

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

**GUIDE TO PRACTICE**



**February 1, 2010**

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

**INTRODUCTION**

The Guide to Practice in the United States Bankruptcy Court for the Western District of Louisiana is designed for the assistance of practitioners before this Court. **It is not a definitive statement of the law and may not be cited as such!** The Guide is merely provided for the aid and assistance of those using this Court.

The United States Bankruptcy Court for the Western District of Louisiana is a mandatory Case Management and Electronic Case Filing (CM/ECF) court. Filings should be made electronically in accordance with the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means as amended March 19, 2008. The official record is the electronic record.

**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  
United States Court House  
300 Fannin Street, Suite 2201  
Shreveport, LA 71101  
(318)676-4267

Paula Funderburk Scholzen, Judicial Assistant/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

Karen Hess, Judicial Assistant/Secretary  
Jennifer Sues, Law Clerk

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

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

**LAFAYETTE DIVISION**

Robert Summerhays, Chief Judge  
214 Jefferson St., Ste. 120  
Lafayette, LA 70501  
(337)262-6383 Voice  
(337)262-6382 Fax

Lynda Dupre, Judicial Assistant/Secretary  
Mary Alice Dukes, Law Clerk

Clerk of Court's Office  
214 Jefferson St., Ste. 100  
Lafayette, LA 70501  
(337)262-6800 Voice  
(337)262-6788 Fax

Jeanette Tizeno, Deputy-in-Charge

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

**DIVISIONAL OFFICES**

The United States Bankruptcy Court for the Western District of Louisiana consists of forty-two (42) parishes and is presently divided into five (5) specific divisions. Those divisions and the parishes they include 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 consisting of Caldwell, East Carroll, West Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, and Union Parishes

Chapter 7, Chapter 11, and Chapter 12 cases shall be filed in the Monroe Division before Judge Stephen V. Callaway.

Chapter 13 cases shall be filed in the Monroe Division before Judge Henley A. Hunter.

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

## FILING A VOLUNTARY BANKRUPTCY PETITION

### I. PETITION

### II. MAILING MATRIX

### III. FEES

#### I. Petition

##### A. Form:

1. The petition must conform substantially to the 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”
  - b. Title of the case:

Debtor’s name, employer identification number, last **four** digits of the social security number or individual debtor’s taxpayer-identification number, any other federal taxpayer-identification number, and all other names used within eight years”
  - c. Docket number.
3. The original is filed electronically and is retained by the filer per the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means as amended March 19, 2008.

**B. Check list and assemblage for Chapter 7 petitions:**

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition (Official Form 1)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Exhibit B (Official Form 1) or Notice to Consumer Debtor (Procedural Form 201)	Immediately	<u>11 USC §342(b), Official Bankruptcy Forms, Director's Procedural Forms</u> Required when debts are primarily consumer debts <u>11 USC §101(8)</u> . Exhibit B is a certificate by the attorney that indicates that the debtor was informed of all options under the Code. Notice to Consumer Debtors is required if Exhibit B is not filed and must be mailed by the clerk.
Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement (Official Form 1, Exhibit D)	Immediately	<u>11 USC §109(h), Official Bankruptcy Forms</u> Statement of Compliance with Credit Counseling Requirement. (A copy of the certificate and any repayment plan developed through the agency must be filed.)
Verification (Unsworn Declaration) (Official Form 1 and 6)	Immediately	<u>28 USC § 1746, Rule 1008, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required when any petition, list, schedule, statement, or amendment thereto, is filed.
Statement of Social Security Number(s) (Official Form 21)	Immediately	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> May be filed in conjunction with the Declaration Re: Electronic Filing
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means</u> as amended March 19, 2008.

Copy of Social Security Card and Drivers License	Immediately	<u>Uniform Local Bankruptcy Rule 1002-1</u> May be filed in conjunction with the Declaration Re: Electronic Filing If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1.
Certificate of Credit Counseling and Debt Repayment Plan (Or § 109(h)(3) certification or § 109(h)(4) request).	Immediately	<u>Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 6 and 7)	14 days	<u>11 USC § 521(a), Rule 1007(a)(1), (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Debtor's Statement of Intention (Official Form 8)	30 days	<u>11 USC § 521(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 (Procedural Form 203)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.
Statement of Current Monthly Income and Means Test Calculation (Official Form 22A)	14 days	<u>11 USC § 521(a), Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual with primarily consumer debts.
Employee Income Records/Payment Advices	14 days	<u>Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual.
Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 23)	45 days after the first date set for the 341 meeting of creditors	<u>Rule 1007(b)(7), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.

**C. Check list and assemblage for Chapter 9 petitions:**

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition (Official Form 1)	Immediately	<u>11 USC § 109(c), Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
List of Creditors Holding 20 Largest Unsecured Claims (Official Form 4)	Immediately	<u>Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> List should include the name, address, and claim of the creditors. Insiders are not to be included.
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) (Official Form 1 and 6)	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.
List Containing Name and Address of Each Entity Included	Fixed by court	<u>11 USC § 521(a), Rule 1007(e), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means</u> as amended March 19, 2008.
Disclosure of Compensation Paid Attorney (Procedural Form 203)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required whether or not attorney applies for compensation.
Chapter 9 Plan	With the 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:**

The court will issue an Order to Debtor-In-Possession which will require the debtor to take specific actions that do not include the below statutory requirements. A copy of each Chapter 11 Order to Debtor-In-Possession issued by this court is attached as Exhibits 2 through 5.

In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor. Rule 1020(a), Federal Rules of Bankruptcy Procedure.

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition (Official Form 1)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Exhibit A (Official Form 1, Exhibit A)	Immediately	<u>Official Bankruptcy Forms</u> Required if the debtor is a corporation.
Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement (Official Form 1, Exhibit D)	Immediately	<u>11 USC §109(h), Official Bankruptcy Forms</u> Statement of Compliance with Credit Counseling Requirement. (A copy of the certificate and any repayment plan developed through the agency must be filed.) Required if the debtor is an individual.
List of Creditors Holding 20 Largest Unsecured Claims (Official Form 4)	Immediately	<u>Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> List should include the name, address, and claim of the creditors. Insiders are not to be included.
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) (Official Form 1 and 6)	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.
Supplemental Schedule	Immediately	<u>Uniform Local Bankruptcy Rule 2014-1</u>

Periodic Report Concerning Related Entities (Official Form 26)	7 days prior to §341 Meeting	<u>Rule 2015.3, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Statement of Social Security Number(s) (Official Form 21)	Immediately	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> May be filed in conjunction with the Declaration Re: Electronic Filing. Required if the debtor is an individual.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means</u> as amended March 19, 2008.
Copy of Social Security Card and Drivers License	Immediately	<u>Uniform Local Bankruptcy Rule 1002-1</u> May be filed in conjunction with the Declaration Re: Electronic Filing. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1. Required if the debtor is an individual.
Balance Sheet or a statement made under penalty of perjury that no balance sheet has been prepared	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Statement of Operations or a statement made under penalty of perjury that no statement of operations has been prepared	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Cash Flow Statement or a statement made under penalty of perjury that no cash flow statement has been prepared	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Federal Income Tax Return or a statement made under penalty of perjury that no Federal tax return has been filed	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.

