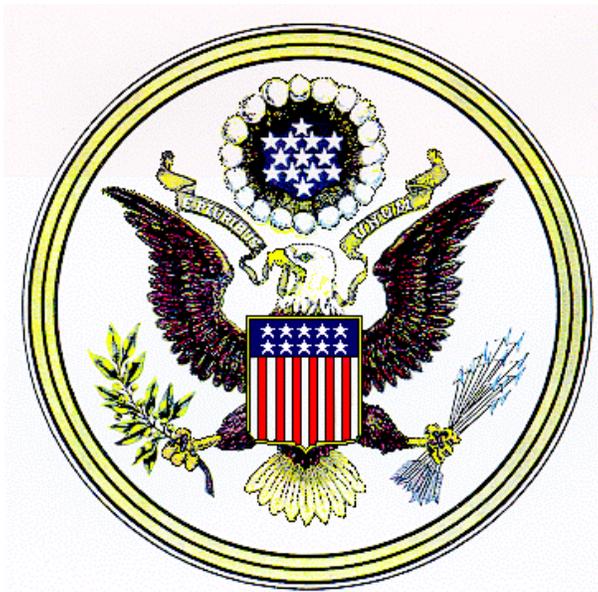


**GUIDE TO PRACTICE  
IN THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF LOUISIANA**



December 1, 2000

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

**ROSTER OF OFFICIALS**

**SHREVEPORT DIVISION**

Stephen V. Callaway  
Judge  
Suite 4400, U.S. Court House  
300 Fannin Street  
Shreveport, LA 71101  
318-676-4269

J. Barry Dunford  
Clerk of Court  
Suite 2201, U.S. Court House  
300 Fannin Street  
Shreveport, LA 71101  
318-676-4267

Paula Funderburk, Secretary  
Felton "Gary" Horton, Law Clerk

Johanna Wilbanks, Chief Deputy

**ALEXANDRIA DIVISION**

Henley A. Hunter  
Judge  
300 Jackson Street, Suite 201  
Alexandria, LA 71301-8357  
318-443-8083

Rebecca McMath, Secretary  
Louie "Laramie" Henry, Law Clerk

**OPELOUSAS DIVISION**

Gerald H. Schiff  
Chief Judge  
231 S. Union Street, #341  
P.O. Box J  
Opelousas, LA 70571-1909  
337-942-2161 Voice  
337-942-2216 Fax

Lynda Dupre, Secretary  
Mary Alice Dukes, Law Clerk

Clerk of Court's Office  
Suite 116  
300 Jackson Street  
Alexandria, LA 71301-8357  
318-445-1890

Clerk of Court's Office  
231 S. Union Street, #205  
P.O. Box J  
Opelousas, LA 70571-1909  
337-948-3451 Voice  
337-948-4426 Fax

William P. "Bill" Gates, Deputy-in-Charge

David Cochrane, Deputy-in-Charge

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

**DIVISIONAL OFFICES**

The United States Bankruptcy Court for the Western District of Louisiana is presently divided into five (5) specific divisions. Those divisions and the parishes they consist of are as follows:

1. Alexandria Division consisting of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, Vernon and Winn Parishes.
2. Lafayette-Opelousas Division consisting of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermillion Parishes.
3. Lake Charles Division consisting of Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes.
4. Monroe Division

Chapter 7 and Chapter 11 shall be filed in the  
Alexandria Division

\*Chapter 12 and Chapter 13 shall be filed in the  
Shreveport Division

consisting of Caldwell, East Carroll, West Carroll, Franklin, Jackson,  
Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas and Union  
Parishes.

5. Shreveport Division consisting of Bienville, Bossier, Caddo, Claiborne,  
DeSoto, Red River, Sabine and Webster Parishes.

*\* Absent action by the Congress and the President, Chapter 12 of the Bankruptcy Code expired on July 1, 2000. There is currently no legislation in place.*

## FILING A VOLUNTARY BANKRUPTCY PETITION

### 1. PETITION

### 2. MAILING MATRIX

### 3. FEES

#### 1. Petition

##### A. Form and copies:

(1) The petition must conform substantially to Official Bankruptcy Forms, Rules 1002 and 9009, Federal Rules of Bankruptcy Procedure

(2) Caption Rule 1005, Federal Rules of Bankruptcy Procedure:

a. Name of court, e.g.,

“UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION”

b. Title of the case:

“Name of debtor, social security number, employer’s  
tax identification number for debtor, all other names  
used by debtor”

c. Docket number.

(3) Number of copies to be filed with original petition Uniform  
Local Bankruptcy Rule 1002-1:

- a. Chapter 7 - three (3)
- b. Chapter 9 - five (5)
- c. Chapter 11 - five (5)
- d. Chapter 12 - three (3)
- e. Chapter 13 - three (3)

B. Check list and assemblage for Chapter 7 petitions:

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure</u> <u>Official Bankruptcy Forms</u>
Exhibit B or Notice to Consumer Debtors	Immediately	<u>11 USC §342(b), Official Bankruptcy Forms</u> Required when debts are primarily consumer debts <u>11 USC §101(8)</u> . Exhibit B is a certificate by the attorney that debtor was informed of all options under the Code. Notice to Consumer Debtors is required only if Exhibit B is not filed and must be mailed by the clerk.
Verification (Unsworn Declaration)	Immediately	<u>28 USC §1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement or amendment thereto, is filed.
Summary of Schedules with the Schedules and Statements	15 days	<u>11 USC §521(1) , Rule 1007(a)(1), (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> If no list of creditors with addresses (mailing matrix) is filed, schedules are due immediately.
Debtor's Statement of Intention	30 days	<u>11 USC §521(2)(A), Rule 1007(b)(2), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if assets and liabilities include consumer debts secured by property of the estate.
Disclosure of Compensation Paid Attorney	15 days	<u>11 USC §329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure</u> Required whether or not attorney applies for compensation.

C. Check list and assemblage for Chapter 9 petitions:

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition	Immediately	<u>11 USC §109(c), Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
List of 20 Largest Unsecured Creditors	Immediately	<u>Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Application & Order for Appointment of Attorney	Immediately	<u>Rule 2014(a), Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2014-1</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC §1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement or amendment thereto, is filed.
Summary of Schedules with the Schedules and Statements	Fixed by court	<u>11 USC §521(1), Rule 1007(e), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Form</u> If no list of creditors with addresses (mailing matrix) is filed, schedules are due immediately.
Disclosure of Compensation Paid Attorney	15 days	<u>11 USC §329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure</u>
Chapter 9 Plan	With petition or thereafter, but within a time fixed by the court	<u>11 USC §941, Rule 3016, Federal Rules of Bankruptcy Procedure</u>

D. Check list and assemblage for Chapter 11 petitions:

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Exhibit A	Immediately	<u>Official Bankruptcy Forms</u> Only required for corporations.
List of 20 Largest Unsecured Creditors	Immediately	<u>Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> List should include name, address, telephone, nature and amount of claim. Insiders are not to be included.
Application & Order for Appointment of Attorney	Immediately	<u>11 USC §1103(a), Rule 2014(a), Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2014-1</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC §1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement or amendment thereto, is filed.
Summary of Schedules with the Schedules and Statements	15 days	<u>11 USC §521(1), Rule 1007(a)(1) &amp; (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> If no list of creditors with addresses (mailing matrix) is filed, schedules are due immediately.
Disclosure of Compensation Paid Attorney	15 days	<u>11 USC §329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure</u> Required whether or not attorney applies for compensation.

Order to Debtor In Possession

Uniform Local Bankruptcy Rule 2015-2 Required, but no deadline for filing is specified.

Chapter 11 Plan 120 days  
Chapter 11 Small Business Plan 100 days

11 USC §1121(a),(b),(c),(d)&(e), Rule 3016, Federal Rules of Bankruptcy Procedure Only a debtor may file a Chapter 11 Plan the first 120 days after the Order for Relief. Any party in interest may file a plan after 120 days if: (1) a trustee has been appointed; (2) debtor has not filed a Plan, or; (3) debtor has not filed a Plan which has been approved by each class of impaired claims by 180 days from Order for Relief. In a chapter 11 case in which the debtor is a small business and elects to be considered a small business, only the debtor may file a plan until after 100 days after Order for Relief. All plans shall be filed within 160 days after Order for Relief

Chapter 11 Disclosure 120 days

11 USC §1125, Rule 3016, Federal Rules of Bankruptcy Procedure Requires a Disclosure Statement be filed 120 days from the date the petition is filed. The statement should include: (1) a brief history of the debtors operation and financial history; (2) present status of debtor's business operation and financial position; (3) summary of proposed Plan of Reorganization; (4) a brief summary of projected operation of business and debtor's financial projection; and (5) information suggesting the benefit creditors would derive from the plan as compared with their gain from liquidation under Chapter 7

**NOTE:** The [Order to Debtor-In-Possession](#) form is attached to this [Guide](#).

\*E. Check list and assemblages for Chapter 12 petitions

ITEM	TIME DUE	REMARKS
Petition	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC §1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement or amendment thereto, is filed.
Summary of Schedules with the Schedules and Statements	15 days	<u>11 USC §521(1), Rule 1007(a)(1), (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> If no list of creditors with addresses (mailing matrix) is filed, schedules are due immediately.
Disclosure of Compensation Paid Attorney	15 days	<u>11 USC §329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure</u> Required whether or not attorney applies for compensation.
Chapter 12 Plan	90 days	<u>11 USC §1221 &amp; 1224, Rule 3015(a), Federal Rules of Bankruptcy Procedure</u> Required within 90 days after Order for Relief unless extended by the court. The confirmation hearing must be concluded within 45 days after filing the Plan.

