan without further hearing.

(B) Property of the estate, including the Debtor's current and future income, shall re-vest in the Debtor at the time a discharge is issued, and the Debtor shall have sole right to use and possession of property of the estate during the pendency of this case.

(C) In order to obtain distributions under the plan, a creditor must file a proof of claim within 90 days after the first date set for the meeting of creditors except as provided in 11 U.S.C. § 502(b)(9). Claims filed after this bar date shall be disallowed except as provided in Bankruptcy Rule 3002.

(D) Unless otherwise provided in this plan or ordered by the Court, the holder of each allowed secured claim provided for by the plan shall retain its lien securing such claim as provided in 11 U.S.C. § 1325(a)(5)(B).

NOTICE OF RESISTANCE DEADLINE

ANY RESISTANCE TO THIS PLAN OR REQUEST FOR A HEARING MUST BE FILED IN WRITING WITH THE BANKRUPTCY CLERK'S OFFICE (*SEE* ORIGINAL NOTICE OF BANKRUPTCY FOR ADDRESS) AND SERVED ON THE ATTORNEY FOR THE DEBTOR AT THE ADDRESS LISTED BELOW (OR SERVED ON THE DEBTOR, IF NOT REPRESENTED BY AN ATTORNEY), ON OR BEFORE:

(USE OPTION A OR B – SEE LOCAL COURT RULES)

(A) ☐ **14 DAYS AFTER THE CONCLUSION OF THE MEETING OF CREDITORS**

OR

(B) ☐ **MONTH, DAY AND YEAR** (USE A CALENDAR DATE WHICH IS AT LEAST 21 DAYS AFTER THE DATE THE PLAN IS FILED WITH THE COURT)

IF A TIMELY RESISTANCE OR REQUEST FOR A HEARING IS FILED AND SERVED, THE BANKRUPTCY COURT WILL HANDLE THE RESISTANCE IN ACCORDANCE WITH NEB. R. BANKR. P. 3015-2. IF THERE ARE NO OBJECTIONS TO THE PLAN AS FILED, THE COURT MAY CONFIRM THE PLAN WITHOUT FURTHER HEARING.

CERTIFICATE OF SERVICE

On _____, 20__ , the undersigned mailed a copy of this plan to all creditors, parties-in-interest, and those requesting notice by regular United States mail, postage prepaid. The parties to whom notice was mailed are either listed below or on the attached mailing matrix. The undersigned relies on the CM/ECF system of the United States Bankruptcy Court to provide service to the following: Kathleen A Laughlin, Chapter 13 trustee.

DATED: _____.

Debtor(s)

By: /s/_____

Attorney for the Debtor(s)

Attorney Number: _____

Attorney Address: _____

Attorney City, State, Zip: _____

Attorney Phone Number: _____

Attorney Fax Number: _____

Attorney Email Address: _____

APPENDIX "E"

ORDER CONFIRMING PLAN

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	
_____,	)	CHAPTER 13
	)	
Debtor(s).	)	

ORDER CONFIRMING PLAN

This matter comes on for confirmation of the debtor's Chapter 13 plan (Fil. #____, as amended or modified, by Fil(s). #____).

The Court finds:

1. There has been compliance with the provisions of 11 U.S.C. § 1301, *et seq.*, fees required to be paid, have been paid, and the plan has been proposed in good faith and not by any means forbidden by law.

2. The value of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on said claim if the debtor's estate were liquidated under Chapter 7 on the effective date of the plan.

3. With respect to each allowed secured claim provided for by the plan:

   A. the holder of such claim has accepted the plan;

   B. i. the plan provides that the holder of such claim retain the lien securing such claim; and

      ii. the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or

   C. the debtor surrenders the property securing such claim to such holder; and

4. The plan is feasible.

5. Attorney fees are allowed as stated in the Chapter 13 plan/amended plan.

[6. For cause shown, plan payments may exceed three years as provided in the plan.]

IT IS HEREBY ORDERED, that the plan is confirmed.

DATED: _____.

BY THE COURT:

_____
United States Bankruptcy Judge

Notice given to:

Movant (*) is responsible for giving notice of this journal entry to all other parties (that are not listed above) if required by rule or statute.

