



Nebraska Rules of Bankruptcy Procedure

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for the District of Nebraska
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Nebraska Rules of Bankruptcy Procedure

Rule 1001-1. Scope

A. Application and Citation. The Nebraska Rules of Bankruptcy Procedure for the District of Nebraska apply in all bankruptcy cases. They are cited as “Neb. R. Bankr. P.” and each may be referred to as a “Local Rule”. The court may modify the effect of any Local Rule in a particular case as necessary or appropriate to carry out the provisions of Title 11 of the United States Code. The appendices to the Local Rules and the Local Forms may be modified or deleted by order of the judges of the bankruptcy court.

B. District Court Rules. The 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.

C. Website. The Clerk of Court will maintain the Local Rules and Local Forms on the official court website at www.neb.uscourts.gov.

Rule 1002-1. Petition

Bankruptcy petitions must conform to the Official Bankruptcy Forms.

Rule 1007-1. Lists, Schedules, and Statements

A. Government Entities. The mailing matrix must include the Internal Revenue Service and the Nebraska Department of Revenue at the addresses in [Appendix A](#), and the county attorney and county treasurer for the county in which the debtor resides.

B. Tax Liabilities. A scheduled tax obligation must state 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).

Rule 1015-1. Joint Administration

A. **Motion.** Joint administration must be sought by motion, except for the bankruptcy estates of spouses which will be jointly administered unless a party in interest files an objection within 14 days after the meeting of creditors is concluded. A petition filed by an individual may not be amended to add a spouse.

B. Filings. Until joint administration is ordered, filings must be made in each appropriate case. After joint administration is ordered, the earliest filed case is the lead case unless otherwise ordered, and document captions must state the cases are jointly administered. Thereafter, all filings must be made in the lead case, except the list of

creditors, schedules, statements of financial affairs, motions for final decree, motions for entry of discharge, and as stated in Section C, all of which must be filed in the appropriate member cases. In addition to separate lists of creditors in the member cases, the debtor must file a combined list of creditors in the lead case.

C. **Claims.** Proofs of claim, withdrawals of claim, objections to proofs of claim, and notices of transfer of claim must be filed in the applicable member case in which the creditor asserts a claim. If a claim is asserted against more than one affiliated debtor, a separate proof of claim must be filed in each member case.

Rule 1017-1. Dismissal for Failure to File Information or Plan

The court may dismiss a voluntary case under any chapter if the debtor does not timely file all information or documents required by 11 U.S.C. §§ 521, 1221, or 1321 if: (a) the debtor was provided a written notice; (b) the debtor did not timely file with the court or provide the appointed trustee the required information or documents; and c) a motion to extend time is not pending. The written notice in this Local Rule must be filed on the docket, and must state the requirements, the deadline for compliance, and a warning the case will be subject to dismissal if the debtor does not timely comply.

Part II

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

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

A. **Notice to the United States.** All notices served on the United States must clearly designate, when known, the department, agency, or instrumentality of the United States through which the debtor became indebted and must be served on the United States Attorney's office located in the city where the petition was filed.

B. **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.

C. **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 submits to the United States Trustee.

D. **Notices to Creditors Whose Claims are Filed.** In voluntary Chapter 7 cases, Chapter 12 cases, and Chapter 13 cases, pursuant to Fed. R. Bankr. P. 2002(h), after 70 days following the order for relief or the date of the order converting the case to Chapter 12 or Chapter 13, all notices required by Fed. R. Bankr. P. 2002(a) may be served only upon the debtor, the trustee, all indenture trustees, creditors holding claims for which proofs of claim have been filed, creditors, if any, who are still permitted to file claims

because an extension was granted under Fed. R. Bankr. P. 3002(c)(1) or (c)(2), and parties who filed a request for notice.

E. Termination of Notices. To withdraw and stop receiving notices, an attorney may file under 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, plaintiff, or defendant may not withdraw under this Local Rule but must file a motion to withdraw.

An examination under Fed. R. Bankr. P. 2004, including for production of documents at the examination, may be conducted without a court order by filing a Notice of Rule 2004 Exam (Local Form NEB 2004-1) and serving it on the person to be examined, with, if applicable, a subpoena. No subpoena is necessary to compel the debtor. The person to be examined cannot be compelled to an examination less than 14 days after service of the notice unless the notice states the examination may be rescheduled upon request. If the person 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. A party in interest may file, before the date of the proposed examination, a motion for protective order stating reasons to prohibit, limit, or reschedule the examination. The examination is stayed until the court rules on the motion.

Rule 2015-1. Subchapter V Status Report

In cases under Subchapter V of Chapter 11, the debtor must timely file a status report (Local Form NEB 2015-1) under 11 U.S.C. § 1188(c).

