

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE:

**AMENDMENT OF LOCAL RULES
FOR THE UNITED STATES
BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF
OKLAHOMA.**

No. 17-GO-04



ORDER AMENDING LOCAL BANKRUPTCY RULES

WHEREAS, the Judicial Conference of the United States has approved amendments to the Federal Rules of Bankruptcy Procedure; and

WHEREAS, the Supreme Court of the United States has adopted the rule amendments proposed by the Judicial Conference and transmitted the same to Congress pursuant to the Rules Enabling Act; and

WHEREAS, absent further action by Congress, the rule amendments will become effective December 1, 2017; and

WHEREAS, the Court has reviewed the Local Bankruptcy Rules with the participation of the Clerk of the Bankruptcy Court; and

WHEREAS, the Court has determined that certain non-substantive technical amendments to the Local Bankruptcy Rules, as set forth in Exhibit A attached hereto, are necessary to conform to the changes to the federal rules.

IT IS THEREFORE ORDERED that the amendments to the Local Bankruptcy Rules, attached hereto as Exhibit A and incorporated by this reference, are hereby adopted.

IT IS FURTHER ORDERED that the Local Bankruptcy Rules, as amended by this General Order, shall be effective December 1, 2017, and shall govern all bankruptcy cases and proceedings thereafter commenced, and insofar as practicable, all cases and proceedings pending on that date.

DATED this 20th day of November, 2017.

BY THE COURT:



TERRENCE L. MICHAEL, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT



DANA L. RASURE
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A TO GENERAL ORDER NO. 17-GO-04

**Amendments to the Local Rules for the United States
Bankruptcy Court for the Northern District of Oklahoma**

LOCAL RULE CHANGES EFFECTIVE DECEMBER 1, 2017

RULE 1001-1. SCOPE OF RULES AND FORMS; DEFINITIONS

A. Application.

1. These rules govern all cases and proceedings pending before this Court on the effective date specified above and thereafter, and shall supersede all local rules and standing orders pertaining to rules of procedure previously adopted and entered by the Court, unless such standing order is specifically incorporated herein.

2. These rules, the CM/ECF Administrative Guide of Policies and Procedures, and the Standing Orders, General Orders and Miscellaneous Orders entered by this Court shall govern all cases and proceedings before this Court.

B. Citation. These rules shall be known as the “Local Rules of the United States Bankruptcy Court for the Northern District of Oklahoma” and may be cited as “Bankr. N.D. Okla. LR ____” or as “LR ____” or as “Local Rule ____,” as appropriate.

C. Waiver of Rules. The Court may waive any provision of these rules upon its own motion or upon the motion of any party in interest. An order pertaining to procedure entered in a case or proceeding will govern the case or proceeding notwithstanding that the order may be at variance with these rules.

D. Interim Standing Orders. These rules may be modified or supplemented from time to time by the Court by Interim Standing Orders. Interim Standing Orders shall be maintained by the Clerk and shall be available on the Court’s website (<http://www.oknb.uscourts.gov>).

E. CM/ECF Administrative Guide of Policies and Procedures. References to “ECF Administrative Guide in these rules shall mean the CM/ECF Administrative Guide of Policies and Procedures, effective December 1, 2009, or as later amended, which is attached hereto as [Appendix A](#).

F. Local Forms. References to “Local Form” in these rules shall mean substantially the forms prescribed by these rules, the Court, or the Clerk, copies of which are available on the Court’s website (<http://www.oknb.uscourts.gov>).

G. Official Bankruptcy Forms. References to “Official Bankruptcy Form” or “Official Form” in these rules shall mean ~~substantially~~ the forms prescribed by the Judicial Conference of the United States or the Director of the Administrative Office of the United States, copies of which are available on the Court’s website (<http://www.oknb.uscourts.gov>). See Bankruptcy Rules 1001 and 9009.

H. Definitions.

1. Bankruptcy Court Clerk. References to the “Clerk” in these rules shall mean the Court Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma.

2. Bankruptcy Code. References to the “Code” in these rules shall mean the United States Bankruptcy Code.

3. Bankruptcy Rules. References to “Bankruptcy Rules” in these rules shall mean the Federal Rules of Bankruptcy Procedure.

4. Local Rules. References to “Local Rules” in these rules shall mean these Local Rules of the United States Bankruptcy Court for the Northern District of Oklahoma.

5. District Court. References to “District Court” in these rules shall mean the United States District Court for the Northern District of Oklahoma.

