

UNITED STATES DISTRICT & BANKRUPTCY COURT
DISTRICT OF IDAHO

STEPHEN W. KENYON
CLERK OF COURT
208.334.1976



L. JEFF SEVERSON
CHIEF DEPUTY
208.334.9464

November 6, 2020

NOTICE FOR PUBLIC COMMENT

The United States Bankruptcy Court's Local Rules Committee invites the public to review and provide comment on the amendments to the Bankruptcy Court's Local Rules 1017.1, 2002.6, 2016.1, 3003.1, 3014.1, 3020.1, 3022.1, 5005.2, 7054.1, 7067.1, 8001.1, 9004.1, 9010.1, 9011.1, and 9037.1 as well as the Chapter 13 Plan and Confirmation Order. A copy of the amended rules and Chapter 13 Plan and Confirmation Order are attached to this notice (redline versions).

There will also be a paper copy provided for reference at the United States Courthouses in Boise, Coeur d'Alene, and Pocatello. If you are unable to access the website, or not able to travel to a courthouse location; please call Jeff Severson, Chief Deputy at 208.334.9464.

All public comments are due by December 9, 2020 at 5 p.m. (MST). Please send your comments by email to local_rulesBK@id.uscourts.gov, or by mail at the following address:

United States Bankruptcy Court, District of Idaho
Attn: Jeff Severson, Chief Deputy
550 West Fort Street
Boise, ID 83724

If you have any questions, you can send your questions to local_rulesBK@id.uscourts.gov, or please call 208.334.9464. Thank you.

CONVERSION OR DISMISSAL OF CASE

(a) **Conversion of chapter 7 to chapter 13.**

- (1) Motion. A motion under 11 U.S.C. § 706(a) to convert from chapter 7 to chapter 13 shall comply with this rule.
- (2) Service. A debtor shall serve the motion to convert on the Chapter 7 Trustee, the United States Trustee and any creditor who has appeared in the case.
- (3) Objection. An objection to the motion to convert must be filed within seven (7) days of service of the motion.
 - (A) Hearing. If an objection is filed, the debtor must schedule a hearing on the motion to convert and the objection, giving a minimum of seven (7) and a maximum of fourteen (14) days notice to the objecting party, the Chapter 7 Trustee and the United States Trustee.
- (4) No Objection. If no objection to debtor's motion is filed within seven (7) days, the Court will enter a notice of conversion.

(b) **Dismissal of chapter 13.**

- (1) Motion. A motion under 11 U.S.C. § 1307(b) to dismiss a chapter 13 case which has not been converted to chapter 13 pursuant to 11 U.S.C. §§ 706, 1112, or 1208 shall state whether there are any pending motions to convert or dismiss with prejudice the chapter 13 case.
- (2) Service. A debtor shall serve the motion to dismiss on the Chapter 13 Trustee, the United States Trustee and any creditor who has appeared in the case.
- (3) Objection. An objection to the motion to dismiss must be filed within seven (7) days of service of the motion.
 - (A) Hearing. If an objection is filed, the debtor must schedule a hearing on the motion to dismiss and the objection, giving a minimum of seven (7) and a maximum of fourteen (14) days notice to the objecting party, the Chapter 13 Trustee and the United States Trustee.
- (4) No Objection. If no objection to debtor's motion is filed within seven (7) days, the Court will enter an order dismissing the case.

RELATED AUTHORITY

11 U.S.C. §§ 706, 1307
[Fed. R. Bankr. P. 1017, 9013](#)
[LBR 9010.1](#)
~~General Order 234, 235~~

Advisory Committee Notes:

Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365 (2007) and *Rosson v. Fitzgerald (In re Rosson)*, 545 F.3d 764 (9th Cir. 2008), necessitated a rule to establish procedures on motions to

convert a chapter 7 case to chapter 13 and to dismiss a chapter 13 case that, prior to such precedent, were “automatically” granted.

DISTRICT OF IDAHO – CURRENT RULE

LBR 2002.6 PAYMENT OF CHAPTER 7 ADMINISTRATIVE EXPENSES

Pursuant to 11 U.S.C. § 503, and consistent with Fed. R. Bankr. P. 2002(a)(6), a chapter 7 trustee may move the court for an order authorizing the trustee to pay an administrative expense not exceeding \$1,000 to any one entity or person by serving the motion on the debtor, debtor's counsel, the U.S. Trustee and any other party requesting notice in the bankruptcy case. The trustee shall account for the payment of such fees and expenditures in the trustee's Final Report. Where the motion was not served on all creditors and parties in interest, creditors and parties in interest may file an objection to allowance of the administrative expense on or before the deadline to object to the trustee's Final Report.

DISTRICT OF IDAHO – PROPOSED RULE

LBR 2002.6 PAYMENT OF CHAPTER 7 ADMINISTRATIVE EXPENSES

A chapter 7 trustee may pay the actual, necessary costs and expenses of preserving the estate without obtaining a court order ~~obtained~~ in advance if:

- (1) the amount ~~for any single item~~ paid to any one entity or person does not exceed \$1,000;
- (2) the notice provided to ~~when all~~ creditors and parties in interest ~~are notified~~ of the need to file a proof of claim, ~~the notice~~ advises parties ~~that~~ they may file an objection and request for a hearing on this procedure within 28-14 days ~~after~~ from the date of the notice; and
- (3) the trustee obtains court approval before or at the time of the court's determination on the trustee's final application for compensation and reimbursement for expenses submitted with the trustee's final report.

CHAPTER 13 REPRESENTATION AND COMPENSATION

(a) **Applicability.**

Attorneys representing debtors in cases under chapter 13 of the Bankruptcy Code may elect to establish terms of compensation for their services under the requirements and conditions of this rule. If they elect not to do so, the terms and conditions of employment shall be as established by appropriate written agreement, and compensation shall be subject to the requirements of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, including but not limited to 11 U.S.C. § 330(a)(4)(B).

(b) **Presumptive fee.**

If an attorney elects to establish compensation for representation of debtors in chapter 13 cases under this rule, and upon compliance with the terms and conditions of this rule, the attorney shall be allowed a fixed fee not to exceed the amount provided in a General Order of this court for all services rendered or to be rendered throughout the duration of the chapter 13 case, and inclusive of all costs and expenses with the exception of filing fees. This fixed fee shall be presumptively reasonable and allowable under 11 U.S.C. § 330(a)(4)(B) without itemization of time or other submission. The chapter 13 plan may make provision for the payment of any portion of such fee not paid by the debtor(s) prior to the filing of the petition.