APPENDIX "F"

NEB. OFFICIAL FORM 9-1
NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	Chapter 9
_____,	)	
	)	
Debtor(s).	)	

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9,
NOTICE OF AUTOMATIC STAY, NOTICE OF TIME
FOR FILING RESISTANCES TO THE PETITION, ORDER FOR RELIEF,
NOTICE OF TIME FOR FILING PROOFS OF CLAIMS,
AND RELATED ORDERS COMBINED WITH NOTICE THEREOF

TO: The Debtor, Creditors, Special Taxpayers, and Other Parties in Interest.

IT IS ORDERED that debtor shall give immediate notice of the following to all parties in interest and shall publish notice of the commencement of the case and notice of the order of relief required by 11 U.S.C. § 923 and shall file with the Court proofs of publication no later than 14 days after the last publication.

IT IS FURTHER ORDERED that the last publication of the notice of commencement and notice of the order of relief shall be not less than 14 days prior to the last day to file resistances to the petition.

IT IS FURTHER ORDERED that the debtor shall file with the Court proof of service by mail at least seven days before the last date for filing of resistances to the petitioner.

IT IS FURTHER ORDERED that all publications required pursuant to 11 U.S.C. § 923 shall be made in *The Wall Street Journal*, *Lincoln Journal Star,* and the *Omaha World-Herald*.

IT IS FURTHER ORDERED and notice is hereby given of:

1. Notice of Commencement of a Case Under Chapter 9. A case under Chapter 9 of the Bankruptcy Code was commenced by the filing of a petition by the debtor named above on _____.

2. Notice of Automatic Stay. The filing of the petition operates as a stay applicable to all entities of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against an officer or inhabitant of the debtor that seeks to enforce a claim against the debtor, and the enforcement of a lien on or arising out of taxes or assessments owed to the debtor, and certain other acts and proceedings against the debtor and its property as provided in 11 U.S.C. §§ 362 and 922.

3. Notice of Time for Filing of Resistances to the Petition. Resistances to the petition may be filed by a party in interest no later than 45 days after the mailing of this notice by the debtor to all creditors, special taxpayers, and other parties in interest. 11 U.S.C. § 921(c). Resistances shall be filed with the Clerk of the United States Bankruptcy Court for the District of Nebraska, and copies of the resistances shall be mailed to the attorney for the debtor. All resistances shall state the facts and legal authorities in support of such resistances. If any timely resistances are filed with the Court, the Court will order the resisting party to give proper notice to all parties in interest of the hearing on the resistances.

4. Order for Relief. The filing of the petition constitutes an order for relief under Chapter 9, and this notice shall be deemed notice of such order for relief. 11 U.S.C. §§ 901 and 301. The filing of a resistance to the debtor's petition shall be deemed to constitute a motion to vacate the order of relief, and the Court shall proceed as follows: After notice by the resisting party and a hearing, it may dismiss the petition, subject to 11 U.S.C. § 921(e), if the debtor did not file the petition in good faith or if the petition does not meet the requirements of Chapter 9, Title 11, U.S.C. § 921(c).

5. Notice of Time for Filing Proofs of Claims. The debtor has filed or will file a list of claims. Any creditor holding a listed claim which is not disputed, contingent, or unliquidated as to amount, may, but need not, file a proof of claim in this case. Creditors whose claims are listed or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claims on or before [either the specific bar date established by Court order or "a date to be established by the Bankruptcy Court on application by the debtor.] Any creditor who desires to rely on the list has the responsibility for determining that the claim is accurately listed.

6. Notices. All notices required by subdivisions (a)(2), (3), and (7) of Bankruptcy Rule 2002 shall be mailed only to the committee(s) or to its/their authorized agents and to the creditors who file with the Court a request that all notices be mailed to them.

DATED: _____.

BY THE COURT:

_____
United States Bankruptcy Judge

APPENDIX "G"

CHAPTER 12 STANDING TRUSTEE FEES

In the administration of cases under Chapter 12 of the Bankruptcy Code, a Chapter 12 standing trustee is appointed to participate in the administration of the case and to monitor plan performance post-confirmation.

Among the duties the Chapter 12 standing trustee is to perform are an accounting of property, examination of claims, provide information to creditors, and to file a final accounting. In addition, the Chapter 12 standing trustee is to examine the financial affairs of the debtor and to report on any mismanagement. The Chapter 12 standing trustee appears at confirmation hearings and monitors the payments required under the confirmed plan.

The Chapter 12 standing trustee is to be paid a fee of up to 10% of payments made under the confirmed plan. Such fee is to be paid from payments received by the Chapter 12 standing trustee. Since Chapter 12 was modeled on Chapter 13, there was a reasonable expectation that most, if not all, plan payments would be received by the Chapter 12 standing trustee for distribution.

