

## LOCAL RULE 3015-1

### Duties of Chapter 13 Debtors and Chapter 13 Trustees

#### Part I

#### Duties of Chapter 13 Debtors

(a) Dismissal for Failure to File Schedules, Statement of Affairs or Plan. Failure to file any schedule, Statement of Financial Affairs or a chapter 13 Plan within fourteen (14) days of the date of filing the petition or obtain a Court approved extension as provided for in FRBP 1007 shall be cause for dismissal. The Clerk shall notify each debtor filing a petition for relief without a schedule, statement or plan of this provision.

(b) Commencement of Payments. Each debtor shall begin making payments to the trustee in the amount and on the payment dates proposed in the debtor's plan, commencing with the first plan payment due date that occurs after the petition filing date. The first due date may not be more than thirty (30) days after the petition filing date. Should a payment become due prior to the filing of a plan, said payment may be deferred until after the plan is filed. Any deferred payments shall be paid in full prior to confirmation of the debtor's plan. All plan payments shall be timely and must be made payable to the trustee by cashier's check, money order, business check of the debtor, payroll deduction, or such other method as approved by the trustee.

(c) Debtor May Not Sell, Transfer or Encumber Property of the Estate. No debtor shall sell, transfer or encumber any property of the estate without first obtaining the permission of the trustee. If the equity in a nonexempt asset which is not inventory of a business debtor exceeds \$2,500, the debtor must also obtain the permission of the Court.

(d) Reporting "Windfalls." Each debtor shall report to the trustee any windfall received or expected, including but not limited to, injury settlements, income tax refunds, bonuses, inheritance, and lottery winnings.

(e) Termination of Employment. Each debtor shall notify the trustee within seven (7) days of any termination of employment and shall notify the Court and the trustee of any change in residence address.

#### Part II

#### Chapter 13 Trustee's Duties

(f) Administration of Debts. The trustee shall administer all debts except the following:

- (1) Ongoing real property mortgage payments, provided, however, the Court may order that such payments be made through the plan if, at the time of filing the petition, the debtor had any arrearages related to the mortgage;
- (2) An ongoing lease payment;
- (3) A debt paid by a third party; and,

(4) A long-term debt with a contractual life which exceeds the proposed life of the plan.

(g) Trustee's Submission of Order Confirming Plan. Should a debtor fail to submit a proposed Order Confirming Debtor's Plan, the trustee may submit such an order.

(h) Trustee's Fees Before Confirmation. The trustee shall be allowed a fee of up to \$250 from available funds in a case that is closed prior to confirmation due to conversion or dismissal. The fee is based on an average of the actual and necessary costs of administration of all chapter 13 cases.

**LOCAL RULE 4001-1**  
Motions for Relief from Stay

(a) Motions for relief from the automatic stay of 11 U.S.C. § 362(a) shall be set for hearing in accordance with LBR 9014-1. However, if a movant wishes to invoke the time constraints of 11 U.S.C. § 362(e), the motion shall be set for hearing pursuant to paragraph (f)(1) of LBR 9014-1.

(b) Relief from the automatic stay will not be granted if the movant utilizes the notice and opportunity for hearing procedure defined in 11 U.S.C. § 102(1). A hearing must be set on every motion for relief from the automatic stay. See LBR 9014-1.

(c) Relief from Stay Information Sheet. The movant shall file and serve as a separate document a completed Relief from Stay Information Sheet (EDC Approved Form 3-468) with each motion for relief from the automatic stay.

(d) Motions in Chapter 12 and 13 Cases. If relief from the automatic stay is sought in a chapter 12 or 13 case, the motion shall include the following:

- (1) When the motion alleges that the debtor or the trustee has failed to maintain postpetition payments on an obligation secured by real or personal property, including, but not limited to, installment payments and lease payments,
  - (i) the motion shall include a verified statement showing all postpetition payments and other obligations that have accrued and all payments received postpetition, the dates of the postpetition payments, and the obligation(s) to which each of the postpetition payments was applied; and
  - (ii) the motion shall state whether a contract or applicable nonbankruptcy law requires that the debtor be given a statement, payment coupon, invoice, or other comparable document and whether such document was sent to the debtor or the trustee as to any postpetition payment(s) allegedly not made by the debtor or the trustee; and