

FILED  
July 1, 2010  
U. S. Bankruptcy Court  
District of Colorado  
Bradford L. Bolton, Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF ADOPTION OF REVISIONS  
TO CERTAIN LOCAL BANKRUPTCY RULES AND FORMS

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GENERAL PROCEDURE ORDER NUMBER 2010-1

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Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure this General Procedure Order is adopted to make revisions to certain Local Bankruptcy Rules (L.B.R.) and Local Bankruptcy Forms (L.B.Forms) pending their formal adoption. The following are the L.B.Rs. And L.B. Forms that are modified with the attached exhibit setting forth the detail of the revisions:

L.B.R. 1009-1(c) Amendments to Lists & Schedules;  
L.B.R. 1017-3(a)(5) Dismissal or Suspension–Case or Proceeding (Failure to File Documents and the UST’s Standing Motion to Dismiss  
L.B.R. 1004-1(a) Depositions and Examinations  
L.B.R. 2016-3(c) Compensation of Chapter 13 Debtor’s Counsel  
L.B.R. 2081-3 (Commentary) Chapter 11–Motions to Dismiss or Convert  
L.B.R. 3015-1(3) (Commentary) Filing of Chapter 13 Plan  
L.B.R. 4001-1(a)(4)( and (a)(5) Relief from Automatic Stay  
L.B.R. 4008-1(b)(2) Reaffirmation of Dischargeable Debts  
L.B.R. 9013-2 Certificate of Service – Motions  
L.B.R. 9019-2(a) Alternative Dispute Resolution  
L.B.Form 3003-1.1 Order establishing Bar Date for Filing Proofs of Claim  
L.B.Form 3003-1.3 Notice of Order Establishing Procedures and Bar Date for the Filing of Proofs of Claim  
L.B.Form 3015-1.1(Commentary) Chapter 13 Plan  
L.B.Form 3015-1.2 Notice of Filing of Chapter 13 Plan, Deadline for Filing Objections Thereto, and Hearing on Confirmation  
L.B.Form. 3015-11 Chapter 13 Debtor’s Certification to Obtain Discharge  
L.B.Form 3015-1.12 Order on Chapter 13 Debtor’s Certification to Obtain Discharge

ORDERED that commencing July 1, 2010, the afore referenced revisions to the L.B.R.s and L.B.Forms described in the attached document are adopted for use.

Dated:

BY THE COURT:

S/

Howard R. Tallman, Chief Judge

Sidney B. Brooks, Judge

A. Bruce Campbell, Judge

Elizabeth E. Brown, Judge

Michael E. Romero, Judge

### Page 6 Rule 1009-1 Amendments to Lists & Schedules

1009-1(a) to remove confusion about timing on filing amendments take out reference to amendments made after 341 as it applies to any time amendments are made:

**(a) Amendments to Add Creditors or Other Information:** An amendment to Schedules D, E, F, G and H made pursuant to Fed.R.Bankr.P. 1009 ~~made after the initial U.S.C. § 341 meeting~~, must be:

**(c) Certificate of Service:** The debtor must file a certificate of service showing compliance with the L.B.R. with the amendment non later than three(3) court days of filing the amendment. **The Notice of Amendment to Schedule, L.B.Form 1009-1.1 must be attached to the Certificate of Service filed with the court.**

In Commentary, remove reference to Source reference to ~~W.D.Mo.~~

### Page 10 Rule 1017-3 Dismissal or Suspension–Case or Proceeding (Failure to File Documents and the UST’s Standing Motion to Dismiss.

Corrective/clarifying revision:

1017-3 (a)(5) Objections: Any party desiring to object to the dismissal of the case **under this provision** may do so by filing an objection and request for hearing in accordance with L.B.R. 9013-1 within the time fixed for the **curing of deficiency filing of objections** as set forth in the notice of deficiency, or such other time as may be fixed by the court. ~~The debtor must state why the failure to file tax returns was due to circumstances beyond the debtor's control.~~

### Page 14 Rule 2004-1 Depositions and Examinations.

Correction to 2004-1(a) Depositions and Examinations, last line:

**(a) Ex Parte Application:** An order for examination pursuant to Fed.R.Bankr.P. 2004 may be issued by the court on the ex parte application of a party in interest. The moving party must file an appropriate motion together with a proposed order. Such proposed order may not contain provisions in substitution of a subpoena or subpoena duces tecum available pursuant to Fed.R.~~Bankr.~~Civ.P. 45.

### Page 19 LBR 2016-3 Compensation of Chapter 13 Debtor's Counsel

At page 20, 2016-3(c), modify time to file application to avoid so many motions to extend time.

(c) **Timing:** Fee applications under both the SFFA and LFFA must be filed no sooner than the date of entry of the order confirming the chapter 13 plan and no later than ~~fourteen (14)~~ **twenty-eight (28)** days after the date of entry of the order confirming the chapter 13 Plan.

