

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF TENNESSEE**

IN RE

**AMENDMENTS TO
LOCAL RULES OF THE
BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF
TENNESSEE**

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No. 2009-03

GENERAL ORDER

It is hereby ORDERED that the Local Rules of the United States Bankruptcy Court for the Eastern District of Tennessee (the "Local Rules") are amended to read as set forth on the attachment hereto [the amended portions are shown in red and the deleted portions are shown in ~~strikeout~~]. It is further ORDERED that these amendments shall become effective December 1, 2009, and that the clerk shall publish the Local Rules, as amended, on the court's website.

/s/ John C. Cook
JOHN C. COOK
Chief United States Bankruptcy Judge

/s/ Richard Stair, Jr.
RICHARD STAIR JR.
United States Bankruptcy Judge

/s/ Marcia Phillips Parsons
MARCIA PHILLIPS PARSONS
United States Bankruptcy Judge

/s/ R. Thomas Stinnett
R. THOMAS STINNETT
United States Bankruptcy Judge



**AMENDMENTS TO
LOCAL BANKRUPTCY RULES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
to be effective December 1, 2009**

RULE 1007-2. MAILING — LIST OR MATRIX

(a) Requirement of Master Address List. A master address list must be filed along with any petition initiating a voluntary bankruptcy case or within ~~15~~ 14 days after the entry of an order for relief in an involuntary case. The list will be treated as the list of creditors required by Fed. R. Bankr. P. 1007(a). The list must include the names and complete addresses of all creditors and parties in interest, including equity security holders in a chapter 11 case who must be notified of the case pursuant to Fed. R. Bankr. P. 2002(d), and the addresses of all parties required to be notified under Fed. R. Bankr. P. 2002(j). In all chapter 11 cases and in any other case in which a department, agency, or instrumentality of the United States is a party, the list must also include the address of the United States Attorney.

* * *

RULE 1017-1. CONVERSION — REQUEST FOR/ NOTICE OF

(a) Conversion from Chapter 13 or 12 to Chapter 7. Pursuant to 11 U.S.C. § 1307(a), 11 U.S.C. § 1208(a), and Fed. R. Bankr. P. 1017(f)(3), a debtor may convert a chapter 13 or chapter 12 case to chapter 7 by filing a notice of conversion. Any motion filed by a debtor seeking to convert a chapter 13 or chapter 12 case to a case under chapter 7 will be treated as a notice of conversion and should not be accompanied by a Notice of Hearing as set forth in Local Rule 9013-1(f). Any conversion notice or motion must be accompanied by the required conversion fee.

(b) Conversion from Chapter 7. A debtor may seek conversion pursuant to 11 U.S.C. § 706(a) only by motion. The movant must set the motion for hearing in accordance with the procedure in Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h). Each motion must be accompanied by a proposed order, approved for entry by the movant and served with the motion on all creditors. The conversion will be effective upon entry of the order.

RULE 2090-1. ATTORNEYS — ADMISSION TO PRACTICE

* * *

(c) Admission *Pro Hac Vice*. An attorney who is in good standing as a member of the bar of a state and is admitted to practice in a United States District Court may be admitted *pro hac vice* by comity to appear before this court in a particular case, contested matter, or adversary proceeding. Admission *pro hac vice* must be sought by written motion that includes or is accompanied by a statement signed by the attorney of the movant, signed under penalty of perjury and setting forth—

* * *

RULE 2091-1. ATTORNEYS — WITHDRAWALS

~~**(a) Withdrawals.** An attorney (including debtor’s counsel desiring not to continue to represent the debtor in connection with an adversary proceeding [see Local Rule 9010-1(b)]) may not withdraw from representation after entering an appearance except by leave of court for cause shown. Except as provided in subdivision (b) or (c) of this rule, an attorney of record who desires to withdraw from representation must file and serve on his or her client, the trustee, and any opposing party a motion to withdraw setting forth the basis of the motion and must tender a proposed order granting the motion.~~

~~**(b) Substitution.** An attorney of record representing a debtor has obtained the services of another attorney must file a motion for substitution along with a proposed agreed order signed by both attorneys. New counsel for a debtor must file the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) within 10 days after entry of the order. An attorney representing creditor that has obtained the services of another attorney must file a notice of substitution of counsel that includes the new attorney’s name, office address, telephone and fax numbers, and e-mail address.~~

