



Nebraska Rules of Bankruptcy Procedure

Adopted by the United States District Court
for the District of Nebraska
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Nebraska Rules of Bankruptcy Procedure

Part I Commencement of Case; Proceedings Relating to Petition and Order for Relief

Rule 1001-1. Scope

A. **Adoption.** These Nebraska Rules of Bankruptcy Procedure for the District of Nebraska supplement the Federal Rules of Bankruptcy Procedure and apply in all bankruptcy cases unless specifically excluded. They are cited as “Neb. R. Bankr. P.” and each may be referred to as a “Local Rule”.

B. **District Court Rules.** The following Nebraska General Rules of the United States District Court for the District of Nebraska are applicable in bankruptcy cases and adversary proceedings and can be found at www.ned.uscourts.gov: admission, discipline of attorneys, clinical legal education for law students, non-resident attorneys, and appearance of counsel, NE Gen. R. 1.3(d), 1.7, and 1.8; and Withdrawal of Reference, NE Gen. R. 1.5(b).

C. **Appendices.** The appendices to these Local Rules are informational and may be modified or deleted by order of the judges of the bankruptcy court.

Rule 1002-1. Petition - Requirements

Bankruptcy petitions must conform to the Official Bankruptcy Forms.

Rule 1007-1. Lists, Schedules, and Statements

A. **Schedules of Liabilities.** If the debtor schedules a tax obligation, it must 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).

B. **Service of Amendment.** The debtor must serve any amendment to the petition, schedules, or statement of financial affairs, with the original § 341 notice, on all parties in interest.

C. **Failure to File Information.** If an individual debtor in a Chapter 7, Chapter 12, or Chapter 13 case does not file information required by 11 U.S.C. §§ 521, 1221, 1321, or by court order, and the failure continues for more than seven days after either the court enters a deficiency notice or the trustee files a notice the debtor failed to comply, the court may dismiss the case without further notice or hearing.

D. **Privacy Rules.** Parties and their counsel must redact personal data identifiers. The clerk will not redact documents or review documents for compliance.

Rule 1007-2. Mailing List or Filing Matrix

In all cases the debtor must include on the mailing matrix the Internal Revenue Service and the Nebraska Department of Revenue, using the addresses in [Appendix A](#), and the county attorney and county treasurer for the county in which the debtor resides.

Part II Officers and Administration; Notices; Meetings; Examinations; Elections; Attorneys and Accountants

Rule 2002-1. Notice to Creditors and Other Parties in Interest

A. **Service.** A filing party must serve a party who is entitled to service or notice, but who is not a participant in the Case Management / Electronic Case Files (“CM/ECF”) System, a paper copy of any filed document. A filing party who is a CM/ECF participant may be served electronically. After a document is electronically filed, the CM/ECF System will generate and serve a “Notice of Electronic Filing” on the filing party and any other party who is a CM/ECF participant who requested electronic notice in the case. If the recipient is a CM/ECF participant, the Notice of Electronic Filing is the equivalent of service of the document by first class mail, postage prepaid. Notices from the clerk are sent to CM/ECF participants through the CM/ECF System and are complete on transmission.

B. **Certificate of Service.** When a party files a document or must serve or provide notice of an order, the filing party must file a certificate of service stating how service or notice was accomplished. Sample language is in [Appendix B](#).

C. **Notice to the United States.** All notices that must be served on the United States under applicable statute or rule must, in addition to any other requirements stated therein, clearly designate, when known, the department, agency, or instrumentality of the United States through which the debtor became indebted. The notice must also be served on the United States Attorney’s office located in the same city where the petition for relief was filed.

D. **Notice to the Nebraska Department of Revenue.** In all Chapter 11 cases, notices under Fed. R. Bankr. P. 2002(a), (b), and (f) must be served on the Nebraska Department of Revenue, even if it is not a creditor.

E. **Notice of Operating Reports to Taxing Authorities.** A debtor-in-possession or a trustee operating a business must timely submit to the Area Director of the Internal Revenue Service and to the Nebraska Department of Revenue, a copy of each report the debtor or trustee submitted to the United States Trustee. *See* Local Rule 4002-1(A) for federal and state tax returns.

F. **Termination of Notices.** When a CM/ECF participating attorney’s involvement in the case is completed, the attorney may stop receiving notices by filing the event “Withdraw as Attorney”. In so filing the attorney certifies the attorney has no controversy before the court in the case and the client consents to the withdrawal.

Attorneys for a debtor, joint debtor, plaintiff, or defendant may not withdraw under this Local Rule but must file a motion to withdraw.

Rule 2004-1 Examination

A. **Manner of Setting Examination.** A party in interest may conduct an examination of the type under Fed. R. Bankr. P. 2004 or require production of documents at the examination without a court order. A party in interest may schedule the examination by filing the notice in [Appendix C](#) and serving it on the trustee, the debtor, the debtor's attorney, and the entity to be examined, with, if applicable, a subpoena.

B. **Notice.** Unless otherwise ordered by the court, the entity to be examined cannot be compelled to an examination less than 14 days after service of the notice and if necessary, a subpoena. Provided, the examination date listed in the notice may be less than 14 days if the notice states the examination will be rescheduled if the entity to be examined promptly requests. If the entity to be examined promptly requests, the examination must be rescheduled to a mutually agreeable date, time, and place. To the extent a request for production of documents under this Local Rule may be construed as a request under Fed. R. Bankr. P. 7034, the time to respond is shortened to 14 days.

C. **Motion for Protective Order.** A party in interest may file, before the date of the proposed examination, a motion for protective order stating the reasons to prohibit, limit, or reschedule the examination. The examination is stayed until the court rules on the motion.

D. **Subpoena.** No subpoena is necessary to compel the debtor to attend or produce documents at an examination under this Local Rule. The examining party must issue a subpoena to compel the attendance of, or production of documents by, a witness other than the debtor.

Rule 2015-1. Subchapter V Status Report

In cases under Subchapter V of Chapter 11, the debtor must timely file a status report under 11 U.S.C. § 1188(c), using the form in [Appendix D](#).

Rule 2016-1. Compensation of Professionals

A. **Fee Application.** Subject to section D, a party must file an application for compensation for services and reimbursement 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, even if no additional compensation is sought in connection with the bankruptcy case. Fee applications must comply with the national fee guidelines promulgated by the Executive Office of the United States Trustee under 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.

B. **Time to File.** Fee applications must be filed before the case is closed. If a trustee is appointed in the case, the trustee must notify all court approved professionals 14 days before the trustee files a final report to allow professionals an opportunity to timely file a fee application. If the court approved interim compensation, the professional must file a final fee application.

C. **Contents.** All fee applications must contain a time summary exhibit, constructed from contemporaneously kept time records. The exhibit must state the dates services were performed, the number of hours spent in tenths of an hour on each task, 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 compensation for future services is sought, the exhibit must state an estimate of the number of hours that will be expended for future services. All fee applications must disclose all fees previously approved to be paid to the applicant, including pre-petition payments, and services and expenses to be compensated from any pre-petition retainer.

D. **Chapter 13 Fee Applications.** This Local Rule does not apply to debtor's attorney's fees in Chapter 13 cases, which an attorney must request under the No-Look Compensation Plan in [Appendix E-1](#) and [E-2](#).

Rule 2080-1. Chapter 9

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

1. *Notices.* When a petition is filed under Chapter 9 of the Bankruptcy Code, the clerk will serve the debtor a notice conforming to [Appendix F](#) (the "Chapter 9 Notice"). The debtor must immediately serve the Chapter 9 Notice on all parties in interest. The debtor must file a certificate of service at least seven days before the last date to file a resistance to the petition. All notices required by Fed. R. Bankr. P. 2002(a)(2), (3), and (7) must be served on the committee(s) or its authorized agents and to the creditors who filed a request for notice.

2. *Claims Bar Date.* If the debtor applies for a claims bar date in the petition and the application is granted, the debtor must include the established claims bar date in the Chapter 9 Notice.

3. *List of Creditors.* The debtor must file the list of creditors required by 11 U.S.C. § 924 within 14 days of the petition date unless otherwise ordered by the court. The list must state the creditor's name and address, the amount of the claim, and whether the claim is disputed, contingent, or unliquidated.

4. *Fees.* The debtor's disclosure statement and plan must contain a detailed good faith estimate of fees and expenses under 11 U.S.C. § 503(b), priorities under 11 U.S.C. § 507(a), and the reasonableness of the expenses under 11 U.S.C. § 943(b)(3).

B. **Publications.** After a petition is filed, the debtor must immediately publish notice of the commencement of the case and notice of the order of relief. The last date of the publication must not be less than 14 days before the last day to file resistances to the petition. All publications required by 11 U.S.C. § 923 must be in *The Wall Street Journal*, *Lincoln Journal Star*, and the *Omaha World-Herald*, unless the debtor requests otherwise in the petition and the court approves the request. The debtor must file proofs of publication no later than 14 days after the last publication.

C. **Resistances to Petition and Order for Relief.** A party in interest may file a resistance to the petition, stating supporting facts and law, no later than 45 days after service of the Chapter 9 Notice. The resisting party must serve the resistance on the debtor and the debtor's attorney. If the resistance is timely filed, the court will schedule a hearing. The resisting party must serve the hearing notice on all other parties in interest.

D. **Plan of Adjustment and Disclosure Statement.** The debtor must serve the plan of adjustment and disclosure statement no later than 90 days after the creditors' committee is appointed. The court may extend the time for good cause. Fed. R. Bankr. P. 2002(b) applies to the disclosure statement and plan of adjustment, except regarding pre-approved plans under Local Rule 2080-1(E).

E. **Pre-Approved Plans.** If the debtor proposes a plan of adjustment which, before the petition was filed, was accepted by more than two-thirds in amount and one-half in number of creditors, the petition must contain a request for consolidated hearing to consider resistances to the petition, resistances to the adequacy of the disclosure made under 11 U.S.C. § 1126(b)(2), and resistances to the confirmation of the plan.

Part III Claims and Distribution to Creditors and Equity Interest Holders; Plans

Rule 3001-1. Transfer or Assignment of Claim

If a claim is transferred, the transferee must serve the transfer or assignment of claim on the debtor, the debtor's attorney, any appointed trustee, and the attorney for each official committee.

Rule 3002-1. Claim Amendment

Notwithstanding *In re Carr*, 134 B.R. 370 (Bankr. D. Neb. 1991), a claimant may at any time reduce the secured or unsecured amount of a filed claim by filing an amended claim and serving a copy by regular United States Mail on the debtor, the debtor's attorney, and any appointed trustee. Under this Local Rule, an amended claim will be allowed as filed only if it reduces the secured amount, the unsecured amount, or both amounts. All other claim amendments must be approved on motion.

Rule 3007-1. Objections to Claims

A. **Service.** Local Rule 9013-1 applies to an objection to claim, but the resistance deadline is 30-days under Fed. R. Bankr. P. 3007(a) instead of 21-days. The objection and the notice must be served on the claimant, the debtor, the debtor’s attorney, and any appointed trustee.

B. **Contents.** An objection to claim must state the name of the creditor, proof of claim number, filing date, amount, specific grounds for the objection, and proposed treatment of the claim with a specific dollar amount.

C. **Objections in Chapter 13 Cases.** The Chapter 13 trustee may object to any claim in a Chapter 13 case. If the trustee does not object, the trustee will file a notice after the bar date for general, non-governmental claims expires and serve it on the debtor and the debtor’s attorney. The debtor may object to the claim within 30 days after the notice is filed. If the debtor does not timely object, the claim will be allowed as stated in the trustee’s notice.

