

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO**

**GENERAL ORDER UPDATING THE
UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF
IDAHO'S PRIOR GENERAL
ORDERS**

GENERAL ORDER NO. 369

Upon review of the existing General Orders this Court has determined that many of the prior orders are outdated, superseded or should be updated. Now, therefore this Court Orders as follows:

A. General Order numbers 66, 97, 101, 166 and 183 are hereby rescinded and shall be of no further force and effect.

B. General Orders numbers 35 and 193 are hereby rescinded and replaced with the following:

“In connection with cases and proceedings commenced under the Bankruptcy Code, this court assigns the following powers and duties to the clerk and deputies:

1. Signing and entering all orders and process specifically allowed to be signed by the clerk under Title 28, United States Code, and the Federal Rules of Civil Procedure, as modified by the Bankruptcy Rules. If the Bankruptcy Rules direct the performance of a duty by the court of the same type delegated to the clerk in the Federal Rules of Civil Procedure, the clerk of this court shall hereafter perform such duties.

2. The clerk and such deputies as may be designated by the clerk are authorized to sign and enter without further direction the following orders which are deemed to be of a ministerial nature:

- a. Orders specifically appointing persons to serve process in accordance with Bankruptcy Rule 7004.
- b. Orders on consent, noting satisfaction of a judgment, providing for the payment of money, approving and annulling bonds filed or to be released pursuant to court order and exonerating sureties, and setting aside a default.

- c. Orders on consent, with or without prejudice, for the dismissal of proceedings; PROVIDED, HOWEVER, that only a judge of this court shall dismiss a proceeding objecting to the discharge of a debtor or a proceeding in which Bankruptcy Rules 7023, 7023.1 or 7023.2 apply.
- d. Orders and notices that establish meeting and hearing dates required or requested by a party in interest under Title 11, United States Code, including orders which fix the last dates for the filing by parties in interest of objections to discharge and confirmation of plans, complaints to determine the dischargeability of debts, and proofs of claim.
- e. Orders appointing creditors and equity security holders committees pursuant to § 1102 Title 11 United States Code.
- f. (Omitted intentionally).
- g. All motions and applications in the clerk's office for issuing mesne process, for issuing final process to enforce and execute judgments, for entering defaults or judgments by default, and for other proceedings which do not require allowance or order of the court are grantable of course by the clerk; but action may be suspended or altered or rescinded by the court upon cause shown, all pursuant to Rule 77(c) of the Federal Rules of Civil Procedure.
- h. Orders permitting the payment of filing fees in installments and fixing the number and amount and date of payment of each installment. The number of installments permitted will not exceed 4 (four), with the final installment payable not later than 120 days after the filing of the petition. Any request for an extension of time greater than the stated 120 day period, or a request which is received after entry of the first order entered by the clerk, shall be in writing and will be considered only by a bankruptcy judge.
- i. Orders appointing the appropriate standing chapter 13 trustee and orders directing chapter 13 debtors to commence payment to the trustee appointed for such cases.
- j. Orders closing cases and discharging the trustees in all cases for which the trustee has reported there is no estate to be administered.
- k. Orders which may be entered by the court on failure of a party in interest to object or respond to, or to request a hearing on, a motion requesting action by the court, after proof of service of such motion in accord with Bankruptcy Rule 7004. Orders covered by this paragraph include:
 - (1) Order disallowing claim to extent of objection.
 - (2) Order disallowing claim of exemption, to extent of objection.
 - (3) Order allowing surcharge to extent requested.
- l. Order directing a debtor to amend schedules if requested by a party in interest.

- m. Order to chapter 13 debtor conducting business directing compliance with rules and practice of the court for such debtor.
- n. Order on request of standing chapter 13 trustee to an employer of a chapter 13 debtor directing payment of all or part of compensation to such trustee.
- o. Order directing debtor to turn over to the trustee copies of tax returns and tax refunds received by the debtor.
- p. Orders closing cases and discharging trustees in all Chapter 7 cases in which either (1) the trustee has reported there is no estate to be administered; or (2) an order has previously been entered by the bankruptcy judge approving the final report and account of the trustee, the trustee has filed a supplemental report, and that supplemental report has been approved by the U.S. Trustee.