Rule 2016-1. Compensation of Professionals

A. Application. 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. Fee applications must be filed before the case is closed. An appointed trustee must notify his or her court approved professionals 14 days before the trustee files a final report so professionals may timely file an application. A professional must file a final fee application if the court approved interim compensation.

B. Pre-Petition Retainers. Except in Chapter 7 cases, a fee application must 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.

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

D. **Chapter 13 Cases.** Applications for fees in Chapter 13 cases are governed by [Appendix B](#).

Rule 2080-1. Chapter 9

A. **Notice.** When a petition is filed in a Chapter 9 case, the clerk will issue a notice (Local Form NEB 2080-1) If the debtor applies for a claims bar date in the petition and the application is granted, the debtor must include the claims bar date in the notice. The debtor must immediately serve the notice on all parties in interest and must file a certificate of service at least 7 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 any committee or its authorized agents and on creditors who filed a request for notice.

B. **List of Creditors.** The debtor must file the list of creditors within 14 days of the petition date. The list must state each creditor's name and address, the amount of the creditor's claim, and whether the claim is disputed, contingent, or unliquidated.

C. **Disclosure Statement and Plan.** The debtor's disclosure statement and plan must state 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). The debtor must serve the plan 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, unless the plan is pre-approved under Section G.

D. **Publication.** The debtor must immediately publish notice of the commencement of the case and notice of the order of relief. The last date of 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.

E. **Resistances.** A resistance to the petition must be filed no later than 45 days after service of the notice in Section A. The court will schedule a hearing on the resistance. The resisting party must serve the resistance and hearing notice on all parties in interest.

F. 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 under 11 U.S.C. § 1126(b)(2), and resistances to confirmation of the plan.

Part III Claims, Distribution, and Plans

Rule 3002-1. Proofs of Claim

A. Motion to Amend. Except as provided below, a claim amendment must be approved by motion.

B. Reducing Claim Amounts. 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. The amended claim is allowed without further order if it does not increase any part of the original claim.

C. Collateral Disposition. Unless otherwise provided in a confirmed plan, a creditor may file, without leave of court, an amended proof of claim asserting an unsecured deficiency claim. The amended claim must be filed, for real property, within 180 days, and for personal property, within 90 days after an order granting relief from stay is entered or the property is surrendered by the debtor, whichever occurs first. An amended claim filed under this section is timely but remains subject to any other objection.

Rule 3007-1. Objections to Claims

A. Objection. The caption of an objection to claim must state the name of the creditor and proof of claim number. The objection must state the filing date, claim amount, specific grounds for the objection, and proposed treatment of the claim with a specific dollar amount. 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.

B. Chapter 13 Cases. The Chapter 13 trustee may object to any claim in a Chapter 13 case. The trustee will file a notice after the bar date for general, non-governmental claims expires and serve it on the debtor. The debtor may then object to any 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

Anyone 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 C](#).

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 seek relief by filing a request for hearing.

C. Trustee Fee. Whether a Chapter 12 plan provides for payments to be made to creditors directly or through the Chapter 12 trustee, the debtor must pay the Chapter 12 trustee a fee, for each year of the plan, as stated in 11 U.S.C. § 326(b). For Chapter 12 trustee compensation, the notice and hearing requirement of 11 U.S.C. § 330 can be met through the plan confirmation process.

D. 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. If the trustee does not file a consent, the debtor may seek relief by filing a request for hearing. Before the resistance deadline on the motion for discharge expires, the debtor must file a certification regarding domestic support obligations under 11 U.S.C. § 1228(a) (Local Form NEB 3015-1(D)), or the case may be closed without a discharge.

Rule 3015-2. Chapter 13 - General

A. Form. A Chapter 13 plan must conform to Local Form NEB 3015-2(A).

B. Employment of Debtor's Attorney. The filing of the petition by an attorney constitutes an application by the attorney for employment in a Chapter 13 case, which is approved without further order unless a party in interest objects within 14 days of the filing of the petition.

C. Employer Deduction. A Chapter 13 plan must include an employer wage deduction unless the court approves a motion establishing cause why an employer deduction should not be included.

D. Pre-confirmation Adequate Protection and Lease Payments. Pre-confirmation adequate protection and lease payments under 11 U.S.C. § 1326(a)(1) must be paid inside the Chapter 13 plan through the trustee. For each payment, the plan must state the creditor's name and address, the last 4 digits of the account number, payment due date, and payment amount. 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.

The trustee may pay pre-confirmation payments in the proposed plan without a court order. A creditor will not be paid unless it files a proof of claim. The trustee will pay pre-confirmation payments within 30 days after a proof of claim is filed unless the debtor did not pay the trustee funds sufficient to allow the trustee to pay the claim within 7 business days before the 30-day period ends. The trustee must deduct from an allowed claim, as of the date of payment, each pre-confirmation payment the trustee makes.