However, because of the decision in *In re Wagner*, 36 F.3d 723 (8th Cir. 1994), plan payments can be made directly to creditors. Thus, although the Chapter 12 standing trustee would be entitled to a fee, there would be no funds available to pay it. This result threatens the integrity of the Chapter 12 process and creates an inequitable burden upon the Chapter 12 standing trustee who has statutory duties to perform but would not be paid. The Court is aware that Chapter 12 standing trustees in other jurisdictions have resigned because of this problem.

The Court finds that the Chapter 12 standing trustee performs a valuable service to the Court and to the parties in the Chapter 12 process and should be retained. The Court also finds that requiring a Chapter 12 debtor to pay a fee is not inequitable in view of the benefits derived from the debtor's reorganization and from the services of the Chapter 12 standing trustee.

The Court is empowered under the provisions of § 105 of the Bankruptcy Code to issue orders necessary or appropriate to carry out the provisions of this title. Such an order is necessary and appropriate in the District of Nebraska in order to assure that the Chapter 12 bankruptcy cases proceed in an orderly fashion and that the integrity of the Chapter 12 cases be maintained.

Whether a Chapter 12 plan provides for payments to be made to creditors directly or through the Chapter 12 standing trustee, the debtor shall pay to the Chapter 12 standing trustee a fee, for each year of the plan, which shall be the lesser of 10% of all payments under the plan (or such other percentage as is set by the Attorney General or its delegate from time to time pursuant to the requirements of 28 U.S.C. § 586(e)), or $4,000.00.

APPENDIX "H"

CERTIFICATION BY DEBTOR IN SUPPORT OF CONFIRMATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	
_____,	)	Chapter ____
	)	
Debtor(s).	)	

CERTIFICATION BY DEBTOR
IN SUPPORT OF CONFIRMATION

With regard to the Chapter 13 or 12 plan/amended plan filed on _____, I certify that:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

_____ Since the filing of this bankruptcy, I have not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

_____ I have paid all amounts that first became due and payable after the filing of this bankruptcy which I am required to pay under a domestic support obligation (as defined in 11 U.S.C. § 101(14A)) required by a judicial or administrative order or by statute.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

_____
Debtor

_____
Joint Debtor

APPENDIX "I"

SAMPLE FORMAT - CERTIFICATE OF SERVICE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

Sample Format – Certificate of Service

I hereby certify that on ____(DATE)____, I caused filing of the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system, and further certify that on the same date I mailed by United States postal service, postage prepaid, the document to the non-CM/ECF participants named on the current matrix.

s/_____

APPENDIX "J"

DOCKETING STANDARDS FOR EVIDENCE

For ease in offering evidence in the courtroom and to provide continuity on the dockets, the following standards have been established. The events have been modified to assist in this process.

Documentary Evidence: Exhibits/Affidavits/Declarations

1. Do *NOT* attach evidence to a Certificate of Service, Exhibit List, Notice of Intent to Offer Evidence, or Index of Evidence. Each item of evidence to be offered should be filed separately. Any supporting documents to the item of evidence to be offered may be filed as attachments to the evidence, but must have an informative description.

> Example: An affidavit with supporting documents. The supporting documents will be filed as attachments to the affidavit with the attachments being described as promissory note, bank statement, deed of trust, appraisal, etc. Do not name attachments to the evidence as Exhibit 1 without a more detailed description. *See* example of Docket Entry Examples below.

2. The docket text should be in the following format:

> Exhibit: *[description of exhibit]* in support of *[motion or objection]* (additional text may be added for further clarification). If the exhibit is an affidavit or declaration, the affiant should be identified. Example: Affidavit of *[affiant]* in support of *[motion or objection]*.

3. Items will be offered in Court by the Court's document number.

4. It is further recommended that evidence lists (Exhibit Lists, Notice of Intent to Offer Evidence, and Indexes of Evidence) be filed *after* the actual exhibits allowing parties to reference the Court's document numbers in their Exhibit Lists.

Docket Entry Examples:

Docket Text: Final Text
EXHIBIT - Bank Statement in Support of Motion for Relief. Filed by Patricia Fahey (related document(s)[3]).

Docket Text: Final Text
Affidavit of Jane Doe in Support of Objection to Motion for Relief. Filed by Patricia Fahey (related document(s)[4]). (Attachments: #(1) Exhibit Promissory Note #(2) Exhibit Deed of Trust).