Rule 3011-1. Requests for Payment of Unclaimed Funds

An individual or entity entitled to money held by the court under 11 U.S.C. § 347(a), or Fed. R. Bankr. P. 3010, or 3011, must file a request for payment of unclaimed funds following the procedures available in the clerk’s office and on the court’s website.

Rule 3015-1. Chapter 12 - General

A. **Confirmation Requirements.** The requirements of 11 U.S.C. §§ 1225(a)(4), 1225(a)(5)(B) - (C), and 1225(a)(6) - (7) are not satisfied unless a Chapter 12 plan contains the information in [Appendix G](#).

B. **Trustee’s Consent.** The court will not confirm a Chapter 12 plan unless the trustee files a consent to confirmation. The trustee does not have to file the consent unless the debtor provides the trustee a plan summary. If the trustee does not file a consent, the debtor may file a request for hearing.

C. **Trustee Fee.** Whether a Chapter 12 plan provides for payments to creditors directly or through the trustee, the debtor must pay the trustee a fee, for each year of the plan, equal to the percentage of all payments under the plan set by the Attorney General or its delegate under 28 U.S.C. § 586(e), or the dollar amount established by the court, whichever is less. *See* [Appendix H](#).

D. **Reports.** The debtor must serve the trustee, within 30 days following a request thereof, periodic or annual reports necessary for the trustee to comply with 11 U.S.C. § 1231. The trustee may generate forms for the reports. On request, the trustee or the debtor will provide a copy of the reports to a party in interest. The trustee may charge a reasonable copy fee.

E. **Discharge.** The court will discharge the debtor in a Chapter 12 case only if the debtor files a motion for discharge and the trustee files a consent. By filing the consent, the trustee represents all conditions precedent to discharge are completed and no objections are filed. If the trustee does not file a consent, the debtor may file a request for hearing. Before the resistance deadline on the motion for discharge expires, the debtor must file the certification in [Appendix I](#) regarding domestic support obligations under 11 U.S.C. § 1228(a), or the case may be closed without a discharge. If the case is closed without discharge, to obtain a discharge, the debtor must file a motion to reopen, pay the associated filing fee, file the certification, and file a motion for discharge.

Rule 3015-2. Chapter 13 - General

- A. **Form.** A Chapter 13 plan must conform to the form plan in [Appendix J](#).
- B. **Employment of Debtor's Attorney.** A debtor's attorney does not have to file an application for appointment in a Chapter 13 case.
- C. **Employer Deduction.** Each Chapter 13 plan must contain an employer wage deduction and payment to the trustee unless the debtor files a motion establishing why an employer deduction should not be included.

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

1. Pre-confirmation adequate protection and lease payments under 11 U.S.C. § 1326(a)(1) must be paid inside the Chapter 13 plan and through the trustee. The plan must state the creditor's name, address, last four digits of the account number, payment due date, and amount for each creditor that will receive a pre-confirmation payment. The debtor must *immediately* pay the trustee the amount necessary to pay all pre-confirmation payments plus statutory trustee's fees. The debtor cannot reduce plan payments to the trustee under 11 U.S.C. § 1326(a)(1)(B) and (C) without a court order. To change the amount of a pre-confirmation payment under 11 U.S.C. § 1326(a)(3), the debtor must file a motion. Until the motion is resolved, the trustee will pay the amount proposed in the plan.

2. The trustee is authorized to pay pre-confirmation payments in the proposed plan without a court order. No payments will be made to a creditor until a proof of claim is filed. The trustee will pay pre-confirmation payments within 30 days after proof of claim is filed unless the debtor did not pay the trustee funds sufficient to allow the trustee to pay the claim within seven business days before the 30-day period ends. The trustee is authorized to deduct from an allowed claim, as of the date of payment, each pre-confirmation payment the trustee makes.

3. If a creditor obtains an order for payment under 11 U.S.C. § 1326(a)(3) and the case is dismissed before a plan is confirmed, the trustee will pay the creditor any payments due and owing on the dismissal of the case from funds collected by the trustee under 11 U.S.C. § 1326(a)(1)(A) less statutory trustee fees and allowed § 503(b) claims, including the debtor's attorney fees.

E. **Notice of Plan.** If the debtor files a Chapter 13 plan with the petition, the plan must contain a resistance deadline of 14 days after the meeting of creditors is concluded. Because the debtor will not know when the meeting of creditors will be held, the notice may state: “Any resistance to the plan must be filed no later than 14 days after the meeting of creditors is concluded.” If the debtor does not file the plan with the petition, the plan must contain a resistance deadline stating a specific date. No resistance deadline may be earlier than 14 days after the meeting of creditors is concluded.

F. **Extension of Time to File Plan.** If the debtor is granted an extension of time to file a Chapter 13 plan but does not file and notice the plan at least 14 days before the date set for the meeting of creditors, the trustee will reschedule the meeting of creditors. The debtor must serve notice of the rescheduled meeting on all creditors and parties requesting notice and file a certificate of service. If the plan is not filed at least 14 days before the second scheduled date, the trustee, if authorized by the United States Trustee, may file a notification stating the debtor failed to comply and the case may be dismissed without further notice or hearing.

G. **Limited Motion to Modify Plan.**

1. After a Chapter 13 plan is confirmed, the debtor may cure payment delinquencies, abate future payments, or increase payments or the base amount of the plan by filing the limited motion to modify in [Appendix K](#) instead of the full amended plan in [Appendix J](#). The debtor may not use the limited motion to reduce: (a) plan payments permanently, (b) the base amount of the plan or, (c) the term of the plan (applicable commitment period). To change the treatment of a creditor, the debtor must file a full amended plan.

2. If an objection to the limited motion is filed, the debtor must file a response within 14 days after the objection deadline. The response must state the law and facts that support the objection and conclude with an unambiguous request for relief. If the debtor does not timely file a response, the court may deny the motion. If the debtor files a response, the objection will proceed under Local Rules 3015-(3)(B)(2) and 3015-(3)(B)(3).

3. When the limited motion is filed, the debtor must calculate the remaining months available for plan payments within the maximum plan term of 60 months from the date of confirmation. This calculation is:

Month of confirmation plus 60 months = plan completion month.

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

The total dollar amount to complete the plan is divided by the remaining available months to determine whether the monthly payment must be increased. The base amount of the plan is the total of all payments required to be made under the plan. When the payment is increased, the debtor may have to increase the base

amount of the plan. On request, the trustee's office will supply the exact amount the debtor previously paid so the debtor can calculate the new base amount.

H. **Discharge.** Within 14 days after the trustee files a certificate of final payment, the debtor in a Chapter 13 case must file the certification in [Appendix L](#) regarding domestic support obligations and § 522(q), or the case may be closed without a discharge. If the case is closed without discharge, to obtain the discharge, the debtor must file a motion to reopen, pay the associated filing fee, file the certification, and file a motion for discharge.

Rule 3015-3. Plans, Objection to Confirmation, and Amendments

A. **Debtor Certification.** In all individual Chapter 12 or Chapter 13 cases, for all plans and amended plans, pre-confirmation and post-confirmation, the debtor must file the certification in [Appendix M](#) at least seven days before the objection to confirmation deadline. If the certification is not filed, the court may deny confirmation. The debtor is not permitted to file the certification before the applicable plan is filed.

B. **Objection to Confirmation.** In Chapter 12 and Chapter 13 cases, if an objection to confirmation is timely filed, the debtor must file a response within 14 days after the objection to confirmation deadline. The response must state the law and facts that support the objection and conclude with an unambiguous request for relief.

1. If the debtor does not timely respond to the plan objection, the court will deny confirmation. The court may order the debtor to file an amended plan within 21 days, or without further notice or hearing, dismiss the case for failure to confirm a plan and unreasonable delay that is prejudicial to creditors.

2. If the debtor timely responds to the plan objection, the debtor must immediately contact the objecting party to resolve the objection. If the parties resolve the objection, they must notify the courtroom department, the objector must withdraw the objection, or the debtor must file an amended plan before the debtor's response deadline expires.

3. If the parties cannot resolve a plan objection, the court will set a confirmation trial only if one of the parties files the certification and request for confirmation trial in [Appendix N](#). During the trial, the court may only consider issues specifically identified in the plan objection and response. If the certification and request for confirmation trial is not filed within 70 days after debtor's deadline to respond to a plan objection, the court will deny confirmation and may, without further notice or hearing, dismiss the case for failure to confirm a plan and unreasonable delay that is prejudicial to creditors.

C. **Plan Amendments.** In cases under Subchapter V of Chapter 11, Chapter 12, or Chapter 13, an amended plan filed before a plan is confirmed supersedes any previously filed plan. No resistance deadline may be set for an amended plan for a date earlier than 14 days after the meeting of creditors is concluded. If an amended plan is filed

while objections to a previously filed plan are pending, the debtor must notify the objecting parties an amended plan was filed, and the court will not act on the previously filed plan or objections. Parties may enter stipulations or agreements regarding plan objections. The court will not take any action in response. Agreements and stipulations resolving plan objections modify the plan and must be incorporated into an amended plan with notice and opportunity to object under Fed. R. Bankr. P. 2002.

D. **Tax Returns.** A debtor operating under a confirmed plan must timely file post-petition tax returns and timely pay post-petition taxes, both state and federal. If the debtor does not comply with Title 26 of the United States Code or applicable state tax code, absent a showing of good cause, the failure is a material default of a confirmed plan. The requirements of this section include returns or liabilities for which the debtor is a responsible party under 26 U.S.C. § 6672 or similar state laws.

Rule 3015-4. Dismissal on Payment Default

A. **Notice of Default.** If the debtor defaults on a plan payment to the trustee, the trustee may file and serve a notice of payment default in a case under Subchapter V of Chapter 11, Chapter 12, or Chapter 13. The notice must state the amount of the default and the date on which the next scheduled payment is due. The notice must also state that under this Local Rule, the court may dismiss the debtor's bankruptcy case unless, within 21 days after the notice, the debtor either cures the default and makes all payments due or makes other arrangements acceptable to the trustee. The notice must state the specific calendar date by which the payment default must be cured.

B. **Cure or Dispute.** Within 21 days after the mailing of a notice of payment default, the debtor must dispute the default exists, or cure the payment default. If the debtor disputes the payment default exists, the debtor must file a request for hearing stating facts that support a default does not exist. A hearing will be scheduled on affidavit evidence during which the debtor must offer evidence establishing all plan payments were made and a default does not exist. The filing of a contested matter, including an amended or modified plan, will not constitute a dispute as to the existence of the default and will not, alone, preclude dismissal.

D. **Additional Time.** The court will not act on a request for hearing for additional time to cure a payment default or to take other action. The debtor must make these requests directly to the trustee.

E. **Trustee's Declaration.** The court may dismiss the debtor's case without further notice or hearing if the trustee files a declaration establishing the trustee complied with this Local Rule and served the notice of payment default on the debtor and the debtor's attorney, and the debtor did not timely cure the default.

Rule 3017-1. Chapter 11 - Small Business Cases

In a Chapter 11 small business case, after the debtor files a disclosure statement and plan, the United States Trustee will file a statement as to the adequacy of the

disclosure statement for conditional approval. If the United States Trustee determines the disclosure statement is adequate, the court may enter an order conditionally approving the disclosure statement and will set the final hearing date and establish other deadlines. The court will consider final approval of the disclosure statement and confirmation of the plan on the final hearing date. If the United States Trustee determines the disclosure statement is inadequate for conditional approval, it will be set for hearing.