6. District Court Local Rules. References to “District Court Local Rules” in these rules shall mean the Local Civil Rules of the United States District Court for the Northern District of Oklahoma.

7. Bankruptcy Appellate Panel. References to “BAP” in these rules shall mean the Bankruptcy Appellate Panel of the United States Court of Appeals for the Tenth Circuit.

8. Court or Bankruptcy Court. References to “Court” or “Bankruptcy Court” in these rules shall mean the United States Bankruptcy Court for the Northern District of Oklahoma.

9. ECF System. References to “ECF System” in these rules shall mean the Case Management/Electronic Case Filing System implemented by the United States Bankruptcy Court for the Northern District of Oklahoma.

10. Debtor. The term “debtor” used in these rules shall mean both singular and plural form, as the case may be.

11. File-Stamped Copy. References to the term “file-stamped copy” in these rules shall refer to a copy of an electronically filed pleading together with a copy of the first page of the “Notice of Electronic Filing” or a manually filed pleading bearing the Clerk’s file stamp.

12. Court’s Website. References to the “Court’s website” in these rules shall mean (<http://www.oknb.uscourts.gov>).

13. Electronic Signature. The “s/Jane Doe” constitutes the signature of said party on any electronically filed pleading or other document. See also [Local Rule 9011-1](#).

RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

A. Twenty-One-Day Notices to Parties in Interest. The proponent or movant shall prepare and serve the notices required by Bankruptcy Rule 2002(a)(2), (3), (4), (5), and (6) unless the action is initiated by the Court, in which event the appropriate notice shall be served by the Clerk unless the Court directs otherwise. The notices required by Bankruptcy Rule 2002(a)(7) shall be given by the Clerk in cases under Chapters 7, 9, 12 and 13. In a case under Chapter 11, the notices required by Bankruptcy Rule 2002(a)(7) shall be given by the movant. The notices required by Bankruptcy Rule 2002(a)(8) and (9) shall be given by the proponent of the plan unless a plan is filed concurrently with the petition ~~in a Chapter 12 case~~, in which event the notices provided for in Bankruptcy Rule 2002(a)(8) and (9) shall be given by the Clerk.

B. Twenty-Eight-Day Notices to Parties in Interest. The notices required by Bankruptcy Rule 2002(b) shall be given by the proponent of the plan or the party whose disclosure statement is being considered, unless a plan is filed concurrently with the petition in a Chapter 13 case, in which event the notices provided for in Bankruptcy Rule 2002(b) shall be given by the Clerk. See also [Local Rule 3015-1](#).

C. Notice to Equity Security Holders. The proponent or movant shall prepare and give the notices required by Bankruptcy Rule 2002(d)(3), (4), (5), (6), and (7).

D. Other Notices. The notice required by Bankruptcy Rule 2002(f)(7) shall be given by the proponent of the plan. The notice required by Bankruptcy Rule 2002(f)(8) shall be given by the Chapter 7 trustee.

E. Certificate of Service of Notices. The Notice of Electronic Filing created by the ECF System serves as a Certificate of Service.

1. If all parties who are entitled to receive notice are served by the ECF System, no additional Certificate of Service is necessary.

2. For parties not listed on the Notice of Electronic Filing who are entitled to receive notice, the filing party must serve the pleading in accordance with the Federal Rules of Bankruptcy Procedure and shall either include a Certificate of Service in the pleading certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate signed Certificate of Service containing the same information. If a separate Certificate of Service is filed electronically, the Certificate of Service shall specifically identify the notice served, and the docket event shall be related to the notice served. If the Certificate of Service is filed in paper form, the following must be attached: (1) a copy of the first page of the notice served and (2) a copy of the first page of the Notice of Electronic Filing of the notice.

a. When mailing paper copies of documents that have been electronically filed to parties who are not registered participants of the ECF System, the filing party must include the first page of the Notice of Electronic Filing to provide the recipient with proof of the filing.

3. If a party is required to serve notice of a “Text-Only Order” to parties who are not registered participants of the ECF System, the party shall send a copy of the Notice of Electronic Filing to such recipients. Only those pages of the Notice of Electronic Filing that contain the filing information, the docket entry and the document descriptions need to be served.

F. Motions to Shorten or Limit Notice. A motion to shorten the time or limit the distribution of any notice required by Bankruptcy Rule 2002 shall state the cause to shorten or limit notice. Such motions may be ruled upon ex parte.