*\*Absent action by the Congress and the President, Chapter 12 of the Bankruptcy Code expired on July 1, 2000. There is currently no legislation in place.*

F. Check list and assemblages for Chapter 13 petitions:

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC §1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement or amendment thereto, is filed.
Summary of Schedules with the Schedules and Statements	15 days	<u>11 USC §521(1), Rule 1007(a)(1), (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> If no list of creditors with addresses (mailing matrix) is filed, schedules are due immediately.
Disclosure of Compensation Paid Attorney	15 days	<u>11 USC §329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure</u> Required whether or not attorney applies for compensation.
Chapter 13 Plan	15 days	<u>11 USC §1321, Rule 3015(b), Federal Rules of Bankruptcy Procedure</u>

**NOTE:** Attached to this Guide is a sample [ADDENDUM TO CHAPTER 13 PLAN APPLICATION AND NOTICE FOR ATTORNEY’S FEES](#)

G. Check list - signatures, pro se party and party represented by attorney:

Party not represented by an attorney	Party shall sign all papers, stating address and phone number.	<u>Rule 9011, Federal Rules of Bankruptcy Procedure</u>
Party represented by an attorney	Attorney's signature Attorney's name, office address and Address and office telephone number.	<u>Rule 9011, Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2090-1, Local Civil Rule 83.2.1 E&amp;W, (Former ULLR 20.01 E&amp;W)</u> Attorney's must be admitted to practice before the United States District Court for the Western District of Louisiana.

H. Non-attorney bankruptcy petition preparer, 11 USC §110, Official Bankruptcy Forms:

A bankruptcy petition preparer shall sign any document for filing that the bankruptcy petition preparer prepares for compensation on behalf of a debtor, and also provide preparer's name, address and identifying number. Within 10 days after the date of the filing of a petition, preparer shall file a declaration under penalty of perjury disclosing any fee received from, or on behalf of, debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor.

2. Mailing matrix Uniform Local Bankruptcy Rule 1007-2 and U.S. Bankruptcy Court Automation Project (BANCAP) letter dated June 26, 2000
  - A. Must be filed with petition. Uniform Local Bankruptcy Rule 1007-2.
  - B. The list must be typed on single pages in single column on 8 1/2" x 11" paper, with no letters closer than 2" from any edge of paper.
  - C. Each name/address must contain no more than five (5) total lines with at least three (3) blank lines between each name/address block. Each line must be 32 characters or less in length.
  - D. **ONLY CREDITORS** should be listed on the matrix. Do not include the debtor, debtor attorney, or U. S. Trustee.

**NOTE:** The [BANCAP letter](#) dated June 26, 2000 is attached to this Guide.

3. Fees 28 USC §1930 and Rule 1006(a), Federal Rules of Bankruptcy Procedure

A. Filing fees:

- (1) Chapter 7 - \$155.00
- (2) Chapter 9 - \$300.00
- (3) Chapter 11 - \$800.00
- (4) Chapter 11 Railroad - \$1,000.00
- (5) Chapter 12 - \$200.00
- (6) Chapter 13 - \$155.00

B. Miscellaneous administrative fees:

In all cases filed under all chapters of Title 11 of the United States Code, the petitioner shall pay a bankruptcy miscellaneous administrative fee. 28 USC §1930(b) and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure.

- (1) The bankruptcy miscellaneous administrative fee is \$30.00 for all chapters filed, due at the time of filing.
- (2) The bankruptcy miscellaneous administrative fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Rule 1006, Federal Rules of Bankruptcy Procedure.

C. Trustee fee surcharge:

In all cases filed under chapter 7 of Title 11 of the United States Code, the petitioner shall pay a trustee fee surcharge. 28 USC §1930(b) and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure.

- (1) A \$15.00 trustee fee surcharge will be paid by the petitioner upon the filing of a petition under Chapter 7, by the movant upon the filing of a motion to convert a case to Chapter 7 and upon the filing of a notice of conversion.
- (2) The trustee fee surcharge may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Rule 1006, Federal Rules of Bankruptcy Procedure.

D. The miscellaneous administrative fee and the trustee fee surcharge shall be paid in addition to the filing fees prescribed under 28 USC §1930.

- E. Installment fees Rule 1006(b)(1), (2) & (3), Federal Rules of Bankruptcy Procedure and Uniform Local Bankruptcy Rule 1006-1:
- (1) Signed application in accordance with Rule 9011, Federal Rules of Bankruptcy Procedure, for payment of filing fees in installments by an individual debtor shall include statements that debtor is unable to pay the filing fees except in installments and that neither any money has been paid nor property transferred to an attorney for services in connection with the case.
  - (2) The filing fee must be paid in full before the debtor or Chapter 13 trustee may pay an attorney or any other person for services in connection with the case.
  - (3) Prior to the first meeting of creditors, the court will act on the application.
  - (4) Number of installments shall not exceed three (3) and shall be paid as follows in Chapter 7 individual cases:
    - a. \$70.00 with petition.
    - b. \$65.00 no later than 30 days after filing of petition.
    - c. \$65.00 no later than 60 days after filing of petition.
  - (5) The number of installments shall not exceed four (4) and shall be paid as follows in Chapter 11 individual cases:
    - a. \$200.00 with petition.
    - b. \$210.00 no later than 30 days after filing of petition.
    - c. \$210.00 no later than 60 days after filing of petition.
    - d. \$210.00 no later than 90 days after filing of petition.
  - (6) The number of installments shall not exceed four (4) and shall be paid as follows in Chapter 12 individual cases:
    - a. \$50.00 with petition.
    - b. \$60.00 no later than 30 days after filing of petition.
    - c. \$60.00 no later than 60 days after filing of petition.
    - d. \$60.00 no later than 90 days after filing of petition.
  - (7) The number of installments shall not exceed three (3) and shall be paid as follows in Chapter 13 individual cases:
    - a. \$65.00 with petition.
    - b. \$60.00 no later than 30 days after filing of petition.
    - c. \$60.00 no later than 60 days after filing of petition.

**NOTE:** Bankruptcy Court [Miscellaneous Fee Schedule](#) is attached to this [Guide](#).

## **FILING AN INVOLUNTARY BANKRUPTCY PETITION**

- 1. GENERAL**
- 2. PETITION**
- 3. FEES**
- 4. SUMMONS**
- 5. JOINDER OF PETITION**
- 6. RESPONSIVE PLEADINGS**
- 7. ORDER FOR RELIEF**
- 8. PROCEDURE AFTER ORDER FOR RELIEF**

1. General 11 USC §303

- A. Involuntary cases can be commenced under Chapter 7 and Chapter 11.
- B. Involuntary cases can be commenced against the following, who may be debtors under the chapter which the case is brought:
  - (1) A person.
  - (2) A business.
  - (3) A commercial corporation.
- C. Involuntary cases cannot be commenced against:
  - (1) A farmer.
  - (2) A family farmer.
  - (3) A non-money corporation (e.g., a charitable corporation).
- D. Creditors that may commence an involuntary case:
  - (1) Three (3) or more creditors holding a claim which is not contingent as to liability and is not the subject of a bona fide dispute or whose claims aggregate at least \$10,775.00. (NOTE: Exclude from this amount the value of secured property of the creditor.)

- (2) If there are less than twelve (12) creditors, one or more creditors:
  - a. Excluding any creditor who is an employee of the debtor, is an insider of the debtor, or is a transferee with a voidable transfer.
  - b. Whose claims aggregate at least \$10,775.00.
- (3) If a debtor is a partnership:
  - a. By fewer than all of the general partners.
  - b. If relief has been ordered as to all general partners by a general partner, by the trustee or a general partner, or by a creditor of the partnership.
- (4) By a foreign representative of the estate in a foreign proceeding concerning debtor.

2. Petition 11 USC §303, Rule 1003, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms

A. Number of copies to be filed with original petition Uniform Local Bankruptcy Rule 1002-1:

- (1) Chapter 7 - three (3)
- (2) Chapter 11 - five (5)

B. Transferor or Transferee of Claim:

- (1) Attach all documents evidencing the transfer.
- (2) Signed statement that the transfer was not for the purpose of commencing the case, and set forth the consideration for and terms of the transfer.

3. Filing fee 28 USC §1930, Rule 1006, Federal Rules of Bankruptcy Procedure

A. Chapter 7 - \$155.00

B. Chapter 11 - \$800.00

C. Trustee fee surcharge:

- (1) In all cases filed under chapter 7 of Title 11 of the United States Code, the petitioner shall pay a trustee fee surcharge. 28 USC §1930(b) and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure

- (2) A \$15.00 trustee fee surcharge will be paid by the petitioner upon the filing of a petition under Chapter 7.
      - (3) The trustee fee surcharge will be paid in addition to the filing fee prescribed under 28 USC §1930.
    - D. There is no provision for filing an involuntary petition with payment of fees by installments.
4. Summons Rule 1010, Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms
  - A. Shall be signed by the clerk and bear the seal of the court.
  - B. Service Rule 4(a)-(j), Federal Rules of Civil Procedure and Rules 1010 and 7004(a)-(h), Federal Rules of Bankruptcy Procedure:
    - (1) Petitioner or petitioner's attorney shall be responsible or prompt service of the summons and a copy of the petition with any attachments.
    - (2) Service may be made by any person who is not a party and who is at least eighteen (18) years of age.
    - (3) Methods of service:
      - a. Personal or domiciliary.
      - b. First class mail within the United States.
      - c. If service cannot be made otherwise, under Rule 1010, Federal Rules of Bankruptcy Procedure, the court may order mailing to the last known address, and publication.
      - d. Service may be made on debtor anywhere in the United States.
      - e. Time limit for service is ten (10) days from issuance.
      - f. Return of service, i.e., proof, must be filed promptly (before delays to respond have expired), and must be by affidavit or unsworn declaration under penalty of perjury 28 USC §1746.

5. Joinder of petitioner after filing 11 USC §303(c) and Rule 1003(b), Federal Rules of Bankruptcy Procedure
  - A. Right to join must be prior to relief being ordered and claim must be unsecured and not contingent.
  - B. Effect of joinder - the same effect as if joining creditor were a petitioning creditor.
  - C. If the answer alleges existence of more than twelve (12) creditors, but there were less than three (3) petitioners, the court shall allow a reasonable opportunity for other creditors to join before the hearing is held.
  
6. Responsive pleadings Rule 1011(a)&(b), Federal Rules of Bankruptcy Procedure
  - A. Who may respond:
    - (1) The debtor.
    - (2) In the case of a partnership, a non-petitioning partner.
  - B. Time:
    - (1) Within twenty (20) days after service.
    - (2) If service is made out of state, the court shall prescribe the time.
    - (3) If a motion is filed, time for response is extended until ten (10) days after disposition of the motion Rule 12(a), Federal Rules of Civil Procedure.
  