APPENDIX "K"

CHAPTER 13 FEE REQUESTS

1. Attorney Fees. In all Chapter 13 cases, except for the narrowly construed exceptions set forth in paragraph 5 below, attorney fees for counsel for the debtor shall only be allowed pursuant to the provisions of the "NO-LOOK" Compensation Plan ("NLCP"). The NLCP shall consist of:

   a. Standard Allowable Amount ("SAA"); and

   b. A La Carte ("ALC") fees for additional services rendered during the Chapter 13 proceeding.

2. Standard Allowable Amount ("SAA").

   a. For Chapter 13 cases, counsel for the debtor, without filing a fee application, shall be awarded a SAA not to exceed $3,900.00 ($3,700.00 fees and $200.00 expenses). The fees and expenses shall be deemed allowed upon confirmation of the plan.

   b. Services included in the SAA are **ALL** services typically performed when representing a Chapter 13 debtor, including:

      1. Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case. Discuss both procedures with the debtor and answer the debtor's questions. Explain what payments will be made directly by the debtor and what payments will be made through the debtor's Chapter 13 plan, with particular attention to mortgage loan payments, as well as any other claims which accrue interest.

      2. Explain to the debtor how, when, and where to make the Chapter 13 plan payments. Explain to the debtor that the first plan payment must be made to the trustee within 30 days of the date the petition is filed.

      3. Advise the debtor of the requirement to attend the § 341 meeting of creditors, and instruct the debtor as to the date, time, and place of the meeting. Provide appropriate representation at the § 341 meeting of creditors for the debtor.

      4. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles securing loans or leases.

      5. Verify six months of pay stubs and timely submit to the Court. Verify two years of complete tax returns including W-2s and submit as required by the rules. Verify and review six months of bank statements. Review relevant

documents as necessary, including, but not limited to insurance policies, relevant additional bank statements, proof of driver's license and Social Security card, electric/gas/water bills, domestic child support order, copies of summons of judgments, and copies of all purchase agreements. Complete and file Appendix "H," the "Certification by Debtor in Support of Confirmation." Complete and file the B22C Form.

6. Timely prepare and file the debtor's petition, plan, statements, and schedules. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.

7. Prepare, file, and serve necessary pre-confirmation modifications to the plan. Prepare, file, and serve necessary pre-confirmation amended statements and schedules, in accordance with information provided by the debtor.

8. Represent the debtor concerning confirmation hearings. (Participation in affidavit hearings for confirmation is not considered providing an extraordinary service which justifies additional fees.)

9. Complete and file Appendix "L" "Certification by Debtor in Support of Discharge." Aid the debtor in obtaining pre-petition credit counseling and post-petition financial education.

10. Prepare, file, and serve necessary post-confirmation amended statements and schedules, in accordance with information provided by the debtor.

11. Address trustee's first notice of default in a Chapter 13 proceeding resulting in an agreed stipulation without an amended plan.

12. Represent the debtor in connection with the first motion for relief from the automatic stay.

13. All communication and other services typical for representation of Chapter 13 debtors through the end of the case.

3. ALC (a la carte) Fees and Process.

a. ALC fee request implementation: Upon meeting the requirements entitling the award of ALC fees, debtor's counsel must file a "Certification of ALC Fees" along with providing Notice pursuant to Neb. R. Bankr. P. 9013-1. The Chapter 13 trustee, the United States Trustee, and attorneys having appeared in the case will receive electronic notice through the Court's CM/ECF system. Therefore, the debtor's counsel shall only be required to serve a paper copy of the Certification and Notice

on the debtor and on any party requesting notice (if such party does not receive electronic notice). If no objection is filed by the resistance deadline, then the ALC fees will be granted automatically without a hearing. Debtor's counsel must use the standard "Certification of ALC Fees" form found at Appendix "N" in order to be awarded ALC fees.

b. ALC qualified services and applicable rates are set forth below:

	Service	Fee
1.	Motion to shorten time filed in conjunction with an underlying separate substantive motion.	$100
2.	Motion to extend the automatic stay.	$300
3.	Motion to borrow, sell or purchase or refinance personal or real property (or any combination of such motions regardless of whether one or more actual motions are needed). Services to include amending necessary schedules, communications with various parties prior to filing motion, obtaining and reviewing all available documents which the debtor proposes to execute upon approval of the motion and any other related work.	$400
4.	Motion to allow filing claim out of time.	$250
5.	Motion to alter, amend, or reconsider judgments.	$250
6.	Motion to reinstate Chapter 13 proceeding.	$250
7.	Motion to pay off Chapter 13 plan early.	$350
8.	Preparation, filing and service of amended plan post confirmation. Services provided shall include amending necessary schedules, reviewing past stipulations, if any, reviewing claims, verifying adequate funding, filing of DSO, addressing all objections and responding to any request for production of documents.	$500
9.	Motion to avoid liens on real or personal property (multiple motions pertaining to the same item of property are collectively considered one motion.	$350
10.	Objection to improper or invalid claims.	$250
11.	Preparing and filing late claims.	$250
12.	Motion to employ, approve settlement, or compromise controversy.	$350
13.	Objection to motions for relief from the automatic stay, including motions for relief under the co-debtor stay, after the first such motion (the first is included in the SAA).	$400

14.	Resist/defend motion to dismiss.	$400
15.	Resist motion to reconcile plan payments.	$250
16.	Motion for turnover if no adversary proceeding is necessary.	$350
17.	Motion to assume or reject lease.	$150
18.	Other necessary miscellaneous motions not otherwise provided for in the above categories.	$250

c. Actual expenses incurred under the qualified ALC actions shall be allowed in addition to the ALC fee. The actual expenses shall be itemized and included in the "Certification of ALC Fees" request as set forth in paragraph 3(a) above.

d. ALC Limitations.

1. ALC fee requests shall not be stacked if the service or services provided essentially involve one larger transaction, regardless of the number of motions.

2. ALC fees shall only be requested for substantive services that are described in the chart listed under paragraph 3(b) above. Debtor's counsel shall not request ALC fees when the services rendered were due to oversight, inexperience, or inefficiency of counsel.

3. ALC fees shall not be requested for cursory, generic, routine or non-substantive motions, objections or resistances that are later withdrawn or denied for failure to comply with local rules. Debtor's counsel may only request fees for motions, resistances, responses and objections that include specific factual and legal basis as required under Neb. R. Bankr. P. 9013-1(C).

4. Exceptions to the "NO-LOOK" Compensation Plan ("NLCP"). Subject to the close scrutiny by the Chapter 13 trustee and the Court, counsel for the debtor may file a fee application in the following type of cases or situations:

a. Business related cases.

b. Extraordinary, atypical, or complex non-business or consumer cases that require an unusual and exceptional amount of legal representation of the debtor.

c. Adversary proceedings and/or trials originating from contested matters. Note: Affidavit hearings are not considered an extraordinary service.

d. In the event that the Chapter 13 proceeding is dismissed prior to confirmation of the initial plan, counsel for the debtor may file a fee application within seven days after dismissal for actual fees and expenses incurred to date not to exceed the allowable amount under the NLCP.

e. Successor law firms/attorneys. In the event that the debtor elects to retain a new law firm and/or attorney during a Chapter 13 proceeding, the successor law firm and/or attorney for the debtor shall file a fee application. If the debtor retains a new law firm and/or attorney before plan confirmation, the SAA shall not apply nor be paid and both the original law firm and/or attorney of record and the successor law firm and/or attorney of record shall instead file a fee application. Post-confirmation, the successor law firm and/or attorney may participate in the ALC fees or file a fee application.

5. Effective Dates and Limitations.

a. All Chapter 13 cases, including those that are not confirmed, regardless of the filing date, are subject to the provisions of this Appendix "K," effective December 1, 2013, subject to the limitations in 5(b) and (c). Upon the effective date of this rule, a certain number of Chapter 13 cases will have unconfirmed plans. In the absence of the various qualifying exceptions set forth in paragraph 4 above, all previous requests for compensation made through an unconfirmed Chapter 13 plan pursuant to the options set forth in Appendix "K" shall be deemed automatically converted to the SAA as of the effective date of this rule. Of course, in all such cases counsel may elect to be paid a NO-LOOK fee of less than the SAA by filing an attorney fee election prior to confirmation. In all cases that are unconfirmed as of the effective date of this Appendix "K," counsel for debtor shall verify that the proposed plan is properly funded and shall file any necessary plan amendments to address funding issues.

b. No ALC fees are allowable at any time to debtor's counsel if a full NO-LOOK fee was previously elected in confirmed cases filed prior to December 1, 2013.

c. All pending fee applications filed before the effective date of this Appendix "K" shall not be affected by the rules herein.