~~**(c) Inability of Attorney to Serve.** In the event that an attorney of record dies, is removed or suspended, or is otherwise unable to continue to act as attorney of record, the individual or entity that the attorney was representing should obtain the services of another attorney. New counsel must file a motion for substitution with a proposed order and must file the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) within 10 days after entry of the order.~~

~~**(d) Pro Se Appearance.** If an attorney withdraws or becomes unable to continue to act as attorney of record and the individual that the attorney was representing does not intend to retain substitute counsel, the individual must file with the clerk and serve on all opposing parties a notice of his or her intent to proceed *pro se*, stating the individual’s address to which service and notices should be sent. (See Local Rule 9010-2.)~~

(a) Withdrawal by Attorney for Debtor in a Bankruptcy Case or Adversary Proceeding. An attorney who has made an appearance on behalf of a debtor as determined by Local Rule 9010-1 may not withdraw from representation of the debtor except by leave of court for cause shown. The attorney seeking to withdraw must either file a motion setting forth the basis for the requested withdrawal or, in the event the debtor has obtained the services of other counsel, a motion for entry of an agreed order of substitution of counsel signed by both attorneys. If a motion to withdraw is filed in a bankruptcy case, the attorney must set the motion for hearing in accordance with Local Rule 9013-1(f) and serve the motion and proposed order upon the debtor and the trustee. If a motion to withdraw is filed in an adversary proceeding, the attorney must serve the motion and proposed order upon the debtor and all other parties. If an agreed order of substitution of counsel is tendered, the new attorney must file the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) within 14 days after entry of the agreed order.

(b) Withdrawal by Attorney for Party Other than Debtor in a Bankruptcy Case. An attorney who has made an appearance on behalf of a non-debtor party in a bankruptcy case as determined by Local Rule 9010-1 may withdraw from representation without leave of court by filing a notice stating that the attorney no longer represents the party. In the event that the party has obtained the services of other counsel, a notice of substitution of counsel may be filed by the new attorney that includes the new attorney's name, office address, telephone and fax numbers, and e-mail address.

(c) Withdrawal by Attorney for Party Other than Debtor in an Adversary Proceeding. An attorney who has made an appearance on behalf of a non-debtor party in an adversary proceeding as determined by Local Rule 9010-1 may not withdraw from representation except by leave of court. The attorney seeking to withdraw must either file a motion setting forth the basis for the requested withdrawal or, in the event the party has obtained the services of other counsel, a motion for entry of an agreed order of substitution signed by both attorneys. If a motion to withdraw is filed, the attorney must set the motion for hearing in accordance with Local Rule 9013-1(f) and serve the motion and proposed order on all parties to the adversary proceeding.

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL

* * *

(b) Proof of Perfection by Secured Creditors.

* * *

(2) *Failure to Comply.* In the event the holder of a secured claim does not comply with the provisions of this rule and the trustee gives notice to the creditor in writing in accordance with Fed. R. Bankr. P. 9014(b) that it has failed to comply with the rule, the trustee may be entitled to recover costs related to the filing of an adversary proceeding against the creditor if the creditor fails to cure its noncompliance within 21 ~~20~~ days of service of notice.

RULE 3015-2. CHAPTER 13 — AMENDMENTS TO PLANS

(a) Modification of Confirmed Plans.

* * *

(3) *Contents of Notice.* The date specified in the Notice for the meeting with the chapter 13 trustee must be designated by the debtor on a day prearranged by the trustee and must be at least 21 ~~20~~ days after service of the motion, plan, and notice.

(5) *Objections to the Motion.* To be timely, an objection to the motion to modify must be filed with the clerk before the scheduled time of the meeting with the trustee or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the meeting.

RULE 3015-3. CHAPTER 13 — CONFIRMATION

(a) **Objections to Confirmation.** To be timely, an objection to confirmation of a chapter 13 plan must be filed with the clerk before the scheduled time of the § 341(a) meeting of creditors or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting of creditors in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.

* * *

RULE 4001-2. AUTOMATIC STAY — IMPOSITION OR CONTINUATION

(a) Motion to Impose Stay

* * *

(2) *Procedure.* The movant must set the motion for hearing at least 7 ~~5~~ days after the date of notice. If a party desires a hearing on notice that is less than 7 days ~~5 days~~, or that requires a special setting that is not one of the court's scheduled motion days, the party must seek permission from the court by contacting a courtroom deputy clerk.