(1) Inasmuch as such fee's reasonableness is presumptive only, the court may, in its discretion or upon request of the debtor, the chapter 13 trustee, the U.S. Trustee, a creditor or party in interest, conduct a hearing to consider the reasonableness of such fee under all the facts and circumstances of the case. The court may, as a result of such hearing, reduce or modify such fee.

(c) **Required use of model retention agreement.**

An attorney seeking to establish presumptive compensation under this rule shall execute and be bound by the Model Retention Agreement in the form required by the court. Such attorney shall also obtain the signatures of the debtor(s) to the Model Retention Agreement. A copy of the fully executed Model Retention Agreement shall be attached to the statement filed by the attorney under Fed. R. Bankr. P. 2016(b).

(d) **Applications for fees in addition to presumptive amount.**

In extraordinary circumstances, an attorney receiving presumptive compensation under this rule may seek additional fees through an application for allowance of additional compensation and, if necessary, a motion to modify a confirmed plan. Such an application shall be set for a hearing upon notice to the debtor(s), the chapter 13 trustee, the U.S. Trustee, and all creditors and parties in interest. Such an application shall be accompanied by an affidavit justifying the request and including an itemization of all services rendered by the attorney, from the initiation of representation of the debtor(s) through the date of application, supporting the total amount of compensation sought. This affidavit shall be filed with the court and served on the debtor(s), the chapter 13 trustee, and the U.S. Trustee. (e) **Applications for attorney's fees in cases dismissed prior to confirmation.**

In the event the debtor(s) case is dismissed prior to confirmation, then attorney's fees awarded pursuant to 11 U.S.C. § 330(a)(4)(B) must be reasonable. In those cases wherein the attorney for the debtor(s) is seeking to be paid attorney's fees from funds received by the chapter 13 trustee from the debtor(s) prior to dismissal and still in trustee's possession, the attorney for the debtor(s) shall timely file a detailed fee application within 14 days of the date the case was dismissed with notice to the debtor(s) and the trustee. The application must state that debtor(s) have been advised of the attorney's intent to seek payment on their attorney's fees from funds being held by the trustee that would otherwise be refunded to the debtor(s) pursuant to 11 U.S.C. § 1326(a)(2) and that the debtor(s) have the right to object to the allowance of some or all of the fees requested. Failure of debtor(s)' attorney to timely file a fee application will result in funds being refunded to the debtor(s).

RELATED AUTHORITY

11 U.S.C. § 329, 330, 503(b)(2)

[Fed. R. Bankr. P.](#) 2016

District of Idaho General Order No. ~~291~~322

Advisory Committee Notes:

This rule provides an alternative fee approach to counsel representing chapter 13 debtors. Ordinarily, counsel representing debtors in chapter 13 cases would be required to support fees paid pre-petition or through a confirmed plan by providing itemization on a time and hour basis. This court has previously as a matter of practice waived, in most cases, the requirement of itemization of services for counsel charging a fee for services in the case not exceeding \$1,000.00. See *generally In re Gebert*, 99.4 I.B.C.R. 137, 138 (Bankr. D. Idaho 1999).

The court wishes to ensure reasonable and adequate compensation is paid chapter 13 debtors' counsel, to encourage full performance of duties by such counsel throughout the duration of the case as debtors' needs and changed circumstances require; and to eliminate the expense of serial requests for incremental fees through modified plans. It has elected to do so through a significantly higher presumptively reasonable fee, but conditions its availability to those cases where debtors and their counsel agree to a standard form of retention agreement outlining the mutual duties and responsibilities of attorney and client.

Under this rule, counsel may charge and receive a fixed fee not to exceed the amount provided in a General Order of this court for all services rendered or to be rendered in the chapter 13 case. Use of this alternative requires that the attorney and the client execute the Model Retention Agreement, which may be found in Appendix II of the Local Bankruptcy Rules. A copy of the executed Model Retention Agreement must be attached to counsel's Rule 2016(b) statement.

The contemplation is that this compensation is a fixed fee for all services in the case, and not a base fee that in ordinary cases would be subject to post-confirmation requests for additional fees. However, in extraordinary circumstances, an attorney could seek relief from the fixed fee, and additional compensation, though only upon an application with supporting affidavits, notice, and actual hearing.

FILING PROOFS OF CLAIM IN CHAPTER 11 CASES

~~Time to file.~~

Pursuant to [Fed. R. Bankr. P. 3003\(c\)\(3\)](#) ~~and except as provided in subdivision (b) of this rule, the last day to file~~ proofs of claim in a chapter 11 case shall be filed not later than ninety-seveny (790) days after the date of the order for relief from the first date set for a § 341(a) meeting of creditors. A claim of a governmental unit shall be filed not later than before one hundred eighty_

(180) days after the date_ of the order for relief, except as otherwise provided in the Federal Rules of Bankruptcy Procedure. The clerk shall notify all creditors and parties in interest of such bar date.

~~(b) Extension.~~

~~The court may, for cause shown, extend the deadline upon appropriate motion, notice, and hearing. If the § 341(a) meeting notice to creditors has already been sent by the clerk's office, the notification to creditors of an extension of deadline to file claims will be the responsibility of the debtor in possession and its counsel.~~

RELATED AUTHORITY

11 U.S.C. §§ 501, 502, 1111(a)
[Fed. R. Bankr. P. 3003](#)

Advisory Committee Notes:

~~The purpose of this rule is to standardize the claims bar date for all chapter 11 cases, including, but not limited to cases under subchapter V. Extensions of time to file proofs of claim in chapter 11 cases are governed by Fed. R. Bankr. P. 3003(c)(3). Any order granting such an extension shall designate the party required to provide notice to creditors of the extended deadline. The rule does not change the operation of 11 U.S.C. § 1111(a) or [Fed. R. Bankr. P. 3003\(b\)\(1\)](#) or (c)(2) as to claims scheduled by the debtor as undisputed, non-contingent, and liquidated.~~

~~A class of secured creditors in a chapter 9 or 11 case may elect application of § 1111(b)(2) within the timeframe set forth in Pursuant to [Fed. R. Bankr. P. 3014](#), if (1) the court has entered an order conditionally approving a disclosure statement, (2) the disclosure statement and the plan are combined and no hearing on the disclosure statement is held, or (3) the court has not ordered application of § 1125 in a case under chapter 11 subchapter V, then the election under § 1111(b) shall be made no later than fourteen (14) days before the first scheduled confirmation hearing date. but such election shall be made no later than the conclusion of the hearing on the disclosure statement. Except when (1) the court has entered an order conditionally approving a disclosure statement, (2) the disclosure statement and the plan are combined and no hearing on the disclosure statement is held, or (3) the court has not ordered application of § 1125 in a case under chapter 11 subchapter V, the election under § 1111(b) shall be made no later than fourteen (14) days before the first scheduled confirmation hearing date.~~

RELATED AUTHORITY

11 U.S.C. § 1111(b), § 1181(b)
[Fed. R. Bankr. P. 3014](#) and [3017.1](#)
[General Order 357](#)

Advisory Committee Notes:

This rule governs the three exceptional circumstances delineated above. For deadlines that apply in all other instances, see [Fed. R. Bankr. P. 3014](#).