Certificate of Credit Counseling and Debt Repayment Plan (Or § 109(h)(3) certification or § 109(h)(4) request).	Immediately	<u>Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 6 and 7)	14 days	<u>11 USC § 521(1), Rule 1007(a)(1) &amp; (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Disclosure of Compensation Paid Attorney (Procedural Form 203)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.
Statement of Current Monthly Income (Official Form 22B)	14 days	<u>11 USC § 521(a), Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual.
Monthly Operating Report	15 <sup>th</sup> day of each Month	<u>Guide lines and Operating Report forms available at <a href="http://www.usdoj.gov/ust/r05">www.usdoj.gov/ust/r05</a>.</u>
Monthly Operating Report Small Business (Official Form 25C)	15 <sup>th</sup> day of each Month	<u>Guide lines available at <a href="http://www.usdoj.gov/ust/r05">www.usdoj.gov/ust/r05</a>. Official Bankruptcy Forms</u>
Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 23)	No later than the date the last payment is made as required by the plan.	<u>Rule 1007(b)(7), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual and if 1141(d)(3) applies. Required for all cases filed on or after March 10, 2008.
Chapter 11 Plan	120 days	<u>11 USC § 1121(a), (b), (c), and (d), Rule 3016, Federal Rules of Bankruptcy Procedure</u> Only a debtor may file a Chapter 11 Plan for the first 120 days after the Order for Relief. Any party in interest may file a Chapter 11 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 accepted by each class of impaired claims by 180 days from the Order for Relief.

Chapter 11 Small  
Business Plan  
(Official Form 25A)

180 days

11 USC § 1121(e), Rule 3016 & 9009, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms In a small business only the debtor may file a plan until after 180 days after the Order for Relief, unless that period is extended or otherwise ordered by the court.

Chapter 11 Disclosure  
Statement

120 days

11 USC §1125, Rule 3016 & 3017, Federal Rules of Bankruptcy Procedure, Uniform Local Rule 3016-2 Disclosure Statement shall be filed with the plan or within a time fixed by the Court, unless the plan is intended to provide adequate information under 11 USC § 1125(f)(1). If the plan is intended to provide adequate information under 11 USC § 1125(f)(1), it shall be so designated and Rule 3017.1 shall apply as if the plan is a disclosure statement. The statement should include: (1) A full statement of the events leading up to the filing of the petition; (2) A description of assets and a valuation of same; (3) Financial statements (both income statement and balance sheet) in reasonable detail; (4) Financial forecasts (both income and cash flow) in sufficient detail and with sufficient background data (such as assumptions on which the forecasts are based) to enable the reader to judge the likelihood of a successful reorganization; (5) Description of the classes established in the plan and a summary of the plan; (6) A comparison of the estimated return

Chapter 11 Disclosure  
Statement - Continued

to creditors, (a) if the case were converted to a case under Chapter 7, and (b) if the reorganization were approved; (7) A comparison of estimated administrative expenses: (a) if the case were converted to a case under Chapter 7, and (b) if the reorganization were approved; (8) Full disclosure concerning future management of the debtor and compensation to be paid management; (9) Any anticipated future litigation, including preference and fraudulent conveyance avoidance litigation; and a statement of whether the debtor knows of any preference or fraudulent conveyance actions that will not be pursued; (10) Significant tax attributes of the debtor.

Chapter 11 Small Business  
Disclosure Statement  
(Official Form 25B)

180 days

11 USC §1125, Rule 3016, 3017, & 9009, Federal Rules of Bankruptcy Procedure, Uniform Local Rule 3016-2, Official Bankruptcy Forms Disclosure Statement shall be filed with the plan or within a time fixed by the Court unless the plan is intended to provide adequate information under 11 USC § 1125(f)(1). If the plan is intended to provide adequate information under 11 USC § 1125(f)(1), it shall be so designated and Rule 3017.1 shall apply as if the plan is a disclosure statement.  
Please see the above Chapter 11 Disclosure Statement information for specifics regarding content.

**E. Check list and assemblage for Chapter 12 petitions:**

The court will issue an Order to Debtor-In-Possession which will require the debtor to take specific actions that do not include the below statutory requirements. A copy of the Chapter 12 Order to Debtor-In-Possession issued by this court is attached as Exhibit 6.

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition (Official Form 1)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Verification (Unsworn Declaration) (Official Form 1 and 6)	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.
Statement of Social Security Number(s) (Official Form 21)	Immediately	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> May be filed in conjunction with the Declaration Re: Electronic Filing. Required if the debtor is an individual.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means</u> as amended March 19, 2008.
Copy of Social Security Card and Drivers License	Immediately	<u>Uniform Local Bankruptcy Rule 1002-1</u> May be filed in conjunction with the Declaration Re: Electronic Filing. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1. Required if the debtor is an individual.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 6 and 7)	14 days	<u>11 USC § 521(a), Rule 1007(a)(1) &amp; (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Disclosure of Compensation Paid Attorney (Procedural Form 203)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.

Chapter 12 Plan

90 days

11 USC § 1221 & § 1224, Rule 3015(a),  
Federal Rules of Bankruptcy Procedure  
Required within 90 days after the Order for  
Relief unless extended by the court. The  
confirmation hearing must be concluded  
within 45 days after filing the Plan.

**F. Check list and assemblage for Chapter 13 petitions:**

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition (Official Form 1)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Exhibit B (Official Form 1) or Notice to Consumer Debtor (Procedural Form 201)	Immediately	<u>11 USC §342(b), Official Bankruptcy Forms, Director's Procedural Forms</u> Required when debts are primarily consumer debts <u>11 USC §101(8)</u> . Exhibit B is a certificate by the attorney that indicates that the debtor was informed of all options under the Code. Notice to Consumer Debtors is required if Exhibit B is not filed and must be mailed by the clerk.
Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement (Official Form 1, Exhibit D)	Immediately	<u>11 USC §109(h), Official Bankruptcy Forms</u> Statement of Compliance with the Credit Counseling Requirement. (A copy of the certificate and any repayment plan developed through the agency must be filed.)
Verification (Unsworn Declaration) (Official Form 1 and 6)	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.
Statement of Social Security Number(s) (Official Form 21)	Immediately	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> May be filed in conjunction with the Declaration Re: Electronic Filing.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means</u> as amended March 19, 2008.

Copy of Social Security Card and Drivers License	Immediately	<u>Uniform Local Bankruptcy Rule 1002-1</u> May be filed in conjunction with the Declaration Re: Electronic Filing. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1.
Certificate of Credit Counseling and Debt Repayment Plan (Or § 109(h)(3) certification or § 109(h)(4) request).	Immediately	<u>Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 6 and 7)	14 days	<u>11 USC § 521(a), Rule 1007(a)(1) &amp; (b)(1) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Disclosure of Compensation Paid Attorney (Procedural Form 203)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.
Chapter 13 Plan	14 days	<u>11 USC § 1321, Rule 3015(b), Federal Rules of Bankruptcy Procedure, Standing Order dated December 11, 2007 for Shreveport and Monroe Divisions</u>
Statement of Current Monthly Income and Means Test Calculation (Official Form 22C)	14 days	<u>11 USC § 521(a), Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual with primarily consumer debts.
Employee Income Records/Payment Advices	14 days	<u>Rule 1007(b) &amp; (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual.
Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 23)	No later than the date the last payment is made as required by the plan.	<u>Rule 1007(b)(7), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.