Rule 3020-1. Uncontested Confirmation Orders – Chapters 9, 11, and 12

In a Chapter 12 case if the debtor complied with Local Rule 9013-1, or in a Chapter 9 or 11 case if the proponent submitted a summary of ballots and complied with Fed. R. Bankr. P. 2002(b)(2), the court may consider the requirement a hearing be held as met and may confirm the plan without further notice or hearing.

Rule 3023-1. Formula for Determining Value, as of the Effective Date of the Plan, for use in Chapters 9, 11, 12, and 13

When the court determines the value, as of the effective date of a plan, of property to be distributed under a plan for any confirmation purpose, it will presume the appropriate interest rate to be paid to a creditor secured by the property is the national average of the prime rate published in *The Wall Street Journal* on the last day before the confirmation hearing, stated as a simple interest rate per annum, plus two percentage points. See *Till v. SCS Credit Corp.*, 124 S. Ct. 1951 (2004). A creditor desiring a different interest rate must object to confirmation based on the inadequacy of the rate. The creditor has the burden of proof by a preponderance of the evidence on the appropriate interest rate. A Chapter 13 plan must state the specific interest rate to be paid to a creditor.

Rule 3057-1. Criminal Referrals Under 11 U.S.C. § 158(d)

When any judge determines a bankruptcy schedule or statement may contain a materially fraudulent statement, the judge will send a referral letter or a notice, with copies of relevant documents, to the clerk. The clerk will copy the notice for recordkeeping purposes and transmit it to individual(s) designated by the Attorney General under 18 U.S.C. § 158(d). The judge may elect to first transmit the referral to the United States Trustee to investigate and review. The United States Trustee may also make a referral, based on any investigation, to the individuals designated under 18 U.S.C. § 158(d). A copy of any criminal referral must be sent to the Administrative Office of the United States Courts. This Local Rule also applies to criminal referrals under 18 U.S.C. § 3057.

Part IV The Debtor: Duties and Benefits

Rule 4001-1. Automatic Stay – Relief, Extension, and Termination

A. **Applicability.** If anything in this Local Rule conflicts with Local Rule 9013-1, this Local Rule controls.

B. **Relief from Co-debtor Stay.** A motion for relief from the co-debtor stay under 11 U.S.C. §§ 1201 or 1301 may be combined with, a motion for relief from the automatic stay of 11 U.S.C. § 362(a). Notwithstanding 11 U.S.C. §§ 1201(d) or 1301(d), the stay will remain in effect until the court rules on the motion.

C. **Contents of Motion.** A motion for relief from stay must specifically identify the debtor and any co-debtors, state the basis and the amount of the debt, describe the collateral, and state the collateral’s contended value and the basis for the valuation.

D. **Clerk’s Hearing Notice.** For any motion for relief, the clerk will (1) set a date by which resistances must be filed; (2) schedule the matter for hearing to occur within 30 days under Fed. R. Bankr. P. 4001; and (3) file a notice of hearing stating the specific calendar dates of the hearing and by which any resistance must be filed and served. The court may treat the hearing as a preliminary hearing. Unless otherwise ordered by the court, the hearing will be on affidavits or declarations and documentary evidence. This procedure differs from the procedure under Local Rule 9013-1(D).

E. **Service.** The movant must serve the motion, the notice of hearing, and evidence on the debtor, the debtor’s attorney, any appointed trustee, and all parties in interest, including those under Fed. R. Bankr. P. 4001(a)(1). The movant must file a certificate of service at least five days before the hearing.

Rule 4002-1. Debtor - Duties

A. **State and Federal Tax Returns.**

1. Unless otherwise ordered by the court, the debtor should not file with the court federal and state income tax returns or a transcript of the return for the most recent tax year ending immediately before the commencement of the case and for which a tax return was filed.

2. The debtor must submit original fiduciary returns (Form 1041), whether filed routinely or late, to the Internal Revenue Service, Centralized Insolvency Operation.

3. The debtor must submit delinquent federal tax returns by electronically filing them with the Internal Revenue Service, or if mailed, to the applicable IRS Submission Processing Center as stated in the instruction booklet for the specific tax return being filed, unless a representative of the Area Director specifically advises otherwise. The debtor must submit delinquent original

Nebraska tax returns to the Nebraska Department of Revenue unless a representative of the State Tax Commissioner specifically advises otherwise.

4. When a tax return is filed electronically, the taxpayer must, in writing, advise the agency the tax return has been filed electronically and provide a copy of the document.

5. If, on the petition date, the debtor did not timely file a tax return which was due pre-petition, the debtor must file the delinquent returns within 30 days of the petition date unless the court grants an extension.

6. Except as provided in this Local Rule for Forms 1041, the debtor must submit all non-delinquent original federal tax returns to the Internal Revenue Service unless a representative of the Area Director specifically advises otherwise.

B. Request for Copy of the Debtor's Tax Information.

1. To obtain tax information required under 11 U.S.C. § 521(f), an entity must file a request for copy of debtor's tax information and serve it on the debtor and the debtor's attorney.

2. After the debtor files the tax documents with the court, to obtain the tax information, the entity must file a motion for access to tax information which must: (a) identify the movant's status in the case, so the court can ascertain whether the movant may access the requested tax information; (b) describe the specific tax information sought; (c) state why the movant cannot obtain the information from any other source; and (d) demonstrate the movant needs the tax information. This motion is limited to the debtor, the debtor's attorney, if any, the trustee, and the United States Trustee.

3. If the movant is granted access to tax information, the clerk will send the movant a paper copy of the tax information and note the transmission on the docket. The movant is not permitted to disseminate the information to anyone other than to the movant's attorney. The court may impose sanctions if the tax information is improperly used, disclosed, or disseminated.

Rule 4003-1. Lien Avoidance Under 11 U.S.C. § 522

A. **General.** A debtor may bring a proceeding under 11 U.S.C. § 522(f) to avoid a lien or transfer of property by motion. All other proceedings to avoid a lien, except those under 11 U.S.C. § 522(f), must be brought by adversary proceeding. A motion to sell free and clear of liens is a proceeding to avoid a lien and may be brought by motion.

B. **Motion.** The caption of the motion must identify the creditor whose lien is to be avoided. The motion must: (1) state the amount of the lien and the debtor's obligation secured by the lien sought to be avoided; (2) identify the property subject to the lien and its fair market value; (3) state the nature and amount of any other debts or obligations

secured by an interest in the property; (4) state the dollar amount of the exemption; (5) state the specific statutory authority for the exemption; and (6) identify any other property claimed to be exempt under the statute.

C. **Service.** In addition to any other service requirements, if the creditor whose lien is to be avoided filed a proof of claim, the movant must serve the motion on the creditor at the address for notice stated in the proof of claim. If a creditor did not file a proof of claim, the movant must serve the motion on the creditor in a manner sufficient for service of process under the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

Rule 4008-1. Reaffirmation Agreements

All reaffirmation agreements must comply with the Official Bankruptcy Forms. A motion to approve a reaffirmation agreement and the reaffirmation agreement must be filed as separate documents and cannot be combined or filed as an attachment. Reaffirmation hearings will be scheduled at the court's discretion. A reaffirmation checklist is available on the court's website.

Part V Courts and Clerks

Rule 5003-1. Register of Mailing Addresses of Governmental Units

The mailing addresses of Federal and state governmental units required by 11 U.S.C. § 505(b)(1)(A) and Fed. R. Bankr. P. 5003(e) is in [Appendix A](#).

Rule 5005-1. Filings

A. **The Electronic Filing System.** All documents submitted for filing in bankruptcy cases or adversary proceedings must be filed electronically using the CM/ECF System unless otherwise ordered by the court. Pro se parties do not have to file electronically. Claimants filing more than 50 separate proofs of claim in paper format in any 12-month period must file electronically.

B. **Fax Filings.** In case of an emergency, or if the CM/ECF System is having a technical failure, a filing party may contact the clerk to request permission to transmit documents for filing via facsimile. If permission is granted, the filing party must strictly follow the instructions provided.

Rule 5005-2. Documents Filed Under Seal

To seal a document, the party must file a motion to seal (CM/ECF event "Motion to Seal Document"). The document to be sealed must be filed separately from the motion (CM/ECF event "Sealed Document") or it will be accessible for public viewing. Once filed,

the document will be provisionally sealed and available only to the filing party and the court. If the court denies the motion to seal, the document will be accessible for public viewing. A motion to unseal or view a sealed document or an objection to seal a document may be made on any grounds permitted by law.

Rule 5011-1. Withdrawal of Reference

Motions to withdraw the reference of cases referred by the United States District Court to the Bankruptcy Court must be filed in accordance with NE Gen. R. 1.5 and will proceed under Local Rule 9013-1. If all bankruptcy judges are disqualified or incapacitated, the clerk will refer a motion to withdraw the reference to the United States District Court for assignment to a district judge.

Part VI Collection and Liquidation of the Estate

Rule 6004-1. Sales of Estate Property

A. **General.** Notices regarding motions for private sales or leases of property under Fed. R. Bankr. P. 2002 and 6004 must state the name of the purchaser and the relationship, if any, the purchaser or the purchaser's firm, partnership, corporation, or any other form of business association, and all members, associates, and professional employees thereof, may directly or indirectly have with the case or any related case.

B. **Tax Information.** The notice must also state the tax consequences of the sale including 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 must state all available information and explain why other information is not available.

C. **Sale of Assets in Chapter 11 Cases.** In a Chapter 11 case, if the debtor or trustee seeks approval to sell property of the estate under 11 U.S.C. § 363(b) before an order of confirmation is entered, and the sale encompasses all or substantially all the assets of the estate, the notice of sale must clearly and conspicuously state that fact. In addition to the information required under Fed. R. Bankr. P. 2002(c) and this Local Rule, the notice of sale must state the extent, if any, to which the proceeds of sale will 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 must also state the business justification to dispose of estate assets before a disclosure statement is approved or a plan confirmed.

D. **Notice to IRS of All Sales and Leases.** In all individual Chapter 7 and Chapter 11 cases, the Internal Revenue Service is a party in interest and must be provided notice of any sale under 11 U.S.C. § 363, or of a debtor's intent to enter any lease under 11 U.S.C. § 363 or to accept any existing lease under 11 U.S.C. § 365.

Part VII Adversary Proceedings

Rule 7001-1. Adversary Proceedings - General

A. **Applicability of Local Rule 9013-1.** Local Rule 9013-1 applies to all motions filed in adversary proceedings. All parties appearing in the adversary proceeding are parties in interest.

B. **Applicability of Federal Rules.** Unless otherwise ordered by the court, Fed. R. Civ. P. 16(b), 26(d) and 26(f) do not apply in adversary proceedings. Each party must disclose information under Rule 26(a)(1) within 45 days after the answer is filed.

Rule 7016-1. Mediation

A. **Order to Mediate.** The court may order the parties to mediate any dispute, contested matter, or adversary proceeding upon motion or on its own initiative. If the court orders mediation on its own initiative, a party may, within seven days, file an objection and request a hearing. The mediation must be completed by the date noted in the order, or if the order does not specify a date, within 14 days.

B. **Mediator.** The parties must select one mediator from the court's mediation panel. The parties may request the court's assistance. If all parties agree, the court may ask a bankruptcy judge from this or another jurisdiction to mediate the dispute.