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 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 Chapter 13 Plan. No resistance deadline under Local Rule 9013-1(B) for a Chapter 13 plan may be earlier than 14 days after the meeting of creditors is concluded. If the debtor files the plan with the petition, instead of a specific calendar date, the 9013-1(B) 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 resistance deadline must be a specific calendar date.

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 parties in interest. If the plan is not filed at least 14 days before the second scheduled date, the trustee may file a notice stating the debtor did not comply and the case may be dismissed without further notice or hearing.

G. Limited Motion to Modify Plan. 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 a limited motion to modify (Local Form NEB 3015-2(G)). The limited motion cannot be used to permanently reduce plan payments, reduce the base amount of the plan, or reduce the term of the plan. If an objection to a limited motion is filed, the debtor must file a response within 14 days after the objection deadline. 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 Rule 3015-(3)(C).

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 regarding domestic support obligations and § 522(q) using official bankruptcy form B2830, or the case may be closed without a 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, the debtor must file the certification in support of confirmation (Local Form NEB 3015-3(A)) at least 7 days before the objection to confirmation deadline. If the certification is not filed, the court may deny confirmation. The debtor may not file the certification before the applicable plan is filed.

B. Objections to Confirmation and Response. In Chapter 12 and Chapter 13 cases, if an objection to confirmation is timely filed, the court may without further notice or hearing, deny confirmation or dismiss the case for failure to confirm a plan or for unreasonable delay prejudicial to creditors, unless the debtor files a response to the objection within 14 days after the objection to confirmation deadline.

C. Request for Confirmation Trial. In Chapter 12 and Chapter 13 cases, the court will set a confirmation trial only if the request for confirmation trial (Local Form 3015-3(C)) is filed. The court will consider only issues specifically identified in the plan objection and response. A request for confirmation trial must be filed within 30 days in a Chapter 12 case, or 70 days in a Chapter 13 case, after the debtor's deadline to respond to a plan objection. If the certification and request for trial is not timely filed, the court will deny confirmation and may, without further notice or hearing, dismiss the case for failure to confirm a plan and unreasonable delay prejudicial to creditors.

D. Settlements Resolving Plan Objections. A settlement resolving a plan objection which may affect other creditors must be sought through an amended plan. The court will not approve any settlement or amended plan requiring post-petition arrearages on home mortgage claims under Part 6 of the plan, or post-petition arrearages on any direct pay obligation under the plan, to be paid through the plan by the trustee. The court may confirm the plan along with the terms of a settlement if its terms will not affect other creditors' treatment under the plan, if it is approved by the trustee, the objecting parties, and the debtor(s), and if it contains the statement: "The signing parties reviewed this settlement and after due consideration certify to the best of their knowledge and belief the modifications to the plan by the settlement will not delay or reduce payments to, or have any other measurable effect on other creditors."

E. 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.

F. Redline Version. For any amended plan in cases under Subchapter V of Chapter 11 and under Chapter 12, the debtor must file, under the event Notice of Modified / Amended Plan, but need not serve, a version of the amended plan with all changes clearly and conspicuously indicated by track changes, redline, or similar method.

G. Tax Returns. 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, it 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

The court may dismiss a case under Subchapter V of Chapter 11, Chapter 12, or Chapter 13, on account of a payment default if: a) the trustee filed and provided the debtor a notice stating the amount of the default, the due date of the next scheduled payment, and a warning the case will be subject to dismissal if the default is not cured within 21 days; b) the trustee filed an affidavit stating the debtor did not timely cure the default or make other acceptable arrangements; and c) the debtor did not file an objection disputing the existence of a default, for which the debtor has the burden of proof. The filing of an amended plan is not an objection and will not, alone, preclude dismissal. Requests for additional time to cure must be made directly to the trustee.

Rule 3017-1. Chapter 11 Small Business Cases

In Chapter 11 small business cases, 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 deemed adequate, the court may conditionally approve the disclosure statement and set a final hearing to consider final approval of the disclosure statement and confirmation of the plan. If deemed inadequate, the disclosure statement will be set for immediate hearing.

Rule 3020-1. Deposit; Confirmation of Plan – Chapters 9, 11, and 12

A. Deposit. The debtor in a case under Subchapter V of Chapter 11 or under Chapter 12 must pay the trustee an advance fee and expense deposit within 5 days after the petition is filed, and in a case under Subchapter V of Chapter 11 each month thereafter until a Subchapter V plan is confirmed. The amount to be paid is stated in [Appendix D](#). The trustee must keep the deposit in a segregated account and may apply the deposit to any trustee compensation approved by the court. The trustee must return any excess amount to the debtor within 10 days after the court approves the trustee's final application for compensation. The debtor must include the amounts paid under this Local Rule in the debtor's proposed cash collateral budget.