* * *

RULE 5005-4. ELECTRONIC FILING

* * *

(c) Facsimile Filing. Documents may not be filed by facsimile transmission except with the prior express permission of the court.

RULE 6004-1. SALE OF ESTATE PROPERTY

* * *

(c) Report of Sale. Within 14 ~~15~~ days of the closing of a sale, a report of sale must be filed and served on the debtor, the trustee, and the United States trustee.

* * *

RULE 7007-1. MOTION PRACTICE IN ADVERSARY PROCEEDINGS

(a) Motion, Response, and Briefs. A motion filed in an adversary proceeding must be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court directs otherwise, the opposing party must file a response within 21 ~~20~~ days after the date of filing of the motion. Any response must be supported by a brief setting forth the facts and the law in opposition to the motion. A failure to respond timely will be construed to mean that the respondent does not

oppose the relief requested by the motion. After the time for response has expired, the court may rule on the motion without a hearing. A party may request a hearing on any motion.

RULE 7056-1. SUMMARY JUDGMENT

* * *

(c) Statement of Additional Undisputed Material Facts. The respondent may file, with the response to the motion, a statement of additional material facts that the respondent contends are undisputed and require the denial of the motion. The movant must respond to the statement within 14 five days after service of the statement of additional undisputed material facts. The content of the statement must be the same as prescribed in subdivision (a) of this rule, and the content of the response thereto must be the same as prescribed in subdivision (b) of this rule.

RULE 9013-1. MOTION PRACTICE

* * *

(f) Hearing on Motions.

(1) *Requirement.* Except as permitted by subdivisions (g), (h), and (i) of this rule, every motion must be set for hearing by the movant. The movant must give notice of the hearing, either by a legend prominently displayed on the face of the first page of the motion immediately below the caption or by a separate Notice of Hearing form conforming to Local Form 9013.1. If the movant uses a legend on the first page of the motion, the legend must be in a form substantially as follows:

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on this matter on [date], at [time] .m.,
in Courtroom _____, [address of courthouse]
~~on the following:~~

~~[description of motion or other paper initiating matter to be heard]~~

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the [motion, application, or objection] and may enter an order granting that relief.

If the movant uses a separate Notice of Hearing form, Local Form 9013.1, and it is filed as a separate docket entry, the notice must be appended with or accompanied by a certificate of service complying with Local Rule 9013-3.

(2) *Scheduling.* Absent permission from the court, the hearing date chosen by the movant must be

- (i) one of the court's scheduled motion days, at the time that the court has set for hearings in connection with cases under that chapter of the Bankruptcy Code, which dates and times are available from the clerk of the court or on the court's web site, www.tneb.uscourts.gov,
- (ii) at least ~~21~~ 20 but no more than 40 days after service of the notice and motion except
 - (A) hearings on objections to claims shall be at least 30 but not more than 50 days after service;
 - (B) hearings on motions for relief from the automatic stay in chapter 7 cases must be at least 14 ~~15~~ days after the date of notice; and
 - (C) hearings on motions to impose the stay stays under 11 U.S.C. § 362(c)(4)(B) must be scheduled in accordance with Local Rule 4001-2; and
 - ~~(D) hearings on debtors' motions to convert from chapter 7 to any other chapter must be at least 10 days after the date of notice.~~

(3) *Waiver.* In the event the movant does not schedule a hearing on a motion for relief from stay for a date that is within 30 days after the filing of the motion, the movant is deemed to waive the 30-day termination provision of 11 U.S.C. § 362(e)(1).

(4) *Required Hearing Attendance.* Unless excused by the court, the movant and any objecting party are required to appear at all scheduled hearings. The failure of a movant or an objecting party to attend a duly noticed hearing will be deemed a withdrawal of the motion or of the objection to the motion, as the case may be. Similarly, the court will consider the failure of any other noticed party to attend the hearing as a lack of opposition to the granting of the relief requested in the motion.

(g) Ex Parte Motions.

(1) *Definition.* Unless otherwise directed by the court, no hearing is required for the motions set forth in this subdivision (g), which may be granted by the court on an ex parte basis.