7. Order for Relief 11USC §303(h) and Rule 1013, Federal Rules of Bankruptcy Procedure
  - A. When responsive pleadings are filed:
    - (1) A trial is required.
    - (2) Grounds:
      - a. Debtor is not paying debts as they become due (excluding debts subject to bona fide dispute).
      - b. Appointment of a custodian within 120 days (other than one appointed to enforce a lien of less than substantially all debtor's property).

- B. By default 11 USC §303(h) and Rule 1013(b), Federal Rules of Bankruptcy Procedure
  - (1) Order for Relief shall be entered by default if no response is filed timely.
  - (2) The Order for Relief should be submitted to the judge by the clerk, on the next day, or as soon as is practicable after delays have run.
  
- 8. Procedure after Order for Relief
  - A. Filing of schedules and statements:
    - (1) Unless schedules have been filed, a list containing the name and address of each creditor shall be filed within fifteen (15) days after entry of the Order for Relief Rule 1007(a)(2), Federal Rules of Bankruptcy Procedure.
    - (2) Summary of schedules with the schedules and statements shall be filed within fifteen (15) days after entry of the Order for Relief Rule 1007(c), Federal Rules of Bankruptcy Procedure.
  
  - B. In a voluntary chapter 11 reorganization case, the list of 20 Largest Creditors shall be filed by the debtor within two (2) days after entry of the Order for Relief. Rule 1007(d), Federal Rules of Bankruptcy Procedure.
  
  - C. After entry of the Order for Relief, an involuntary case follows the same procedures as a voluntary case.

**NOTE:** Form B250E, [Summons to Debtor in Involuntary Case](#) is attached to this [Guide](#).

## FILING AN ADVERSARY PROCEEDING

1. COMPLAINT
2. BANKRUPTCY ADVERSARY PROCEEDING COVER SHEET (FORM B104)
3. FEES
4. PROCESS FOR EACH DEFENDANT TO BE SERVED

1. Complaint

- A. Form of pleadings Rule 7010, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms.
- B. All parties MUST be listed in the caption of the original complaint. Rule 10(a), Federal Rules of Civil Procedure and Rule 7010, Federal Rules of Bankruptcy Procedure.
- C. Type of actions Rule 7001, Federal Rules of Bankruptcy Procedure:
  - (1) to recover money or property, except a proceeding under 11 USC §554(b), 11 USC §725, Rule 2017, Federal Rules of Bankruptcy Procedure, or Rule 6002, Federal Rules of Bankruptcy Procedure;
  - (2) to determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Rule 4003(d), Federal Rules of Bankruptcy Procedure;
  - (3) to obtain approval pursuant to §363(h) for the sale of both the interest of the estate and of a co-owner in property;
  - (4) to object to or revoke a discharge;
  - (5) to revoke an order of confirmation of a Chapter 11 or Chapter 13 Plan;
  - (6) to determine the dischargeability of a debt;
  - (7) to obtain an injunction or other equitable relief;

- (8) to subordinate any allowed claim or interest, except when subordination is provided in a Chapter 9, 11, or 13 plan;
  - (9) to obtain a declaratory judgment relating to any of the foregoing; and
  - (10) to determine a claim or cause of action removed to a Bankruptcy Court.
2. Bankruptcy Adversary Proceeding Cover Sheet (Form B104) Rule 9009, Federal Rules of Bankruptcy Procedure.
3. Filing fee is \$150.00, except no fee is required for the United States or a debtor, except a debtor-in-possession. 28 USC §1930, Judicial Conference Schedule of Fees.
4. Process for summons and complaint; service; proof of service for each defendant to be served Rule 4(a)-(j), Federal Rules of Civil Procedure and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure.
  - A. Summons with one copy of complaint for each defendant to be served, shall be signed by the clerk and bear the seal of the court.
  - B. Issuance - the plaintiff may present the summons to the clerk for signature and seal. If summons is in proper form, the clerk shall sign, seal and issue to the plaintiff for service on defendant.
    - (1) “The defendant shall serve an answer within thirty (30) days after the issuance of the summons, except when a different time is prescribed by the court,” Rule 7012, Federal Rules of Bankruptcy Procedure.
    - (2) “The United States or an officer or agency thereof shall serve an answer to a complaint within thirty-five (35) days after issuance of the summons,” Rule 7012, Federal Rules of Bankruptcy Procedure.
  - C. Obligation to serve - “plaintiff’s attorney...shall be responsible for prompt service,” Rule 4(a), Federal Rules of Civil Procedure.

**NOTE:** [Adversary Proceeding Cover Sheet](#) is attached to this [Guide](#).

- D. Who can serve summons and complaint - “any person at least eighteen (18) years of age who is not a party,” Rule 7004(a), Federal Rules of Bankruptcy Procedure.
- E. How a summons and complaint is served Rule 4(a)-(j), Federal Rules of Civil Procedure, and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure:

(1) On an individual:

- a. Personal delivery.
- b. Delivery to an authorized agent.
- c. Delivery to a person of suitable age and discretion residing at the person’s dwelling.
- d. First class mail, postage prepaid, to person’s dwelling or usual place or abode or to the place where person regularly conducts business or profession.

(2) On a debtor:

After a petition has been filed by or served upon the debtor and until the case is dismissed or closed, by mailing a copy of the summons and complaint to the debtor at the address shown in the petition or statement of affairs or to such other address as the debtor may designate in a filed writing and, if the debtor is represented by an attorney, to the attorney at the attorney’s post-office address.

(3) On a corporation, partnership, or unincorporated association:

By mailing a copy of the summons and complaint to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law.

(4) On the United States:

By mailing a copy of the summons and complaint addressed to the civil process clerk at the office of the United States attorney for the district in which the action is brought and by mailing a copy of the summons and complaint to the Attorney General of the United States, and in any action attacking the validity of an order of an officer or agency of

the United States not made a party, by also mailing a copy of the summons and complaint to that officer or agency.

- (5) On an officer or agency of the United States:

By mailing a copy of the summons and complaint to the United States as prescribed in (4) above and also to the officer or agency.

- (6) On the United States trustee, when the United States trustee is the trustee in the case and service is made upon the United States trustee solely as trustee:

By mailing a copy of the summons and complaint to an office of the United States trustee or another place designated by the United States trustee in the district where the case under the Code is pending.

- F. Nationwide service, Rule 7004(d), Federal Rules of Bankruptcy Procedure:

The summons and complaint and all other process except a subpoena may be served anywhere in the United States.

- G. Service by publication, Rule 7004(c), Federal Rules of Bankruptcy Procedure:

The court may order the summons and complaint to be served by mailing copies thereof by first class mail to the party's last known address and by at least one publication in such manner and form as the court may direct.

- H. Summons - Time limit for service, within the United States. Rule 7004(e), Federal Rules of Bankruptcy Procedure:

Delivery or mailing of the summons and complaint must be within ten (10) days after the summons is issued.

- I. Proof of service (return), Rule 4(g), Federal Rules of Civil Procedure:

An affidavit (or unsworn declaration under penalty or perjury under 28 USC §1746) showing the method of service.

**NOTE:** Form B250A [Summons In An Adversary Proceeding](#) is attached to this [Guide](#).

## APPEALS AND WITHDRAWAL OF REFERENCE

1. GENERAL
2. FILING AN APPEAL AS OF RIGHT
3. APPEAL BY LEAVE OF COURT
4. CROSS APPEAL
5. MISCELLANEOUS
6. LOCAL CIVIL RULE 83.4 - BANKRUPTCY

1. General

- A. Bankruptcy matters may be heard in the district court in two instances:

- (1) Upon appeal under 28 USC §158.
- (2) Upon withdrawal of reference under 28 USC §157(d).

- B. Any filing which initiates a request for relief in a bankruptcy matter from The district court should be filed in the office of the clerk of the bankruptcy court. When the record is complete for purposes of appeal, the clerk shall transmit a copy thereof to the district court for consideration. Generally, subsequent filings should be made in the district court.

- C. Fees, 28 USC §1930 and Appendix:

- (1) Appeal, \$105.00 (\$5.00 filing + \$100.00 docketing).
- (2) Cross Appeal, \$100.00.
- (3) Withdrawal of Reference, \$75.00.

2. Filing an Appeal as of Right

- A. The notice of appeal from a final judgment, order or decree of a bankruptcy judge shall conform substantially to Official Bankruptcy Forms and shall be filed with the clerk within the time allowed by Rule 8002, Federal Rules of Bankruptcy Procedure.

B. Copies to be filed with the original, Rules 8001 and 8004, Federal Rules of Bankruptcy Procedure:

Appellant shall file a sufficient number of copies of the notice of appeal to enable the clerk to comply promptly with Rule 8004, Federal Rules of Bankruptcy Procedure.

C. Service, Rule 8004, Federal Rules of Bankruptcy Procedure:

The clerk shall serve notice of the filing of the notice of appeal on each party other than the appellant. The clerk shall transmit a copy of the notice of appeal to the United States trustee.

D. Fee, 28 USC §1930 and Appendix:

A fee of \$105.00 (\$5.00 filing + \$100.00 docketing) shall accompany the filing of a notice of appeal.

E. Record and Issues on Appeal, Rule 8006, Federal Rules of Bankruptcy Procedure:

Within ten (10) days after filing the notice of appeal, as provided by Rule 8001(a), entry of an order granting leave to appeal, or entry of an order disposing of the last timely motion outstanding of a type specified in Rule 8002(b), whichever is later, the appellant shall file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented. Copies of the designated items to be included in the record on appeal shall be provided to the clerk by the designating party; if the party fails to provide copies, the clerk shall prepare copies at the party's expense.

F. Request for transcript, Rule 8006, Federal Rules of Bankruptcy Procedure:

- (1) If the record designated by any party includes a transcript, the party shall deliver to the electronic court recorder operator (ECRO) a completed Form AO 435, Transcript Order. Form AO435 may be obtained from the clerk's office.
- (2) Upon receipt of the AO Form 435, Transcript Order, the electronic court recorder operator (ECRO), will inform the party of the amount required for payment of the transcription.

(3) Transcription fees are payable in advance ONLY.