**G. Check list and assemblage for Chapter 15 petitions:**

<b>ITEM</b>	<b>TIME DUE</b>	<b>REMARKS</b>
Petition (Official Form 1)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
List of names and addresses	Immediately	<u>Rule 1007(a)(4), Federal Rules of Bankruptcy Procedure</u> A corporate ownership statement containing the information described in Rule 7007.1; and unless the court orders otherwise, a list containing the names and addresses of all persons or bodies authorized to administer foreign proceedings of the debtor, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and all entities against whom provisional relief is being sought under § 1519 of the Code.
Certified Copy of Order Granting Recognition or decision commencing foreign proceeding and appointing a foreign representative	Immediately	<u>11 USC § 1511(b) &amp; 1515(b)</u> In the absence of evidence, any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.
Certificate from foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative	Immediately	<u>11 USC § 1515(b)</u> In the absence of evidence, any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.
Statement	Immediately	<u>11 USC § 1515(c)</u> A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means</u> as amended March 19, 2008.

**H. 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 telephone number.

Rule 9011, Federal Rules of Bankruptcy Procedure

Party represented by an attorney

Attorney's signature. Attorney's name, office address and office telephone number.

Rule 9011, Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2090-1, Local Civil Rule 83.2.1E&W, Attorney must be admitted to practice before the United States District Court for the Western District of Louisiana.

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

A bankruptcy petition preparer who prepares a document for filing shall sign the document and print on the document the preparer's name and address. If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to sign the document for filing; and print on the document the name and address of that officer, principal, responsible person, or partner.

Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with Rule 9009 of the Federal Rules of Bankruptcy Procedure.

A declaration under penalty of perjury by the bankruptcy petition preparer shall be filed together with the petition, disclosing any fee received from or on behalf of the debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor.

**II. Mailing matrix Uniform Local Bankruptcy Rule 1007-2 and U.S. Bankruptcy Court Creditor Matrix Specifications. The aforementioned specifications are attached to this Guide as Exhibit 1.**

- A. Must be filed with the petition. Uniform Local Bankruptcy Rule 1007-2.
- B. The list must be typed in a single column with double line between each creditor, and the name and addresses must be left margin justified.

- C. Each name/address must contain no more than five (5) total lines with at least two (2) blank lines between each name/address block. The name line must be 50 characters or less in length including blanks and each address line must be 40 characters or less in length.
- D. ONLY CREDITORS should be listed on the matrix. Do not include the debtor, debtor's attorney, the U.S. Trustee, LA Department of Employment and Training (Labor), or the LA Department of Revenue and Taxation.
- E. In addition to creditors, the Sheriff for the Parish in which the debtor(s) resides should be listed on the matrix.

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

A. Filing fees:

- 1. Chapter 7 - \$ 245.00
- 2. Chapter 9 - \$1000.00
- 3. Chapter 11 - \$1000.00
- 4. Chapter 11 Railroad - \$1,000.00
- 5. Chapter 12 - \$ 200.00
- 6. Chapter 13 - \$ 235.00
- 7. Chapter 15 - \$1000.00

Current Court fees may be verified at [www.uscourts.gov/library/courtfees.html](http://www.uscourts.gov/library/courtfees.html) or by contacting the Clerk's office.

B. Miscellaneous administrative fees:

In all cases filed under all chapters of Title 11 of the United States Code, the debtor or 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 \$39.00 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(b) and Appendix.

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. (Official Form 3A)
2. All installments of the filing fee must be paid in full before the debtor or chapter 13 trustee may make further payments to an attorney or any other person who renders services to the debtor in connection with the case.
3. Prior to the first meeting of creditors, the court will act on the application.
4. The number of installments shall not exceed three (3) and shall be paid as follows in Chapter 7 individual cases:
  - a. \$99.00 with petition.
  - b. \$100.00 no later than 30 days after filing of petition.
  - c. \$100.00 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. \$259.75 with petition.
  - b. \$259.75 no later than 30 days after filing of petition.
  - c. \$259.75 no later than 60 days after filing of petition.
  - d. \$259.75 no later than 90 days after filing of petition.
  
6. The number of installments shall not exceed three (3) and shall be paid as follows in Chapter 12 individual cases:
  - a. \$79.00 with petition.
  - b. \$80.00 no later than 30 days after filing of petition.
  - c. \$80.00 no later than 60 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. \$94.00 with petition.
  - b. \$90.00 no later than 30 days after filing of petition.
  - c. \$90.00 no later than 60 days after filing of petition.

F. Waiver of Filing Fee Rule 1006(c), Federal Rules of Bankruptcy Procedure, and 28 USC § 1930(f):

1. A voluntary chapter 7 petition filed by an individual shall be accepted for filing if accompanied by the debtor's application requesting a waiver under 28 USC § 1930(f), prepared as prescribed by the appropriate Official Form. (Official Form 3B)

## **FILING AN INVOLUNTARY BANKRUPTCY PETITION**

### **I. GENERAL**

### **II. PETITION**

### **III. FEES**

### **IV. SUMMONS**

### **V. JOINDER OF PETITION**

### **VI. RESPONSIVE PLEADINGS**

### **VII. ORDER FOR RELIEF**

### **VIII. PROCEDURE AFTER ORDER FOR RELIEF**

#### **I. General 11 USC § 303**

- A. An involuntary case may be commenced only under chapter 7 or 11 of this title, and only against a person, except a farmer, family farmer, or a corporation that is not a moneyed, business, or commercial corporation, that may be a debtor under the chapter under which such case is commenced.
- B. An involuntary case against a person is commenced by the filing with the bankruptcy court of a petition under chapter 7 or 11 of this title-
  - 1. By three (3) or more entities, each of which is either a holder of a claim against such person that is not contingent as to liability or the subject of a bona fide dispute as to liability or amount, or an indenture trustee representing such a holder, if such noncontingent, undisputed claims aggregate at least \$13,475 more than the value of any lien on property of the debtor securing such claims held by the holders of such claims;
  - 2. If there are fewer than twelve (12) such holders, excluding any employee or insider of such person and any transferee of a transfer that is voidable under section 544, 545, 547, 548, 549, or 724(a) of this title, by one or more of such holders that hold in the aggregate at least \$13,475 of such claims;

3. If such person is a partnership-
  - a. By fewer than all of the general partners in such partnership;  
or
  - b. If relief has been ordered under this title with respect to all of the general partners in such partnership, by a general partner in such partnership, the trustee of such a general partner, or a holder of a claim against such partnership; or
4. By a foreign representative of the estate in a foreign proceeding concerning such person.

II. Petition 11 USC § 303, Rule 1003 & 1010(b), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms (Official Form 5)

- A. The original is filed electronically and is retained by the filer per the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means as amended March 19, 2008.
  1. Each petitioner that is a corporation shall file with the involuntary petition a corporate ownership statement containing the information described in Rule 7007.1.
- 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.