B. Uncontested Confirmation Orders. 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

A debtor who proposes to pay an interest rate on a secured claim equal to 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 2 percentage points, is presumed to be paying the present value of the secured creditor's claim for any confirmation purpose, and any creditor who objects to the presumed rate 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 a 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 individuals designated by the Attorney General under 11 U.S.C. § 158(d). The judge may 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 11 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 11 U.S.C. § 3057.

Part IV The Debtor: Duties and Benefits

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

A. **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. A motion for relief may be combined with a motion to compel abandonment or a motion for relief from the co-debtor stay under 11 U.S.C. §§ 1201 or 1301. Notwithstanding 11 U.S.C. §§ 1201(d) or 1301(d), the stay will remain in effect until the court rules on the motion.

B. **Notice and Service.** Local Rule 9013-1(B) does not apply to motions under this Local Rule. The clerk will immediately schedule the hearing and file a notice of hearing. The movant must serve the motion, the notice of hearing, and evidence on the debtor and all parties in interest entitled to notice or who may be affected by the motion. The movant must file a certificate of service at least 5 days before the hearing.

Rule 4002-1. Debtor - Duties

A. **Tax Returns.** The debtor should not file with the court any federal and state income tax returns or a transcript of the returns.

B. Request for Tax Information. To obtain tax information under 11 U.S.C. § 521(f), a party must file a motion using the “Request for Copy of Debtor’s Tax Information” event. The motion must: identify the movant’s status in the case; specifically describe the information sought; state why the movant cannot obtain the information from another source; and demonstrate why the information is needed. If the motion is granted, the debtor must file the documents using the “Tax Documents” event. The clerk will transmit the tax information and note the transmission on the docket. The movant must not disseminate the information to any third party. The court may impose sanctions if tax information is improperly used, disclosed, or disseminated.

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

A debtor may by motion seek to avoid a lien or transfer of property under 11 U.S.C. § 522(f), or to sell free and clear. All other proceedings to avoid a lien must be brought by adversary proceeding. The caption of a motion to avoid a lien 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. In addition to any other service requirement, if the creditor whose lien is to be avoided filed a proof of claim, the movant must serve the creditor at the address stated in the proof of claim.

Rule 4008-1. Reaffirmation Agreements

Reaffirmation agreements must conform to the Official Bankruptcy Forms. Reaffirmation hearings will be scheduled at the court’s discretion.

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. Electronic Filing System. All documents filed by an attorney must be filed electronically using the Case Management / Electronic Case Files (“CM/ECF”) System.

B. Service. A filing party must serve a paper copy of the filed document on every party in interest who is entitled to service or notice, but who is not a CM/ECF

participant. When a document is electronically filed, the CM/ECF System will generate and serve a notice of electronic filing. If the recipient is a CM/ECF participant, the notice is the equivalent of service by first class mail, postage prepaid.

C. Certificate of Service. When a party files a document or must serve a court order, the filing party must file a certificate of service stating how service on non-CM/ECF participants was accomplished. Sample language is in [Appendix E](#). The certificate of service must be filed contemporaneously with the document served or within a reasonable time after service.

D. Current Court Matrix. When a party files a document which must be served on the entire court matrix, the filing party must attach to the certificate of service a copy of the complete current court matrix used for service generated by the CM/ECF System, dated as of the date of service. When a party files a document which may be served on a limited matrix under Local Rule 2002-1(D) or Local Rule 9013-1(D), the filing party must attach to the certificate of service a copy of the current and complete matrix of creditors who filed a proof of claim used for service (Special Mailing Group Event: "Creditors who have filed claims") dated as of the date of service and must list any other party in interest served as part of the certificate of service.

E. Emergency Filings. In case of an emergency, or if the CM/ECF System experiences a technical failure, a party may contact the clerk to request permission to transmit documents for filing via facsimile or e-mail. If permission is granted, the filing party must strictly follow the instructions provided or the filing may be stricken.

Rule 5005-2. Documents Filed Under Seal

To seal a document, the party must file a motion to seal (event "Motion to Seal Document"). The document to be sealed must be filed separately from the motion (event "Sealed Document") or it will be accessible for public viewing. Once filed, the document will be provisionally sealed. If the court denies the motion, 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 5009-1. Closing Without Discharge

If a Chapter 12 or Chapter 13 case is closed without discharge, to obtain the discharge, the debtor must file a motion to reopen, pay all associated fees, and file a motion for discharge.

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 Local Rule 9013-1. If all bankruptcy judges are disqualified or incapacitated, the clerk will refer the motion to the United States District Court.

Part VI**Collection and Liquidation of the Estate****Rule 6004-1.****Sales of Estate Property**

A. **Requirements.** 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. 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 all tax consequences are not known, the notice must state all available information and explain why other information is not available.