(2) *Types of Motions.* The motions which fall within this category are—

- (i) applications to pay filing fee in installments as permitted by Fed. R. Bankr. P. 1006(c);
- (ii) motions for orders extending or shortening time pursuant to Fed. R. Bankr. P. 9006(b)(1)(1) and (c)(1) respectively, respectively, and Local Rule 9006-1, except motions by a creditor, the trustee, or the United States trustee to extend time to file a complaint objecting to discharge pursuant to Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt pursuant to Fed. R. Bankr. P. 4007(c);
- (iii) motions for a Rule 2004 examination;
- (iv) motions for an emergency hearing;
- (v) motions for *pro hac vice* appearance;
- (vi) motions by debtor debtors to enlarge the time for filing a reaffirmation agreement filed in accordance with Fed. R. Bankr. P. 4008(a) and Local Rule 4008-1, or for delay of entry of discharge filed in accordance with Fed. R. Bankr. P. 4004(c)(2);
- (vii) except for motions of a type described in subdivision (h)(1)(vi) of this rule, motions in which the movant certifies that all affected parties have consented to the requested relief;
- (viii) motions by debtor debtors to convert pursuant to 11 U.S.C. § 1112(a), 1208(a) or 1307(a);
- (ix) motions by the trustee to reopen chapter 7 case to administer additional unscheduled assets;
- (x) motions by debtor debtors to dismiss chapter 13 case that has not been converted under 11 U.S.C. § 706, 1112, or 1208;
- (xi) motions for entry of or to vacate wage order;
- (xii) motions directing Internal Revenue Service to transmit refund to chapter 13 trustee and requests to vacate such orders;
- (xiii) motions by creditors to recover unclaimed funds;
- (xiv) subject to Fed. R. Bankr. P. 6003(a), applications to employ professionals pursuant to Fed. R. Bankr. P. 2014 that do not seek approval of a postpetition retainer or a particular fee arrangement and that do not reveal any actual or potential conflicts of interest or any other facts that could preclude retention;

- provided the application has been served on the United States trustee who will have seven days from the date of service in which to object;
- (xv) motions to waive the filing fee under 28 U.S.C. § 1930(f) and Fed. R. Bankr. P. 1006(c); **and**
 - (xvi) motions pursuant to 11 U.S.C. § 109(h)(3)(B) for an extension of an exemption granted pursuant to 11 U.S.C. § 109(h)(3);
 - (xvii) motions to restrict public access to documents containing one or more of the personal data identifiers listed in Fed. R. Bankr. P. 9037; and**
 - (xviii) any other motion that the movant believes is appropriate for ex parte action, provided that the motion expressly requests court consideration without notice or a hearing and states the factual and legal basis for ex parte relief.**

Notwithstanding the foregoing, the procedure described in this subdivision (g) may not be utilized if a request for one of the types of relief listed above is combined with a request for a type of relief listed in subdivision (h)(1) or a request for relief for which subdivision (f) requires a hearing.

(3) *Proposed Order.* Each ex parte motion, except applications to pay filing fee in installments, must be accompanied by a proposed order, approved for entry by the movant as required by subdivision (c) of this rule.

(h) “Passive Notice” (Notice and Opportunity for a Hearing) Motions.

(1) *Type of Motions.* As an alternative to setting and noticing a motion for hearing as required in subdivision (f) of this rule, a movant may follow the passive notice procedure set forth herein whereby no hearing is set or held unless a party in interest objects to the relief requested in the motion. This passive notice procedure may be used only for the following matters—

* * *

- (ix) motions to approve compromises or settlements pursuant to Fed. R. Bankr. P. 9019(a) **and motions for leave to dismiss a complaint objecting to discharge,** filed in accordance with Local Rule 9019-1;
- (x) motions by a creditor, the trustee, or **the** United States trustee to extend time to file a complaint objecting to discharge pursuant to Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt pursuant to Fed. R. Bankr. P. 4007(c);
- (xi) objections to proofs of claims, filed in accordance with Local Rule 3007-1;
- (xii) motions for entry of a final decree in chapter 11 cases;
- (xiii) applications or requests for payment of administrative claims or expenses pursuant to 11 U.S.C. § 503, including fees for professionals;
- (xiv) applications to employ professionals that seek the approval of a postpetition retainer or a particular fee arrangement and evidence service on all creditors and parties in interest except that service of the application in a chapter 11 case may be limited to the parties set forth in Local Rule 2002-1(b);
- (xv) motions for relief from the codebtor stay pursuant to 11 U.S.C. § 1301;

- (xvi) motions for orders permitting acts to be done after the expiration of a deadline pursuant to Fed. R. Bankr. P. 9006(b)(1)(2);
- (xvii) motions by debtors to convert pursuant to 11 U.S.C. § 706(a);
- (xviii) motions by trustees pursuant to 11 U.S.C. § 521(a)(6) or 362(h)(2); ~~and~~
- (xix) motions by debtors to reopen closed cases and for leave to file proof of completion of instructional courses in personal financial management; and
- (xx) motions in chapter 13 cases for relief from the automatic stay with respect to collateral pursuant to 11 U.S.C. § 362(d)(1) or (2), provided that the plans provide for the surrender of the collateral.