C. **Costs.** Unless the parties agree or as otherwise ordered by the court, each party must pay an equal share of the mediator's fees and expenses. 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."

D. **Confidentiality.** All proceedings and writings incident to mediation are privileged and confidential and cannot be reported or placed in evidence. Evidence or information otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because it was disclosed or used during mediation.

E. **Mediation Process.** The mediator will establish the mediation process. Within seven days after the mediation, the mediator must file a certification: (a) certifying the parties complied with the mediation order; (b) stating whether a settlement was reached, and, if not, whether mediation efforts continue; and (c) stating whether mediation fees have been paid. No party will be bound by mediation unless the settlement is in writing signed by all parties. If necessary, the parties must file a motion to approve the settlement under Fed. R. Bankr. P. 9019 promptly after settlement is reached.

F. **Mediation Panel.** The clerk will maintain a list of mediators on the mediation panel, which will be available on the court's website. An individual may apply with the clerk to serve on the mediation panel. To serve, an individual must be qualified under the Nebraska Dispute Resolution Act, Neb. Rev. Stat. § 25-2901 *et seq.* and must

provide a certificate of training. An appointment to the mediation panel is for five years. A mediator who, while appointed, participated in at least five hours of continuing mediator training may renew their appointment for another five-year period. A mediation center approved by the State of Nebraska may be appointed 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).

Rule 7041-1. Dismissal of Adversary Proceedings

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 must identify the consideration, terms, and conditions of dismissal. If the plaintiff files a motion to dismiss an adversary proceeding which seeks to bar a discharge, the plaintiff must serve it on the parties to the litigation, any appointed trustee, and the United States Trustee.

Rule 7055-1. Default Judgment

A. **Motion.** To obtain a default judgment under Fed. R. Bankr. P. 7055(b), the party requesting the judgment must file a motion for default judgment and proposed order. A clerk's entry of default, under Fed. R. Bankr. P. 7055(a) will not be entered in any case. An entry of default judgment by the court supersedes the clerk's entry of default.

B. **Affidavit.** The movant must file an affidavit with the motion stating the party against whom the judgment is requested: (a) failed to plead or defend the matter; (b) is not an infant or incompetent person under Fed. R. Bankr. P. 7055(b)(2); and (c) is not in the military service of the United States (*see* Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521). If judgment is sought for a sum certain, the movant must file an affidavit stating the amount due, including the exact computation of interest and costs.

Rule 7056-1. Summary Judgment

A. **Movant.** When a motion for summary judgment is filed, the movant must file a brief and evidentiary materials on which the movant relies. The movant does not have to refile evidentiary materials already on the docket. The movant's brief must contain a separate statement of facts, in short, numbered paragraphs, as to which the movant contends there is no genuine issue of material fact to be tried and which entitle the movant to judgment as a matter of law. The statement must describe the parties and recite all facts supporting the court's venue and jurisdiction.

B. **Opposing Party.** With the resistance, the nonmovant must contemporaneously file a brief and any evidentiary materials not previously filed on which the nonmovant relies. The nonmovant's brief must contain a concise response to each numbered paragraph in the movant's statement. Any material fact the nonmovant does not controvert will be deemed admitted. If the nonmovant does not file a brief, this *alone* will not be a confession of the motion.

C. **Citations.** The movant’s statement of facts and the nonmovant’s response must contain pinpoint references to evidence filed on the docket and may not contain legal conclusions. Deposition testimony must be cited by page and line.

D. **Argument.** The court will determine whether to schedule oral argument.

Rule 7067-1. Registry Funds; Deposit in the Court

Except as provided in this Local Rule, the procedures of NE Civ. R. 67 apply to registry funds and deposits in all bankruptcy cases. Provided, to withdraw funds deposited in the court, a party must file a motion for withdrawal of the funds and simultaneously submit a proposed order with a completed W-9 or a completed AO213 (Vendor Information/TIN Certification) form. The proposed order must state the name(s) of the recipient(s) and any specific information regarding the distribution.

Part IX General Provisions

Rule 9006-1. Shortened Notice

A. **Motion.** For good cause, a party may file a motion to expedite a hearing or shorten the resistance deadline of Local Rule 9013-1(B). The motion must be captioned “Motion for Expedited Hearing” or “Motion for Shortened Notice”, must be filed separately from the underlying motion, and cannot seek other relief. The motion must state the request, the name of opposing counsel, if known, the reasons for the expedited hearing or shortened notice, and law and facts that support the motion. The movant does not have to serve the motion for order shortening time, which the court may determine *ex parte*.

B. **Notice.** Unless otherwise ordered by the court, the movant must serve both the order shortening time and the underlying motion on all parties entitled to notice and file a certificate of service.

C. **Proof of Service.** The movant obtaining an order shortening time must: (1) make a good faith effort to advise all other parties and their counsel by telephone, letter, email or other means reasonably calculated to give prompt notice of the date, time, and substance of the motion; (2) advise the court, when the underlying motion is presented, of these efforts and whether anyone requested to be present; (3) transmit the motion and supporting evidence to all parties as soon as practicable; and (4) if the movant is not able to contact a nonmovant, file an affidavit stating the movant’s efforts to communicate and facts sufficient to show why the motion should be heard.

D. **Objection to Shortened Notice.** Before the hearing on the underlying motion, any party may object to the adequacy of the notice and for good cause shown, seek a continuance.

Rule 9006-2. Continuances of Hearings

Before a party files a motion to continue, the party should try to obtain the consent of all other parties in interest. If the parties stipulate to a continuance, they must immediately notify the courtroom department. If all parties do not stipulate, a party may file a motion to continue, which must be served on all previously noticed parties before the day set for the hearing. The motion must state the reason for the continuance, whether a continuance was previously granted, and whether any other party opposes it. If a continuance is granted, the movant must immediately inform all parties expected to appear at the hearing. No continuance, even if stipulated, is effective unless the court announces it in open court or approves it in an order, or the courtroom department informs the parties the judge authorized it.

Rule 9011-1. Signatures and Document Retention

A. **Authorized Signature Methods.** The following constitute a signature on a document filed electronically on the CM/ECF System under these Local Rules and the Federal Rules of Bankruptcy Procedure including, but not limited to, Rule 9011:

1. A digitally scanned image of the originally signed document containing a wet ink signature;
2. An image with a digital signature from a software program that creates a secure electronic signature that uniquely identifies the signer and ensures both the authenticity of the signature, and the signed document has not been altered or repudiated, including DocuSign, Adobe Sign, and SignEasy;
3. An original wet ink signature;
4. A document filed by a CM/ECF participant signed “/s/” followed by the printed name of the signatory when the filing party received the signature of the signatory or in the case of another CM/ECF participant, permission to use the /s/ signature; and
5. An attorney’s use of the login and password issued for CM/ECF.

B. **/s/ Signatures.** Any CM/ECF participant who electronically files a document containing an “/s/” for a debtor or non-filing CM/ECF participant represents under penalty of perjury he or she has custody of the document with the signing party’s signature or, if the signing party is also a CM/ECF participant, has permission to include the signing party’s signature by “/s/.” A filing party must retain the signed document or retain evidence of permission to use an “/s/” for a least one year after the bankruptcy case is closed. On request, the filing party must provide the court or other parties a copy of the signed document or evidence of permission. Provided there is no record retention requirement for electronically filed proofs of claim.

Rule 9013-1. Motion Practice

A. **General.** A motion and any resistance must state the law and facts that support it and conclude with an unambiguous request for relief. This Local Rule applies to all motions filed in bankruptcy cases and adversary proceedings, except as specifically provided. A “motion” for purposes of this Local Rule, and Local Rules 9017-1, and 9072-1 includes any motion, application, objection to claim, disclosure statement, plan, and amended plan. This Local Rule does not apply to motions under Local Rule 1007-1(B) or to non-substantive motions, which the court may consider without resistance or hearing. Examples of motions to which this Local Rule does not apply are in [Appendix O](#).

B. **Resistance Deadline.** The motion must be served with a notice identifying the resistance deadline – *the specific calendar date* by which a resistance or request for hearing must be filed. A notice is defective if it states a resistance or request must be filed within a specified number of days instead of a specific calendar date. Unless otherwise ordered by the court or provided in a Federal Rule of Bankruptcy Procedure (*see, e.g.*, Fed. R. Bankr. P. 4001(c) and (d) and 2002(b)), on 21 days’ notice to parties in interest entitled to notice, the court may consider ruling on a motion and may enter an order, without further notice or hearing, unless a resistance is filed and served on or before the resistance deadline stated in the notice of the motion.

C. **Service / Notice.** When a motion is filed, the movant must serve the motion and notice on all parties in interest and those requesting notice under Fed. R. Bankr. P. 2002 and file a certificate of service of the motion and notice. The certificate of service must include a list of recipients or mailing matrix which shows the names and addresses of the parties served and the manner of service. The certificate of service for any motion filed in a Chapter 13 case with limited notice under Local Rule 9013-1(E), must state it was served with limited notice on parties in interest as defined by Local Rule

D. **Service on the United States.** The movant must serve any motion concerning an agency of the United States on the United States Attorney General, the United States Attorney for the District of Nebraska, and the agency representative.

E. **Limited Notice in Chapter 13 Cases.** In Chapter 13 proceedings, after the bar date for non-governmental units to file a proof of claim passes, the movant may serve a post confirmation motion only on parties in interest. For purposes of this Local Rule, a party in interest is a party whose interest is directly affected by the motion, a creditor who filed a proof of claim, a party who filed a request for notice, any governmental agency or unit that is a creditor, and all secured and priority creditors.

F. **Withdrawal of Motions.** Any withdrawal of a motion must be filed and served on all previously noticed parties. When the movant decides to withdraw a motion, the movant must immediately notify the courtroom department.

G. **Hearings on Motions.** If a resistance is timely filed, the clerk will schedule a hearing, unless a hearing was already scheduled. Unless otherwise ordered by the court, a party must appear in person in the courtroom or participate by telephone. The party participating telephonically must call in at least five minutes before the scheduled

hearing time. The hearing notice will contain the information to participate by telephone. If a party does not call in, the hearing will proceed as scheduled.

Rule 9014-1. Applicability of Rules to Contested Matters

Unless otherwise ordered by the court or on motion filed by a party, Fed. R. Civ. P. 16(b), and 26(a), (d) and (f) do not apply in contested matters.

Rule 9015-1. Jury Trials

If a party files a demand for jury trial, after notice and hearing, the bankruptcy judge will rule on the demand and make findings as to which issues are triable to a jury as a matter of right. If the bankruptcy judge determines a party has a right to a jury trial on some or all issues, the judge will request the United States District Court withdraw the reference as to those matters triable to a jury and any other issues the United States District Court determines.

Rule 9017-1. Hearings on Declarations and Documentary Evidence; Destruction of Exhibits

A. **Filing of Exhibits.** Parties must electronically file evidence (*e.g.* declarations, affidavits, or other documents) in support of, or in opposition to a motion following the procedures in [Appendix P](#). Exhibits must be filed by the deadline set by the court or by rule or, if no deadline is set, at least three days before the hearing. The court may refuse to receive any evidence not timely filed.

B. **Destruction of Exhibits.** Unless ordered by the court, all exhibits must be electronically filed. The clerk will retain paper exhibits until 90 days after a final order is entered on a motion after which the clerk may discard them without notice. When the clerk destroys or returns exhibits, the clerk will enter a text entry on the docket sheet stating the disposition and the date thereof.