3. Appeal by Leave of Court

- A. Notice of Appeal:  
(Same requirements as for an appeal as of right)
- B. Fee:  
(Same fee as for an appeal as of right)
- C. Motion for leave to appeal, Rules 8001(b), 8003, & 8008, Federal Rules of Bankruptcy Procedure:

(1) Contents of motion, Rule 8003(a), Federal Rules of Bankruptcy Procedure:

- a. a statement of the facts necessary to an understanding of the questions to be presented by the appeal;
- b. a statement of those questions and of the relief sought;
- c. a statement of the reasons why an appeal should be granted; and
- d. a copy of the judgment, order, or decree complained of and of any opinion or memorandum relating thereto.

(2) Service of the motion, Rule 8008(b),(c) & (d), Federal Rules of Bankruptcy Procedure:

Appellant must serve a copy of the motion on all parties and include a certificate of service with the motion.

(3) Answer in opposition, Rule 8003(a), Federal Rules of Bankruptcy Procedure:

Within ten (10) days after service of the motion an adverse party may file and answer in opposition with the clerk of the bankruptcy court.

(4) Transmittal of the motion, Rule 8003(b), Federal Rules of Bankruptcy Procedure:

Upon examination of delays, the clerk of the bankruptcy court shall transmit the notice of appeal, motion and any answer to the district court.

D. Record and Issues on Appeal, Rule 8006, Federal Rules of Bankruptcy Procedure:

Designation of the items to be included in the record on appeal and statements of the issues to be presented shall be in accordance with Rule 8006, Federal Rules of Bankruptcy Procedure.

E. Request for transcript, Rule 8006, Federal Rules of Bankruptcy Procedure:

Same as for an appeal as of right.

4. Cross Appeal

A. A cross appeal may be filed with the clerk within the time allowed by Rule 8002, Federal Rules of Bankruptcy Procedure.

B. Fee 28 USC §1930:

A fee of \$100.00 shall accompany the filing of a cross appeal from a bankruptcy court determination.

C. Record and Issues on Appeal, Rule 8006, Federal Rules of Bankruptcy Procedure:

Designation of the items to be included in the record on appeal and statements of the issues to be presented shall be in accordance with Rule 8006, Federal Rules of Bankruptcy Procedure.

5. Miscellaneous

Stay pending appeal, Rule 8005, Federal Rules of Bankruptcy Procedure:

There is no automatic stay pending appeal. A motion to stay pending appeal should be made in the bankruptcy court. If security is required, it should be filed with the clerk of the bankruptcy court.

**NOTE:** The United States Bankruptcy Court for the Western District of Louisiana has a manual, Procedures For Processing An Appeal, which may be requested from the bankruptcy clerk's office, for further information.

6. Local Civil Rule 83.4 - Bankruptcy

LR83.4.1 Reference to Bankruptcy Judge

Under the authority of 28 USC §157 the district court refers to bankruptcy judges of this district all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11. As set forth in 28 USC §157(b)(5), personal injury tort and wrongful death claims shall be tried in the district court.

LR83.4.2 Appeal to the District Court

Appeals from judgments, orders or decrees of a bankruptcy judge shall be governed by Part VIII of the Bankruptcy Rules (Section 8001, et seq) and the applicable local rules of the district and bankruptcy courts.

LR83.4.3 Motion Seeking Relief From a District Judge

Motions filed seeking relief from a district judge, including motions under 28 USC §157(d) (for withdrawal of reference), 28 USC §157(c)(1) (objections to proposed findings of fact and conclusions of law) and Bankruptcy Rule 8005 (for stay pending appeal), shall be governed by the rules set out below.

A. Original Motion

1. Applicable Rules. The Local Rules for the district court shall be applicable to all motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, e.g., Bankruptcy Rules 5011(b) and 9027(e), the local Bankruptcy Rules shall apply until such report is issued.

2. Place of Filing. All motions described in this section above shall be filed with the clerk of the bankruptcy court.

3. Contents of Motion. In addition to the normal requirements of papers filed in the bankruptcy court, motions described in this section above shall include:

- a. A clear and conspicuous statement opposite the title of the action that “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE.”

- b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.
  - c. A list showing each party with an interest in the motion and for each party shown, their attorney along with such attorney's mailing address.
4. Subsequent Filings. Any filing in a matter under this section subsequent to the "Original Motion" set forth above shall be filed with the clerk of the district court and shall comply with all rules of such court.
5. Duties of the Clerk of the Bankruptcy Court. Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court shall promptly transmit to the clerk of the district court:
- a. The original motion and all attachments to the motion, and
  - b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.

B. No Automatic Stay.

There shall be no automatic stay of bankruptcy court proceedings as a result of the filing of any motion under the above. Any stay of proceedings will result only from an order of the bankruptcy court or the district court.

C. Obligation of the Parties.

It shall be the obligation of each and every party and their attorney to apprise the bankruptcy court and the United States District Court of the orders entered in either forum which significantly affect matters pending in either forum.

LR83.4.4 Record Transmitted to the District Court

The authority to retain any portion of the record on appeal or in connection with a motion seeking relief from a district judge is delegated to

the clerk of the bankruptcy court. If any portion of a record is retained in the bankruptcy court, a certified copy of such record shall be transmitted to the district court. If the district court requests the retained papers, the bankruptcy clerk shall transmit them forthwith.

In the event that papers are retained in the bankruptcy court and certified copies are transmitted to the district court, the bankruptcy court may order the party upon whose instance the papers were required to reimburse the clerk of the bankruptcy court for the cost of making the copies.

(Source: Uniform Local Rules for United States District Courts for the Eastern, Middle and Western Districts of Louisiana, as updated October 19, 1999; former ULLR 22, Bankruptcy).

# FILING A NOTICE OF REMOVAL

1. ACTIONS REMOVABLE GENERALLY
2. NOTICE OF REMOVAL
3. FEE (\$150.00)
4. TIME FOR REMOVAL
5. NOTICE TO OTHER PARTIES & THE STATE CLERK OF COURT
6. REMOVAL ORDER
7. REMAND
8. REMOVAL OF CLAIMS

1. Actions removable generally **28 USC §1441**

“.....any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

2. Notice of removal **28 USC §1446(a)**

Formerly known as a “petition for removal”

Requirements:

“.....file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure containing a short and plain statement of the grounds for removal, together

with a copy of all process, pleadings and orders served upon such defendant or defendants in such action.”

3. Fee **28 USC §1941(a)**

The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$150,...

4. Time for removal **28 USC §1446(b)**

The notice of removal of a civil action or proceeding shall be filed within thirty days

A. through service or otherwise, of a copy of the initial pleading, or

B. after the service of summons, or

C. after receipt by the defendant ... of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable...”

5. Notice to other parties & the State Clerk of Court **28 USC §1446 (d)**

“Promptly after the filing of such notice of removal of a civil action the defendant(s) shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State Court, which shall effect the removal and the State Court shall proceed no further unless and until the case is remanded.”

**NOTE: NO BOND IS REQUIRED FOR REMOVAL OF A STATE COURT ACTION**

6. Removal Order Procedure after removal generally **28 USC §1447(a)**

Immediately upon the filing of a application/notice of removal, an order will issue from the Court setting forth the requirements for the parties to the removed action.

**NOTE:** [Order](#) attached to this [Guide](#)

7. Remand **28 USC §1447 (c), (d)**

(c) and (d) below are quoted from rule

- (c) A motion to remand on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under Section 1446(a).

If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.

- (d) An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.

A certified copy of the order or remand shall be mailed by the clerk to the clerk of the appropriate court.

8. Removal of claims related to bankruptcy cases **28 USC §1452(a)**

“A party may remove any claim or cause of action in a civil action other than a proceeding before the U.S. Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under Section 1334 of this title.”

## SUBPOENAS

1. **FORM; ISSUANCE FOR TRIAL, HEARING, DEPOSITION, PRODUCTION OR INSPECTION**
2. **EXAMINATION UNDER RULE 2004, FEDERAL RULES OF BANKRUPTCY PROCEDURE**
3. **SERVICE**
  1. Form; issuance for attendance at trial, hearing, deposition or for production or inspection. Rule 45, Federal Rules of Civil Procedure and Rule 9016, Federal Rules of Bankruptcy Procedure
    - A. Every subpoena shall:
      - (1) state the name of the court from which it is issued;
      - (2) state the title of the action, the name of the court in which it is pending, and its civil action number;
      - (3) command each person to whom it is directed to attend and give testimony or to produce and permit inspection and copying of designated books, documents or tangible things in the possession, custody or control of that person, or to permit inspection of premises, at a time and place therein specified;
      - (4) set forth the text set out in Rule 45(c)&(d), Federal Rules of Civil Procedure. A command to produce evidence or to permit inspection may be joined with a command to appear at trial or hearing or at a deposition, or may be issued separately.
      - (5) a subpoena commanding attendance at trial or hearing shall issue from the court for the district in which the trial or hearing is to be held. A subpoena for attendance at a deposition shall be issued from the court for the district designated by notice of deposition as the district in which the deposition is to be taken. If separate from a subpoena commanding the attendance, a subpoena for production or

inspection shall issue from the court for the district in which the production or inspection is to be made;

- (6) the clerk shall issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall complete it before service. An attorney as officer of the court may issue and sign a subpoena on behalf of a court in which the attorney is authorized to practice or a court for a district in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court where the attorney is authorized to practice.

2. Subpoena for Examination under Rule 2004, Federal Rules of Bankruptcy Procedure

- A. On motion of any party in interest, the court may order the examination of any person.
- B. A completed Form B254, Subpoena for Rule 2004 Examination should be submitted with the motion.
- C. Attendance of an entity for examination and the production of evidence may be compelled in a manner provided in Rule 9016, Federal Rules of Bankruptcy Procedure, for attendance of witnesses at a trial or hearing.
- D. The court may for cause shown and on terms as it may impose, order the debtor to be examined under Rule 2004, Federal Rules of Bankruptcy Procedure, at any time or place it designates, whether within or without the district wherein the case is pending.
- E. An entity other than the debtor shall be tendered one day's attendance as allowed by law and lawful mileage. To a debtor, no tender is necessary, except if the debtor resides more than 100 miles from the place of examination when required to appear for an examination under Rule 2004, Federal Rules of Bankruptcy Procedure, the mileage allowed by law to a witness shall be tendered for any distance more than 100 miles from the debtor's residence at the date of the filing of the first petition commencing a case under Title 11, United States Code or the residence at the time the debtor is required to appear for the examination, whichever is the lesser.