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

- A. Chapter 7 - \$245.00
- B. Chapter 11 - \$1000.00
- C. Miscellaneous administrative fees:

In all cases filed under all chapters of Title 11 of the United States Code, the debtor or 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 \$39.00 for all chapters filed, due at the time of filing.
- D. 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.
- E. There is no provision for filing an involuntary petition with payment of fees by installments.
- IV. Summons Rule 1010, Federal Rules of Bankruptcy Procedure and Director's Procedural Forms (Procedural Form 250E)
- A. Shall be signed by the clerk and bear the seal of the court.
  - B. Delivery or mailing of the summons and complaint must be within 14 days following issuance. Rule 7004(e), Federal Rules of Bankruptcy Procedure
  - C. Service shall be made on the debtor.
    1. Petitioner or petitioner's attorney shall be responsible for prompt service of the summons and a copy of the petition with any attachments.
  - D. Service Rule 4(a)-(j), Federal Rules of Civil Procedure and Rule 1010(a) & Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure
    1. Please see **Service of Summons** beginning on page 41 for additional service information.
- V. 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 to an involuntary petition filed by fewer than three creditors avers the existence of 12 or more creditors, the debtor shall file with the answer a list of all creditors with their addresses, a brief statement of the nature of their claims, and the amounts thereof. If it appears that there are 12 or more creditors as provided in 11 USC § 303(b) of the Code, the court shall afford a reasonable opportunity for other creditors to join in the petition before a hearing is held thereon.
- VI. Responsive pleadings Rule 1011(a), (b), (c), & (f), Federal Rules of Bankruptcy Procedure
- A. Who may respond:
    - 1. The debtor.
    - 2. In the case of a partnership under Rule 1004, Federal Rules of Bankruptcy Procedure, a non-petitioning general partner, or a person who is alleged to be a general partner but denies the allegation.
  - B. Time:
    - 1. Filed and served within twenty-one (21) days after service of the summons, except that if service is made by publication on a party or partner not residing or found within the state in which the court sits, the court shall prescribe the time for filing and serving the response.
    - 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 fourteen (14) days after disposition of the motion Rule 12(a), Federal Rules of Civil Procedure.
  - C. Corporate Ownership Statement:
    - 1. If the entity responding to the involuntary petition is a corporation, the entity shall file with its first appearance, pleading, motion, response, or other request addressed to the court a corporate ownership statement containing the information described in Rule 7007.1, Federal Rules of Bankruptcy Procedure.
- VII. Order for Relief 11 USC § 303(h) and Rule 1013, Federal Rules of Bankruptcy Procedure

- A. When responsive pleadings are filed:
1. A trial is required.
    - a. The debtor is generally not paying such debtor's debts as such debts become due unless such debts are the subject of a bona fide dispute as to liability or amount; or
    - b. Within 120 days before the date of the filing of the petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.
- 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.

#### VIII. Procedure after Order for Relief

- A. Filing of schedules and statements:
1. In an involuntary case, the debtor shall file within 14 days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms. Rule 1007(a)(2), Federal Rules of Bankruptcy Procedure.
  2. In an involuntary case, the list in subdivision (a)(2), and the schedules, statement, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. Rule 1007(c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Forms 6 and 6A - 6J)
  3. In an involuntary case, the debtor shall submit the statement of social security number within 14 days after the entry of the order for relief. Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 21)

B. Involuntary Chapter 11 Reorganization

1. The List of 20 Largest Creditors shall be filed by the debtor within two (2) days after entry of the Order for Relief under §303(h) of the Code. Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 4)
2. The debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor. Rule 1020(a), Federal Rules of Bankruptcy Procedure.

C. After entry of the Order for Relief, an involuntary case follows the same procedures as a voluntary case.

## **FILING AN ADVERSARY PROCEEDING**

### **I. COMPLAINT**

### **II. BANKRUPTCY ADVERSARY PROCEEDING COVER SHEET**

### **III. FEES (\$250.00)**

### **IV. PROCESS FOR EACH DEFENDANT TO BE SERVED**

#### **I. Complaint**

A. Form of pleadings Rule 7010, Federal Rules of Bankruptcy Procedure,

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, Official Bankruptcy Forms. (Official Form 16D)

C. Type of actions Rule 7001, Federal Rules of Bankruptcy Procedure:

1. To recover money or property, other than a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under 11 USC § 554(b), 11 USC § 725 of the Code, Rule 2017, 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 under 11 USC § 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, chapter 12, or chapter 13 plan;
6. To determine the dischargeability of a debt;
7. To obtain an injunction or other equitable relief, except when a chapter 9, chapter 11, chapter 12 or chapter 13 plan provides for the relief;

8. To subordinate any allowed claim or interest, except when a chapter 9, chapter 11, chapter 12, or chapter 13 plan provides for subordination;
  9. To obtain a declaratory judgment relating to any of the foregoing; or
  10. To determine a claim or cause of action removed under 28 USC § 1452 to a Bankruptcy Court.
- II. Bankruptcy Adversary Proceeding Cover Sheet Rule 9009, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 104)
- III. Filing fee is \$250.00, except no fee is required for the United States or a debtor, except a debtor-in-possession, 28 USC § 1930(b) and Appendix.
- IV. 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, Director’s Procedural Forms.  
(Procedural Forms 250A, 250B, or 250C)
- A. Summons and one copy of the 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 a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal and issue to the plaintiff for service on the 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 the issuance of the summons,” Rule 7012, Federal Rules of Bankruptcy Procedure.
  - C. Obligation to serve - "The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m)” Rule 4(c)(1), Federal Rules of Civil Procedure.
  - D. 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 fourteen (14) days following issuance

- 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. Please see **Service of Summons** beginning on page 41 for additional service information.

## **APPEALS AND WITHDRAWAL OF REFERENCE**

- I. GENERAL**
- II. FILING AN APPEAL AS OF RIGHT**
- III. APPEAL BY LEAVE OF COURT**
- IV. CROSS APPEAL**
- V. MISCELLANEOUS**
- VI. LOCAL CIVIL RULE 83.4 - BANKRUPTCY**
- VII. DIRECT APPEAL**

- I. 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 electronically with 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, \$255.00 (\$5.00 filing + \$250.00 docketing).
    - 2. Cross Appeal, \$255.00.
    - 3. Withdrawal of Reference, \$150.00.

## II. 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 electronically with the clerk within fourteen (14) days of the date of the entry of the judgment, order, or decree appealed. Rule 8002, Federal Rules of Bankruptcy Procedure.

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

The clerk shall serve notice of the filing of a 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.

C. Fee, 28 USC § 1930 and Appendix:

A fee of \$255.00 (\$5.00 filing + \$250.00 docketing) shall accompany the filing of a notice of appeal.

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

Within fourteen (14) 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. Within fourteen (14) days after the service of the appellant's statement the appellee may file and serve on the appellant a designation of additional items to be included in the record on appeal.

Any party filing a designation of the items to be included in the record on appeal shall provided to the clerk a copy of the items designated, or if the party fails to provide copies, the clerk shall prepare copies at the party's expense.

1. Appeals are currently being transmitted to the District Court by electronic means; therefore, please contact the Bankruptcy Clerk's office to determine if copies will be required in paper or electronic format. A list of contact numbers for the Clerk's office is available on page 50 of this guide.