Rule 9019-1. Settlements and Stipulations

A. **Notification of Settlement of Matter Scheduled for Hearing.** When a matter scheduled for hearing is settled, the moving party must immediately inform the courtroom department by email to NEBml_Orders@neb.uscourts.gov, telephone, or other expeditious means. The clerk may cancel the hearing and direct the parties to file, within 14 days, a notice of settlement.

B. **Effect of Stipulations.** Except as provided by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, including without limitation Fed. R. Bankr. P. 4001, a stipulation filed with the court is binding on the parties thereto in accordance with its terms. But a stipulation that provides for relief from the automatic stay, prohibits or conditions the use, sale, or lease of property, or provides for adequate protection, use of

cash collateral, or obtaining credit is not enforceable, unless it is approved by the court after notice and hearing under Fed. R. Bankr. P. 4001(d). The court may approve a stipulation or agreement without further notice and hearing if: (1) an underlying motion was served on all parties entitled to notice under Fed. R. Bankr. P. 4001(a) and (d); or (2) the parties represent in the stipulation all parties entitled to notice under Fed. R. Bankr. P. 4001(a) and (d) signed the stipulation.

C. **Stipulations Requiring Notice.** Unless ordered by the court, the notice requirement of Fed. R. Bankr. P. 4001(d) and 9019 may be satisfied under Local Rule 9013-1 as complemented by Fed. R. Bankr. P. 4001(d) or 9019.

Rule 9037-1. Redaction

A. **Personal Identifying Information.** Anyone seeking to redact personal identifying information described in Fed. R. Bank. P. 9037(a) from documents filed 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 filing party and the court. The notice must specify the document and the information to be redacted. The clerk will remove the original document from the CM/ECF System and replace it with the redacted document.

B. **Other Information.** A party must file a motion to redact information other than described in Fed. R. Bank. P. 9037(a).

Rule 9072-1. Orders

A. **Form.** The clerk will file all orders. The court will produce and file standard orders, which may be a text-only docket entry, entered by court employees authorized by the judge, and which may be the only court order regarding the matter.

B. **Proposed Orders.** If the party desires specific language or if the court requests one, a party may submit a proposed order as a PDF or in a format compatible with Microsoft Word by email to NEBml_Orders@neb.uscourts.gov. A proposed order may not be combined with or attached to a motion.

C. **Signed Orders.** Any order containing the judge’s electronic signature has the same force and effect as if the judge affixed the judge’s signature to a paper copy of the order and it was entered on the docket.

D. **Service.** The court will not serve any orders entered on uncontested matters. The movant must serve, in an appropriate manner, any creditor or party in interest entitled to notice. This Local Rule does not apply to orders of conversion. The new § 341 meeting notice served by the court constitutes notice of the conversion.

Appendix A

**Government Agencies Mailing Registry
Under Bankruptcy Rule 5003(e) and 11 U.S.C. § 505(b)**

Nebraska:

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

Federal:

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101 7346

U.S. Attorney's Office - Omaha
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506

Small Business Administration
District Counsel
10675 Bedford Avenue, Suite 100
Omaha, NE 68134

U.S. Attorney's Office - Lincoln
487 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

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

U.S. Department of Education
Office of General Counsel
400 Maryland Avenue, SW
Washington, DC 20202

U.S. Department of Agriculture
Regional Office of General Counsel
P.O. Box 419205, MS 1401
Kansas City, MO 64141

U.S. Department of Education
Office of Postsecondary Education
600 Independence Avenue, SW
Washington, DC 20202

*U.S. Department of Agriculture Rural
Development*
State Director
308 Federal Building
100 Centennial Mall North
Lincoln, NE 68508-3859

U.S. Department of Health and Human Services
Acting Chief Counsel
601 East 12th Street, Room N1800
Kansas City, MO 64106

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

*U.S. Department of Housing & Urban
Development*
Chief Counsel
Edward Zorinsky Federal Building
1616 Capitol Avenue, Suite 329
Omaha, NE 68102-4908

U.S. Trustee
111 South 18th Plaza, Suite 1148
Omaha, NE 68102

U.S. Postal Service (Tort Cases Only):
Law Department
P.O. Box 80143
St. Louis, MO 63180-0143

U.S. Postal Service
(All Cases Other Than Tort)
Law Department
9350 South 150 East, Suite 800
Sandy, UT 84070 2716

Other State Agencies:

California Franchise Tax Board
(Adversary Proceedings)
Chief Counsel
c/o General Counsel Section
P.O. Box 1720, MS A-260
Rancho Cordova, CA 95741-1720

California Franchise Tax Board
(\$ 505 Requests / Service / Notice)
Bankruptcy Unit
P.O. Box 2952, MS A-340
Sacramento, CA 95812-2952

*Michigan Department of Treasury, Tax Policy
Division*
Attn: Litigation Liaison
2nd Floor, Austin Building
430 West Allegan Street
Lansing, MI 48922

Mississippi State Tax Commission
Bankruptcy Section
P.O. Box 1033
Jackson, MS 39215

Oklahoma Tax Commission
Office of the General Counsel
Bankruptcy Section
100 North Broadway, Suite 1500
Oklahoma City, OK 73102

Tennessee Department of Revenue
(\$ 505 Requests)
c/o Tennessee Attorney General's Office
Bankruptcy Division
P.O. Box 20207
Nashville, TN 37202-0207

Tennessee Department of Revenue
(All Other Service and Notices)
(Name of Agency)
c/o Tennessee Attorney General's Office
Bankruptcy Division
P.O. Box 20207
Nashville, TN 37202-0207

Appendix B

Certificate of Service

Option 1: Mailing the Non-ECF Participants on the Entire Matrix

I certify that on [Date], the foregoing [Name of Document] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to the non-ECF participants listed on the current court matrix, a copy of which is attached.

Option 2: Mailing to a Specific List of Parties in Interest

I certify that on [DATE], the foregoing [NAME OF DOCUMENT] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to:

[List parties receiving traditional service with postal address]
Name of Receiving Party
Postal Address
City, State, ZIP Code

Option 3: Mailing an Insured Depository Institution Under Rule 7004(h)

I certify that on [DATE], the foregoing [NAME OF DOCUMENT] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by certified U.S. Mail, first class, postage prepaid, to:

Institution Name
Name or Title of Officer
Postal Address
City, State, ZIP Code

/s/ Signature _____
Typewritten Name of Filer

Appendix C

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter 13)
))
Debtor(s).)

Notice of Rule 2004 Examination

The undersigned attorney for [INTERESTED PARTY], will examine [NAME OF PERSON TO BE EXAMINED], under oath on [DATE AND TIME], at [LOCATION / ADDRESS], under Bankruptcy Rule 2004. No court order is required to conduct this examination under Neb. R. Bankr. P. 2004-1. If the examination is of a person other than the debtor, a subpoena must be included with this notice.

The examination may be continued from day to day until completed. If the examinee receives this notice less than 14 days before the scheduled examination date, and timely asks the undersigned to re-schedule the examination, the undersigned must reschedule it to a mutually agreeable time and place.

The scope of the examination is set forth in the attached list and is limited by Bankruptcy Rule 2004.

You must bring with you to the examination the documents described on the attached list or subpoena, and you must permit inspection, copying, testing, or sampling of the documents.

The examination will be recorded by [METHOD OF RECORDING].

Any party in interest may file a motion for protective order before the date the proposed examination is to occur. The motion must state the reasons to prohibit, limit, or reschedule the examination. The examination will be stayed until the court rules on the motion.

The undersigned certifies that a true copy of this notice was filed with the court and the undersigned caused or will cause it to be served on the examinee, attorney for examinee, the debtor, the attorney for the debtor and the trustee by [METHOD OF SERVICE].

[SIGNATURE BLOCK]

Appendix D

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK _____
)
_____,) Chapter 11
)
Debtor(s).)

Subchapter V Status Report

The debtor submits this status conference report pursuant to 11 U.S.C. § 1188(c).

1. **Background.** Briefly describe the nature of the debtor's business or occupation, the reasons for filing bankruptcy and the desired goals of a reorganization plan.
2. **Plan.** Identify whether the debtor intends to propose a consensual or non-consensual plan and the reason for the type of plan to be proposed.
3. **Parties.** Identify key parties, by name and category (secured, priority, unsecured, equity, trustee, other), with whom the debtor must communicate to confirm a plan. For each party, identify any important discussions that have occurred, or any reasons discussions have not occurred.
4. **Efforts.** Describe efforts the debtor has undertaken to develop a plan of reorganization and any actions contemplated to formulate the plan. Also, if the debtor intends to propose a consensual plan, explain the steps being taken to achieve support for the plan.
5. **Obstacles.** Identify what the debtor believes to be significant obstacles or challenges to the confirmation of a plan, such as valuation disputes, claim adjudication, adversary proceeding litigation, or significant motions that may be filed.
6. **Collateral.** Identify who creditors should contact to inspect any collateral. Also, if the debtor anticipates a need to use cash collateral, identify the cash collateral and the secured parties with an interest in such collateral.
7. **Other.** Identify any additional information the debtor believes would be helpful to the court or parties in interest (e.g., executory contracts or unexpired leases, sale or surrender of real or personal property, any unusual circumstances, or any reason the debtor cannot file a plan within the 90-day deadline of 11 U.S.C. § 1189(b).

[SIGNATURE BLOCK]

Appendix E-1

Chapter 13 Fee Requests

A. **Attorney Fees.** In all Chapter 13 cases, except as provided in Section D, the court will allow attorney fees for debtor's attorney only under the provisions of this No-Look Compensation Plan ("NLCP"). The NLCP consists of a Standard Allowable Amount ("SAA") and À La Carte ("ALC") fees for additional services.

B. **Standard Allowable Amount.** When the plan is confirmed, the debtor's attorney may be awarded, without filing a fee application, a SAA not to exceed \$4,200 (\$4,000 for fees and \$200 for expenses). The SAA covers all services the debtor's attorney typically performs 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 whether to file a Chapter 7 or Chapter 13 case, discussing both procedures and answering the debtor's questions; and explain what payments the debtor must pay directly and what payments the debtor must pay through the plan, particularly mortgage loan payments and other claims that accrue interest.
2. Advise the debtor how, when, and where to make Chapter 13 plan payments and to pay the first plan payment within 30 days after the petition is filed.
3. Advise the debtor regarding the § 341 meeting of creditors, including its date, time, and place, and provide representation at the meeting.
4. Advise the debtor to maintain liability, collision, and comprehensive insurance on vehicles securing loans or leases.
5. Verify and timely file six months of pay stubs; verify two years of complete tax returns including W-2s and submit them as required under the rules; verify and review six months of bank statements; review relevant documents, including insurance policies, additional bank statements, driver's licenses, Social Security cards, electric/gas/water bills, domestic child support orders, judgments, and purchase agreements; complete and file the certification by debtor in support of confirmation in Appendix H; and complete and file Form B22C.
6. Prepare and timely file the debtor's petition, plan, statements, and schedules. Respond to objections to plan confirmation and, when necessary, prepare an amended plan.
7. Prepare, file, and serve amended statements and schedules and pre-confirmation modifications to the plan.
8. Represent the debtor regarding confirmation hearings. (Participating in affidavit hearings for confirmation is not considered providing an extraordinary service which justifies additional fees).

9. Complete and file the certification by debtor in support of discharge in Appendix M; and help the debtor obtain pre-petition credit counseling and post-petition financial education.