3. Service Rule 45, Federal Rules of Civil Procedure and Rule 9016, Federal Rules of Bankruptcy Procedure
  - A. Subpoenas may be served by any person who is not a party and is not less than 18 years of age.
  - B. Service of a subpoena is made by delivering a copy to person named therein and, if the person's attendance is commanded, by tendering to that person the fees for one day's attendance and the mileage as allowed by law.
  - C. Subpoenas may be served at any place within the district of the court by which it is issued, or at any place without the district that is within 100 miles of the place of the deposition, hearing, trial, production, or inspection specified in the subpoena or at any place within the state where a state statute or rule of court permits service of a subpoena issued by a state court of general jurisdiction sitting in the place of the deposition, hearing, trial, production, or inspection specified in the subpoena, or when a statute of the United States provides therefor, the court upon proper application and cause shown may authorize the service of a subpoena at any other place.
  - D. Proof of service shall be made by filing with the clerk of the court by which the subpoena is issued a statement of the date and manner of service and of the names of the persons served, certified by the person who made service.
  - E. If filing an out of district notice of deposition, a \$20.00 filing fee will be required. 28 USC §1930

**NOTE:** Form B254 [Subpoena for Rule 2004 Examination](#);  
Form B255 [Subpoena In An Adversary Proceeding](#); and  
Form B256 [Subpoena In A Case Under the Code](#) are attached to this [Guide](#).

## AMENDMENTS

A voluntary petition, list, schedule or statement may be amended by the debtor, as a matter of course, at any time before the case is closed. Rule 1009(a), Federal Rules of Bankruptcy Procedure

The statement of intention may be amended by the debtor at any time before the expiration of the period provided in 11 USC §521(2)(B). Rule 1009(b), Federal Rules of Bankruptcy Procedure

1. For amendments to a debtor's schedules or lists of creditors after notice to creditors, \$20.00 fee for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case. Appendix to 28 USC §1930.
2. All petitions, lists, schedules, statements and amendments thereto shall be verified or contain an unsworn declaration. 28 USC §1746 and Rule 1008, Federal Rules of Bankruptcy Procedure
3. When amending the schedules to add a creditor(s), a master mailing matrix showing only the newly listed creditor(s) must accompany the amendment.
4. The debtor shall give notice of the amendment to the trustee and to any entity affected thereby. Rule 1009(a), Federal Rules of Bankruptcy Procedure
5. Pursuant to Uniform Local Bankruptcy Rule 9013-3, a certificate of service of said notice shall be filed no later than five (5) days after notice is given and must include that the added creditor(s) have been advised of the time for filing complaint objecting to discharge. Rule 4004, Federal Rules of Bankruptcy Procedure
6. The debtor or attorney for debtor will be advised by deficiency letter if the amendment is incorrect.
7. When amendments are filed, an amendment cover sheet is required.
8. An original and three copies are required when filing.

**NOTE:** The [Amendment Cover Sheet](#) form is attached to this [Guide](#).

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

Debtor(s):

Case Number:

**ORDER TO DEBTOR-IN-POSSESSION**

Upon the filing of this case under the provisions of Chapter 11 of the Bankruptcy Code and under the authority granted by Section 105 (11 USC §105) to carry out the provisions of the Bankruptcy Code,

**IT IS ORDERED** that, pursuant to 11 USC §1101(1), the above-named debtor(s) continue in possession of its estate, and pursuant to 11 USC §1107(a) and 1108, the operation of its business and management of its property until further order of this court.

**IT IS FURTHER ORDERED** that in connection with the operation of said business, the Debtor-In-Possession:

1. Shall close all bank accounts maintained prior to the filing of the petition. All funds presently on deposit to the credit of the debtor in said accounts shall be transferred to new accounts to be opened by the Debtor-In-Possession. Deposits are to be made only in accounts insured or guaranteed by a department or agency of the United States in an approved depository for bankruptcy accounts.
  
2. Shall segregate and hold separate and apart from all other funds any and all monies withheld from employees or collected from others for taxes, including social security taxes, under the laws of the United States or any state or subdivision thereof, and shall deposit, using federal tax deposit forms, within two (2) days of a payroll, all monies withheld from employees for social security and federal income tax withholdings and shall notify the Special Procedures Staff, Internal Revenue Service, 600 South Maestri Place, Stop 31, New Orleans, Louisiana 70130, of the amount of each deposit and whether such amount represents the entire sum due at that time, and shall deposit or pay promptly (upon collection) to any state or political subdivision thereof any and all monies required by the laws or ordinances of such state or political subdivision; the Debtor-in-Possession is required to report on the amounts withheld and collected for others which are to be paid in the way of income, withholding, or social security taxes to the appropriate authorities.

3. Shall close and preserve its present books and accounts and open and maintain new books of account showing all income, expenditures, receipts and disbursements of the Debtor-in-Possession.
4. Shall not pay any debt or obligation incurred prior to the filing of the petition unless payment of the pre-petition debt is specifically authorized by the court.
5. Shall not use “cash collateral” as defined in Section 363 of the Bankruptcy Code if said cash collateral is subject of a security interest until further order of this Court. All cash collateral is to be deposited in a separate account pending the entry of a court order with respect to its disposition.
6. Shall not sell, lease or otherwise dispose of property not in the ordinary course of business or enter into any transaction not in the ordinary course of business except pursuant to court order, but may buy and sell merchandise, supplies and other property in the ordinary course of business necessary and essential for the operations and to render and obtain services.
7. Shall keep the property of the debtor’s estate insured at a level equal to the value of such property and to pay such premiums as may be or become due thereon.
8. Shall file with the court, and submit a copy to the U.S. Trustee’s office and to the Unsecured Creditors Committee, on or before the 15<sup>th</sup> day of each month a verified statement of financial information covering the prior month’s operations of the debtor, which shall include the following information:
  - A. The compilation or review or audit of financial statements to include:
    1. A balance sheet reflecting primary classifications of schedules A & B data;
    2. A profit and loss statement for the current month and the accumulation during the Chapter 11 case;
    3. A statement of the method of accounting used;
    4. Case receipts and disbursements stating received from or paid to whom; or a statement of source and application of funds or case.
  - B. A narrative report of the debtor’s efforts during the prior month to rehabilitate the business and perfect a plan.

9. Shall take all steps reasonable necessary to prevent the incurring of administrative or priority expenses, the payment of which will not be possible from funds which can be generated during the proceeding, and take all steps necessary to prevent any depletion or potential depletion of said assets and shall further advise this court promptly if the continued operation of the debtor may not be in the best interest of the creditors or the debtor.

**IT IS FURTHER ORDERED** that no compensation or other remuneration shall be paid from the assets of the estate to the debtor, or if a partnership, to any of the partners, or if a corporation, to any present or former officer, director, or stockholder thereof, from the time of the filing of the petition until confirmation of a plan unless such employment and the basis of compensation has first been authorized by this court. Any application for such compensation shall disclose, under oath, all income from any source from compensation for services related to the debtor proceeding.

**IT IS FURTHER ORDERED** that the debtor herein file a plan, pursuant to 11 USC §1121 and 1123, within one hundred twenty (120) days after the date of the order of relief.

**IT IS FURTHER ORDERED** that the debtor file, with the plan, a disclosure statement containing such information as is adequate, pursuant to 11 USC §1125.

**THUS DONE AND SIGNED** the                      day of                      , 2000.

---

United States Bankruptcy Judge

*Copy sent: BNC for noticing to Debtor(s), Debtor(s) Atty., UST*

*Date:*

*By:*

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

re:

Case #:

**ADDENDUM TO CHAPTER 13 PLAN  
APPLICATION AND NOTICE FOR ATTORNEY FEES**

Attorney(s) for the debtor(s), \_\_\_\_\_, hereby request Court approval of attorney's fees and expenses in the amount of \$ \_\_\_\_\_. The applicant charges a fixed fee for services rendered in a typical Chapter 13 proceeding. The attorney's fee requested in this application include charges for professional services and expenses in connection with this Chapter 13 proceeding.

The following is an estimate of the average time and expenses expended in connection with a "typical" Chapter 13 proceeding. The hourly rate charged by \_\_\_\_\_ is \$ \_\_\_\_\_.

	TASK	TIME	AMOUNT
(A)	Initial consultation		
(B)	Compiling information for schedules & plan		
(C)	Drafting plan & schedules		
(D)	Reviewing plan & schedules with debtor(s)		
(E)	Telephone conversations with debtor(s)		
(F)	Telephone conversations with creditors		
(G)	Attending Section 341 meeting		
(H)	Attending Confirmation hearing		
(I)	Maintaining file during plan period		
(J)	Additional correspondence with debtor/creditor		
<b>EXPENSES</b>			
(A)	Copies		
(B)	Postage		
(C)	Filing fee (if paid by attorney)		
(D)	Telephone		
<b>TOTAL ATTORNEY'S FEES AND EXPENSES:</b>			<b>\$</b>

The Attorney's fees in this application do not reflect any charges for pre-confirmation or post-confirmation modifications to the Chapter 13 plan or any fees or expenses after confirmation of the plan. Any additional fees, as they may arise for further services in connection with this Chapter 13 proceeding, are charged on an hourly or additional fee basis as necessary, and are itemized separately:

NOTICE IS HEREBY GIVEN THAT \_\_\_\_\_, attorney for the debtor(s) requests attorney fees be paid in full, in priority, pursuant to 11 USC §507, in the amount of \$ \_\_\_\_\_. The attorney fees herein exceed \$500.00 and an application and hearing on said fees is required pursuant to Bankruptcy Rule 2002(c)(2). Hearing on said application shall be held in conjunction with, and at the date and time of, the confirmation hearing of the plan as set by this Court.

Objections to the foregoing application must be filed with the Clerk and served on the Trustee and debtors' attorney at least five (5) \_\_\_\_\_ prior to the date set for the hearing on confirmation of the Chapter 13 Plan.

