

confirmed plans and the Chapter 13 Trustee shall collect such percentage fee at the time of the distribution of the adequate protection payment to the claimant as a §503 administrative expense.

- (4) No adequate protection payments shall be paid until a Proof of Claim is filed.
- (5) All adequate protection payments through the Chapter 13 Trustee shall be made in the ordinary course of the trustee's business from funds in the case as they become available for distribution to claimants.
- (6) All adequate protection payments through the Chapter 13 Trustee shall be made in the equal monthly amount provided for the claimant in the Chapter 13 Plan unless the plan provides otherwise in clear and conspicuous language.
- (7) Pursuant to 11 U.S.C. §1326(a)(3), claimants may file objections to the adequate protection treatment provided by the plan. The Chapter 13 Trustee shall continue to make adequate protection payments to the movant in the monthly amount provided in the plan until the Court orders otherwise.
- (8) Upon the dismissal or conversion to another Chapter of a case prior to the confirmation of a Chapter 13 Plan, the Chapter 13 Trustee shall make the pre-confirmation adequate protection payments due under the plan or Court Order, or a portion thereof, from any funds available for that purpose received on or before the date of the entry of the Order of Dismissal or Conversion to creditors that have filed Proofs of Claim prior to the date of the dismissal or conversion.
- (9) The principal amount of the adequate protection recipient's claim shall be reduced by the amount of the adequate protection payments remitted to the claimant unless the Court orders otherwise.

**LR 4001.2 Motions for Relief from Stay.**

- (a) **Motion.** In a chapter 13 case in which the debtor has not stated an intention to surrender the real property in question, a movant bringing a motion under 11 U.S.C. § 362 (d)(1) or (d)(2) for relief from the automatic stay with respect to real property based in whole or in part on the failure of the debtor to make one or more periodic post-petition payment shall attach a separate affidavit to the motion signed by an employee of the movant or its servicing agent with personal knowledge that contains the following information:

- (1) A description of the property, including its street address, city and state;
  - (2) A copy of the note, a copy of the mortgage, land contract or other agreement evidencing a lien, evidence of the lien's perfection and, if applicable, a copy of the assignment of the lien to the movant unless such documents have already been filed with the court. If the motion is being made by a loan servicer, a copy of the loan servicing agreement or an abridgment thereof which grants authority to the loan servicer to file the motion shall be attached unless this document has already been filed with the court;
  - (3) An itemization of the post-petition arrearage which the movant alleges is due;
  - (4) A complete payment history from the date the movant alleges the debtor's post-petition account was last current unless the motion is brought pursuant to (5), below. The payment history shall substantially conform to the form set forth in the Appendix to these rules;
  - (5) If the motion is based on a default in making plan payments to the chapter 13 trustee, the due date and amount of each missed payment and the current status of payments to the trustee; and
  - (6) If relevant to the motion, the movant's estimate of the current market value of the property and whether any equity exists in the property.
- (b) **Objection.** An objection filed by the debtor to a motion brought pursuant to paragraph (a) challenging the movant's allegation of missed payments shall attach proof that payments have been made or a declaration under penalty of perjury that such payments have been made.

**LR 5005**

**Electronic Filing.** The court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the court. Electronic filing is mandatory for all attorneys who practice in this district except in limited emergency circumstances or where the attorney has received a waiver from the mandatory requirement from the Chief Judge of the Bankruptcy Court. If an attorney encounters emergency circumstances that require the attorney to file documents in paper form, the paper filing shall be accompanied by a letter briefly discussing the emergency circumstances that prevented electronic filing