10. Prepare, file, and serve post-confirmation amended statements and schedules.

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

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

13. Communicate and provide other services typical for representation of Chapter 13 debtors through the end of the case.

C. ALC (à la carte) Fees. If the debtor's attorney performs services listed in Appendix E-2 the debtor's attorney may file the certification in Appendix E-2 and serve parties in interest. The certification is a motion under Local Rule 9013-1 and the debtor's attorney must serve parties in interest. The debtor's attorney must serve the debtor a paper copy of the certification. ALC fee requests cannot be stacked if the service or services involved one larger transaction, regardless of the number of motions, including amended motions or new motions that amend a prior request. The court will not award ALC fees for cursory, generic, routine, or non-substantive motions, objections or resistances that are later withdrawn or denied for failure to comply with local rules, or for services rendered due to oversight, inexperience, or inefficiency.

D. Exceptions. The debtor may file a fee application in the form of Appendix E-3 in the following extraordinary situations, which the court will closely scrutinize.

1. A business-related case or complex case that requires significantly more work legal work than a typical Chapter 13 case.

2. A case that requires a confirmation trial, adversary proceedings, or a trial of a contested matter. Hearings on affidavits are not extraordinary.

3. In a case dismissed before the initial plan is confirmed, the debtor's attorney may file a fee application within seven days after dismissal for actual fees and expenses incurred, not to exceed the SAA.

4. If the debtor retains a new attorney, the new attorney must file a fee application. If the new attorney is retained before the initial plan is confirmed, the original attorney and new attorney must each file a fee application. Post-confirmation, the new attorney may request ALC fees or file a fee application.

E. Miscellaneous Provisions.

1. After an ALC request is filed, the Chapter 13 trustee must, within seven business days, reserve available funds for up to 60 days in anticipation the request will

be approved. The trustee must continue to pay adequate protection payments, which have priority over ALC fee requests.

2. The court will periodically review and adjust the SAA and individual ALC items.

3. The debtor's attorney may receive a pre-petition retainer from the debtor. Post-petition fees will be paid through the plan, except court costs to add creditors post-petition, costs to process the financial management certificate, fees to dismiss or convert the case to another chapter, and as otherwise ordered by the court.

Appendix E-2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter 13)
))
Debtor(s).)

Certification of À La Carte (“ALC”) Fees and Expenses

The undersigned attorney for the debtor requests the ALC fees and expenses identified below and certifies, under penalty of perjury the following is true and correct:

1. I provided the debtor legal services that qualify as ALC fees and expenses in Appendix K of the Nebraska Rules of Bankruptcy Procedure.
2. I reviewed and fully complied with the requirements in Appendix K and Appendix N to recover ALC fees. This request does not violate any limitations on ALC fees and does not stack ALC fees.
3. The expenses I request are itemized in an attachment to this application and are the actual expenses I incurred in providing services that qualify for ALC fees.

	Service	Fee Allowed	Related CM/ECF Docket Number	Select Service with an “X”	Fee Request
1.	Motion to shorten time filed with an underlying motion that qualifies for ALC fees (if not included in another service)	\$100			\$__
2.	Motion to extend the automatic stay	\$300			\$__
3.	Motion to borrow to purchase or refinance real or personal property; motion to sell property of the bankruptcy estate	\$400			\$__
4.	Motion to allow filing claim out of time	\$250			\$__
5.	Motion to alter, amend, or reconsider judgment	\$250			\$__
6.	Motion to reinstate Chapter 13 case	\$250			\$__
7.	Motion to pay off Chapter 13 plan early	\$350			\$__
8.	Amended plan post confirmation	\$500			\$__

9.	Motion to avoid liens on real or personal property	\$350			\$__
10.	Objection to claim	\$250			\$__
11.	Prepare and file late claims.	\$250			\$__
12.	Motion to employ, approve settlement, or compromise controversy	\$350			\$__
13.	Objection to motion for relief from the automatic stay or co-debtor stay	\$400			\$__
14.	Resistance to motion to dismiss	\$400			\$__
15.	Resistance to motion to reconcile plan payments	\$250			\$__
16.	Motion for turnover not associated with an adversary proceeding	\$350			\$__
17.	Motion to assume or reject lease	\$150			\$__
18.	Limited motion to modify the Chapter 13 plan after confirmation	\$400			\$__
19.	Motion to withdraw funds or borrow from 401(k), retirement or other similar plan or account. An attorney may not request ALC fees to shorten time under Item #1.	\$300			\$__
20.	Other necessary motions not provided in another category	\$250			\$__
	Actual Expenses Incurred Related To ALC Action (attach itemized statement)				\$__
	Total Fees and Expenses				\$__

Dated: _____

[SIGNATURE BLOCK]

Appendix E-2 Instructions and Comments

A. The request for ALC fees must state the specific docket entry or entries on the CM/ECF system relating to the service. ALC expenses must be itemized in an attachment to the request. The debtor's attorney must file the request within three months after the service is completed.

B. To be compensated for a listed service, the debtor's attorney must perform all related work including, without limitation, amending schedules, communicating with the client, counsel, and third parties, reviewing documents and claims, verifying funding, addressing objections, and responding to document requests.

C. The debtor's attorney may only file ALC fee requests for services that are reasonable, customary, and necessary in representing a Chapter 13 debtor, utilizing best practices, and considering the totality of the circumstances of the case.

D. The debtor's attorney may only request fees for motions, resistances, responses, and objections that include specific factual and legal basis under Neb. R. Bankr. P. 9013-1, and not for generic motions or resistances.

E. The debtor's attorney is not permitted to request ALC fees if the services were due to oversight, inexperience, or inefficiency of counsel, for example a motion to alter, amend, or reconsider due to failure to timely file a resistance.

F. The debtor's attorney is not permitted to request ALC fees when the primary reason for filing an objection, motion, resistance, or response is to enlarge the time to file additional pleadings regarding substantially the same matter or issue

G. The debtor's attorney may request multiple ALC fees on one form. Each fee must be for a separate substantive matter. The debtor's attorney is not permitted to stack ALC fees for one substantive matter. For example, each of the following is a single ALC matter:

1. A motion to sell or transfer a vehicle filed with a motion to purchase another vehicle;
2. A motion to withdraw funds or sell assets to pay off a plan and a motion to pay plan early;
3. Defending a motion for relief from stay and a motion for relief from co-debtor stay on the same property; and
4. Motions to avoid multiple liens on one item of property.

Appendix E-3

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 requests the court approve the following compensation and reimbursement of expenses:

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 are made under the plan.

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

Person	(Attorney/Paralegal/Other)	Hours	Rate	Total
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

3. A detailed statement of charges for out-of-pocket expenses totaling \$_____ 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 by court order, attached to this application is a detailed time summary exhibit required by Neb. R. Bankr. P. 2016-1.

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

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: _____

[SIGNATURE BLOCK]

Appendix F

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter 9)
))
Debtor.)

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 parties in interest.

IT IS ORDERED that the debtor must give immediate notice of the following to all parties in interest and must publish notice of the commencement of the case and notice of the order of relief required by 11 U.S.C. § 923 and must 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 must not be less than 14 days prior to the last day to file resistances to the petition.

IT IS FURTHER ORDERED that the debtor must 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 under 11 U.S.C. § 923 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.* The debtor commenced a case under Chapter 9 of the Bankruptcy Code by filing a petition 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 under 11 U.S.C. §§ 362 and 922.
3. *Notice of Time to File Resistances to the Petition.* Parties in interest may file resistances to the petition no later than 45 days after the mailing of this notice by the debtor to

all creditors, special taxpayers, and other parties in interest. *See* 11 U.S.C. § 921(c). Resistances must be filed with the Clerk of the United States Bankruptcy Court for the District of Nebraska, and copies of the resistances must be mailed to the attorney for the debtor. Resistances must contain supporting facts and legal authorities. If a resistance is timely filed, the court will order the resisting party to serve notice of the hearing on the resistance to all other parties in interest.

4. *Order for Relief.* The filing of the petition constitutes an order for relief under Chapter 9. This notice is notice of the order for relief. *See* 11 U.S.C. §§ 901 and 301. If a party files a resistance to the debtor’s petition, it will constitute a motion to vacate the order of relief. After resisting party serves the notice of hearing and a hearing is held the court 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 11 U.S.C. § 921(c).

5. *Notice of Time to File 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 file, but does not have to 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.* Notices required under Bankruptcy Rule 2002(a)(2), (3), and (7) must be mailed 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 Plan Confirmation Requirements

The requirements of §§ 1225(a)(4), 1225(a)(5)(B) - (C), and 1225(a)(6) - (7) are not satisfied unless a plan contains the following:

1. A statement disclosing any change in the debtor's assets or liabilities from the date of filing of the petition through the date of filing of the plan.
2. A cash-flow projection for the year immediately following confirmation of the proposed plan, identifying the debtor's farm and non-farm income sources.
3. Assumptions and sources on which the cash-flow projection is based, with historical or other data justifying such assumptions.
4. A projected disposable income statement for the term of the plan.
5. 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.
6. Projected administrative expenses for the plan period, including attorney fees.
7. A plan summary indicating the specific dates, amounts, and payees for each amount to be paid under the plan in a form approved by the Chapter 12 trustee.
8. If the plan proposes the sale of assets, a statement from a qualified tax accountant or attorney setting forth the probable tax consequences thereof.
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. The basis of any valuation of property, including names of appraisers and dates of appraisal, if any.
13. In the event the debtor asserts certain taxes are to be treated as general unsecured claims under 11 U.S.C. § 1232, the debtor must provide the affected governmental units a copy of the debtor's complete tax returns for the three years before 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.

Appendix H

Chapter 12 Standing Trustee Fees

A Chapter 12 standing trustee performs a valuable service to the court and to the parties. The trustee participates in the administration of the case in various ways. The trustee examines claims, provides information to creditors, examines the financial affairs of the debtor, reports on any mismanagement, appears at confirmation hearings, monitors plan payments, and files a final accounting. The trustee is paid from plan payments the debtor makes to the trustee to distribute. Under *In re Wagner*, 36 F.3d 723 (8th Cir. 1994), the debtor may pay plan payments directly to creditors. This threatens the Chapter 12 process and creates an inequitable burden on the trustee who must perform statutory duties but may not be paid. Considering the benefits derived from the debtor's reorganization and from the services the trustee provides, requiring a Chapter 12 debtor to pay the trustee a fee is not inequitable.

Whether a plan provides for payments to creditors directly or through the trustee, the debtor must pay the trustee a fee, for each year of the plan, equal to 10% of all payments under the plan (or such other percentage set by the Attorney General or its delegate under 28 U.S.C. § 586(e)), or \$6,000, whichever is less. The debtor must also pay an initial payment of \$200.00, which the trustee may retain if a Chapter 12 plan is not confirmed, or which will be applied as provided in a confirmed plan. This order is entered, without limitation, under 11 U.S.C. § 105.

Appendix I

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**

The undersigned certifies:

(One of the Paragraphs Below Must be Checked)

___ I am not required by a judicial or administrative order or 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

Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

Fill in this information to identify your

Debtor 1 [Click or tap here to enter Debtor 1.](#)

First Name Middle Name

Last Name

Debtor 2 [Click or tap here to enter Debtor 2.](#)
(Spouse, if filing)

Case No. [Click or tap here to enter Case No.](#)

Check if this is an Amended Plan

Local Form 3015-1 (Nebraska)

Chapter 13 Plan

Revised 01/2022

Notices

To Debtors: You must use this Local Form 3015-1 Chapter 13 Plan in your Chapter 13 bankruptcy case. If you do not use this form, the court will not confirm your plan.