Notwithstanding the foregoing, the procedure described in this subdivision (h) may not be utilized if a request for one of the types of relief listed above is combined with a request for relief for which subdivision (f) requires a hearing.

(2) *Passive Notice Legend.* Matters filed pursuant to this passive notice procedure must contain a passive notice legend prominently displayed on the face of the first page of the motion immediately below the caption. The passive notice legend must be in a form substantially as follows:

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at ___[address]___, an objection within ___[number]___ days from the date this paper was filed and serve a copy on the movant's attorney, ___[name and address and any other appropriate persons]___. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

(3) *Objection deadline.* The number of days in which parties may object that is placed in the passive notice legend must be 21 ~~20~~ days except

- (i) ~~debtors' motions to convert pursuant to 11 U.S.C. § 706(a) for which the objection time must be at least 10 days;~~
- (ii) motions for relief from the automatic stay or to compel abandonment (or both) in chapter 7 cases for which the objection time must be at least 14 ~~15~~ days;
- (iii ii) motions for adequate protection in chapter 7 cases when combined with motions for relief from the automatic stay or to compel abandonment (or both) for which the objection time must be at least 14 ~~15~~ days; and

(iv ~~iii~~) objections to proofs of claim pursuant to Fed. R. Bankr. P. 3007 for which the objection time must be at least 30 days.

Except as otherwise provided in this subdivision, when requests for more than one type of relief with respect to which the “passive notice” procedure is available are combined into a single motion, the objection period is the longest one applicable to any of the types of relief.

(4) *Filing of Objection.* In the event a party in interest files an objection within the time permitted in the passive notice legend, the court will schedule a hearing on the matter upon notice to the movant, the objecting party or parties, and others as may be appropriate.

(5) *No Objection.* In the event no party in interest files an objection within the time permitted in the passive notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the court may consider the matter in chambers without further notice or hearing.

(6) *Court Discretion.* Nothing in this rule is intended to preclude the court from setting the matter for hearing even if no objection is filed within the time permitted in the passive notice legend.

(7) *Proposed Order.* The requirement in subdivision (c) of this rule that every motion be accompanied by a proposed order does not apply to a notice of abandonment filed pursuant to Fed. R. Bankr. P. 6007(a) or notice of a proposed use, sale, or lease of property pursuant to Fed. R. Bankr. P. 6004(c) unless the noticing party desires entry of an order approving the proposed action.

(i) **Post-Hearing Motions**

* * *

(2) *Briefs.* All motions of the type described in subdivision (1) above shall be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court reduces or extends the time, the opposing party shall file a response and a brief in opposition to the motion within 14 ~~10~~ days after the date of the filing of the motion.

* * *

RULE 9013-3. CERTIFICATE OF SERVICE

(a) Requirement. When the Bankruptcy Code, applicable rules of procedure, court order, or these rules require a paper to be served on parties in interest, a certificate of service must be signed by the party or attorney required to effect notice or service and promptly filed with the clerk.

~~**(b) Content.** The certificate of service must include—~~

- ~~(1) a description of the paper served;~~
- ~~(2) the name of every entity served;~~

- ~~(3) the service address of every entity served unless the entity was served electronically;~~
- ~~(4) the method whereby the paper was served;~~
- ~~(5) the date that the paper was served; and~~
- ~~(6) if the filer is relying on an order limiting notices previously entered in the case, a reference to the date and document number of the order.~~

(b) Content. The certificate of service must include a description of the paper served and—

- (1) with respect to entities served electronically through the court's electronic case filing system, a statement that the paper will be served electronically on the entities specified in the Notice of Electronic Filing to be issued by the electronic case filing system; and
- (2) with respect to entities not served electronically through the court's electronic case filing system:
 - (i) the name of every entity served;
 - (ii) the service address of every entity served;
 - (iii) the manner of service;
 - (iv) the date that the paper was served.

(c) Order Limiting Notices. If the filer is relying on an order limiting notices previously entered in the case, the certificate of service must include a reference to the date and document number of the order.