Local Bankruptcy Rule 3020.1

CHAPTER 11 PRECONFIRMATION REPORTS/MEMORANDUM

Aa. In a chapter 11 case other than a subchapter V case, the plan proponent shall, not less than five (5) days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections to plan confirmation, and a statement as to how each requirement of 11 U.S.C. § 1129 is satisfied.

Bb. In a chapter 11 subchapter V case, the plan proponent shall, not less than five (5) days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections to plan confirmation, and a statement as to how each requirement of 11 U.S.C. § 1191 is satisfied.

Cc. In any chapter 11 case, the preconfirmation~~The~~ memorandum shall be served on the debtor, the United States Trustee, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, any chapter 11 trustee appointed pursuant to the Bankruptcy Code and any party that has filed an objection to confirmation or has requested notice.

Dd. If the confirmation hearing is continued, a revised or supplemental preconfirmation ~~report~~memorandum addressing only new, supplemental or additional issues shall ~~likewise~~ be filed and served not less than five (5) days prior to the continued hearing.

RELATED AUTHORITY

11 U.S.C. §§ 1128, 1129, 1191
Fed. R. Bankr. P. 3017, 3018, 3020(b)
LBR 2002.3, 3018.1

LOCAL BANKRUPTCY RULE 3022.1

FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE

(a) The debtor, or a trustee in the event the trustee is distributing plan payments, shall provide certain statistical information to the clerk, including:

(1) Percent of dividend to be paid;

(2) Amounts paid or to be paid for:

Trustee compensation

Attorney for trustee

Attorney for debtor

Other professionals (e.g. accountant, bookkeeper, auctioneer, etc)

All expenses, including trustee's;

(3) Total amounts for claims allowed (listed separately):

Secured

Priority

Unsecured

Equity security holders.

(b) A final decree closing the case after the estate is fully administered does not affect the right of the court to enforce or interpret its own orders.

(c) The clerk may close an open chapter 11 case subsequent to entry of an order confirming a plan of reorganization upon provision of not less than thirty (30) days written notice to the debtor(s), to counsel for debtor(s), and to the U.S. Trustee.

RELATED AUTHORITY

11 U.S.C. § 350
[Fed. R. Bankr. P. 3022](#)

Advisory Committee Notes:

Entry of a final decree closing a chapter 11 case should not be delayed solely because the payments required by the plan have not been completed. [Fed. R. Bankr. P. 3022](#).

Upon request, the clerk will furnish a chapter 11 form for the required closing statistical information. The form can be viewed at www.id.uscourts.gov.

DOCUMENTS FOR FILING OR ADMINISTERING

(a) **Petitions.**

At the time of filing, documents may be reviewed for format and legibility; correct size of paper (8 ½ x 11) for scanning purposes and signatures.

If filed in paper by pro se litigants, documents must be affixed by a fastener (i.e., paper clip,) and NOT staples.

(b) **No filing fee or an inappropriate amount submitted; and facsimile pleadings.**

The clerk has been given authority by General Order to refuse to accept or file:

- (1) Any facsimile pleadings mailed or faxed to the clerk which do not comply with General Order 201, or
- (2) Any petition or pleading not accompanied by the required filing fee under 28 U.S.C. § 1930.

(c) **General format of papers presented for filing.**

- (1) Except for proposed orders submitted to the court, Official Forms under Rule 9009, and IdahoForm Chapter 13 Plan, starting 1 inch from the top of the first page, the following information must appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multiparty actions or proceedings, reference may be made to the signature page for the complete list of parties represented:
 - (A) Name of the attorney (or if in propria persona, of the party);
 - (B) E-mail address;
 - (C) Idaho State Bar Number (if applicable);
 - (D) Office mailing address;
 - (E) Telephone number;
 - (F) Facsimile number; and
 - (G) Specific identification of the party represented by name and interest in the litigation (i.e.,debtor, creditor, plaintiff, defendant, etc.).
- (2) Any pleading, motion or other paper presented for filing must be submitted in 12 to 14 font,with the exception of forms, exhibits, attachments or other documents which cannot be converted to this font. (3)

(A) Following the counsel identification, a caption in the following form should appear:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re

[Debtor Name]

Case Number:_____

Debtor

Chapter Number:

(B) In completing the form of caption, insert in place of bracketed material the debtor(s) name and designation of character of paper. When completing the case number, include three letter suffix indicating the assigned judge (*i.e.*, 07-00001-~~TLMJMM~~ or 07-00001-~~JDPNGH~~)[Designation of Character of Paper]

RELATED AUTHORITY

28 U.S.C. § 1930

[Fed. R. Bankr. P.](#) 2016, 5005, 9009

[LBR 1002.1](#), [1006.1](#), 1006.2, [1007.1](#), [1009.1](#), [4001.2](#), [5007.1](#), [5010.1](#), [7003.1](#), [9004.1](#), 9004.2

District of Idaho General Order nos. 97, ~~154~~, ~~187~~, 201 Official

Form 416A

Advisory Committee Notes:

The procedures on facsimile filing are governed by District of Idaho General Order 201, that is available on the court's website, or you may call the local clerk's office.

With respect to the format for adversary captions, refer to [LBR 7003.1](#).