\_\_\_\_\_  
Attorney(s) for Debtor(s)

\_\_\_\_\_  
Dated

UNITED STATES BANKRUPTCY COURT

OFFICE OF THE CLERK

WESTERN DISTRICT OF LOUISIANA

U.S. COURTHOUSE, SUITE 2201

300 FANNIN STREET

SHREVEPORT, LA 71101

TEL : 318 676-4267

J. BARRY DUNFORD

CLERK

JOHANNA WILBANKS

CHIEF DEPUTY

June 26, 2000

TO: ALL ATTORNEYS, WESTERN DISTRICT OF LOUISIANA

SUBJECT: BANKRUPTCY COURT AUTOMATION PROJECT UPDATE

The Bankruptcy Court, for the Western District of Louisiana, is totally dependent on a sophisticated computer system called "BANCAP". In order to receive the full benefit from BANCAP, the following procedures are necessary and must be followed.

BANCAP has the capability to capture the list of creditors (matrix) through the use of the optical character reader (OCR). The OCR will read typewritten lists using only certain fonts and pitches in a prescribed format. Any deviation and the system will not read the information. If successfully read, the list of creditors is stored in the computer data base and used to generate notices electronically, thus, eliminating the process of transferring the matrix onto sticky labels. Attachments 1 and 2 contain instructions for preparing the creditor matrix. This format is required for all cases filed in our court. A matrix can also be turned in on a 3 ½ inch diskette. If you are interested in doing this and need more information, please contact the clerk's office automation department, at (318)676-4267. If petitions and matrixes do not conform, they will be rejected and returned until they are corrected for proper processing.

Additionally, pursuant to the Local Bankruptcy Rules, along with your complete mailing address and phone number, include your attorney bar identification number on all pleadings filed with this court. This identification number shall be the number assigned by the Supreme Court of Louisiana.

In order to better utilize the automated system in our court, your cooperation is essential. If you have any questions on these procedures, please feel free to contact me at (318)676-4267 or our divisional managers, in Opelousas, at (337)948-3451, or Alexandria, at (318)445-1890.

Sincerely,

  
J. Barry Dunford, Clerk  
U.S. Bankruptcy Court

JBD:tlp

Enclosures

## Bankruptcy Court Miscellaneous Fee Schedule\*

Following are fees to be charged for services to be performed by clerks of the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1,5, and 23, or to bankruptcy administrators appointed under Public Law No. 99-554, §302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. §3006A.

- (1) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$7. For exemplification of any document or paper, twice the amount of the charge for certifications.
- (3) For reproduction of magnetic tape recordings, either cassette or reel-to-reel, \$20 including the cost of materials.
- (4) For amendments to a debtor's schedules of creditors or lists of creditors, \$20 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case.
- (5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$20 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (6) For filing a complaint, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. §1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by §304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

- (7) For filing or indexing any paper not in a case or proceeding for which a filing fee has been paid, including registering a judgment from another district, \$30.
- (8) In all cases filed under Title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$30. This fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.
- (9) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. §330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).
- (10) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. §330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. §330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.
- (11) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. §1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.
- (12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$4.
- (13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$25.
- (14) For a check paid into the court which is returned for lack of funds, \$35.

- (15) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. §158(a) and (b), the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee.
- (16) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. §304, \$500.
- (17) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (18) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (19) When a joint case filed under §302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to one-half the current filing fee for the chapter under which the joint case was commenced.
- (20) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under §362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. §157(d), a fee shall be collected in the amount of one-half the filing fee prescribed in 28 U.S.C. §1914(a) for instituting any civil action other than a writ of habeas corpus. If a child support creditor or its representatives is the movant, and if such movant files the form required by §304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (21) For docketing a cross appeal from a bankruptcy court determination, the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule.
- (22) For usage of electronic access to court data, \$.60 cents per minute of usage via dial up service, and \$.07 per page for public users obtaining information through a federal judiciary Internet site [provided the court may, for good cause, exempt

persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Information Technology Fund. These fees shall apply to the United States. (The Judicial Conference has approved an advisory note clarifying the judiciary's policy with respect to exemptions from the fees for usage of electronic access to court data. This advisory note is attached at Appendix II.)

## **APPENDIX I**

The Judicial Conference has prescribed a fee for electronic access to court data, as set forth above in the Miscellaneous Fee Schedule. The schedule provides that the court may exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. Exemptions should be granted as the exception, not the rule. The exemption language is intended to accommodate those users who might otherwise not have access to the information in this electronic form. It is not intended to provide a means by which a court would exempt all users.

Examples of persons and classes of persons who may be exempted from electronic public access fees include, but are not limited to: indigents; bankruptcy case trustees; not-for-profit organizations; and voluntary ADR neutrals.

## **APPENDIX II**

- a. The Judicial Conference has approved fees for access to court data obtained electronically from the public dockets of individual case records in the court, including filed documents and the docket sheet, except as provided below.
- b. Courts may provide other local court information at no cost. Examples of information which can be provided at no cost include: local rules, court forms, news items, court calendars, opinions designated by the court for publication, and other information - such as court hours, court locations, telephone listings - determined locally to benefit the public and the court.

\* Issued in accordance with 28 U.S.C. §1930(b).

## **LANGUAGE TO CLARIFY REOPENED BANKRUPTCY CODE CASES**

Filing fees prescribed by 28 U.S.C. Section 1930(a) must be collected when a Bankruptcy Code case is reopened, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. If a Bankruptcy Code case is reopened for any other purpose, the appropriate fee to be charged is the same as the filing fee in effect for commencing a new case on the date of reopening.

# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

## SUMMONS TO DEBTOR IN INVOLUNTARY CASE

### To the above named debtor:

A petition under title 11, United States Code was filed against you on \_\_\_\_\_  
(date)  
in this bankruptcy court, requesting an order for relief under chapter \_\_\_\_\_ of the Bankruptcy Code  
(title 11 of the United States Code).

YOU ARE SUMMONED and required to file with the clerk of the bankruptcy court a motion or answer to the petition within 20 days after the service of this summons. A copy of the petition is attached.

Address of Clerk

At the same time, you must also serve a copy of your motion or answer on petitioner's attorney.

Name and Address of Petitioner's Attorney

If you make a motion, your time to serve an answer is governed by Federal Rule of Bankruptcy Procedure 1011(c).

If you fail to respond to this summons, the order for relief will be entered.

\_\_\_\_\_  
Clerk of the Bankruptcy Court

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Deputy Clerk

*\*Set forth all names, including trade names, used by the debtor within the last 6 years. (Fed. R. Bankr. P. 1005).*

**CERTIFICATE OF SERVICE**

I  
of\*\*  
certify:

That I am, and at all times hereinafter mentioned was more than 18 years of age;  
That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
I served a copy of the within summons, together with the petition filed in this case, on

the debtor in this case, by *[describe here the mode of service]*

the said debtor at

I certify under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
[Date] [Signature]

---

\*\*State mailing address.

# ADVERSARY PROCEEDING COVER SHEET

(Instructions on Reverse)

ADVERSARY PROCEEDING NUMBER  
(Court Use Only)

PLAINTIFFS

DEFENDANTS

ATTORNEYS (Firm Name, Address, and Telephone No.)

ATTORNEYS (If Known)

**PARTY** (Check one box only)     1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 U.S. NOT A PARTY

**CAUSE OF ACTION** (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

### NATURE OF SUIT

(Check the one most appropriate box only.)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 454 To Recover Money or Property   | <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan                       | <input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action |
| <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property               | <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523   |   |
| <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property | <input type="checkbox"/> 434 To obtain an injunction or other equitable relief  | <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court          |
| <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. §727  | <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan | <input type="checkbox"/> 498 Other (specify)  |

**ORIGIN OF PROCEEDINGS**

(Check one box only.)

- 1 Original Proceeding     2 Removed Proceeding     4 Reinstated or Reopened     5 Transferred from Another Bankruptcy Court

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND**

NEAREST THOUSAND \$

OTHER RELIEF SOUGHT

JURY DEMAND

### BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR

BANKRUPTCY CASE NO.

DISTRICT IN WHICH CASE IS PENDING

DIVISIONAL OFFICE

NAME OF JUDGE

### RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF

DEFENDANT

ADVERSARY PROCEEDING NO.

DISTRICT

DIVISIONAL OFFICE

NAME OF JUDGE

**FILING FEE** (Check one box only.)

FEE ATTACHED

FEE NOT REQUIRED

FEE IS DEFERRED

DATE

PRINT NAME

SIGNATURE OF ATTORNEY (OR PLAINTIFF)

## ADVERSARY PROCEEDING COVER SHEET (Reverse Side)

This cover sheet must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney) and submitted to the Clerk of the court upon the filing of a complaint initiating an adversary proceeding.

The cover sheet and the information contained on it *do not* replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. This form is required for the use of the clerk of the court to initiate the docket sheet and to prepare necessary indices and statistical records. A separate cover sheet must be submitted to the clerk of the court for each complaint filed. The form is largely self explanatory.

**Parties.** The names of the parties to the adversary proceeding *exactly* as they appear on the complaint. Give the names and addresses of the attorneys if known. Following the heading "Party," check the appropriate box indicating whether the United States is a party named in the complaint.

**Cause of Action.** Give a brief description of the cause of action including all federal statutes involved. For example, "Complaint seeking damages for failure to disclose information, Consumer Credit Protection Act, 15 U.S.C. §1601 et seq.," or "Complaint by trustee to avoid a transfer of property by the debtor, 11 U.S.C. §544."

**Nature of Suit.** Place an "X" in the appropriate box. Only one box should be checked. If the cause fits more than one category of suit, select the most definitive.

**Origin of Proceedings.** Check the appropriate box to indicate the origin of the case:

1. Original Proceeding.
2. Removed from a State or District Court.
4. Reinstated or Reopened.
5. Transferred from Another Bankruptcy Court.

**Demand.** On the next line, state the dollar amount demanded in the complaint in thousands of dollars. For \$1,000 enter "1," for \$10,000 enter "10", for \$100,000 enter "100," if \$1,000,000, enter "1000." If \$10,000,000 or more, enter "9999." If the amount is less than \$1,000, enter "0001." If no monetary demand is made, enter "XXXX." If the plaintiff is seeking non-monetary relief state the relief sought, such as injunction or foreclosure of a mortgage.

**Bankruptcy Case In Which This Adversary Proceeding Arises.** Enter the name of the debtor and the docket number of the bankruptcy case from which the proceeding now being filed arose. Beneath, enter the district and divisional office where the case was filed, and the name of the presiding judge.