B. **Sales in Chapter 11 Cases.** In a Chapter 11 case, if approval is sought 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 so state. The notice of sale must also state the extent, if any, to which the proceeds of sale 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 why it is necessary to dispose of estate assets before a disclosure statement is approved or a plan confirmed.

C. **Notice to IRS.** 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 7007-1.****Motions in Adversary Proceedings**

A. **Motion.** A motion in an adversary proceeding must state the basis for the motion and the specific relief requested. Local Rule 9013-1 does not apply to motions filed in adversary proceedings, except as stated in Local Rule 7041-1.

B. **Supporting Brief.** If the motion raises a substantial issue of law, the movant must contemporaneously file a supporting brief. A brief is not required if relief is within the court's discretion, for example a stipulated motion, a motion to withdraw, or a motion to extend time. If a motion raises a substantial issue of law and a brief is not filed, the motion may be deemed abandoned.

C. **Opposing Brief.** A resistance to a motion is not required. Instead, the opposing party must file a brief within 14 days after the motion is filed, or 21 days if the motion is for summary judgment, to dismiss, or for judgment on the pleadings. If an

opposing brief is not filed, it will not be a confession of a motion but precludes the opposing party from contesting the moving party's statement of facts.

D. Reply Brief. A reply brief may be filed within 7 days after the opposing brief is filed. The reply brief must only address factual or legal issues raised in the opposing brief and may not raise new grounds for relief.

E. Content of Briefs. Briefs must concisely state the factual and legal basis for or against the motion and cite supporting authority. A factual assertion in a brief must cite the evidentiary item by docket number and page number. Deposition testimony must be cited by page and line or may be ignored in ruling on the motion.

F. Evidence and Index. If a brief cites factual matter not stated in the pleadings, supporting evidentiary materials along with a separate evidence index must be filed before the party files their brief. The index of evidence must identify each item of evidence relied upon by docket number and description (e.g. "Affidavit of John Smith"; "Promissory Note xxx9456"). Evidentiary items already on the docket, including proofs of claim, should not be re-filed.

G. Hearings. The court generally does not allow oral argument or evidentiary hearings on motions. A request for oral argument or evidentiary hearing must be made by separate motion filed no later than a party's brief is due and must state why argument or a hearing is necessary, and an estimate of the time required.

Rule 7016-1. Mediation

The Mediation Plan adopted by the United States District Court for the District of Nebraska, including any subsequent amendments thereto, is adopted.

Rule 7026-1. Discovery

A. Rule 26(f) Report. The court will set a deadline for the parties' report under Rule 26(f) after all pleadings are filed. A copy of the report is available on the court's website (Local Form 7026-1(A)).

B. Filing of Discovery Materials. Disclosures under Fed. R. Civ. P. 26(a)(1) and (2) and discovery responses and requests should not be filed with the court, except for an evidentiary purpose.

Rule 7033-1. Interrogatories

In determining the number of interrogatories under Fed. R. Civ. P. 33, each inquiry seeking a discrete item of information is one interrogatory. For example, a request for the "name, address, and telephone number of a person" contains 3 interrogatories. A party may not separately define words in an interrogatory.

Rule 7037-1. Cooperation in Discovery

The court will only consider a discovery motion if the moving party, in the motion, establishes after personal consultation with opposing parties and sincere attempts to resolve differences, the parties cannot reach an accord. The showing must state the date, time, and place of the communications and the names of all participating persons. Personal consultation means person-to-person conversation, either in person or on the telephone. An exchange of letters, faxes, voice mail messages, or e-mails is personal consultation upon a showing that person-to-person conversation was attempted but thwarted by the opposing party.

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 and must be noticed and served under Local Rule 9013-1 on the United States Trustee. This Local Rule is satisfied, and no further notice is required, if a party noticed the dismissal in the debtor's main bankruptcy case under Local Rule 9013-1 as part of a motion to approve a settlement.

Rule 7055-1. Default Judgment

Along with a motion for default, the movant must file an affidavit evidencing the party against whom the judgment is requested is not an infant or incompetent person under Fed. R. Bankr. P. 7055(b)(2); and is not in the military service of the United States under 50 App. U.S.C.A. § 521. If judgment is sought for a sum certain, the affidavit must state the amount due and a computation of interest and costs. A clerk's entry of default will not be entered. The court will enter a default judgment which supersedes the clerk's entry of default.