RULE 2015-2. DEBTOR-IN-POSSESSION DUTIES

A. In a Chapter 12 or Chapter 13 case, the debtor shall sign and file verified reports and summaries of the business operations, including farming or fishing operations, if applicable, in the form required by the Court, trustee, or the United States Trustee. Within fourteen (14) days after the filing of the petition, the debtor must file a report and summary of business operations for the calendar month preceding the month in which the case is filed. The debtor shall file monthly reports on or before the 15th day of each succeeding month covering the operations for the preceding calendar month. After confirmation of a Chapter 12 or 13 plan, the required reports shall be filed on a quarterly basis until completion of the plan term, unless the Court orders otherwise.

B. In Chapter 12 and 13 cases, the debtor shall promptly furnish the trustee with copies of all federal and state tax returns and tax reports filed by the debtor while the case is pending.

RULE 3002-1. FILING PROOF OF CLAIM

~~A.~~ All proofs of claim or interest shall be filed electronically except for those filed by a creditor or interest holder not represented by counsel. See [Local Rule 5005-1\(A\)](#).

~~B. When a case is converted from Chapter 11, 12, or 13 to Chapter 7, the “meeting of creditors” for the purpose of Bankruptcy Rule 3002(c) shall mean the meeting of creditors held in the Chapter 7 case.~~

RULE 3015-1. CHAPTER 13 – PLAN

A. **Chapter 13 Plan; Service and Use of Local Form.** If a Chapter 13 plan is filed with the petition, the Clerk shall transmit copies of the plan along with the notices required by Bankruptcy Rule 2002(a)(1), (a)(9), and (b). If the Chapter 13 plan is not filed with the petition, debtor or debtor's counsel shall ~~transmit~~serve a copy of the plan ~~to~~on the debtor, the Chapter 13 trustee, the United States Trustee, all creditors, and parties in interest that have requested notice, and shall file a certificate of service thereof. Chapter 13 plans shall ~~substantially~~ conform to Local Form 3015-1.

B. **Valuation of Secured Claims; Lien Avoidance.** If the Chapter 13 plan includes a request in Part 3.2 to determine the amount of a secured claim under FRBP 3012(b), or a request in Part 3.5 to avoid a nonpossessory, nonpurchase-money security interest in exempt personal property under 11 U.S.C. § 522(f)(1)(B), debtor or debtor's counsel shall serve the plan on the holder of the secured claim consistent with service of process under FRBP 7004, and file a separate certificate of service thereof. See Local Rule 7004-1.

C. **Executory Contracts.** If the Chapter 13 plan includes acceptance or rejection of executory contracts in Part 6.1, debtor or debtor's counsel shall serve the plan on the other parties to the contract, and file a certificate of service thereof, unless such parties are already listed on the matrix.

D. **Surrendering Property.** If the Chapter 13 plan includes surrender of property under Part 3.6, and the property secures a debt on which a non-debtor co-obligor is liable, debtor or debtor's counsel shall serve the plan on the co-obligor and file a certificate of service thereof, unless the co-obligor is already listed on the matrix.

RULE 4001-1. AUTOMATIC STAY – RELIEF FROM

A. Relief from the Automatic Stay of 11 U.S.C. § 362(a). A motion for relief from the automatic stay of 11 U.S.C. § 362(a) shall be clearly designated as such in the title of the pleading. Failure to do so may be deemed by the Court to be a waiver of the benefits of an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e).

B. Motions Seeking Relief in Addition to Relief from the Automatic Stay of 11 U.S.C. § 362(a) and Abandonment of Property.

1. Where a motion for relief from the automatic stay of 11 U.S.C. § 362(a) and abandonment of property includes a request for additional relief other than abandonment of property or adequate protection, such request shall constitute a waiver of the right to an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e) of the Code.

2. If a motion for relief is combined with a request for abandonment, the motion shall be served on all creditors pursuant to Bankruptcy Rule 6007 unless an order limiting notice is entered by the Court.

3. If movant seeks a waiver of the 14-day stay under Bankruptcy Rule 4001(a)(3), such request must be clearly designated in the title of the pleading and must show cause why such waiver should be granted.

C. Notice of Motions Under Bankruptcy Rule 4001. A motion filed under 11 U.S.C. §§ 362, 363(e), or 364 shall be served upon the debtor, debtor's counsel, counsel for any official committee (or if no committee in a Chapter 11 case, upon the list of 20 largest unsecured creditors), trustee, the United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case.

D. Relief from the Codebtor Stay.

1. A motion for relief from the codebtor stay provided by 11 U.S.C. §§ 1201(a) or 1301(a) shall be designated as "Motion for Relief from Codebtor Stay." Failure to do so may be deemed a waiver of the benefit of automatic termination of the stay upon the conditions stated in 11 U.S.C. §§ 1201(d) or 1301(d). In a Chapter 13 case, the codebtor stay may also be terminated under certain circumstances in the Chapter 13 Plan.