TAXATION OF COSTS

(a) Within fourteen (14) days after entry of judgment under which costs may be claimed, the prevailing party may serve and file a cost bill in the form prescribed by the court, requesting an itemized taxation of costs. The cost bill must itemize the costs claimed and be supported by a certificate of counsel that the costs are correctly stated, were necessarily incurred **in this action**, and are allowed by law. The court will enforce the provisions of 28 U.S.C. § 1927 in the event an attorney or other person admitted to practice in this court causes an unreasonable increase in costs. Not less than twenty-one (21) days after receipt of a party's cost bill, the clerk, after consideration of any objections, will tax costs and serve copies of the cost bill upon all parties of record. The cost bill should reflect the clerk's actions to each item contained therein. Within fourteen (14) days after service by any party of its cost bill, any party may file and serve specific objections to any items setting forth the grounds for the objection.

(b) Generally, the prevailing party is the one who successfully prosecutes the action or successfully defends against it, prevails on the merits of the main issue, and the one in whose favor the decision or verdict is rendered and judgment entered.

(c) Costs must be taxed in conformity with the provisions of 28 U.S.C. § 1920-1923 and other provisions of law as may be applicable and any directives as the court may issue from time to time. Taxable items include:

(1) Clerk's Fees and Service Fees. Clerks fees (see 28 U.S.C. § 1920) and service fees as allowed by statute.

(2) Trial Transcripts. The cost of the originals of a trial transcript, a daily transcript, or of a transcript of matters prior or subsequent to trial, furnished the court are taxable at the rate authorized by the Judicial Conference when either requested by the court or prepared pursuant to stipulation. Acceptance by the court does not constitute a request. Copies of transcripts for counsel's own use are not taxable unless approved in advance by the court.

(3) Deposition Costs. The prevailing party may recover the following costs relative to depositions used for any purpose in connection with the case:

(A) The cost of the original deposition plus one copy (where prevailing party was the noticing party);

(B) The cost of a copy of a deposition (where prevailing party was not the noticing party; and (C) The cost of video-taped depositions.

The prevailing party who noticed the deposition may recover the reasonable expenses incurred for reporter fees, notary fees and the reporter's/notary's travel and subsistence expenses. In addition, witness fees, whether or not the witness was subpoenaed are taxable at the same rate as attendance at trial. The reasonable fee for a necessary interpreter to attend a deposition is also taxable on behalf of the prevailing party. Attorney's fees and expenses incurred in arranging for or taking a deposition are not taxable.

(4) Witness Fees, Mileage and Subsistence. The rate for witness fees, mileage, and subsistence are fixed by statute (28 U.S.C. § 1821). Such fees are taxable even though the witness does not take the stand, provided the witness necessarily attends court. Such fees are taxable even though the witness attends voluntarily upon request and is not under subpoena. The mileage taxation is based on the most direct route. Mileage fees for travel and subsistence are taxable only for the reasonable period during which the witness is within the district. No party shall receive witness fees for testifying on their own behalf except where a party is subpoenaed to attend court by the opposing party. Witness fees for officers of a corporation are taxable if the officers are not defendants and recovery is not sought against the officers individually. Fees for expert witnesses are not taxable in a greater amount than is statutorily allowed for ordinary witnesses. Allowance of fees for a witness on deposition must not depend on whether the deposition is admitted in evidence.

(5) Copies of Papers and Exhibits. The cost of an exhibit necessarily attached to a document (or made part of a deposition transcript) required to be filed and served is taxable. The cost of reproducing the required number of copies of the clerk's record on appeal is allowable.

(6) Maps, Charts, Models, Photographs, Summaries, Computations and Statistical Summaries. The reasonable cost of maps, diagrams, visual aids, and charts are taxable if they are admitted into evidence. The cost of photographs are taxable if admitted into evidence or attached to documents required to be filed and served on opposing counsel. Enlargements greater than 8"x10" are not taxable except by order of the court. The cost of models is not taxable except by order of the court. The cost of compiling summaries, computations, and statistical comparisons is not taxable.

(7) Interpreter and Translator Fees. The reasonable fee of a competent interpreter is taxable if the fee of the witness involved is taxable. The reasonable fee of a competent translator is taxable if a document translated is necessarily filed or admitted in evidence.

(8) Other Items. Other items may be taxed with prior court approval.

(9) Certificate of Counsel. The certificate of counsel required by 28 U.S.C. § 1924 and the rules are *prima facie* evidence of the facts recited therein. The burden is on the opposing party to establish that a claim is incorrectly stated, unnecessary, or unreasonable.

(d) A review of the decision of the clerk in the taxation of costs may be taken by the court on a motion to retax by any party, pursuant to Fed. R. Bankr. P. 7054(b), upon written notice thereof, served and filed with the clerk within seven (7) days after the costs have been taxed in the clerk's office, but not after. The motion to retax must specify the ruling of the clerk excepted to, and no others will be considered. The motion will be considered and determined upon the same papers and evidence used by the clerk and upon such memoranda of points and authorities as the court may require. A hearing may be scheduled at the discretion of the court.

RELATED AUTHORITY

28 U.S.C. § 1920

[Fed. R. Bankr. P. 7054\(b\)](#)

Advisory Committee Notes:

This rule is generally consistent with the Local Rules of Civil Practice for the United States District Court for the District of Idaho, though there are minor differences.

DEPOSITS (REGISTRY FUND)

(a) Whenever a party seeks an order for money to be deposited by the clerk in an interest bearing account, the party shall prepare a form of order in accord with the following.

(b) The following form of standard order shall be used for the deposit of registry funds into interest bearing accounts or the investment of such funds in an interest-bearing instrument:

IT IS ORDERED that the clerk invest the amount of \$_____ in Court Registry Investment System ("CRIS"), which is administered by the Administrative Office of the United States Courts under 28 USC § 2045, and said funds to remain invested pending further Order of the Court.

IT IS FURTHER ORDERED that the Administrative Office of the Courts is authorized and directed by this Order to deduct the investment services fee for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the Court.