E. 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 AO 435 may be obtained from the clerk's office or at [www.lawb.uscourts.gov](http://www.lawb.uscourts.gov) located under Forms.
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.

III. 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 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.
    - 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 fourteen (14) days after service of the motion, an adverse party may file an answer in opposition with the clerk of the bankruptcy court.

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

Once all parties have filed answers or the time for filing an answer has expired, the clerk of the bankruptcy court shall transmit the notice of appeal, the motion for leave to appeal, 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. )

IV. 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 and Appendix:

A fee of \$255.00 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.

V. 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.

VI. 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 the 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 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 of the United States District Courts for the Eastern, Middle and Western Districts of Louisiana, as updated January 12, 2009).

#### VII. Direct Appeal

- A. 28 U.S.C. § 158(d)(1) & (d)(2)(A)(B)(C)(D)(E) and Rule 8001, Federal Rules of Bankruptcy Procedure Provides circuit courts of appeal with discretion to accept bankruptcy appeals without an intermediate (district court) appellate decision. The circuit court may accept a direct appeal if the bankruptcy court, district court, or the parties certify that a direct appeal is necessary to resolve a matter of first impression, conflicting decisions, public importance, or a matter that would materially advance the progress of the case.
- B. When a party files a notice of appeal subject to certification for direct appeal, the fee for filing an appeal, currently \$255.00 (\$5.00 filing + \$250.00 docketing) under 28 USC § 1930(c), should be collected by the bankruptcy court. In the event the Court of Appeals authorizes the direct appeal, the appellant must pay an additional \$200.00 pursuant to Item 15 of the Bankruptcy Court Miscellaneous Fee Schedule. 28 U.S.C. § 1930 and Appendix.

## **FILING A NOTICE OF REMOVAL**

- I. ACTIONS REMOVABLE GENERALLY**
- II. NOTICE OF REMOVAL**
- III. FEE (\$350.00)**
- IV. TIME FOR REMOVAL**
- V. NOTICE TO OTHER PARTIES & THE STATE CLERK OF COURT**
- VI. BOND**
- VII. REMOVAL ORDER**
- VIII. REMAND**
- IX. REMAND ORDER**
- X. REMOVAL OF CLAIMS**

- I. 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.”

- II. Notice of removal 28 USC §1446(a), Rule 9027(a)(1), Federal Rules of Bankruptcy Procedure

- A. Formerly known as a “petition for removal”

- B. Requirements:

- 1. “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.”
- 2. “Containing a short and plain statement of the grounds for removal”

3. Include “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.”
- III. Fee 28 USC §1914(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 \$350,”
- IV. Time for removal 28 USC §1446(b), Rule 9027(a)(3), Federal Rules of Bankruptcy Procedure
- A. The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant
    1. “through service or otherwise, of a copy of the initial pleading”, or
    2. “after the service of summons”, or
    3. “through service or otherwise, 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...”
- V. Notice to other parties & the State Clerk of Court  
28 USC §1446(d), Rule 9027(b), Federal Rules of Bankruptcy Procedure
- A. “Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State Court”.
  - B. Filing of a copy of the notice of removal with the State clerk “shall effect the removal and the State Court shall proceed no further unless and until the case is remanded.”
- VI. NO BOND IS REQUIRED FOR REMOVAL OF A STATE COURT ACTION.
- VII. Removal Order - Procedure after removal generally  
28 USC §1447(a), Rule 9027(e), Federal Rules of Bankruptcy Procedure
- A. Immediately upon the filing of an application/notice of removal, an order will be issued by the Court setting forth the requirements for the parties to the removed action.

VIII. Remand 28 USC §1447(c) and (d), Rule 9027(e), Federal Rules of Bankruptcy Procedure

- A. A motion to remand for procedural defect must be filed within 30 days of filing of the notice of removal.
- B. A motion to remand for lack of subject matter jurisdiction may be filed at any time before final judgment.
- C. A motion for remand of the removed claim or cause of action shall be governed by Rule 9014, Federal Rules of Bankruptcy Procedure and served on the parties to the removed claim or cause of action.

IX. Remand Order

- A. 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.”
- B. “A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court.”
- C. “An order remanding a case to the State court from which it was removed is not reviewable on appeal...”

X. Removal of claims related to bankruptcy cases 28 USC 1452(a)

- A. “A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court of 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.”

## SERVICE OF SUMMONS

### I. PROCESS

- I. Process ; Service of Summons, Complaint. Rule 4(a)-(j), Federal Rules of Civil Procedure, Rule 1010 and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms. (Procedural Forms 250A, 250B, 250C, or 250E)
  - 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, Rule 1010(a), and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure:
    1. Personal service may be made by any person at least eighteen (18) years of age and who is not a party.
    2. Time limit for service is fourteen (14) days from issuance.
    3. Methods of service:
      - a. **On an individual other than an infant or incompetent**, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.
      - b. **On an infant or an incompetent person**, by mailing a copy of the summons and complaint to the person upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state. The summons and complaint in that case shall be addressed to the person required to be served at his dwelling house or usual place of abode or at the place where he regularly conducts his business or profession.

- c. **On a domestic or foreign corporation, partnership or other 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 to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.
  
- d. **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 at Washington, District of Columbia, 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. The court shall allow a reasonable time for service pursuant to this subdivision for the purpose of curing the failure to mail a copy of the summons and complaint to multiple officers, agencies, or corporations of the United States if the plaintiff has mailed a copy of the summons and complaint either to the civil process clerk at the office of the United States attorney or to the Attorney General of the United States.
  
- e. **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 paragraph (d) above and also to the officer or agency. If the agency is a corporation, the mailing shall be as prescribed in paragraph (c) above. The court shall allow a reasonable time for service pursuant to this subdivision for the purpose of curing the failure to mail a copy of the summons and complaint to multiple officers, agencies, or corporations of the

United States if the plaintiff has mailed a copy of the summons and complaint either to the civil process clerk at the office of the United States attorney or to the Attorney General of the United States. If the United States trustee is the trustee in the case and service is made upon the United States trustee solely as trustee, service may be made as prescribed in paragraph (j) below.

- f. **On a state or municipal corporation or other governmental organization thereof subject to suit**, by mailing a copy of the summons and complaint to the person or office upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state, or in the absence of the designation of any such person or office by state law, then to the chief executive officer thereof.
- g. **On a defendant of any class referred to in paragraph (a) or (c) above**, it is also sufficient if a copy of the summons and complaint is mailed to the entity upon whom service is prescribed to be served by any statute of the United States or by the law of the state in which service is made when an action is brought against such defendant in the court of general jurisdiction of that state.
- h. **On any defendant**, it is also sufficient if a copy of the summons and complaint is mailed to an agent of such defendant authorized by appointment or by law to receive service of process, at the agent's dwelling house or usual place of abode or at the place where the agent regularly carries on a business or profession and, if the authorization so requires, by mailing also a copy of the summons and complaint to the defendant as provided in this subdivision.