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 AO213P (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 and Expedited Hearings**

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 to expedite or shorten must be captioned, as appropriate, “Motion for Expedited Hearing” or “Motion for Shortened Notice”, must be filed before and separately from the underlying motion, and cannot seek other relief. The motion must state the specific reasons an expedited hearing or shortened notice is necessary. If the motion is granted, the movant must serve the order expediting hearing or shortening time along with the underlying motion. The movant does not have to serve the motion to expedite or shorten, which the court may determine *ex parte*. The movant should not serve the underlying motion until the court rules on the motion to expedite or shorten. The movant must make a good faith effort to advise all parties in interest by telephone, email, or other means reasonably calculated to give prompt notice, of the date and time of the hearing, and substance of the motion. 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.

B. **Shortened Notice for Replacement Vehicle.** After the bar date for non-governmental units to file a proof of claim passes, the debtor may file, without leave of court, a motion to borrow to replace a motor vehicle with a shortened resistance deadline under Local Rule 9013-1(B) of 10 days.

Rule 9006-2.**Continuances**

Before seeking a continuance, a party should seek the consent of all parties interested in the motion. If all parties will not consent, a party may file a motion to continue. The motion must state the reason for the continuance, whether a continuance was previously granted, and whether it is opposed. A continuance is not effective unless the court approves it in an order.

Rule 9011-1.**Signing of Papers**

A. **Authorized Signature Methods.** A document filed by a non-CM/ECF participant may be signed by a digitally scanned image of an originally signed document containing a wet ink signature or by a digital signature from a software program that creates a secure electronic signature uniquely identifying the signer, which ensures the authenticity of the signature, and ensures the signed document has not been altered or repudiated, including DocuSign, Adobe Sign, and SignEasy.

B. **/s/ Signatures.** A document filed by a CM/ECF participant may be signed “/s/” followed by the printed name of the signatory. A party who electronically files a document containing an “/s/” 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 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. This record retention requirement does not apply to electronically filed proofs of claim.

Rule 9013-1. Motions in Contested Matters

A. Applicability. This Local Rule applies to all motions filed in bankruptcy cases, except as specifically provided. A “motion” for purposes of this Local Rule includes any motion, application, objection to claim, disclosure statement, and plan. This Local Rule does not apply to non-substantive motions, which the court may consider without a hearing. Examples of motions to which this Local Rule does not apply are in [Appendix F](#).

B. Resistance Deadline. A 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. The resistance deadline is at least 21 days after the date the motion is filed, unless otherwise provided in a Federal Rule of Bankruptcy Procedure (see, e.g., Fed. R. Bankr. P. 4001(c) and (d) and 2002(b)). The court may rule on a motion without a hearing if no resistance is timely filed.

C. Notice to Non-CM/ECF Participants. Unless otherwise limited by the Federal Rules of Bankruptcy Procedure or these Local Rules, when a motion is filed, the movant must serve the motion and the notice under Local Rule 9013-1(B) on all parties in interest who may be affected by the motion or by the relief sought who do not receive notice through the CM/ECF System. Depending on the relief sought, parties in interest may include anyone against whom relief is sought, anyone who filed a request for notice, any creditor who filed a proof of claim, anyone claiming a lien on or interest in any affected property, the debtor if *pro se*, and/or any other entity required to be served by the Federal Rules of Bankruptcy Procedure or these Local Rules. In Chapter 11 cases, parties in interest may also include each member of any committee authorized under the Bankruptcy Code, or if no committee is appointed, the 20 largest unsecured creditors.

D. Notices to Creditors Whose Claims are Filed. In cases under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13, after the bar date for non-governmental units to file a proof of claim passes, all motions otherwise required to be served on the entire court matrix may be served only upon the debtor, creditors that hold claims for which proofs of claim have been filed, and creditors, if any, that are still permitted to file claims because an extension was granted under Fed. R. Bankr. P. 3002(c)(1) or (c)(2), and parties who filed a request for notice.

E. Notice to 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.

F. Motion to Limit Notice. A motion to limit notice must be filed separately from the underlying motion and cannot seek other relief. The motion must establish good cause to limit notice. The movant does not have to serve the motion to limit notice.

G. **Withdrawal of Motions.** A withdrawal of a motion must be served on all previously noticed parties.

Rule 9014-1. Contested Matters

Hearings on contested matters will be conducted by affidavit. A party may request an evidentiary hearing at which witnesses will testify, by motion filed at least 7 days before a hearing is scheduled to occur. Witnesses cannot testify during a telephonic hearing. Fed. R. Civ. P. 16(b), and 26(a), (d) and (f) do not apply in contested matters. Local Rules 7016-1(B), 7033-1, and 7037-1 apply in contested matters.

Rule 9017-1. Hearings on Declarations and Documentary Evidence

Parties must electronically file exhibits following the procedures in [Appendix G](#). If no deadline is set to file exhibits, exhibits must be filed at least 3 business days before the hearing. The court may refuse to receive any evidence not timely filed. If the court authorizes the filing of paper exhibits, the clerk will destroy or return any paper exhibits within 90 days after a final order is entered and 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 Court.** When a matter scheduled for hearing is settled, the moving party must immediately inform the courtroom department by e-mail to NEBml_Orders@neb.uscourts.gov, telephone, or other expeditious means.