**Related Adversary Proceedings.** State the names of the parties and the six digit adversary proceeding number from any adversary proceeding concerning the same two parties or the same property currently pending in any bankruptcy court. On the next line, enter the district where the related case is pending, and the name of the presiding judge.

**Filing Fee.** Check one box. The fee must be paid upon filing unless the plaintiff meets one of the following exceptions. The fee is not required if the plaintiff is the United States government or the debtor. If the plaintiff is the trustee or a debtor in possession, and there are no liquid funds in the estate, the filing fee may be deferred until there are funds in the estate. (In the event no funds are ever recovered for the estate, there will be no fee). There is no fee for adding a party after the adversary proceeding has been commenced.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the right of the last line of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is *pro se*, that is, not represented by an attorney, the plaintiff must sign.

The name of the signatory must be printed in the box to the left of the signature. The date of the signing must be indicated in the box on the far left of the last line.

# United States Bankruptcy Court

\_\_\_\_\_ District of \_\_\_\_\_

In re

Bankruptcy Case No.

Debtor

Plaintiff

Adversary Proceeding No.

Defendant

## SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of Clerk

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

\_\_\_\_\_  
*Clerk of the Bankruptcy Court*

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Deputy Clerk



UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA

IN RE:

BANKRUPTCY NO.:

Debtor(s)

Plaintiff(s):

vs.

ADVERSARY NO.:

Defendant(s):

**ORDER REGARDING PROCEDURAL REQUIREMENTS ON A REMOVED ACTION**

Considering the removal of this action (formerly Case No. \_\_\_\_\_, \_\_\_\_\_ Judicial District Court, Parish of \_\_\_\_\_, State of \_\_\_\_\_) and the referral of said action to the United States Bankruptcy Court, Western District of Louisiana, it is necessary for the following parties to act in accordance herewith:

Pursuant to 28 U.S.C. §1452(a) and (b), Rule 9027 of Federal Rules of Bankruptcy Procedure and the Rules of this Court,

**IT IS HEREBY ORDERED THAT:**

(1) The party who removed this action shall, within thirty (30) days after the filing of the notice of removal, file or provide for the filing with the Clerk of the United States Bankruptcy Court the following documentation:

- a. a list of all attorneys involved in this case and the parties they represent,
- b. copies of all records and proceedings from the State Court which occurred prior to removal of this action (shall be arranged in order of filing date);
- c. a list of all documents included in the State Court record, (shall be arranged in order of filing date); and
- d. a certificate by counsel that those documents submitted in compliance with (a) through (d) above constitutes the entire State Court record.

**NOTE:** If (a) through (d) above have already been filed, duplicate copies are not necessary.

- (2) Any motions or exceptions pending in State Court at the time of removal are to be refiled in proper form and in accordance with LR7.4.1W. Counsel may adopt by reference a brief or memorandum previously filed in State Court. **Failure to refile these motions or exceptions and such shall be deemed abandoned as if they were never filed.**
- (3) Any attorney appearing as counsel of record in this action who is not presently admitted to practice before the **United States District Court for the Western District of Louisiana** shall exercise one of the following options within twenty (20) days of the filing of the notice of removal:
- (a) **File an Application to Practice** in this Court;
  - (b) **File a Motion for Admission Pro Hac Vice;** or
  - (c) **Secure a substitute** admitted to practice in this Court for the party you presently represent.
- (4) In accordance with Federal Rule of Bankruptcy Procedure 9027(e)(3), any party who has filed a pleading in connection with this removed action (other than the party who filed the notice of removal) **shall file a statement admitting or denying the statement in the Notice of Removal that the removed case is a core proceeding within ten (10) days after the filing of the notice of removal.** Failure to file a statement within the ten (10) day period and such may be deemed as an admission by the party that the removed action is a core proceeding. *In re Aero-Fastener, Inc., 177 B.R. 120 (Bkrcty. D.Mass. 1994).*

THUS DONE AND SIGNED at Shreveport, Louisiana, this \_\_\_\_\_ day of

\_\_\_\_\_

\_\_\_\_\_  
 JUDGE, U.S. BANKRUPTCY COURT

Copy Sent  
 Date:  
 By:

To: Per Attached, which includes each of the following:  
 (Debtor(s), Debtor(s) Attorney, Plaintiff(s), Plaintiff(s) Attorney, Defendant(s), Defendant(s) Attorney, UST, Trustee)

# United States Bankruptcy Court

DISTRICT OF \_\_\_\_\_

In re \_\_\_\_\_,

Debtor

## SUBPOENA FOR RULE 2004 EXAMINATION

Case No. \_\_\_\_\_

To:

Chapter \_\_\_\_\_

YOU ARE COMMANDED to appear and testify at an examination under Rule 2004, Fed.R.Bankr.P., at the place, date, and time specified below. A copy of the court order authorizing the examination is attached.

PLACE

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

ISSUING OFFICER SIGNATURE AND TITLE

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

**PROOF OF SERVICE**

<b>SERVED</b>	DATE	PLACE
	SERVED ON (PRINT NAME)	
SERVED BY (PRINT NAME)		MANNER OF SERVICE
		TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts

business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# United States Bankruptcy Court

DISTRICT OF \_\_\_\_\_

In re \_\_\_\_\_

Debtor

Plaintiff

v.

Defendant

## SUBPOENA IN AN ADVERSARY PROCEEDING

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

Adv. Proc. No. \_\_\_\_\_

To:

YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any subpoenaed organization not a party to this adversary proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

**PROOF OF SERVICE**

<b>SERVED</b>	DATE	PLACE
	SERVED ON (PRINT NAME)	
SERVED BY (PRINT NAME)		MANNER OF SERVICE
		TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# United States Bankruptcy Court

DISTRICT OF \_\_\_\_\_

In re \_\_\_\_\_,

Debtor

## SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

Case No. \_\_\_\_\_

To:

Chapter \_\_\_\_\_

YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE	DATE AND TIME
-------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any subpoenaed organization not a party to this proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed.R.Bankr.P. See Rules 1018 and 9014, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE	DATE
-------------------------------------	------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

**PROOF OF SERVICE**

<b>SERVED</b>	DATE	PLACE
	SERVED ON (PRINT NAME)	
SERVED BY (PRINT NAME)		MANNER OF SERVICE
		TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts

business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

DEBTOR(S):

CASE NUMBER:

**AMENDMENT COVER SHEET**

*Note: For amendments to a debtor's schedules of creditors or lists of creditors, a filing fee of \$20.00 must accompany the amendment. (See Appendix 28 USC §1930)*

**AMENDMENTS WHICH REQUIRE THE \$20.00 FILING FEE ARE:**

*Please check appropriate box in this area and corresponding Schedules in #2 listed below.*

*Adding Creditor(s) /\_/\_*

*Deleting Creditor(s) /\_/\_*

*Changing an Amount /\_/\_*

*Changing a Classification /\_/\_*

**PLEASE CHECK WHAT IS BEING AMENDED**

1. PETITION /\_/\_

2. SCHEDULES: A/\_/\_ B/\_/\_ C/\_/\_ D/\_/\_ E/\_/\_ F/\_/\_ G/\_/\_ H/\_/\_ I/\_/\_ J/\_/\_

*When amending the schedules to add a creditor(s), a master mailing matrix showing ONLY the newly listed creditor(s) must accompany the amendment.*

**It is the responsibility of the debtor(s) to notify additional creditors, ONLY, by sending a 341 Notice and/or Discharge Order to the individuals or creditors added to the schedules/matrix. A certificate of mailing, in regard to the modification, must be filed with the Clerk's Office within five (5) days.**

3. SUMMARY OF SCHEDULES /\_/\_

4. STATEMENT OF FINANCIAL AFFAIRS /\_/\_

5. PLAN 11/\_/\_ 12/\_/\_ 13/\_/\_

**PLEASE INDICATE WHETHER THE FOLLOWING HAVE BEEN ACCOMPLISHED:**

Additional creditor(s), U.S. Trustee and Trustee notified by sending 341 Notice and/or Discharge?

Yes \_\_\_\_\_ No \_\_\_\_\_

Filing Fee Paid (If Applicable) Yes \_\_\_\_\_ No \_\_\_\_\_

## FORMAT FOR CREDITORS MATRIX

In order to insure that the cases you file can be properly read by the optical scanner, we ask that you observe the following guidelines. Your cooperation is essential if we are to make any major improvements in our existing system.

1. Lists should be typed on a single page, in a single column, rather than in three columns (see example attached).
2. Lists must be typed so that no letters are closer than two inches from any edge of the paper, including the top of the page.
3. Each name/address must contain **NO MORE THAN FIVE (5)** total lines, with at least three (3) blank lines between each name/creditor on the matrix.
4. Each line must be **NO MORE THAN THIRTY-TWO (32) CHARACTERS** in length.
5. **DO NOT** duplicate addresses on the matrix.
6. **DO NOT** include the following on your matrices. They are automatically included on the matrix once the case is entered into our system:
  - i Debtor
  - i Joint Debtor
  - i Attorney for Debtor(s)
  - i U.S. Trustee
  - i LA Dept. of Employment and Training (Labor)
  - i LA Dept. of Revenue and Taxation
7. Nine digit zip codes should be typed with a hyphen separating the two groups of digits and **MUST** be on the same line as the city and state.
8. **DO NOT** include account numbers or phone numbers on the matrix.
9. **DO NOT** capitalize the entire matrix, only proper names.
10. **DO NOT** use dot matrix printing.
11. **DO NOT** type attention lines on the last line of the address. These should be placed on the second line of the address.
12. **DO NOT** list creditors with incomplete addresses on the matrix. Complete addresses are necessary in order to notice properly.

13. DO NOT use **BOLD** print on the matrix.
14. DO NOT submit photocopies or carbon copies as your original matrix. We must have actual originals in order to be read by the Optical Scanner.
15. Matrices must not have any extra marks on the list, such as letterhead, dates, debtor's name, page number, coffee stains, or handwritten marks.
16. DO NOT use non-standard paper, such as onion skin, half-sized paper or colored paper for the matrix.
17. Fabric ribbons should be avoided, as they cause fuzzy letters with poor quality for scanning.
18. Please avoid submitting lists which have misaligned lettering.