- I. **On the 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 to such other address as the debtor may designate in a filed writing.
  - j. **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.
  - k. **Service by Publication**, the court may order the summons and complaint to be served by mailing copies thereof by first class mail postage prepaid, to the party's last known address and by at least one publication in such manner and form as the court may direct.
  - l. **Nationwide service**, the summons and complaint and all other process except a subpoena may be served anywhere in the United States.
4. 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.
  5. Proving Service, Rule 4(1), Federal Rules of Civil Procedure 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 showing the method of service.

## SUBPOENAS

### I. **FORM; ISSUANCE FOR TRIAL, HEARING, DEPOSITION, PRODUCTION OR INSPECTION**

### II. **EXAMINATION UNDER RULE 2004, FEDERAL RULES OF BANKRUPTCY PROCEDURE**

### III. **SERVICE**

I. 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, Director's Procedural Forms (Procedural Forms 254, 255, or 256)

A. Every subpoena must:

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 do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control; or permit the inspection of premises.
4. Set forth the text set out in Rule 45(c) & (d), Federal Rules of Civil Procedure.

B. A subpoena must issue as follows:

1. For attendance at a hearing or trial, from the court for the district where the hearing or trial is to be held.
2. For attendance at a deposition, from the court for the district where the deposition is to be taken.
3. For production or inspection, if separate from a subpoena commanding a person's attendance, from the court for the district where the production or inspection is to be made.

C. The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service. An attorney also may issue and sign a subpoena as an officer of a court in which the attorney is authorized to practice; or a court for a district where a deposition is to be taken or production is to be made, if the attorney is authorized to practice in the court where the action is pending.

1. There is no longer a requirement that the “Seal” of the Court appear on the subpoena.

II. 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 entity.

B. A completed Form B254, Subpoena for Rule 2004 Examination should be submitted with the motion.

C. Attendance of an entity for examination and for the production of documents may be compelled as provided in Rule 9016, Federal Rules of Bankruptcy Procedure, for the attendance of a 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 a debtor shall not be required to attend as a witness unless lawful mileage and witness fee for one day’s attendance shall be first tendered. 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 the Code or the residence at the time the debtor is required to appear for the examination, whichever is the lesser.

III. Service Rule 45, Federal Rules of Civil Procedure and Rule 9016, Federal Rules of Bankruptcy Procedure

- A. Subpoena 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 upon a person named therein shall be made by delivering a copy to the named person and, if the subpoena requires that person's attendance, tendering the fees for one day's attendance and the mileage allowed by law. Fees and mileage need not be tendered when the subpoena issues on behalf of the United States or any of its officers or agencies. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.
- C. Subpoenas may be served at any place
  1. Within the district of the issuing court;
  2. Outside that district but within 100 miles of the place specified for the deposition, hearing, trial, production, or inspection; within the state of the issuing court if a state statute or court rule allows service at that place of a subpoena issued by a state court of general jurisdiction sitting in the place specified for the deposition, hearing, trial, production, or inspection;
  3. That the court authorizes on motion and for good cause, if a federal statute so provides.
  4. A subpoena directed to a witness in a foreign country who is a national or resident of the United States shall be issued and served as provided in title 28, U.S.C. § 1783.
- D. Proving service when necessary, requires filing with the issuing court a statement showing the date and manner of service and the names of the persons served. The statement must be certified by the server.
- E. If filing an out of district notice of deposition, a \$39.00 miscellaneous filing fee will be required. Bankruptcy Court Miscellaneous Fee Schedule, 28 USC § 1930 and Appendix.

## 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(a). Rule 1009(b), Federal Rules of Bankruptcy Procedure

1. For amendments to a debtor's schedules or lists of creditors after notice to creditors, \$26.00 fee for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case. 28 USC § 1930 and Appendix
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. Rule 1009(a), Federal Rules of Bankruptcy Procedure
5. Pursuant to Uniform Local Bankruptcy Rule 9014-1, a certificate of service of said notice shall be filed no later than seven (7) 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 and/or attorney for debtor will be advised by a deficiency letter if the amendment is incorrect.
7. The original is filed electronically and is retained by the filer per the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means as amended March 19, 2008.

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

**COURT DELEGATED SERVICES  
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 not later than seven (7) days after receipt of said order.

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

**ADDITIONAL INFORMATION**

The court's website [www.lawb.uscourts.gov](http://www.lawb.uscourts.gov) is available and may be accessed for court information including, judge specific information and requirements, publications, **forms**, CM/ECF Document Filing System, special notices and alerts, and related links.

If in doubt about any information, please contact the Clerk's office.

Alexandria Office:

(318)445-1890

1(866)356-5221 (toll free)

Lafayette Office:

(337)262-6800

1(866)789-6015 (toll free)

Shreveport Office:

(318)676-4267

1(866)721-2105 (toll free)

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

**CREDITOR MATRIX SPECIFICATIONS**

To ensure the creditors listed on the creditor mailing matrix are properly added to a case, please observe the following guidelines.

- The creditor matrix must be saved as a .txt file in order to “Upload a Creditor Matrix File” in CM/ECF.
- Lists should be typed in a single column with a double line between each creditor.
- Names and addresses must be left margin justified.
- The name line may contain no more than 50 characters including blanks.
- Each address line may contain no more than 40 characters including blanks.
- Do not capitalize the entire matrix, only proper names. Please use Initial Capitals, only.
- The name and address of each creditor cannot be more than 5 lines. If an address is more than 5 lines, the 6<sup>th</sup> line will be combined with the 5<sup>th</sup> line and the 7<sup>th</sup> and 8<sup>th</sup> lines will be cut short.
- City, state, and zip code must be on the last line.
- Nine digit zip codes must be typed with a hyphen separating the two groups of digits.
- Spaces in the first position of a line will cause an exception report for that creditor. Prevent proper noticing.
- Do not use special characters such as ~, ½, or ^. These will cause problems. The # and & characters have not been reported to cause errors.
- Do not include account numbers or phone numbers on the list.
- Attention lines should be placed on the second line of the name/address.
- Do not include page numbers, headers, footers, etc...
- Do not duplicate addresses on the matrix.
- Do not list creditors with incomplete addresses on the matrix. Complete addresses are required in order to notice properly.
- Do not include the following on your creditor matrix. These are automatically included on the matrix once the case is entered into our system.
  - Debtor
  - Joint Debtor
  - Attorney for Debtor(s)
  - U.S. Trustee
  - LA Dept. Of Employment and Training (Labor)
  - LA Dept. Of Revenue and Taxation
- The Sheriff for the parish in which the debtor(s) resides should be listed on the matrix.

**THUS DONE AND SIGNED this the [Date Signed] .**

\_\_\_\_\_  
**United States Bankruptcy Judge**

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**United States Bankruptcy Court  
Western District of Louisiana**

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**Debtor(s):**

**Case Number:**

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**ORDER TO DEBTOR-IN-POSSESSION AND SETTING STATUS CONFERENCE**

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 authorized 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 the payroll, all monies withheld from employees for social security and federal income tax withholdings and shall notify the Internal Revenue Service, Insolvency Unit, 1555 Poydras Street, Suite 220, STOP 31, New Orleans, LA 70112, 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 15th 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. Cash receipts and disbursements stating received from or paid to whom; or a statement of source and application of funds or cash.
  - 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 reasonably 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.