RELATED AUTHORITY

28 U.S.C. § 2041-2042

[Fed. R. Bankr. P. 7067](#)

[Fed. R. Civ. P. 67](#)

District of Idaho General Order No. **257312**

LBR 7067.2

BANKRUPTCY LOCAL RULE 8001.1
RULES APPLICABLE TO BANKRUPTCY APPEALS

(a) **Rules applicable to bankruptcy appeals.**

~~(1) All Appeals. In addition to All appeals in bankruptcy cases are governed by the rules in Part VIII of the Federal Rules of Bankruptcy Procedure and Third Amended District Court General Order No. General Order No. 349, LBR 8001.1 applies to all appeals from a judgment, order, or decree of a judge.~~

~~(2) Bankruptcy Appellate Panel (BAP). For the purposes of these Local Bankruptcy Rules, BAP shall mean the United States Bankruptcy Appellate Panel of the Ninth Circuit.~~

(b) **~~Filing of notice of appeal.~~**

~~An appellant shall file the notice of appeal together with the appropriate filing fee with the clerk of the bankruptcy court.~~

(c) **~~Form and time of consent to the BAP.~~**

~~(1) Consent. The consent of a party to allow an appeal to be heard and determined by the BAP shall be deemed to have been given unless written objection is filed with the clerk of the bankruptcy court either:~~

~~(A) by appellant with the notice of appeal or motion for leave to appeal; or~~

~~(B) by any other party within thirty (30) days from the date of service of notice of the appeal.~~

~~(C) When an appellant files both a notice of appeal and a motion for leave to appeal, consent will be deemed revoked if an objection to BAP determination is filed with respect to either pleading.~~

~~(2) Effect of Timely Objection. Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the district court and the bankruptcy court clerk shall not forward any appeal documents, or any further documents, to the BAP. If the objection is timely, but filed after some of the appeal documents have been transferred to the BAP, the BAP clerk shall promptly return to the bankruptcy court clerk all appellate documents for administration.~~

~~(3) Objection Filed with Notice of Motion. If a written objection is filed with the notice of appeal or motion for leave to appeal, the bankruptcy court clerk shall not be required to forward any appeal documents to the BAP.~~

(d) **Transmittal of record.**

When the record on appeal is transmitted, is complete for purposes of appeal to either the district court or the BAP, a copy thereof will be transmitted, and the original bankruptcy court record shall remain in the office of the bankruptcy court clerk.

Related Authority:

28 U.S.C. § 158

[Fed. R. Bankr. P. 8001-80288019](#)

[General Order No. 349](#)

Advisory Committee Notes:

~~The clerk will provide parties to an appeal, and to others upon request, copies of Amended General Order No. 38, as amended by General Order No. 113. In the event an appeal is heard by the BAP (see LBR 8001.1(c)), the BAP rules shall apply. Pursuant to LBR 1001.1(b) if an appeal is heard by the district court, it may order that the Local Rules of Civil Practice for the United States District Court for the District of Idaho shall apply.~~

FORM OF ORDERS

(a) **Separate documents.**

All orders must be submitted on a document separate from any attendant motion or stipulation.

(b) **Requisite information.**

All orders submitted must identify with specificity the application, motion, or other pleading to which it corresponds, and the court hearing, if any, from which it resulted. The order must also specifically identify the property or interest with which it deals.

(c) **Format**

All orders shall contain the proper case caption. There shall be no attorney information (name, firm, address, etc.) above the caption. After the text of the order, the end of the text shall be indicated with the phrase // end of text //. Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order and who they represent (e.g. order submitted by John Smith, Attorney for Debtor Jane Doe), and any endorsements of the order by other parties. If the order is in regard to a Chapter 12 or a Chapter 13 case, other than in regard to an uncontested or stipulated stay relief motion, the order shall contain endorsements of the acting trustee.

(d) **Submission of proposed orders.**

Proposed orders are to be submitted by e-mail in a format compatible with WordPerfect, unless expressly directed by the court to be submitted in a different format. A certificate of service is not required when submitting a proposed order.

(1) When e-mailing the proposed order in the correct format to the court, all proposed orders must list in the e-mail subject line, the following items: (1) the case number; (2) judge's initials; (3) the docket number of the motion filed electronically, which is the subject of the proposed order; and (4) a description. (Example: 05-1234_TLMJMM_10_Order_Dismissing.wpdocx)

(2) Proposed orders shall be sent to the appropriate e-mail address shown in the ECF Procedures.

Related Authority: [Fed. R. Bankr. P. 9004\(b\), 9013](#)

Advisory Committee Notes:

Orders must identify the related application, motion or other pleading. This should be done by reference to the title, date and/or docket number of such pleading.

Attorneys should refer to the current ECF Procedures available on the court's website for further information about the submission of proposed orders.

LOCAL BANKRUPTCY RULE 9010.1
ATTORNEYS

(a) **Eligibility for admission.**

- (1) Any attorney who has been admitted to practice in the Supreme Court of the State of Idaho (including one admitted by reciprocity) is eligible for admission to the bar of this court. Any attorney admitted to practice before the district court for the District of Idaho is admitted to the bar of the bankruptcy court without further process.
- (2) Each applicant for admission shall present to the clerk a written application stating the applicant's residence and office address and by what courts the applicant has been admitted to practice and the respective dates of admission to those courts.
- (3) Each applicant for admission shall pay to the clerk the requisite admission fee.

(b) **Practice in this court.**

Only a member of the bar of this court may enter appearances for a party, sign stipulations or receive payment, or enter satisfactions of judgments, decrees, or orders.

(c) **Attorneys for the United States.**

An attorney, not admitted under this rule who is employed or retained by and representing the United States Government or any of its officers or agencies, may practice in this court in all actions and proceedings where the attorney is:

- (1) A member in good standing of and eligible to practice before the bar of any United States Court, or of the highest court of any state or insular possession of the United States and;
- (2) Who is of good moral character.

Attorneys permitted to practice in this court are subject to the jurisdiction of the court with respect to their conduct to the same extent as members of the bar of this court.

(d) **Admission *pro hac vice*.**

- (1) Any member in good standing of the bar of any United States Court, or of the highest court of any state or any territory or insular possession of the United States, who is of good moral character and has been retained to appear in this court, and who is not admitted to the bar of this court, may be permitted, after written application and without previous notice, to appear and participate in a particular case and related proceedings.

- (2) The attorney filing pro hac vice must (1) designate a member of the bar of this court as co-counsel with the authority to act as attorney of record for all purposes, and (2) file with such designation the address, telephone number, and written consent of such designee. Designated local counsel shall be responsible both for filing the pro hac vice application through ECF and for payment of the prescribed fee. The pro hac vice application must be presented to the clerk and must state under penalty of perjury: the attorney's residence and office addresses; by what court(s) the attorney has been admitted to practice and the date(s) of admission; that the attorney is in good standing and eligible to practice in said court(s); and, that the attorney is not currently suspended, disbarred or subject to any pending disciplinary proceedings in any other court(s).
 - (A) Upon the electronic filing of the pro hac vice application and payment of fees by designated local counsel in ECF, out-of-state counsel shall immediately register for ECF.
- (3) Unless otherwise ordered, the designee shall personally appear with the attorney on all matters heard and tried before the court.
- (4) All pleadings filed with the clerk of court must contain the names, addresses and signatures, as prescribed in the ECF Procedures, of the attorney appearing *pro hac vice* and associated local counsel.