2. The motion shall be filed and served in compliance with [Local Bankruptcy Rule 9013-1\(B\)](#). A notice of opportunity for hearing shall provide for a response time of 14 days (which includes the 3 days for mailing as prescribed by Bankruptcy Rule 9006(f)) within which to object.

3. The motion shall be served upon the debtor, the debtor's counsel, trustee, any individual that is liable on the debt with the debtor (i.e., a codebtor), and all parties in interest who have requested notice in the case.

E. Discovery. In connection with motions for relief from the automatic stay, the time within which responses to discovery requests are due is shortened from 30 to 12 days. Depositions may be taken after the expiration of seven (7) days after service of the motion for relief from the automatic stay.

F. Applicability of Local Rule 9013-1, 9014-1. [Local Rules 9013-1](#) and [9014-1](#) apply to motions for relief from the automatic stay.

G. Confirmation that Automatic Stay is Terminated. A request for an order under 11 U.S.C. § 362(j), confirming that the automatic stay has been terminated, may be made by application. An application pursuant to 11 U.S.C. § 362(j) shall provide the following information, as appropriate in the circumstances for each prior case: (1) if the prior filing was in this Court, the complete case caption, date of filing and date of dismissal; and/or (2) if the prior filing was in any other court, then, in addition to the requirements of (1), the movant shall also file relevant copies of all court records reflecting the information provided in subsection (1).

H. Continuation of the Automatic Stay. A motion for continuation of the automatic stay under 11 U.S.C. § 362(c)(3)(B) shall be filed within seven (7) days of the filing of the petition. The debtor shall serve such motion on all creditors to be stayed, the United States Trustee, the trustee, counsel for any official committee (or if no committee in a Chapter 11 case, upon the list of 20 largest unsecured creditors), and all holders of liens on and interests in any property to be affected by the stay. Failure to comply with this rule may result in denial of the motion without further notice or a hearing.

RULE 4003-~~2~~1. LIEN AVOIDANCE

~~A~~Unless lien avoidance is provided for in a Chapter 13 plan, a separate motion under Bankruptcy Rule 4003(d) shall be filed with respect to each creditor that holds a lien on exempt property that the debtor seeks to avoid pursuant to 11 U.S.C. § 522(f). Only nonpossessory, nonpurchase-money liens on exempt personal property may be avoided in a Chapter 13 plan. Judicial liens must be avoided by filing a separate motion with respect to each such lien.

RULE 4004-1. DISCHARGE

A. Statement of Whether 11 U.S.C. § 522(q) is Applicable. Within twenty-one (21) days following the filing of a notice by an individual debtor in a Chapter 11 case or a trustee in a Chapter 12 or Chapter 13 case that the debtor has paid all payments due under the plan, or in conjunction with the filing of a motion for hardship discharge, the debtor shall file a statement on [Local Form 4004-1](#) (Certification and Request for Issuance of Discharge) indicating whether 11 U.S.C. § 522(q)(1) may be applicable to the debtor or if there is pending a proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B). Such statement shall be served upon the trustee, if any, all creditors and all parties in interest who have requested notice, affording them fourteen (14) days, which includes the three (3) days for mailing as prescribed by Bankruptcy Rule 9006(f), from the date of the filing of the statement to object to the debtor's discharge.

B. Certification of Payment of Domestic Support Obligations. If the debtor in a Chapter 12 or 13 case is required by a judicial or administrative order, or by statute, to pay any domestic support obligation, the debtor shall file a verified statement certifying that the debtor has paid all amounts that are required to be paid under such domestic support obligation in accordance with 11 U.S.C. §§ 1228(a) or 1328(a) on [Local Form 4004-1](#) (Certification and Request for Issuance of Discharge). If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a verified statement certifying that the debtor has no such obligations on [Local Form 4004-1](#) (Certification and Request for Issuance of Discharge).

1. The certification of payment of domestic support obligations shall be filed by the debtor not earlier than the date of the last payment made under the plan or the date of the filing of a motion for entry of discharge under 11 U.S.C. §§ 1228(b) or 1328(b).
2. If the certification of payment of domestic support obligations is not timely filed, the case may be closed without a discharge.

C. Debtors Ineligible for Discharge. Debtors not eligible for a discharge need not file a Certification and Request for Issuance of Discharge.