RULE 9014-1. FILING OF DISCOVERY MATERIALS

Deposition transcripts (or audio or video recordings of depositions), interrogatories, requests for documents, and requests for admissions and responses or answers thereto, and notices of deposition and initial disclosures pursuant to Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(a)(1) should not be filed with the clerk except by order of the court. Relevant portions of discovery materials may, however, be filed in support of or in opposition to motions and for use at trial (*see* Local Rule 7037-1).

RULE 9019-1. SETTLEMENTS

(a) Motion Requirement. Motions to approve a settlement or compromise pursuant to Fed. R. Bankr. P. 9019 and motions for leave to dismiss a complaint objecting to discharge must—

- (1) be filed in the bankruptcy case rather than a pending adversary proceeding;
- (2) identify any pending adversary proceeding being settled (in the body of the motion not the caption);
- (3) state the nature of the controversy and the terms of the compromise;

- (4) set forth why the proposed compromise or dismissal is fair, equitable, and in the best interests of the estate; and
- (5) be accompanied by a proposed order granting the proposed settlement or compromise or authorizing the dismissal and approved by the movant for entry in the bankruptcy case.

* * *

(d) Disposition of Adversary Proceeding. Upon approval of the motion, the movant must either (A) tender a separate agreed order for filing entry in the adversary proceeding (approved for entry by the parties to the adversary proceeding) disposing of the proceeding in accordance with the settlement, or (B) file in the adversary proceeding a notice of dismissal, stipulation of dismissal, or motion to dismiss as appropriate under Fed. R. Bankr. P. 7041 and Fed. R. Civ. P. 41.

LOCAL FORM 3015.2

[CAPTION]

**NOTICE OF MOTION TO MODIFY CONFIRMED PLAN,
MEETING WITH TRUSTEE, AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1329 and Fed. R. Bankr. P. 2002(a)(5):

1. The debtor is filing the attached motion to modify confirmed plan and proposed modified plan.
2. The debtor will meet with the chapter 13 trustee on [date and time] [a date at least 21 ~~20~~ days after service of motion, plan, and notice] at [address of meeting]. You may attend that meeting and examine the debtor regarding the proposed modified plan.
3. **Any party wishing to object to the proposed modified plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the meeting with the chapter 13 trustee referenced in paragraph 2 of this Notice or before the scheduled time of any continued meeting, or lodge a written objection with the chapter 13 trustee at the meeting.** Any objection to the modified plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the debtor(s), attorney listed below, and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the scheduled meeting.
4. Absent an objection, the court may enter an order granting the motion to modify the confirmed plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [the first scheduled time for confirmation hearings that is at least seven days after the meeting with the trustee], unless the debtor and the objecting parties agree to a different date at the scheduled meeting.

The undersigned hereby certifies that he/she has properly served this notice, the motion to modify, and the proposed modified plan on the chapter 13 trustee and parties listed below.

Date: _____

[SIGNATURE AND TYPED NAME OF ATTORNEY
FOR DEBTOR, ADDRESS, PHONE NUMBER, AND
BAR NUMBER]

LOCAL FORM 3015.4

[CAPTION]

**NOTICE OF PLAN MODIFICATION BEFORE CONFIRMATION,
CONTINUED MEETING OF CREDITORS, AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1323 and Fed. R. Bankr. P. 2002(a)(5),

1. The debtor is filing the attached amended plan.
2. The § 341(a) meeting of creditors in this case has been continued to [date and time] [a date at least 21 ~~20~~ days after service of plan and notice] and will be held at [address of meeting].
3. **Any party wishing to object to the proposed amended plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the continued § 341(a) meeting of creditors referenced in paragraph 2 of this Notice or before the scheduled time of any further continuance of the § 341(a) meeting of creditors, or lodge a written objection with the chapter 13 trustee at the meeting.** Any objection to the amended plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the debtor(s), attorney listed below, and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.
4. Absent an objection, the court may enter an order confirming the amended plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [the first scheduled time for confirmation hearings that is at least seven days after the completion of the continued meeting of creditors], unless the debtor and the objecting parties agree to a different date at the continued meeting of creditors.

The undersigned hereby certifies that he/she has properly served this notice and the accompanying plan on the chapter 13 trustee and parties listed below.

Date: _____

[SIGNATURE AND TYPED NAME OF ATTORNEY FOR
DEBTOR, ADDRESS, PHONE NUMBER, AND BAR NUM-
BER]