(e) **Appearances.**

- (1) Only attorneys of this court may make appearances in this court, unless the party appears in propria persona. Whenever a party has appeared by an attorney, the party may not thereafter appear or act on their own behalf in the action, or take any steps therein unless a request for substitution or withdrawal, in accordance with this rule shall first have been made by that party and filed with the clerk. The court may, in its discretion, hear a party in open court notwithstanding the party has appeared or is represented by an attorney.
 - (A) At the discretion of the presiding judge, a legal intern who possesses a limited license issued by the Idaho State Bar may appear before the bankruptcy court in the presence of a supervising attorney, who shall be an attorney licensed to practice before this court.
- (2) Persons representing themselves without an attorney must appear personally for such purpose and may not delegate that duty to any other person. Any person so represented without an attorney is bound by these Local Rules, the Federal Rules of Bankruptcy Procedure, and by the Federal Rules of Civil Procedure. Failure to comply therewith may be grounds for dismissal or judgment by default. In exceptional circumstances, a judge may modify these provisions to serve the ends of justice.

- (3) Whenever a corporation, partnership or other entity desires or is required to make an appearance in this court, only an attorney of the bar of this court or an attorney permitted to practice under these rules shall make the appearance.
- (4) In all Oregon cases heard before this court, and in all proceedings related thereto, Oregon counsel not previously admitted to the bar of this court under subdivision (a) of this rule may appear for the debtor(s) or a creditor or party in interest without compliance with the requirements of *pro hac vice* admission as set forth in subdivision (d) of this rule.
- (5) For purposes of this rule, an appearance before this court does not include the preparation, signing, and filing by a creditor of:
 - (A) a proof of claim, or an amendment, withdrawal, or notice of assignment of such proof of claim,
 - (B) a stipulation for relief from the automatic stay,
 - (C) a reaffirmation agreement, ~~or~~
 - (D) a request for service of documents, **or**
 - (E) **an application for payment of unclaimed funds.**

(f) Substitutions and Withdrawals.

- (1) When an attorney of record for any party ceases to act, that party shall appear in person or appoint another attorney by:
 - (A) A written substitution of attorney signed by the party, the attorney ceasing to act, and the newly appointed attorney or;
 - (B) By a written designation filed in the action and served upon the attorney ceasing to act.
- (b) If the attorney ceasing to act is deceased, the designation shall so state and service of the designation shall not be required.
 - (1) No attorney of record for a party may withdraw from representation without leave of the court, upon notice to the client, all parties in interest, and notice and hearing. The withdrawing attorney may utilize this court's negative notice rules, LBR 2002.2(d), or set the matter for hearing. When appropriate, the withdrawing attorney shall submit a proposed order which directs the client to appear in person or appoint another attorney to appear, and to file a written notice with the court stating how the client will be represented within twenty-one (21) days from the date of the order authorizing withdrawal. The order shall also inform the client that no further proceedings will be held in the action that would affect the client's rights within those twenty-one (21) days but failure to appear in the action in

person or through newly appointed counsel within that twenty-one (21) day period shall be sufficient grounds for entry of default or dismissal of the action without further notice.

- (A) The withdrawing attorney shall continue to represent the client until the court enters and serves the order granting the attorney's motion to withdraw.
 - (B) Upon entry of the order, the court shall serve copies upon the withdrawing attorney, the former client and all parties entitled to notice under Federal Rule(s) of Bankruptcy Procedure or these rules.
 - (C) Upon the entry of the order, no further proceedings can be had in the action that will affect the rights of the party represented by the withdrawing attorney for a period of twenty-one (21) days. If the party fails to appear in the action, either in person or through a newly appointed attorney within such twenty-one (21) day period, such failure shall be sufficient grounds for the entry of default against such party or dismissal of the action without further notice.
- (2) Anything in this subsection (f) notwithstanding, any incoming debtor's attorney, whether by substitution, by an appearance following an order permitting withdrawal of another attorney or otherwise, shall forthwith give notice of the appearance as attorney of record to all parties in interest and file a proof of service with the court.
 - (3) Upon notice of the death of an attorney or other good cause for termination of an attorney-client relationship, the Court may enter and serve an order consistent with subsection (f)(2).

(g) Standards of professional responsibility.

The members of the bar of this court shall adhere to the Rules of Professional Conduct promulgated and adopted by the Supreme Court of the State of Idaho. These provisions, however, shall not be interpreted to be exhaustive of the standards of professional conduct and responsibility. No attorney permitted to practice before this court shall engage in any conduct that degrades or impugns the integrity of the court or in any manner interferes with the administration of justice therein.

(h) Attorney discipline.

Discipline will be governed by the provisions of D. Id. L. Civ. R. 83.5.

(i) Multiple counsel.

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the court, unless the court otherwise permits.

Related Authority:
Fed. R. Bankr. P. 9010, 9011, 9020
District Court of Idaho General Order Nos. ~~59 and 185,329~~ and 368
D. Id. L. Civ. R. 83.4 and 83.5.

Advisory Committee Notes:

The provision of (e)(4) is meant to continue current practice under which members of the bar of the District of Oregon may appear in those eastern Oregon bankruptcy cases and proceedings administered by this court through agreement with the U.S. Bankruptcy Court for the District of Oregon. Such counsel need not be admitted to practice *pro hac vice*, but the authority to appear is limited solely to the Oregon case and its related proceedings.

A form of *pro hac vice* application and order can be viewed at www.id.uscourts.gov.

FAIRNESS AND CIVILITY

(a) Litigation, inside and outside the courtroom, in the United States District and Bankruptcy Courts for the District of Idaho, must be free from prejudice and bias in any form. Fair and equal treatment must be accorded all courtroom participants, whether judges, attorneys, witnesses, litigants, jurors, or court personnel. The duty to be respectful of others includes the responsibility to avoid comment or behavior that can reasonably be interpreted as manifesting prejudice or bias toward another on the basis of categories such as gender, race, ethnicity, religion, disability, age, or sexual orientation.

(b) Civility in professional conduct is the responsibility of every lawyer, judge, and litigant in the federal system. While lawyers have an obligation to represent clients zealously, incivility to counsel, adverse parties, or other participants in the legal process, undermines the administration of justice and diminishes respect for both the legal process and our system of justice.

