

confirmation hearing and the originals shall be retained by the plan proponent under the ECF Procedures.

Comment

This local rule was amended to conform to the amendments to the Federal Rules of Bankruptcy Procedure regarding computing time. Business Day is defined at Local Rule 9001-1(d).

Rule 3020-1 Proofs at an Uncontested Confirmation Hearing in a Chapter 11 Case

At the hearing on the confirmation of a chapter 11 plan, if no objection to confirmation has been filed or if all filed objections have been resolved, and if no class of claims or equity interests has rejected the plan, upon consent of all parties present, the court may dispense with an evidentiary hearing and based on the lack of objection and the consents, may find that each of the elements necessary for confirmation under § 1129(a) has been established.

Comment

This local rule is unchanged.

Rule 3070-1 Claims to be Paid by the Chapter 13 Trustee

In a chapter 13 case, all claims shall be paid by and through the chapter 13 trustee unless the debtor's plan establishes cause for remitting payments on a claim directly to the creditor. Any timely objection to such a plan provision will be heard at the confirmation hearing.

Comment

This local rule is unchanged.

Rule 4001-1 Motion for Relief from the Stay

(a) Parties to be Served. A party seeking relief from the stay shall file a motion under Local Rule 9014-1. The moving party shall serve the motion on the debtor and on any other parties asserting an interest in the property that is the subject of the motion and file a certificate of service.

(b) Contents of the Motion. If applicable, the motion shall identify the property, state the names and purported interests of all parties that are known or discoverable upon a reasonable investigation to claim an interest in the property, state the amount of the outstanding indebtedness, and state the

fair market value of the property. The motion shall have attached a legible and complete copy of any relevant loan agreements, security agreements, documents establishing perfection and prior court orders. A motion for relief from the stay shall be so entitled.

(c) The Preliminary Hearing. Unless the court notifies the parties in or contemporaneously with the notice of the preliminary hearing, the preliminary hearing will not be an evidentiary hearing and the court will determine whether to schedule a final hearing based on the parties' papers and arguments. At the preliminary hearing, the court may decide issues of law or define the factual or legal issues to be determined at the final hearing and may issue appropriate scheduling orders. The parties may request or the court may order that the preliminary hearing be treated as the final hearing.

Comment

This local rule is unchanged.

Rule 4001-2 Motion for Use of Cash Collateral or to Obtain Financing

(a) Contents of the Motion. In addition to the requirements of F.R.Bankr.P. 4001(b)(1)(B) and F.R.Bankr.P. 4001(c)(1)(B), a motion for use of cash collateral under § 363(c)(2) or to obtain credit under § 364(c) or (d) shall explicitly state the moving party's position as to the value of each of the secured interests to be protected. Pertinent appraisals and projections shall be summarized in the motion.

(b) Cover Sheet. The motion shall be filed with a completed form "Cover Sheet for Motion to Use Cash Collateral or to Obtain Financing," available on the court's website.

(c) Motion to Approve Agreement. A motion for the entry of an order approving an agreement for the use of cash collateral or to obtain credit on an expedited basis may be granted without a hearing if the motion complies with F.R.Bankr.P. 4001(d)(1)(B) and if:

- (1) The proposed order is approved by all creditors who may have an interest in the cash collateral to be used or the credit to be extended, by the chairperson or attorney for each official committee and by the United States trustee;
- (2) The proposed order provides for the debtor to use cash collateral or to obtain credit in a maximum specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of the date of the final hearing or the date that the order would become a final order;