## SAMPLE CREDITOR MATRIX

Sears  
9324 W. Emerald  
Boise, ID 83704

Montgomery Ward Recovery Center  
POB 29113  
Shawnee Mission, KS 66201

Internal Revenue Service  
600 S. Maestri Place, Stop 31  
New Orleans, LA 70130

Time Finance  
403 Milam Street  
Shreveport, LA 71101

Dillards  
Attn: Bankruptcy Dept.  
3000 E. Pioneer Parkway  
Arlington, TX 76010

Retailers National Bank/Mervyn's  
Mailstop 3C-J  
POB 1327  
Minneapolis, MN 55440-1327

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

**IN RE:**

**CASE NO.:**

**VERIFICATION OF CREDITOR MATRIX**

The above named debtor(s) hereby verifies that the attached list of creditors is true and correct to the best of his/her/their knowledge.

Date: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

Debtor's Name	Case No.
	Chapter
Creditor's Name and Address	

## REAFFIRMATION AGREEMENT

- Instructions:**
- 1) Attach a copy of all court judgments, security agreements, and evidence of their perfection.
  - 2) File all the documents by mailing them or delivering them to the Clerk of the Bankruptcy Court.

### NOTICE TO DEBTOR:

**This agreement gives up the protection of your bankruptcy discharge for this debt.**

**As a result of this agreement, the creditor may be able to take your property or wages if you do not pay the agreed amounts. The creditor may also act to collect the debt in other ways.**

**You may rescind (cancel) this agreement at any time before the bankruptcy court enters a discharge order or within 60 days after this agreement is filed with the court, whichever is later, by notifying the creditor that the agreement is canceled.**

**You are not required to enter into this agreement by any law. It is not required by the Bankruptcy Code, by any other law, or by any contract (except another reaffirmation agreement made in accordance with Bankruptcy Code § 524(c)).**

**You are allowed to pay this debt without signing this agreement. However, if you do not sign this agreement and are later unwilling or unable to pay the full amount, the creditor will not be able to collect it from you. The creditor also will not be allowed to take your property to pay the debt unless the creditor has a lien on that property.**

**If the creditor has a lien on your personal property, you may have a right to redeem the property and eliminate the lien by making a single payment to the creditor equal to the current value of the property, as agreed by the parties or determined by the court.**

**This agreement is not valid or binding unless it is filed with clerk of the bankruptcy court. If you were not represented by an attorney during the negotiation of this reaffirmation agreement, the agreement cannot be enforced by the creditor unless 1) you have attended a reaffirmation hearing in the bankruptcy court, and 2) the agreement has been approved by the bankruptcy court. (Court approval is not required if this is a consumer debt secured by a mortgage or other lien on your real estate.)**

### REAFFIRMATION AGREEMENT

The debtor and creditor named above agree to reaffirm the debt described in this agreement as follows.

#### THE DEBT

Total Amount of Debt When Case was Filed \$ \_\_\_\_\_

Total Amount of Debt Reaffirmed \$ \_\_\_\_\_

Above total includes the following:

Interest Accrued to Date of Agreement \$ \_\_\_\_\_

Attorney Fees \$ \_\_\_\_\_

Late Fees \$ \_\_\_\_\_

Other Expenses or Costs Relating to the  
Collection of this Debt (Describe) \$ \_\_\_\_\_

Annual Percentage Rate (APR) \_\_\_\_\_ %

Amount of Monthly Payment \$ \_\_\_\_\_

Date Payments Start \_\_\_\_\_

Total Number of Payments to be made \_\_\_\_\_

Total of Payments if paid according to schedule \_\_\_\_\_

Date Any Lien Is to Be Released if paid  
according to schedule \_\_\_\_\_

The debtor agrees that any and all remedies available to the creditor under the security agreement remain available.

All additional Terms Agreed to by the Parties (if any):

\_\_\_\_\_  
\_\_\_\_\_

Payments on this debt [were][were not] in default on the date on which this bankruptcy case was filed.

This agreement differs from the original agreement with the creditor as follows:

\_\_\_\_\_  
\_\_\_\_\_

**CREDITOR'S STATEMENT CONCERNING AGREEMENT AND SECURITY/COLLATERAL**  
**(IF ANY)**

Description of Collateral. If applicable, list manufacturer, year and model.

\_\_\_\_\_

Value \$ \_\_\_\_\_

Basis or Source for Valuation \_\_\_\_\_

Current Location and Use of Collateral \_\_\_\_\_

Expected Future Use of Collateral \_\_\_\_\_

Check Applicable Boxes:

- Any lien described herein is valid and perfected.
- This agreement is part of a settlement of a dispute regarding the dischargeability of this debt under section 523 of the Bankruptcy Code (11 U.S.C. § 523) or any other dispute. The nature of dispute is \_\_\_\_\_.

**DEBTOR'S STATEMENT OF**  
**EFFECT OF AGREEMENT ON DEBTOR'S FINANCES**

My Monthly Income (take home pay plus any other income received) is \$ \_\_\_\_\_.

My current monthly expenses total \$ \_\_\_\_\_, not including any payment due under this agreement or any debt to be discharged in this bankruptcy case.

I believe this agreement [will][will not] impose an undue hardship on me or my dependents.

**DEBTOR'S STATEMENT CONCERNING DECISION TO REAFFIRM**

I agreed to reaffirm this debt because \_\_\_\_\_

\_\_\_\_\_

I believe this agreement is in my best interest because \_\_\_\_\_

\_\_\_\_\_

I [considered][did not consider] redeeming the collateral under section 722 of the Bankruptcy Code (11 U.S.C. § 722). I chose not to redeem because \_\_\_\_\_

\_\_\_\_\_

I [was][was not] represented by an attorney during negotiations on this agreement.

**CERTIFICATION OF ATTACHMENTS**

Any documents which created and perfected the security interest or lien [are][are not] attached.  
{*If documents are not attached:* The documents which created and perfected the security interest or lien  
are not attached because

\_\_\_\_\_  
\_\_\_\_\_.]

**SIGNATURES**

\_\_\_\_\_  
(Signature of Debtor)

\_\_\_\_\_  
(Name of Creditor)

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature of Creditor Representative)

\_\_\_\_\_  
(Signature of Joint Debtor)

Date \_\_\_\_\_

Date \_\_\_\_\_

**CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY)**

I hereby certify that 1) this agreement represents a fully informed and voluntary agreement by  
the debtor(s); 2) this agreement does not impose a hardship on the debtor or any dependent of the debtor;  
and 3) I have fully advised the debtor of the legal effect and consequences of this agreement and any  
default under this agreement.

\_\_\_\_\_  
(Signature of Debtor's Attorney, if any)

\_\_\_\_\_  
Date

**UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF LOUISIANA** **PROOF OF CLAIM**

Name of Debtor	Case Number
----------------	-------------

*Note:* This form should not be used to make a claim for an administrative expense arising after the commencement of case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):  Name and address where notices should be sent:  Telephone Number:	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
---	---

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:	Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated: _____
--	---

<b>1. Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Your SS #: _____  Unpaid compensation for services performed from _____ to _____ <div style="text-align: center;">(date) <span style="margin-left: 100px;">(date)</span></div>
---	---

<b>2. Date debt was incurred:</b>	<b>3. If court judgment, date obtained:</b>
-----------------------------------	---

**Total Amount of Claim at Time Case Filed:** \$ \_\_\_\_\_

all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check this box if claim includes interest or other charges in addition to the principle amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim**

Check this box if your claim is secured by collateral (including a right of setoff).  
 Brief Description of Collateral:  
 Real Estate     Motor Vehicle  
 Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

**6. Unsecured Priority Claim**

Check this box if you have an unsecured priority claim  
 Amount entitled to priority \$ \_\_\_\_\_  
 Specify the priority of the claim:

Wages, salaries, or commissions (up to \$4,300)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3)  
 Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).  
 Up to \$1,950\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).  
 Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).  
 Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).  
 Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_\_).

\* Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. Supporting Documents:** Attach copies of supporting documents to original claim and all copies of claims, such as promissory notes, purchase orders, invoices, itemized statements of accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. **Do not send original documents.** If the documents are not available, explain. If the documents are voluminous, attach a summary.

**Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and two copies of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

Date	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):
------	--

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571*

# INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

## —DEFINITIONS—

### Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called a debtor.

### Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

### Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

### Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from the property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent that the creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

### Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

### Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

## Items to be completed in Proof of Claim form (if not already filled in)

### Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

### Information about Creditor:

Complete the section giving the name, address and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

### 1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

### 2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

### 3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

### 4. Total Amount of Claim at Time Case Filed:

Fill in the total amount of the entire claim. If interest or other charges in addition to the principle amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

### 5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

### 6. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

### 7. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

### 8. Supporting Documents:

Attach copies of supporting documents to the original claim and all copies of claims, such as promissory notes, purchase orders, invoices, itemized statements of accounts, contracts, court judgments, mortgages, security agreements, and evidence of lien perfection. Do not send original documents. If the documents are not available, explain. If the documents are voluminous, attach a summary.

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

**COURT DELEGATED SERVICE  
CERTIFICATION REQUIREMENT**

Effective October 1, 1996, the Chief Judge directed that certain orders of the Court will be served upon the required interested parties by the movant or filer of the corresponding antecedent pleading.

Certificates of service for orders sent to attorneys and/or pro se debtors are to be filed with the Clerk of Court no later than five (5) days after receipt of said order.

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS  
PACER BILLING CENTER  
REGISTRATION FORM

(Please Print or Type:)

COURT: \_\_\_\_\_

DISTRICT OR BANKRUPTCY (Circle One)

FIRM NAME: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

NOTE: U.S. Government Agencies are not exempt from PACER Billing.

\_\_\_\_\_ Check here if you are registered with any other court and list the court name and login ids assigned by each court.

\_\_\_\_\_  
\_\_\_\_\_

PLEASE FAX THIS FORM TO (210) 301-6441 OR MAIL TO:

PACER BILLING CENTER  
PACER REGISTRATION  
P.O. BOX 780549  
SAN ANTONIO, TX 78278-0549

YOU WILL RECEIVE YOUR LOGIN AND PASSWORD IN THE MAIL WITHIN ONE WEEKS.  
YOU MAY ALSO REGISTER ONLINE AT [pacer.psc.uscourts.gov](http://pacer.psc.uscourts.gov).