(c) The bar, litigants and judiciary, in partnership with each other, have a responsibility to promote civility in the practice of law and the administration of justice. The fundamental principles of civility that will be followed in the Bankruptcy Court for the District of Idaho, both in the written and spoken word, include the following:

- (1) Treating each other in a civil, professional, respectful, and courteous manner at all times;
- (2) Not engaging in offensive conduct directed towards others or the legal process;
- (3) Not bringing the profession into disrepute by making unfounded accusations of impropriety;
- (4) Making good faith efforts to resolve by agreement any disputes;
- (5) Complying with the discovery rules in a timely and courteous manner; and
- (6) Reporting acts of bias or incivility to the clerk of the court. The clerk of the court will then determine the appropriate judicial officer with whom to discuss the matter.

Related Authority:

~~District Court of Idaho General Order Nos. 111 and 112~~

D. Id. L. Civ. R. 83.8

PRIVACY PROTECTION FOR FILINGS
MADE WITH THE COURT

- (a) It is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers pursuant to [Fed. R. Bankr. P. 9037](#) is completed. The clerk will not review filings for redaction.
- (b) A party wishing to file a document containing the personal data identifiers listed in Fed. R. Bankr. P. 9037 may file an unredacted document under seal only if the party believes maintenance of the unredacted material in the court record is critical to the case. The document must contain the following heading in the document, "SEALED DOCUMENT PURSUANT TO FED. R. BANKR. P. 9037". This document shall be retained by the court as part of the record until further order of the court. The party must also electronically file a redacted copy of this document for the official record.

Related Authority:

~~Dist. Idaho General Order 179, 183~~
[Fed. R. Bankr. P. 9037](#)

Advisory Committee Notes:

The Judicial Conference policy on redaction of personal identifiers listed in [Fed. R. Bankr. P. 9037](#), also requires Counsel to redact information contained in transcripts filed with the Court. Counsel should follow the transcript redaction procedures outlined on the Court's web site.
<http://www.id.uscourts.gov/CourtReporter/Transcripts.pdf>.

In addition to the privacy items listed in [Fed. R. Bankr. P. 9037](#), the Judicial Conference policy requires that the court not provide public access to the following documents: juvenile records; ex parte requests for expert or investigative services at court expense; and sealed documents. Counsel should exercise caution when filing documents that contain the following:

- (1) Personal identification number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information;
- (5) Proprietary or trade secret information;
- (6) Information regarding an individual's cooperation with the government;
- (7) Information regarding the victim of any criminal activity;
- (8) National security information; and
- (9) Sensitive security information as described in 49 U.S.C. § 114(s).

Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made.

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 First Name Middle Name Last Name

United States District Court for the District of Idaho

Case number
 (If known) _____

Check if this is an amended plan, and list below the sections of that plan that have been changed.

Idaho Form Chapter 13 Plan

10/2020-1/19

Part 1:

Notices

To Debtors: **This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances . Plans that do not comply with local rules and judicial rulings may not be confirmable.**

In the following notice to creditors, you must check each box that applies.

To Creditors: **Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the bankruptcy court. The bankruptcy court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters are of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="radio"/> Included	<input type="radio"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase money security interest, set out in Section 3.4	<input type="radio"/> Included	<input type="radio"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input type="radio"/> Included	<input type="radio"/> Not included
1.4	Discharge: Debtor 1 is eligible for discharge of debts	<input type="radio"/> Eligible	<input type="radio"/> Not eligible
	Discharge: Debtor 2 is eligible for discharge of debts	<input type="radio"/> Eligible	<input type="radio"/> Not eligible

2.1 No later than thirty (30) days after the date the bankruptcy petition is filed or the case converted to Chapter 13, debtor(s) will commence making regular payments to the trustee as follows:

+ - \$ _____ per _____ for _____ months

The Applicable Commitment Period is _____ months. Debtor(s) may not pay off this plan in less than the term of the plan without notice to interested parties and an opportunity for hearing before the court unless the plan pays all allowed unsecured claims in full.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply.

Debtor(s) will make payments pursuant to a payroll deduction order.

Debtor(s) will make payments directly to the trustee.

Debtor(s) acknowledge that if the debtor(s) is/are over more than ~~thirty (30)~~ sixty (60) days delinquent on any payment due under this Section 2.1, upon request of the trustee, or request of the debtor(s) at any time, a payroll deduction order to debtor(s)' employer may immediately be issued. trustee filed with the Court and proper notice served on debtor(s) and counsel, a payroll deduction order to debtor(s)' employer(s) may be issued after seven (7) days if no objection is filed.

2.3 Income tax refunds.

Check one.

Debtor(s) will retain any income tax refunds received during the plan term.

Debtor(s) project income tax refunds during the term of this plan. During the Applicable Commitment Period, debtor(s) will turn over to trustee all net income tax refunds. At any time during the term of the plan, debtor(s) shall be entitled to use a tax refund to pay taxes due any other income taxing authority and/or reasonable tax return preparation fees, unless already budgeted. Upon a stipulation between the trustee and the debtor(s), approved by an order of the court, the debtor(s) may retain, in whole or in part, certain net income tax refunds during the term of the plan to facilitate the terms of this plan or to meet other reasonable and necessary needs of the debtor(s).

Debtor(s) will treat income tax refunds as follows:

2.4 Additional payments.

Check one.

None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

2.5 The trustee, for cause, may defer not more than two monthly payments per calendar year and not more than four payments over the term of the plan, without further notice to parties or a hearing before the court.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated in equal monthly installments over the term of the plan. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.

Name of Creditor	Collateral	Current installment payment (including escrow)	Estimated amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Estimated Total payments by trustee
		\$	\$	%	\$

Disbursed by: Trustee
 Debtor(s)

+ -

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

- None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.
- The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below in equal monthly installments over the term of the plan.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

For each creditor listed in this section 3.2 the debtor(s) will serve notice on such creditor as required in Bankruptcy Rule 7004 and file a proof of service with the court. Request for valuation of security in which creditors hold an interest must be made consistent with Rule 3012.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Estimated total of monthly payments
						%	

+ -

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
- The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below in equal monthly installments over the term of the plan. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

The holder of any claim listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of Creditor	Collateral	Amount of claim	Date of Contract	Interest rate	Estimated total payments by trustee
		\$ _____		% _____	\$ _____
Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)					

+

-

3.4 Lien Avoidance

Check one.