6. Miscellaneous Provisions.

a. Upon the filing of an ALC request for fees, the Chapter 13 trustee shall, within seven business days, earmark and reserve available funds on hand up to 60 days in anticipation of final approval by the Court. However, all required adequate protection payments shall continue to be made by the trustee and said payments shall have priority over ALC fee requests.

b. The Court shall periodically review and adjust the SAA and individual ALC items as it deems reasonable and appropriate. The Clerk of the Court shall refresh Appendix "K" with the then adjusted fees and expenses when such changes become operable by this rule.

c. The debtor's counsel may receive a pre-petition retainer directly from the debtor. The post-petition fees shall be paid through the plan, except for Court costs to add creditors post-petition, costs to process the financial management certificate, fees to dismiss or convert the case to another chapter or as otherwise ordered by the Court.

APPENDIX "L"

CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE
REGARDING PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	
_____,	)	Chapter 12
	)	
Debtor(s).	)	

CERTIFICATION BY DEBTOR
IN SUPPORT OF DISCHARGE REGARDING
PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS

I certify that:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

_____ I am not required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

_____ I am required by a judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A), and all amounts payable under such order or statute that are due on, or were due before, the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

_____
Debtor

_____
Joint Debtor

APPENDIX "M"

CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE
REGARDING (1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS
AND (2) DISCHARGES IN PRIOR CASES

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	
_____,	)	Chapter 13
	)	
Debtor(s).	)	

CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE REGARDING
(1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS
AND (2) DISCHARGES IN PRIOR CASES

I certify that I have not, during the four-year period preceding the date of the order for relief under this chapter (which is the date on which the petition in this case was filed), received a discharge in a bankruptcy case filed under Chapter 7, 11, or 12; and I have not, during the two-year period preceding the date of the order for relief, received a discharge in a case filed under Chapter 13:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

_____ I am not required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

_____ I am required by a judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A), and all amounts payable under such order or statute that are due on, or were due before, the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

_____ _____
Debtor Joint Debtor

APPENDIX "N"

CERTIFICATION OF A LA CARTE ("ALC") FEES/EXPENSES
BY COUNSEL FOR DEBTOR

See attached Certification of A La Carte ("ALC") Fees/Expenses by Counsel for the Debtor(s):

APPENDIX "N"
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. _____
	)	
_____,	)	Chapter 13
	)	
Debtor(s).	)	

CERTIFICATION OF A LA CARTE ("ALC") FEES/EXPENSES
BY COUNSEL FOR THE DEBTOR(S)

COMES NOW _____, counsel for the Debtor(s) and hereby certifies, under oath, that:

1. I have provided valuable legal services to the Debtor(s) that qualify for ALC fees and/or expenses above and beyond the Standard Allowable Amount ("SAA") provided for in Appendix "K" of the Nebraska Rules of Bankruptcy Procedure.

2. I have abided by the restrictions set forth regarding ALC fees and, in particular, about the prohibition of "stacking" fee requests pursuant to paragraph 3(e) of Appendix "K." I have also read and adhered to the "Instructions and Comments" attached to Appendix "N" of the Nebraska Rules of Bankruptcy Procedure.

3. That if additional expenses are requested herein, I certify that the actual expenses incurred are itemized and attached to this certification of fees.

4. I hereby request ALC fees and/or expenses as set forth in the chart below:

	Service	Scheduled Fee	Related CM/ECF Docket Entry Numbers	Select Service With an "X"	Selected Amount
1.	Motion to shorten time filed in conjunction with an underlying separate substantive motion.	$100			$___
2.	Motion to extend the automatic stay.	$300			$___

	Service	Scheduled Fee	Related CM/ECF Docket Entry Numbers	Select Service With an "X"	Selected Amount
3.	Motion to borrow, sell or refinance personal or real property. Services to include amending necessary schedules, communications with various parties prior to filing motion, obtaining and reviewing all available documents which the debtor proposes to execute upon approval of the motion and any other related work.	$400			$___
4.	Motion to allow filing claim out of time.	$250			$___
5.	Motion to alter, amend, or reconsider judgments (except where the motion to alter, amend, or reconsider was necessitated by counsel's own oversight, inexperience, inefficiency, or failure to follow proper procedure).	$250			$___
6.	Motion to reinstate Chapter 13 proceeding.	$250			$___
7.	Motion to pay off Chapter 13 plan early.	$350			$___
8.	Preparation, filing and service of amended plan post confirmation. Services provided shall include amending necessary schedules, reviewing past stipulations, if any, reviewing claims, verifying adequate funding, filing of DSO, addressing all objections and responding to any request for production of documents.	$500			$___
9.	Motion to avoid liens on real or personal property.	$350			$___
10.	Objection to improper or invalid claims.	$250			$___
11.	Preparing and filing late claims.	$250			$___
12.	Motion to employ, approve settlement, or compromise controversy.	$350			$___
13.	Objection to motions for relief from the automatic stay, including motions for relief under the co-debtor stay.	$400			$___