Provisions of this plan that seek to limit the amount of a secured claim or the value of collateral or which seek to avoid a security interest or strip a lien are not effective. To limit the amount of any claim or the value of collateral you must object to the claim. To avoid a security interest or strip a lien, you must file an adversary proceeding or motion, as appropriate.

You must check one box below. If you want nonstandard provisions in Part 11 of this plan to be effective, you must check the box "Included". If you check the box "Not Included", if you check both boxes, or if you do not check a box, any provisions contained in Part 11 are not effective.

Nonstandard provisions in Part 11 are: Included Not included

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You must timely file a proof of claim in this case to be paid under this plan. The debt amount and the value of any collateral stated in your proof of claim controls the amount you will be paid. The Debtor(s) may object to these amounts. The Debtor(s) must file a motion or an adversary proceeding to avoid your security interest. Secured creditors are paid interest in the amount and from the date stated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose how this plan treats your claim or any provision of this plan, you must file an objection to confirmation no later than the date designated in the attached Notice of Resistance Deadline. The court may confirm this plan without further notice if no objection is filed. See Fed. R. Bankr. P. 3015.

Part 1: Plan Payments and Length of Plan

A. Disposable Income. The Debtor(s) submit to the Chapter 13 trustee, all projected disposable income received during this plan's commitment period. The payment schedule follows: (Insert additional lines if needed)

A. Monthly Payment Amount (include any previous payments)	B. Number of Payments	Base Amount (A X B)
---	-----------------------	---------------------

\$
\$
\$

Total Plan Base Amount: \$ _____

B. Payment Method. The Debtor(s) will make regular payments to the trustee from future income as follows:

Check all that apply:

Pursuant to a payroll deduction order. *Complete the following:*

Employee's name from whom the check payment is deducted: [Click or tap here to enter Employee's Name.](#)

Employer's name, address, city, state, phone:

[Click or tap here to enter Employer Info.](#)

The Debtor is paid: Monthly Twice Monthly Weekly Biweekly Other: [Click/tap to enter.](#)

Direct payments to the trustee.

Other (specify method of payment): [Click or tap here to enter Other Method.](#)

For cases with employer payroll deductions, debtors must pay the trustee directly by money order or cashier's check until the deduction begins. For plans requiring pre-confirmation adequate protection payments or lease payments, debtors must immediately begin making plan payments to the trustee. For plans without pre-confirmation payments, debtors must begin making plan payments within 30 days after filing the bankruptcy petition.

This plan cures any arrearage in payments to the trustee under any prior plan in this case.

Part 2: Order of Payment of Claims

The trustee will deduct trustee fees under 28 U.S.C. § 586(e). The trustee will pay claims in the following order, and unless otherwise provided, claims within each class will be paid pro rata:

1. Pre-confirmation payments for adequate protection or leases of personal property;
2. Minimum monthly payments to secured creditors listed in Part 6 of this plan, minimum arrearage payments and regular executory contract payments due on executory contracts and leases listed in Part 7, and minimum monthly payments on arrearages for priority domestic support claims under 11 U.S.C. § 507(a)(1)(A) listed in Part 5(B);
3. Debtor's attorney's fees and costs approved by the court (The Debtor's attorney should not designate a monthly payment for attorney fees);
4. Secured claims listed in Part 6, arrearages on executory contracts and leases listed in Part 7 and domestic support claims under 11 U.S.C. § 507(a)(1)(A) listed in Part 5(B);
5. Other administrative expense claims under 11 U.S.C. § 503 and Chapter 7 trustee compensation allowed under 11 U.S.C. § 1326(b)(3);
6. Other priority claims in 11 U.S.C. § 507(a) including post-petition tax claims under 11 U.S.C. § 1305;
7. Payments on co-signed unsecured claims listed in Part 8;
8. General unsecured claims.

Part 3: Treatment of § 1326(a) Pre-confirmation Adequate Protection and Lease Payments

The trustee will pay the creditors listed below pre-confirmation adequate protection payments on claims secured by personal property and pre-confirmation lease payments for leases of personal property without a court order. Debtors who propose pre-confirmation payments must immediately begin making plan payments to the trustee. Creditors must timely file a claim to receive payment. The trustee will pay a creditor within 30 days after the creditor files a proof of claim unless

the trustee does not have funds available within 7 working days before 30-day period ends. Post-confirmation payments are paid under Parts 6 and 7 of this plan.

Creditor's Name	Creditor's Full Address	Last Four Digits of Account #	Date Next Payment is Due	Payment Amount
				\$
				\$
				\$

Part 4: Treatment of Administrative Claims

The trustee will deduct trustee fees from each payment the trustee receives. The maximum amount of Chapter 13 attorney fees and expenses (Standard Allowable Amount "SAA") that a debtor's attorney may include in this plan is in Neb. R. Bankr. P. 2016-1(A)(4) and Appendix K". A debtor's attorney must seek additional fees or costs over the SAA under the "ALC Fees" process or in a separate fee application. Fees and costs requested are:

SAA Fees Requested	Fees Received Before Filing	Balance of SAA Fee Paid in Plan
\$	\$	\$

SAA Expenses Requested	Expenses Received Before Filing	Balance of SAA Expenses Paid in Plan
\$	\$	\$

Part 5: Treatment of Priority Claims

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

A. Domestic Support Obligations

None. If "None" is checked, you do not need to complete or include the rest of § 5(A).

Name of the Debtor who owes Domestic Support Obligation: [Click or tap here to enter Name.](#)

Debtors must pay all post-petition Domestic Support Obligations directly to the holder of the claim and not through the Chapter 13 plan. The name, address, and phone number of each holder of ANY domestic support obligation under 11 U.S.C. § 101(14A) follow:

Creditor's Name	Address, City, State, Zip Code	Telephone Number
-----------------	--------------------------------	------------------

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

None. If "None" is checked, you do not need to complete or include the rest § 5(B).

The names of holders of a domestic support obligation arrearage claim, estimated arrears and monthly payment:

Creditor's Name	Estimated Arrearage Claim	Minimum Monthly Payment on Arrearage
		\$

\$

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

None. If "None" is checked, you do not need to complete or include the rest of § 5(C).

The names of creditors, estimated arrearage, and any special payment provisions:

Creditor's Name	Estimated Arrearage Claim	Provision for Payment
		\$
		\$

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

None. If "None" is checked, you do not need to complete or include the rest of § 5(D).

The names of creditors, estimated arrearage, and any special payment provisions:

Federal \$	State \$	Total \$

E. Chapter 7 Trustee Compensation Allowed Under 11 U.S.C. § 1326(b)(3)

None. If "None" is checked, you do not need to complete or include the rest of § 5(E).

The name of creditors, estimated arrearage claim, and any special payment provisions:

Creditor's Name	Amount Allowed	Monthly Payment (Greater of \$25 or 5% of Monthly Payment to Unsecured Creditors)
	\$	\$

F. Other Priority Claims

Provisions for treatment must be in Part 11 of this plan.

Part 6: Treatment of Secured Claims

A.1 Home Mortgage Claims (including claims secured by real property the Debtor(s) intend to retain)

None. If "None" is checked, you do not need to complete or include the rest of § 6(A).

Unless otherwise provided in this plan, the Debtor(s) will pay all post-petition mortgage payments directly to each mortgage creditor as they come due, beginning with the first due date after the case is filed. The mortgage creditor will retain any lien securing its claim. Any pre-petition arrearage must be paid through this Chapter 13 plan with interest provided below. The amount of pre-petition arrears is determined by the proof of claim, subject to the right of the Debtor(s) to object.

Creditor's Name	Collateral	Estimated Pre-petition Arrearage	Pre-confirmation Interest Rate & Dollar Amount Limit (if any)	Post-Confirmation Interest Rate	Minimum Monthly Payment Amount on Pre-petition Arrears	Total Payments on Pre-petition Arrears Plus Interest

\$	\$	%	\$	\$
	%			
\$	\$	%	\$	\$
	%			

A.2 Claims Secured by Real Property to be Paid in Full

The following claims secured by real property will be paid in full through the Chapter 13 plan:

Creditor's Name	Collateral	Pre-confirmation Interest Rate & Dollar Amount Limit (if any)	Post-Confirmation Interest Rate	Minimum Monthly Payment Amount	Total Payments Plus Interest
		\$ %	%	\$	\$
		\$ %	%	\$	\$

B. Post-Confirmation Payments to Creditors Secured by Personal Property

Post-confirmation payments to creditors holding claims secured by personal property will be paid as set forth in subparagraphs (1) and (2):

1. Secured Claims excluded from 11 U.S.C. § 506.

None. If "None" is checked, you do not need to complete or include the rest of § 6(B)(1).

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. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or amended proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below:

Creditor's Name	Collateral	Estimated Claim Amount	Pre-confirmation Interest Rate & Dollar Amount Limit (if any)	Post-Confirmation Interest Rate	Minimum Monthly Payment Amount	Total Payments Plus Interest
			\$ %	%	\$	\$
			\$ %	%	\$	\$

2. Secured Claims in which § 506 Valuation is Applicable:

None. If "None" is checked, you do not need to complete or include the rest of § 6(B)(2).

Claims listed in this subsection are debts secured by personal property not described in § 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. 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(s) to object.

Creditor's Name	Collateral	Estimated Value of Security or Amount Owed (whichever lowest)	Pre-confirmation Interest Rate & Dollar Amount Limit (if any)	Post-Confirmation Interest Rate	Minimum Monthly Payment Amount	Total Payments Plus Interest
			\$ %	%	\$	\$
			\$ %	%	\$	\$

C. Surrender of collateral

None. If "None" is checked, you do not need to complete or include the rest of § 6(c).

The Debtor(s) surrender to each creditor listed below the collateral that secures the creditor's claim. Any secured claim filed by creditors listed below will be deemed satisfied in full through surrender of the collateral. The Debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and the stay under § 1301 be terminated in all respects.

Creditor's Name	Collateral to be Surrendered
-----------------	------------------------------

D. Lien Avoidance and Lien Stripping:

None. If "None" is checked, you do not need to complete or include the rest of § 6(D).

Debtors can only avoid security interests or liens by filing a motion or adversary proceeding, as appropriate. The Debtor(s) will file a motion or adversary proceeding to avoid the security interest or lien of the following creditors:

Creditor's Name	Amount Owed	Collateral
	\$	
	\$	

Part 7: Treatment of Executory Contracts and Leases

None. If "None" is checked, you do not need to complete or include the rest of Part 7.

The Debtor(s) assume the executory contracts and leases listed below and provides for the regular contract or lease payment to be included in this plan. The Debtor(s) reject all other executory contracts and unexpired leases. Any pre-petition arrearage will be cured in monthly payments as listed below:

Creditor's Name	Property Subject to Executory Contract or Lease	Estimated Arrearages as of Filing Date	Minimum Monthly Payment to be Made on Arrearage	Regular Number of Contract Payments Remaining as of Filing Date	Amount of Regular Contract Payment	Due Date of Regular Payment	Total Payments (Arrears Plus Regular Payments)
		\$	\$		\$		\$
		\$	\$		\$		\$

Part 8: Treatment of Co-Signed Unsecured Debts

None. If "None" is checked, you do not need to complete or include the rest of Part 8.

The following co-signed debts will be paid in full at the contract rate of interest from petition date:

Creditor's Name	Estimated Amount Due	Contract Rate of Interest	Total Due
	\$	%	\$
	\$	%	\$

Part 9: Treatment of Unsecured Claims

Unsecured claims will be paid pro rata from remaining funds.