**IT IS FURTHER ORDERED** that in the interest of securing a just, speedy and inexpensive determination of every case and proceeding considering the best interest of creditors and the estate; the above-named debtor(s), the attorney for the debtor(s), if any, and interested parties **APPEAR** before the Court for a status conference regarding the actions taken and progress made toward confirmation of a plan of reorganization in this Chapter 11 bankruptcy case on [Date of Status Conf] at 9:30 A.M. in the Bankruptcy Courtroom, [City of Hearing], Louisiana. Should the debtor(s) fail to appear at this status conference, a Rule to Show Cause why the case should not be converted or dismissed may be entered.

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

**IN RE:**

**Case No.**

**ORDER TO DEBTOR-IN-POSSESSION AND SETTING STATUS CONFERENCE**

Upon the filing of this case under the provisions of Chapter 11 of the Bankruptcy Code, and pursuant to the authority granted the Court by 11 USC Section 105 authorizing the entry of such orders as may be necessary to carry out the provisions of the Bankruptcy Code,

**IT IS ORDERED** that, pursuant to 11 USC Section 1101(1), the above named Debtor, as a debtor in possession ("Debtor"), shall continue in possession of its estate and, pursuant to 11 USC Sections 1107(a) and 1108, shall continue 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:

- (1) **Bank Accounts**. Shall close all bank accounts maintained on the date of the filing of the petition. All funds on deposit to the credit of the Debtor in said accounts on such date shall be transferred to new accounts to be opened by the Debtor. Deposits are to be made only in accounts within a depository approved by the United States Trustee.
- (2) **Withholding Taxes; Employees**. 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 to deposit, as required by law, all monies withheld from employees for social security and federal income tax withholdings.
- (3) **Withholdings; Others**. Shall deposit or pay promptly to any state or political subdivision thereof any and all monies required to be withheld or collected from others subsequent to the petition date, on such basis as may be required by the laws or ordinances of such state or political subdivision.

- (4) **Closure of Books; New Books of Account.** Shall close and preserve its pre-petition books and accounts and open and maintain new books of account showing all income and expenditures, receipts and disbursements of the Debtor during the Chapter 11 proceeding.
- (5) **Pre-petition Debts.** Shall not pay any debt or obligation incurred prior to the filing of the petition unless payment of such debt is specifically authorized by the Court.
- (6) **Use of Cash Collateral.** Shall not use "cash collateral" as defined in 11 USC Sec. 363 if said cash collateral is the 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.
- (7) **Ordinary Course of Business.** Shall not sell, lease or otherwise dispose of property nor enter into any transaction outside of the ordinary course of business unless specifically authorized by this Court. The Debtor may buy and sell merchandise, supplies and other property in the ordinary course of business necessary and essential for its operation and to render and obtain services.
- (8) **Insurance.** Shall keep the property of the estate insured at a level equal to the value of such property and shall pay such premiums as may be or become due thereon.
- (9) **Monthly Reports.** Shall on or before the 15th day of each month file the Monthly Operating Report for the prior calendar month with the Clerk of this Court in **[Court Location]** and, in addition, submit one copy to the Shreveport office of the United States Trustee and one copy to the Unsecured Creditors' Committee. The report shall be in a format approved by the United States Trustee.
- (10) **Periodic Report Concerning Related Entities.** Shall file the first Periodic Report required by subdivision (a) of Rule 2015.3 no later than seven days before the first date set for the meeting of creditors under §341 of the Code. Subsequent Periodic Reports shall be filed no less frequently than every six months thereafter, until a plan of reorganization becomes effective or the case is closed, dismissed, or converted. Copies of the Periodic Report shall be served on the U.S. Trustee, any committee appointed under §1102 of the Code, and any other party in interest that has filed a request therefor.

- (11) **Administrative Expenses**. Shall take all steps reasonably necessary to prevent the incurring of administrative expenses the payment of which will not be possible from funds which can be generated during the proceeding, and shall take all steps necessary to prevent any depletion or potential depletion of property of the estate, and shall immediately advise this Court and the United States Trustee if the continued operation of the business 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 property of the estate to an individual Debtor, or if the Debtor is a partnership, to any of the partners, or if the Debtor is a corporation, to any present or former officer, director, of stockholder thereof, unless and until the provisions of Local Bankruptcy Rule 2081-1 have been fully satisfied.

**IT IS FURTHER ORDERED** that not later than one hundred twenty (120) days after the date of entry of the Order for Relief herein, the Debtor shall file (a) a disclosure statement pursuant to 11 USC Section 1125 and which shall comply with Local Bankruptcy Rule 3016-2, and (b) a plan of reorganization pursuant to 11 USC Sections 1121 and 1123.

**IT IS FURTHER ORDERED** that the debtor in possession, counsel for the debtor in possession, and the United States Trustee, shall appear before the undersigned in **Bankruptcy Courtroom, [ Hearing Location ], Louisiana** at **[ Hearing Date/Time ]**, for the purpose of a status conference concerning the actions taken and progress made toward confirmation of a plan of reorganization. Any other party in interest may appear and participate in such status conference.

**THUS DONE AND SIGNED** this the **[ Date Signed ]**, Lafayette, Louisiana.

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, JUDGE  
UNITED STATES BANKRUPTCY COURT

cc: Debtor  
Debtor's Attorney  
UST

THUS DONE AND SIGNED this the [ [Date Signed].

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United States Bankruptcy Judge

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United States Bankruptcy Court  
Western District of Louisiana

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Debtor(s):

Case Number:

(Small Business)

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**ORDER TO DEBTOR-IN-POSSESSION IN A SMALL BUSINESS CASE  
AND SETTING STATUS CONFERENCE**

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 authorized 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 the payroll, all monies withheld from employees for social security and federal income tax withholdings and shall notify the Internal Revenue Service, Insolvency Unit, 1555 Poydras Street, Suite 220, STOP 31, New Orleans, LA 70112, 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 15th 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. Cash receipts and disbursements stating received from or paid to whom; or a statement of source and application of funds or cash.
  - 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 reasonably 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(e) and 1123, within one hundred eighty (180) 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, unless the Court determines, on Motion of the debtor, that the plan itself provides adequate information and that the requirement of a separate Disclosure Statement is waived.

**IT IS FURTHER ORDERED** that in the interest of securing a just, speedy and inexpensive determination of every case and proceeding considering the best interest of creditors and the estate; the above-named debtor(s), the attorney for the debtor(s), if any, and interested parties **APPEAR** before the Court for a status conference regarding the actions taken and progress made toward confirmation of a plan of reorganization in this Chapter 11 bankruptcy case on [Date of Status Conference] at 9:30 A.M. in the Bankruptcy Courtroom, [City of Status Conference], Louisiana. Should the debtor(s) fail to appear at this status conference, a Rule to Show Cause why the case should not be converted or dismissed may be entered.