	Service	Scheduled Fee	Related CM/ECF Docket Entry Numbers	Select Service With an "X"	Selected Amount
14.	Resist/defend motion to dismiss.	$400			$___
15.	Resist motion to reconcile plan payments.	$250			$___
16.	Motion for turnover if no adversary proceeding is necessary.	$350			$___
17.	Motion to assume or reject lease.	$150			$___
18.	Limited motion to modify the Chapter 13 plan after confirmation.	$350			$___
19.	Other necessary miscellaneous motions not otherwise provided for in the above categories.	$250			$___
	ACTUAL EXPENSES INCURRED RELATED TO ALC ACTION (please attach an itemized statement)	$___			
	TOTAL (FEES AND EXPENSES)				$___

DATED: _____.

_____
Counsel for the Debtor(s)

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

SUBSCRIBED, sworn to, and acknowledged before me by _____, Debtor's counsel, this _____ day of _____, 20__.

_____
Notary Public

Appendix "N" Instructions and Comments:

a. All ALC fee and expense requests should be made with due consideration to *related* events that culminate into a larger transaction. Counsel for the debtor shall, to the extent reasonably possible, only submit ALC requests that are just and reasonable under the totality of circumstances involving services rendered.

b. Counsel for the debtor shall only submit ALC fee requests pursuant to services that are customary and necessary in representing a Chapter 13 debtor utilizing *best practices*. Debtor's counsel is expected not to request ALC fees when the services rendered were due to an oversight, inexperience, or inefficiency of counsel.

c. Multiple selections for ALC fees may be made on one ALC request form but each such ALC fee requested must be for separate substantive matters. Counsel shall not "stack" ALC fees for one substantive matter.

Examples:

Generally, a separate ALC selection for a motion to shorten time may be combined (selected on the form) with another underlying pleading or motion.

Stacking fees shall not be allowed in the following scenarios:

1. A motion to sell/transfer a vehicle filed concurrently with a motion to purchase a new vehicle is one ALC matter

2. A motion to withdraw funds or sell assets to pay off a plan and a motion to pay plan early is one ALC matter.

3. Defending a motion for relief from stay and a motion for relief from co-debtor stay on the same property are collectively one ALC matter.

4. Multiple motions to avoid lien on the same item of property (for example, where there are multiple judgment liens on a homestead) are collectively one ALC matter.

d. ALC fee requests may be filed at the time of the service. As a best practice, ALC fee requests should be made within three months of completing the underlying service(s).

e. ALC fee requests need to refer to a specific docket entry or entries on the CM/ECF system relating to the services performed.

f. All ALC expenses must be itemized and attached to the certification of fees.

g. ALC fees shall not be requested when the primary reason for filing an objection, motion, resistance, or response is to *increase or enlarge the time available* to file further pleadings regarding substantially the same matter or issue.

h. ALC fees shall not be requested for filings due to oversight, inexperience, or inefficiency of counsel. Debtor's counsel may only request fees for motions, resistances, responses, and objections that include specific factual and legal basis as required under Neb. R. Bankr. P. 9013-1(C).

Examples:

1. Generic objections, responses, and resistances filed to delay an order on a motion for relief or motion to dismiss.

2. Motions to alter, amend, or reconsider rulings due to counsel's failure to file a timely response, resistance or objection.

APPENDIX "O"

CERTIFICATION AND REQUEST FOR CONFIRMATION TRIAL

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK[Case number]
	)	
[Debtor's name],	)	CH. [Chapter]
	)	
Debtor(s).	)	

CERTIFICATION AND REQUEST FOR CONFIRMATION TRIAL

_____[name of attorney]____, as attorney of record for __[name of client or trustee]__, hereby certifies, under oath, as follows:

1. One or more objections to confirmation of Debtor's proposed Chapter 13 plan have been filed and the undersigned has contacted the opposing party/attorney for the opposing party to discuss, and have discussed with the opposing party/attorney, all potential resolutions to the objection.