Part 10: Additional Provisions

1. If no objection to confirmation is filed, the court may confirm this plan without further hearing.
2. Property of the estate, including the Debtor(s)' current and future income, will revert in the Debtor(s) after a discharge is entered, and the Debtor(s) will have the sole right to use and possess property of the estate during this case.
3. To obtain distributions under this plan, a creditor must file a proof of claim no later than 70 days after the petition is filed, except as provided in Rule 3002(c) of the Federal Rules of Bankruptcy Procedure.
4. Unless otherwise provided in this plan or ordered by the court, the holder of each allowed secured claim provided under this plan will retain the lien securing its claim under 11 U.S.C. § 1325(a)(5)(B).
5. After the bar date to file a proof of claim for non-governmental units passes, limited notice/service is approved for all post confirmation motions, including applications for fees, amended plans and other motions. Any motion must be served on all parties in interest. For purposes of this limited notice provision, a "party in interest" is a party directly affected by the motion, a creditor who filed a proof of claim, a party who filed a request for notice, any governmental agency or unit that is a creditor and all secured or priority creditors. Any pleading filed with limited notice must include a certificate of service that specifically states it was served with limited notice on all parties in interest under Neb. R. Bankr. P. 9013-1(E)(1). If a certificate of service is not filed, the motion will be deferred or denied.

Part 11: Nonstandard Plan Provisions

Nonstandard plan provisions must be set forth below. A nonstandard provision is a provision not otherwise included in, or which deviates from, this Local Form. Nonstandard provisions contained in any other Part of this plan are not effective.

The following plan provisions are effective only if the Debtor(s) checked the box "Included" in the Notice section above.

[Click or tap here to enter Nonstandard Provisions.](#)

Appendix J"

Notice of Resistance Deadline

Any resistance to this plan or request for a hearing must be filed with the bankruptcy clerk (see original notice of bankruptcy for the address) and served on the attorney for the Debtor(s) at the address listed below (or served on the Debtor(s), if not represented by an attorney), on or before:

Check one:

- 14 days after the conclusion of the meeting of creditors; or
- [Click or tap here to enter Month, Day and Year.](#) (use a specific calendar date which is at least 21 days after the date the plan is filed with the court).

If a resistance or request for a hearing is timely filed and served, the court will handle the resistance under Neb. R. Bankr. P. 3015-2. If no objection to confirmation is filed, the court may confirm this plan without further hearing.

Certificate Of Service

On [Click or tap here to enter Month, Day and Year.](#), the undersigned mailed a copy of this plan to all creditors, parties in interest and those requesting notice, by first class 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 serve: Erin M. McCartney, Standing Chapter 13 Trustee District of Nebraska.

Dated: [Click or tap here to enter Month, Day and Year.](#)

Click or tap here to enter Debtor Name(s).

Debtor(s):

By: /s/ Click or tap here to enter Attorney Name.*

Click or tap here to enter Attorney Bar Number.

Click or tap here to enter Attorney Address.

Click or tap here to enter Attorney Address.

Click or tap here to enter Attorney Phone.

Click or tap here to enter Attorney E-Mail Address.

* By filing this document, the attorney for the Debtor(s) or the Debtor(s) themselves, if not represented by an attorney certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the Local Form 3015-1 Chapter 13 Plan for the United States Bankruptcy Court for the District of Nebraska, other than any nonstandard provisions included in PART 11.

Appendix K

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter 13)
))
Debtor(s).)

Limited Motion to Modify Chapter 13 Plan after Confirmation

The above-listed debtor(s) move(s) the court for an order modifying the plan under 11 U.S.C. § 1329 and Neb. R. Bankr. P. 3015-3(B) for the reasons stated 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 will resume by the end of the month in which this motion is filed.]
- ___ 2. The plan will be modified to abate future payments beginning [MONTH], 20__, with plan payments to resume [MONTH], 20__.
- ___ 3. The plan will be modified to reduce plan payments to \$_____ beginning [MONTH], 20__, with plan payments to resume [MONTH], 20__.
- ___ a. From each reduced plan payment, adequate protection payments will be made to the following creditors in the following amounts:

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

Part B

- ___ 1. The base amount of the plan will remain the same.
- ___ 2. Beginning with the next plan payment, all future payments will increase to \$_____ per month.
- ___ 3. The base amount of the plan will increase to \$_____.
- ___ 4. The debtor(s) will pay in full all allowed claims.

The undersigned attorney for the debtor(s) certifies he/she computed the remaining available months and base amount of the plan under Neb. R. Bankr. P. 3015-3(B), and the plan, as modified, will be completed within 60 months from date of confirmation.

Part C

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

WHEREFORE, the debtor(s) move the court for an order approving this limited motion to modify chapter 13 plan after confirmation.

Dated: _____

[SIGNATURE BLOCK]

Appendix L

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter 13)
))
Debtor(s).)

Chapter 13 Debtor’s Certifications Regarding Domestic Support Obligations and Section 522(q)

Part I. Certification Regarding Domestic Support Obligations (check only one)

Pursuant to 11.U.S.C. § 1328(a), I certify:

___ I did not owe a domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay one since then.

___ I am required to pay a domestic support obligation. I paid all amounts required under my Chapter 13 plan and all amounts that became due after the filing of my bankruptcy petition through today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer’s address: _____

Part III. Certification Regarding Section 11 U.S.C. § 522(q) (check only one)

Pursuant to 11 U.S.C. § 1328(h), I certify:

___ (Check this box if you claimed Nebraska exemptions, which most filers do). I do claim an exemption under 11 U.S.C. § 522(b)(3) or state or local law (1) in property that I or my dependent uses as a residence, claims as a homestead, or acquired as a burial plot, under 11 U.S.C. § 522(p)(1), and (2) that exceeds \$170,350* in value in the aggregate.

___ (This is NOT typical. Do not check this box unless you claimed a homestead exemption from another state in an amount that exceeds \$170,350). I claimed an exemption in property under 11 U.S.C. § 522(b)(3) and state or local law (1) that I or my dependent uses as a residence, claims as a homestead, or acquired as a burial plot, under 11 U.S.C. § 522(p)(1), and (2) that exceeds \$170,350* in value in the aggregate.

Part IV. Debtor's Signature

I certify under penalty of perjury the information provided in these certifications is true and correct to the best of my knowledge and belief.

Dated: _____

Debtor

Joint Debtor

* Amounts are subject to adjustment on 04/01/22, and every 3 years thereafter for cases commenced on or after the date of adjustment.

Appendix M

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter [12 or 13])
))
Debtor(s).)

Certification by Debtor in Support of Confirmation

Regarding the Chapter [12 or 13] plan / amended plan filed on _____, the undersigned certifies:

(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 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 N

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) Case No. BK_____)
))
_____,) Chapter _____)
))
Debtor(s).)

Certification and Request for Confirmation Trial

The undersigned certifies, under oath, and declares under penalty of perjury, the following is true and correct:

1. Parties filed objections to confirmation of the debtor’s proposed Chapter 12 or 13 plan. The debtor timely filed a response and contacted the objecting parties to resolve the objection.

2. Despite good faith efforts, the parties cannot resolve the objection(s) to confirmation. A trial to the court is necessary. I understand that an inability to reach the opposing party does not in and of itself, constitute good faith efforts.

3. I request the court set deadlines for evidence and other matters. I also request the court schedule a trial date at which all parties, attorneys, and witnesses must appear, in person, to provide sworn testimony unless the Court grants a motion to try the matter on stipulated facts.

4. I understand the court has a limited number of dates available for trial and relies on my representation that a trial is necessary.

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

Dated: _____

[SIGNATURE BLOCK]

Appendix O

Matters Not Governed by Neb. R. Bankr. P. 9013-1

The following motions, applications, and filings are not under Neb. R. Bankr. P. 9013-1:

1. Application for payment of unclaimed funds under 11 U.S.C. § 347 and Fed. R. Bankr. P. 3011
2. Application for waiver of Chapter 7 filing fee
3. Application to employ
4. Application to pay filing fees in installments
5. Chapter 11 plans (pre-confirmation)
6. Chapter 11 small business disclosure statement and plan (pre-confirmation)
7. Motion for 2004 exam
8. Motion for appointment of ombudsman
9. Motion for contempt
10. Motion for default judgment under Neb. R. Bankr. P. 7055-1
11. Motion for exemption from filing pay advice
12. Motion for exemption from filing tax returns
13. Motion for exemption from pre-petition credit counseling, financial management course or filing domestic support obligation certificate in support of discharge/confirmation
14. Motion for expedited hearing under Neb. R. Bankr. P. 9006-1
15. Motion for extension of time
16. Motion for injunction under Fed. R. Bankr. P. 7065
17. Motion for leave to file a brief
18. Motion for leave to intervene under Fed. R. Bankr. P. 2018
19. Motion for mediation under Neb. R. Bankr. P. 7016-1
20. Motion for protective order
21. Motion for reaffirmation hearing
22. Motion for refund of filing fee
23. Motion for temporary restraining order
24. Motion to compel
25. Motion to continue hearing under Neb. R. Bankr. P. 9006-2
26. Motion to convert and/or dismiss a Chapter 11 or Chapter 12 case under 11 U.S.C. § 1112(b)(1)-(3) and 11 U.S.C. § 1208(c)(d)
27. Motion to defer or delay discharge
28. Motion to delay case closing

29. Motion to deposit funds in court registry
30. Motion to determine final cure mortgage payment under Fed. R. Bankr. P. 3002-1
31. Motion to determine termination or absence of stay
32. Motion to dismiss filed by a plaintiff in an adversary proceeding
33. Motion to extend automatic stay
34. Motion to impose automatic stay
35. Motion to incur expenses authorization regarding federal practice fund
36. Motion to limit notice or service
37. Motion to quash under Fed. R. Bankr. P. 9016
38. Motion to redact under Neb. R. Bankr. P. 9037-1
39. Motion to reopen closed case
40. Motion to revoke waiver of filing fee
41. Motion to seal document or case under Neb. R. Bankr. P. 5005-2
42. Motion to shorten time under Neb. R. Bankr. P. 9006-1
43. Motion to stay pending appeal
44. Motion to strike
45. Motion to unseal document
46. Payment applications less than \$1,000.00 by professionals, including attorneys, for claims for services rendered and expenses incurred under 11 U.S.C §§ 330 and 331
47. Request for hearing

Appendix P

Docketing Standards for Evidence

The following standards are established to make it easier to offer evidence and to provide docket consistency.

- Do NOT attach evidence to a certificate of service, exhibit list, notice of intent to offer evidence, or index of evidence. File each document to be offered as evidence separately except for supporting documents to the item of evidence which may be filed as attachments with an informative description.

Example: An affidavit with attached supporting documents.

File the affidavit on the docket. File the supporting documents as attachments to the affidavit and describe them (*e.g.* promissory note, bank statement, deed of trust, appraisal). Do not name attachments “Exhibit 1” or another generic name. Use a detailed description. *See* docket entry examples below.

- Use the following format for the docket text:
Exhibit: [description of exhibit] in support of [motion or objection] (you may add additional text for clarification). If the exhibit is an affidavit or declaration, the affiant should be identified. *Example:* Affidavit of [affiant] in support of [motion or objection].
- Offer evidence by referencing its docket number.
- File lists (*e.g.* exhibit list, notice of intent to offer evidence, and index of evidence) after you file the exhibits so it is assigned a docket number you can reference.

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).