#### **Page 26 Rule 2081-3 Chapter 11–Motions to Dismiss or Convert**

To **Commentary** add for clarification regarding what to do when no objection is timely filed because some attorneys are missing the direction under “Notice of Hearing.”

**The L.B. Form 9013-1.3 Certificate of Non-Contested Matter and Request for Entry of Order should be used when no objection is timely filed as referenced in subparagraph 3(b)(3)(C) above.**

#### **Page 36 Rule 3015-1 Filing of Chapter 13 Plan**

At page 37, 3015-1(a)(12), delete reference to L.B. Form 3015.12 and note in **Commentary** that form is made obsolete due to the addition in the explanation portion of the discharge form containing the following language: **“Pursuant to 11 U.S.C. 506(d), if an Order entered in this case valuing a creditor’s secured claim at \$0, the lien is extinguished by operation of law upon the entry of the debtor’s discharge.”**

#### **Page 49 Rule 4001-1 Relief from Automatic Stay**

At page 50, 4001-1(a)(4)(E), correct form number:

(E) file and serve a proposed order in substantial conformity with L.B. Form 4001-1.3 ~~4~~;  
and

At page 50, 4001-1 (a)(5), correct form number:

**(5) No objections:** If no objections are filed and the Movant wants an order granting the requested relief the Movant may file a certificate of non-contested matter L.B. Form 4001-1.2 ~~3~~, no sooner than the day of the scheduled hearing.

#### **Page 60 Local Rule 4008-1 Reaffirmation of Dischargeable Debts**

4008-1(b)(2) remove reference that changed in the most recent version of the Director’s Form:

**(2) Reaffirmation Agreement:** Use of Director’s Procedural Forms 240 series is mandatory. A reaffirmation agreement without a completed Director’s Procedural Form

240A, ~~including Part H. 3,~~ will not be considered by the court.

To **Commentary** add for clarification regarding the motion referenced in 4008-1(a):  
**Director's Form 240B contains the form of motion to be used, as applicable.**

### **Page 89 Local Rule 9013-2 Certificate of Service – Motions**

When a statute, rule or order requires a party to serve a pleading, the party must file a certificate of service specifically identifying who was served, when they were served and the method of service. The certificate of service should be filed with the pleading, but not later than three (3) court days of the filing of the pleading and must be in substantial conformity with L.B. Form 9013-1.2-3.

### **Page 90 Local Rule 9019-2 Alternative Dispute Resolution**

**(a) Assignment to mediation:** The court may refer a matter to mediation *sua sponte*, upon written stipulation by the parties to the matter, upon motion by a party to the matter, or upon motion by the United States Trustee. Participation by the parties in mediation is **ordinarily** voluntary, however, the court in its discretion may order any party or party in interest to participate.

### **Local Bankruptcy Forms 3003-1.1 and 3003-1.3 regarding Orders and Notices Establishing Bar Dates need to have signature blocks amended:**

**Page 126 Form 3003-1.1 Order Establishing Bar Date for Filing of Proofs of Claim Pursuant to Fed.R.Bankr.P. 3003(c)(3)** should have the Judge's signature block instead of counsel's.

**Page 129 Form 3003-1.3 Notice of Order Establishing Procedures and Bar Date for the Filing of Proofs of Claim Pursuant to Fed.R.Bankr.P. 3003(c)(3)** should have counsel's signature block instead of the Judge's.

### **Page 145 Form 3015-1.1 Chapter 13 Plan**

Change the **Commentary** to 3015-1.1 to read:

The entire Chapter 13 Plan must be completed and filed with each original and each amended chapter 13 plan. Do not delete any provision of this form. Mark provisions that do not apply as n/a. **Other than expressing a more detailed structure for future earnings and payments in Part III. A. 1., no other modifications are allowed and** any additional **non-contradictory** provisions must be recited in Part V.G.

**Page 146 Form 3015-1.2**

**Remove extraneous asterisk in first paragraph of Form.**

**Page 164 Form 3015-1.11 Chapter 13 Debtor's Certification to Obtain Discharge Pursuant to 11 U.S.C. §1328**

Modification of form to remove obsolete provision due to the addition in the explanation portion of the discharge form containing the following language: **“Pursuant to 11 U.S.C. 506(d), if an Order entered in this case valuing a creditor's secured claim at \$0, the lien is extinguished by operation of law upon the entry of the debtor's discharge.”**

3015-1.11 3. **Remove** the second check box and corresponding boxes regarding the request for an order that liens are extinguished.

**Page 166 Form 3015-1.12 Order on Chapter 13 Debtor's Certification to Obtain Discharge.**

Add to **Commentary**: **Due to modification of the discharge form, this form of order is no longer needed.**