3. In a chapter 7 case, the clerk, after 90 days following the first date set for the meeting of creditors pursuant to § 341 of the Code, shall mail all notices required by Bankruptcy Rule 2002(a), except clause (4) thereof, only to creditors whose claims have been filed and creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(6), any creditors committee, and to creditors who have filed a request that all notices be mailed to them.

4. Notices sent pursuant to § 341 (a) of the Code which are returned by the U.S. Postal Service as undeliverable shall be compared to the schedules and mailing list filed by the debtor to ensure the accuracy of the name and address on the envelope. If there is an error the mailing list is to be corrected and the notice re-mailed. If the address on returned mail is not incorrect according to court records, a notation is made upon the schedules and the master mailing list recording the fact that the notice was returned. No further notices shall be sent to an address for which mail has been returned unless a correct address has subsequently been provided. Any notice other than a 341(a) meeting notice which is returned to the court shall be destroyed.

5. In a chapter 11 proceeding, where the court has been notified in writing that the unsecured creditors committee appointed pursuant to 11 U.S.C. § 1102(a)(1) has organized, notices sent by the clerk pursuant to Bankruptcy Rule 2002(a)(2), (3), and (7) shall only be sent to the committees organized under 11 U.S.C. § 1102, and creditors and equity security holders who request that all notices be mailed to them.

6. Unless the court orders otherwise, any deposit of funds with the clerk in excess of \$500.00 shall be placed in a separate interest-bearing account in the name of "Clerk, U.S. Bankruptcy Court." Funds so deposited shall remain in the account until further order of the court. All interest which has accrued on funds deposited pursuant to this paragraph shall be transferred to the U.S. Treasury unless the court orders otherwise.

7. The Clerk may waive the fee established by 11 U.S.C. § 1930 for amendment to a debtor's schedules after the 11 U.S.C. § 341(a) notice is sent where additional creditors

are not added to the schedules or the debtor or debtor's attorney has sent a copy of the § 341(a) notice to the creditors added by the amendment and certified such mailing to the court.

IT IS FURTHER ORDERED that any action taken by the clerk or deputies in connection with the powers and duties herein specified may be suspended or rescinded by a judge of this court upon cause shown.

IT IS FURTHER ORDERED that this court adopts its seal in the image printed hereinunder in the lower left corner or a variation thereof as provided by the Administrative Office of the United States Courts.”

C. General Order Number 129 is rescinded and replaced with:

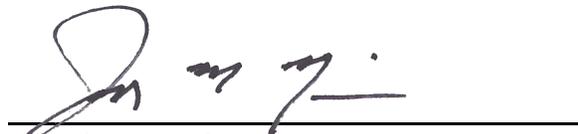
“ In order to better serve the bar and public, the Clerk’s office recommended and the Bankruptcy Judges approved the creation, printing and electronic availability of the official bankruptcy forms including the petition, schedules and instructions for filing. Said forms are documents previously approved by the Judicial Conference of the United States.

Unless otherwise ordered by the Court, the District of Idaho will charge a nominal fee of five dollars (\$5) per hard copy set to offset the cost of printing. Hard copies can be obtained in Boise and at all divisional offices. If the forms packets cannot be picked up in person, an additional five dollars (\$5) will be charged to offset the cost of mailing.”

D. The following General Orders concerning the Bankruptcy Court for the District of Idaho shall remain in full force and effect until further order of the Court:

General Orders numbered 15, 113, 321, 322, 327, 334, 337, 355, 357 and 358.

Dated this 17th day of June, 2020



Joseph M. Meier
Chief Bankruptcy Judge