B. **Effect of Settlements.** Except as provided by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a settlement filed with the court is binding on the parties thereto in accordance with its terms. But a settlement 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 settlement without further notice and hearing if: (1) an underlying motion to be settled was served on all parties in interest entitled to notice under Fed. R. Bankr. P. 4001(a) and (d); or (2) the parties represent in the settlement document all parties entitled to notice under Fed. R. Bankr. P. 4001(a) and (d) signed the settlement.

C. **Settlements Requiring Notice.** 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 filing party must redact personal data identifiers. The clerk will not redact or review documents for compliance. To redact personal identifying information described in

Fed. R. Bank. P. 9037(a) from filed documents, file a notice of redaction using the 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. The notice must specify the document and the information to be redacted. The clerk will remove the original document and replace it with the redacted document. 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 court may enter orders by text-only docket entry, entered by court employees authorized by the judge. 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.

B. **Proposed Orders.** 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 should not be combined with or attached to a motion or filed on the docket. A proposed order will not be entered if it seeks relief beyond the scope of the motion, seeks to affect parties not before the court, seeks rulings on matters where there is no case or controversy, or is overly wordy and complex.

C. **Service.** The clerk’s office will serve on all parties in interest only the notices and orders listed in [Appendix H](#). The clerk’s office may electronically serve certain orders only on parties registered with the CM/ECF System, including non-final orders, orders on procedural matters, or orders denying a motion without prejudice. If the court orders a movant serve a copy of an order, the movant must immediately serve it on parties in interest affected by the motion or order who do not receive notice from the CM/ECF System and must file a certificate of service under Local Rule 5005-1(C).

Appendix A

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

(Revised January 17, 2023)

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
1121 Lincoln Mall, Suite 330
Lincoln, NE **68508-2815**

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 General Counsel
Office of Program Litigation
Attn: Bankruptcy
6401 Security Boulevard
Baltimore, MD 21235

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
950 Pennsylvania Avenue, NW
Washington, DC 20503-0001

*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
Jackson, MS 39215

P.O. Box 1033
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

Chapter 13 Fee Requests

A. **Services.** Unless otherwise agreed by the debtor in writing, and approved by the court, the attorney for the debtor in a Chapter 13 case receiving a fee for services must provide all services typical through the end of the case, including:

1. Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses, counsel the debtor on the available bankruptcy chapters.
2. Review, verify, and if required file all required documents, including 6 months of pay stubs, 2 years of complete tax returns, W-2s, 6 months of bank statements, insurance policies, driver's licenses, Social Security cards, electric/gas/water bills, domestic child support orders, judgments, and purchase agreements.
3. Prepare and timely file all required documents including the debtor's petition, plan, statements, and schedules, and any amendments thereto.
4. Help the debtor obtain pre-petition credit counseling and post-petition financial education.
5. Prepare the debtor for the § 341 meeting of creditors and represent the debtor at the meeting.
6. Advise the debtor regarding appropriate insurance on vehicles securing loans or leases.
7. Represent the debtor at confirmation hearings, respond to objections to plan confirmation and, when necessary, prepare an amended plan.
8. Advise the debtor how, when, and where to make Chapter 13 plan payments and explain which payments the debtor must pay directly and which payments the debtor must pay through the plan.
9. Prepare and timely file post-confirmation amended statements and schedules.
10. Address the trustee's first notice of default which results in a stipulation without an amended plan.
11. Represent the debtor in connection with the first motion for relief from the automatic stay.
12. Complete and file the certification by debtor in support of discharge in official bankruptcy form B2830.

B. **Fee Application with Plan.** The debtor's attorney may file a fee application as part of the Chapter 13 plan if the services to be provided include all services in Paragraph A

and the total fees and costs do not exceed \$5,000 (\$4,800 for fees and \$200 for expenses). The fees will be approved as part of the plan.

C. Fee Application by Motion. Except as provided in Section B, above, a fee application must be filed by separate motion (Local Form NEB 2016-1 App B1). A fee application under this section should be requested sparingly and in the following extraordinary situations.

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

2. A case requiring a confirmation trial, adversary proceedings, or a trial of a contested matter with live witness testimony.

3. A case dismissed before the initial plan is confirmed, which the debtor's attorney must file within 7 days after dismissal for actual fees and expenses incurred.

4. In a case where 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.

D. ALC (à la carte) Fees. A debtor's attorney may seek additional compensation using by certification (Local Form 2016-1 App B2). The certification is a motion under Local Rule 9013-1. After the certification is filed, the Chapter 13 trustee must, within 7 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.