- None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
- The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided pursuant to § 522(f) and Bankruptcy Rule 4003(d) to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. **For each creditor listed in this section 3.4 the debtor(s) will serve notice on such creditor as required in Bankruptcy Rule 7004 and file a proof of service with the court.**

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of creditor	a. Amount of lien _____	Amount of secured claim after avoidance (line a minus line f)
Collateral	b. Amount of all other senior liens _____	Interest rate (if applicable) _____ %
Statutory basis of exemption	c. Value of claimed exemptions + _____ d. Total of adding lines a, b, and c _____	Monthly payment on secured claim _____
Lien identification (such as judgment date, financing statement, date of lien recording, book and page number)	e. Value of debtor(s)' interest in property - _____ f. Subtract line e from line d. _____	Estimated total payments on secured claim _____
	Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided. (Do not complete the next column.) <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. (Complete the next column.)	

+

-

3.5 Surrender of collateral.

Check one.

- None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

	Name of creditor	Collateral
+		
-		

3.6 Adequate Protection Payments.

Check one.

- None.** If "None" is checked, the rest of § 3.6 need not be completed or reproduced.
- No later than thirty (30) days after the date the bankruptcy petition is filed or the case converted to Chapter 13, the trustee shall commence making adequate protection payments on allowed claims to the following creditor(s) until confirmation:
- No later than thirty (30) days after the date the bankruptcy petition is filed or the case converted to Chapter 13, the debtor(s) shall commence making payments on allowed claims of secured creditors, in an amount sufficient to provide adequate protection, directly to the creditor(s) until confirmation. The payments made under this subsection shall reduce the amount owed under the plan. The debtor(s) shall timely provide the trustee evidence of such payments, including the amount and date of the payments.

	Name of creditor	Collateral	Adequate Protection Payment
+			\$
-			

3.6 Post-Petition Real Property Tax Payments.

Check one.

- None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.
- Real property taxes are paid through escrow by debtor(s)' mortgage holder.
- Real property taxes are paid directly by the debtor(s).

Part 4:

Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without post-petition interest.

4.2 Trustee's fees

Trustee's fees are governed and paid as provided by 28 U.S.C. § 586. Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees

Check one.

- Model Retention Agreement Cases

Debtor(s)' attorney has elected to charge a fixed fee pursuant to the Model Retention Agreement, Local Rule 2016, of \$ _____ (not to exceed \$4,000), exclusive of costs. Said attorney has received \$ _____ prior to filing hereof and is to be paid the remaining amount in monthly payments over the initial _____ months of distribution or in such longer period as is required to allow the trustee to make the set monthly installments as set forth in this plan.

Non Model Retention Agreement Cases

Fees and costs to the debtor(s)' attorney in an amount to be proven and allowed by the court not to exceed _____.

This is in addition to the fee retainer paid pre-petition in the amount of _____.

- a) payable in equal monthly installments over the initial _____ months of distribution, or in such longer period as is required to allow the trustee to make the set monthly installments.
- b) payable as funds become available.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

- None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
- The debtor(s) estimate the total amount of other priority claims to be _____ payable in equal monthly installments over the term of the plan.
- The debtor(s) estimate the total amount of other priority claims to be _____ payable as funds become available after set monthly installments pursuant to the plan are made.

4.5 Domestic support obligations.

Check one.

- None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.
- The debtor(s) is/are current on domestic support obligations and will continue to make post-petition payments pursuant to the support order.
- Unsecured claims for domestic support obligations allowed under 11 U.S.C. § 507(a)(1)(A), which are estimated to be _____ shall be paid in equal monthly installments over the term of the plan. The debtor(s) will continue to make post-petition payments pursuant to the support order.
- Unsecured claims for domestic support obligations allowed under 11 U.S.C. § 507(a)(1)(B) shall be paid in equal monthly installments over the term of the plan. The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). *This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).*

Name of creditor	Amount of claim to be paid
------------------	----------------------------

_____ \$ _____

Part 5:

Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata from, the funds remaining after disbursements have been made to all other creditors provided for in this plan.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

- None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.
- The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of Creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments to trustee
------------------	-----------------------------	--------------------------------	-------------------------------------

_____ \$ _____ \$ _____ \$ _____

Disbursed by: Trustee Debtor(s)

5.3 Other separately classified nonpriority unsecured claims.

Check one.

- None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.
- The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows

Name of Creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Estimated total amount of payments
		\$ _____	% _____	\$ _____

+	-
---	---

Part 6:

Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

- None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
- Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order. Arrearage payments will be disbursed by the trustee.

Name of Creditor	Description of leased property or executory contract	Current installment payment	Estimated amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments by trustee
			\$ _____		\$ _____

Disbursed by: Trustee Debtor(s)

+	-
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Part 7:

Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

- plan confirmation.
- entry of discharge.
- other: _____

Part 8:

Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

- None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Idaho Form Chapter 13 Plan or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective unless noted in this Part 8.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

Part 9:

Signatures

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

X

Signature of Debtor 1

Date

X

Signature of Debtor 2

Date

X

Signature of Debtor(s) Attorney

Date

By filing this document, the Debtor(s), if not represented by an attorney, or debtor(s) attorney also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Idaho Form Chapter 13 Plan, other than any nonstandard provisions included in Part 8.

Clear/Reset Form

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

IN RE:

CHAPTER 13

CASE NO. *

Debtor(s)

ORDER CONFIRMING CHAPTER 13 PLAN

IT HAVING BEEN DETERMINED AFTER NOTICE AND HEARING THAT:

1. The chapter 13 plan, Docket No. _____, complies with the provisions of 11 U.S.C. § 1325.

~~2. Debtor(s) verify that they have filed all state and federal tax returns required by law to be filed for all taxable periods ending the 4 year period prior to the filing of this bankruptcy.~~

~~3. Since the filing of this bankruptcy case Debtor(s) have paid all amounts that first became due and payable after the filing of this bankruptcy which they were required to pay under a domestic support obligation as defined in 11 U.S.C. § 101(14A) required by a judicial or administrative order or by statute.~~

IT IS HEREBY ORDERED THAT:

The chapter 13 plan is confirmed and related requests made therein are granted, incorporating the following:

1. Debtor(s) have paid all domestic support obligations, as defined in 11 U.S.C. § 101(14A), that first became due and payable after the filing of this bankruptcy which they were required to pay by a judicial or administrative order or by statute and continue to make such regular payments.

\\end of text\\

Trustee

Counsel for the Debtor(s)

Debtor 1

Debtor 2