2. Despite all good faith efforts, the parties have determined that they are unable to reach a consensual resolution of the objection to confirmation and a trial to the Court is necessary. I recognize that merely asserting that I have been unable to reach the opposing party/attorney is not, in and of itself, "good faith efforts."

3. I understand that upon filing this certification, the Court will set deadlines for evidence and other matters and will schedule a trial date at which all parties, attorneys, and witnesses must appear in person to provide sworn testimony unless the Court grants a request to hear or try the matter on stipulated facts.

4. I understand that the Court has a limited number of dates available for trial and is relying upon this Certification to set aside a trial date on my representation that a trial is necessary. I hereby request that the Court set the plan and objection for trial.

DATE: _____.

_____
___[Name of attorney]__

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

SUBSCRIBED, sworn to, and acknowledged before me by _____, this _____ day of _____, 20__.

_____
Notary Public

APPENDIX "P"

LIMITED MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK_____
	)	
_____, Debtor	)	CHAPTER 13
	)	
SSN: D1 _____	)	
	)	
_____, Joint Debtor	)	
	)	
SSN: D2 _____	)	

LIMITED MOTION TO MODIFY
CHAPTER 13 PLAN AFTER CONFIRMATION

The above-listed debtor(s) move(s) the Court for an order modifying the plan pursuant to 11 U.S.C. § 1329 and Neb. R. Bankr. P. 3015-3(B) as specifically noted below [select all that are applicable and complete each PART]:

PART A

☐ 1. The plan shall be modified to cure all delinquent payments as of the date of this motion. [If no election to change future payments is made under Nos. 2 and 3 of Part A, then plan payments shall resume by the end of the month in which this motion is filed.]

☐ 2. The plan shall be modified to abate future plan payments beginning in the month of _____, 20__, with plan payments to resume in the month of _____, 20__.

☐ 3. The plan shall be modified to reduce plan payments to the amount of $_____ beginning in the month of _____, 20__, with plan payments to resume in the month of _____, 20__.

☐ a. From each reduced plan payment, adequate protection payments shall be made to the following creditors and in the following amounts:

Creditor's Name	Amount of Payment
_____	$_____
_____	$_____
_____	$_____

PART B

☐ 1. The base amount of the plan shall remain the same.

☐ 2. Beginning with the next plan payment, all future plan payments shall increase to $_____ per month.

☐ 3. The base amount of the plan shall increase to $_____.

The attorney for the debtor(s), by signing this motion, certifies that the plan, as modified, will be completed within 60 months from date of confirmation and has computed the remaining available months and base amount of the plan as set forth in Neb. R. Bankr. P. 3015-3(B).

PART C

The reason(s) for this plan modification are as follows: _____
_____.

WHEREFORE, the debtor(s) pray(s) that the Court approve this Limited Motion to Modify Chapter 13 Plan After Confirmation.

DATED: _____.

Debtor(s) Name(s)

By: s/_____
Attorney for Debtor(s)
Address
Phone Number
Fax Number
Email Address

NOTICE OF OBJECTION DEADLINE

PURSUANT TO NEB. R. BANKR. P. 9013-1, ANY OBJECTION TO THE MOTION TO MODIFY MUST BE FILED WITH THE BANKRUPTCY COURT AND SERVED ON THE ABOVE ATTORNEY FOR THE DEBTOR(S) OR THE DEBTOR(S), IF NOT REPRESENTED BY AN ATTORNEY, ON OR BEFORE: _____, 20__.

IF NO OBJECTION IS FILED, THEN THE MOTION SHALL BE APPROVED. IF AN OBJECTION IS FILED, THE DEBTOR(S) MUST FILE A RESPONSE WITHIN 14 DAYS AFTER THE ABOVE OBJECTION DATE. IF NO RESPONSE IS FILED, THE MOTION WILL BE DENIED. AFTER FILING OF A RESPONSE BY THE DEBTOR(S), THE OBJECTION SHALL PROCEED IN THE MANNER SET FORTH IN NEB R. BANKR. P. 3015-2(E).

CERTIFICATE OF SERVICE

I hereby certify that on _____, 20__, I caused filing of the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system, and further certify that on the same date I mailed by United States Postal Service, postage prepaid, the document to the non-CM/ECF participants named on the current matrix.

By: s/_____