Appendix C

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 4 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 and Chapter 12 trustee fees and expenses.
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 3 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. If the debtor asserts 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 3 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 D

Trustee Fees

Subchapter V of Chapter 11

The advance deposit the debtor must pay the trustee in a case under Subchapter V of Chapter 11 is:

Due Date	Amount
Within 5 days of the Petition Date	\$1,000.00
Each Month on the same day of the month as the petition date until a Subchapter V plan is confirmed or until the total amount held by the trustee is \$3,000. If the advance deposit drops below \$3,000 because the trustee was paid authorized compensation from the deposit, the debtor must restart payments until the advance deposit again reaches \$3,000	\$500.00

Chapter 12

The advance deposit the debtor must pay the trustee in a case under Chapter 12 is \$1,000. After a Chapter 12 plan is confirmed, the debtor must pay the trustee an advance payment for expenses under 11 U.S.C. § 326(b), for each year of the plan, equal to \$600. The fee can be paid in monthly or quarterly installments or on an annual basis or as otherwise agreed with the Chapter 12 trustee.

Appendix E

Certificate of Service

Option 1: Motion Mailed to the Full 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 parties on the current court matrix, a copy of which is attached.

[AND IF APPLICABLE]

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 following parties not listed on the matrix:

Name of Receiving Party
Postal Address
City, State, ZIP Code

/s/ Signature

Typewritten Name of Filer

Option 2: Motion Mailed to Limited Matrix Under Local Rules 2002-1(D) and 9013-1(D)

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 parties on the current court matrix for limited notice under Neb. R. Bankr. P. 9013-1(E), a copy of which is attached.

[AND IF APPLICABLE]

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 following parties not listed on the matrix:

Name of Receiving Party
Postal Address
City, State, ZIP Code

/s/ Signature

Typewritten Name of Filer

Option 3: Motion not Required to be Mailed to the Full or Limited 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:

Name of Receiving Party

Postal Address

City, State, ZIP Code

/s/ Signature

Typewritten Name of Filer

Option 4: Motion to be Mailed to 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 F

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 exemption from filing pay advice
11. Motion for exemption from filing tax returns
12. Motion for exemption from pre-petition credit counseling, certificate of course completion or certificate of debtor education, or filing domestic support obligation certificate in support of discharge/confirmation
13. Motion for expedited hearing under Neb. R. Bankr. P. 9006-1
14. Motion for extension of time
15. Motion for joint administration
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 objecting to discharge under 11 U.S.C. §§ 727(a)(8) or (9), or 1328(f) filed by the United States Trustee.
25. Motion to compel
26. Motion to continue hearing under Neb. R. Bankr. P. 9006-2
27. 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)

28. Motion to defer or delay discharge filed by the debtor or the United States Trustee
29. Motion to delay case closing
30. Motion to deposit funds in court registry
31. Motion to determine final cure mortgage payment under Fed. R. Bankr. P. 3002-1
32. Motion to determine termination or absence of stay
33. Motion to extend or impose the automatic stay under 11 U.S.C. § 362(c).
34. Motion to incur expenses authorization regarding federal practice fund
35. Motion to limit notice or service
36. Motion to quash under Fed. R. Bankr. P. 9016
37. Motion to redact under Neb. R. Bankr. P. 9037-1
38. Motion to reopen closed case
39. Motion to revoke waiver of filing fee
40. Motion to seal document or case under Neb. R. Bankr. P. 5005-2
41. Motion to shorten time under Neb. R. Bankr. P. 9006-1
42. Motion to stay pending appeal
43. Motion to strike
44. Motion to unseal document
45. 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
46. Request for hearing or evidentiary hearing

Appendix G

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 unique documents separately. Single documents with multiple subparts may be filed as attachments to the main document if the attachments are also described on the docket.

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 re-file documents already on the docket, including proofs of claim.
- Do NOT name documents or 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].

- File exhibit lists, notices of intent to offer evidence, and index of evidence, after you file exhibits. Include assigned docket numbers on the list, notice, or index.

Docket Entry Examples:

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

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

Appendix H

Notices and Orders the Clerk Will Serve

The clerk's office will serve the following notices and orders on all parties in interest unless the court orders a party to do so.

- 341 meeting of creditors
- Statement of presumed abuse
- Notice setting resistance deadline regarding a motion to dismiss filed by the United States Trustee
- Notice setting resistance deadline regarding a motion objecting to discharge under 11 U.S.C. §§ 727(a)(8) or (9), or 1328(f)
- Notice case is closed without a discharge
- Notice of denial, revocation, or waiver of discharge
- Order confirming Plan
- Order of discharge
- Order dismissing case
- Order on motion to reconsider dismissal of case
- Order on motion to reinstate case
- Order granting motion to reopen
- Order vacating any of the foregoing