###

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

**IN RE:**

**Case No.**

**ORDER TO DEBTOR-IN-POSSESSION IN A SMALL BUSINESS CASE  
AND SETTING STATUS CONFERENCE**

Upon the filing of this case under the provisions of Chapter 11 of the Bankruptcy Code, and pursuant to the authority granted the Court by 11 USC Section 105 authorizing the entry of such orders as may be necessary to carry out the provisions of the Bankruptcy Code,

**IT IS ORDERED** that, pursuant to 11 USC Section 1101(1), the above named Debtor, as a debtor in possession ("Debtor"), shall continue in possession of its estate and, pursuant to 11 USC Sections 1107(a) and 1108, shall continue 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:

- (1) **Bank Accounts**. Shall close all bank accounts maintained on the date of the filing of the petition. All funds on deposit to the credit of the Debtor in said accounts on such date shall be transferred to new accounts to be opened by the Debtor. Deposits are to be made only in accounts within a depository approved by the United States Trustee.
- (2) **Withholding Taxes; Employees**. 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 to deposit, as required by law, all monies withheld from employees for social security and federal income tax withholdings.
- (3) **Withholdings; Others**. Shall deposit or pay promptly to any state or political subdivision thereof any and all monies required to be withheld or collected from others subsequent to the petition date, on such basis as may be required by the laws or ordinances of such state or political subdivision.

- (4) **Closure of Books; New Books of Account.** Shall close and preserve its pre-petition books and accounts and open and maintain new books of account showing all income and expenditures, receipts and disbursements of the Debtor during the Chapter 11 proceeding.
- (5) **Pre-petition Debts.** Shall not pay any debt or obligation incurred prior to the filing of the petition unless payment of such debt is specifically authorized by the Court.
- (6) **Use of Cash Collateral.** Shall not use "cash collateral" as defined in 11 USC Sec. 363 if said cash collateral is the 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.
- (7) **Ordinary Course of Business.** Shall not sell, lease or otherwise dispose of property nor enter into any transaction outside of the ordinary course of business unless specifically authorized by this Court. The Debtor may buy and sell merchandise, supplies and other property in the ordinary course of business necessary and essential for its operation and to render and obtain services.
- (8) **Insurance.** Shall keep the property of the estate insured at a level equal to the value of such property and shall pay such premiums as may be or become due thereon.
- (9) **Monthly Reports.** Shall on or before the 15th day of each month file the Monthly Operating Report for the prior calendar month with the Clerk of this Court in **[Court Location]** and, in addition, submit one copy to the Shreveport office of the United States Trustee and one copy to the Unsecured Creditors' Committee. The report shall be filed using Official Form 25C.
- (10) **Periodic Report Concerning Related Entities.** Shall file the first Periodic Report required by subdivision (a) of Rule 2015.3 no later than five days before the first date set for the meeting of creditors under §341 of the Code. Subsequent Periodic Reports shall be filed no less frequently than every six months thereafter, until a plan of reorganization becomes effective or the case is closed, dismissed, or converted. Copies of the Periodic Report shall be served on the U.S. Trustee, any committee appointed under §1102 of the Code, and any other party in interest that has filed a request therefor.

- (11) **Administrative Expenses**. Shall take all steps reasonably necessary to prevent the incurring of administrative expenses the payment of which will not be possible from funds which can be generated during the proceeding, and shall take all steps necessary to prevent any depletion or potential depletion of property of the estate, and shall immediately advise this Court and the United States Trustee if the continued operation of the business 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 property of the estate to an individual Debtor, or if the Debtor is a partnership, to any of the partners, or if the Debtor is a corporation, to any present or former officer, director, of stockholder thereof, unless and until the provisions of Local Bankruptcy Rule 2081-1 have been fully satisfied.

**IT IS FURTHER ORDERED** that not later than one hundred twenty (180) days after the date of entry of the Order for Relief herein, the Debtor shall file (a) a disclosure statement pursuant to 11 USC Section 1125 and which shall comply with Local Bankruptcy Rule 3016-2, and (b) a plan of reorganization pursuant to 11 USC Sections 1121 and 1123.

**IT IS FURTHER ORDERED** that the debtor in possession, counsel for the debtor in possession, and the United States Trustee, shall appear before the undersigned in the **Bankruptcy Courtroom, [ Hearing Location ], Louisiana** at [ **Hearing Date/Time** ] for the purpose of a status conference concerning the actions taken and progress made toward confirmation of a plan of reorganization. Any other party in interest may appear and participate in such status conference.

**THUS DONE AND SIGNED** this the [ **Date Signed** ], Lafayette, Louisiana.

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, JUDGE  
UNITED STATES BANKRUPTCY COURT

cc: Debtor  
Debtor's Attorney  
US Trustee

FORM NO. 3. ORDER TO ATTORNEY FOR DEBTOR-IN-POSSESSION AND NOTICE OF CHAPTER 12 PROCEDURAL REQUIREMENTS

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
\_\_\_\_\_ DIVISION

IN RE:

CASE NUMBER:

(Debtor(s))

ORDER TO ATTORNEY FOR DEBTOR-IN-POSSESSION AND NOTICE OF CHAPTER 12 PROCEDURAL REQUIREMENTS

You have filed a petition for relief for a family farmer under Chapter 12 of the Bankruptcy Code on behalf of the above debtor. I am hereby notifying you as attorney for the debtor of the following:

1. Section 521 of the Bankruptcy Code requires the debtor to cooperate with the United States Trustee and the Chapter 12 Trustee appointed in this case. The debtor is also required to furnish information required by the United States Trustee and the Chapter 12 Trustee in supervising the administration of this case, including regular reports of operations of the debtor's farming enterprise. Also, as required by F.R.B.P. 9034, you and the debtor are required to give the Chapter 12 Trustee and the United States Trustee notice of all motions and other pleadings filed in this case, as specified in the Rule.
2. The debtor must provide the Chapter 12 Trustee with the following financial and informational reports:
  - a. **Summary of Operations for Chapter 12 Case.** The enclosed report is an informational report showing the debtor's acreage, results from last year's operation, and estimates or projections for the current or next crop year. This form should be completed and received in the Chapter 12 Trustee's office at least five (5) days prior to the first meeting of creditors.
  - b. **Monthly Cash Receipts and Disbursements Statement.** The enclosed form should be self-explanatory. The debtor must report no later than the 15th day following the end of the month all of his receipts or income, in cash or by check received during the month. The receipts should be itemized by kind, quantity, and dollar amount, for example: "Sold 2,000 bushels of corn--\$2,000", "Sold 10 beef cattle--\$4,000", "Sold 5 tons of hay--\$275." Likewise, all expenses paid in cash or by check should be itemized. All cash received must be deposited in the debtor-in-possession's bank account and all payments should be made by check to the extent feasible. If cash is paid by the debtor, a written receipt must be obtained and kept in a file or envelope. As indicated, household or family living expenses need not be itemized but a

lump-sum of cash used or spent for household or family living expenses should be shown. Operating expenses should be itemized under appropriate headings such as fuel, feed, veterinary expense, repairs, etc. Be sure the debtor knows how to complete that part of the form which calls for a monthly reconciliation of cash.

- c. **Tax Deposit Statement.** If the debtor is a family farm corporation or if the debtor has employees for which he must withhold income taxes or pay social security taxes, he must complete the tax deposit statement enclosed with this letter and provide evidence of payment.
  - d. **Insurance Statement.** Within ten days after the date of this letter, the debtor must provide the Chapter 12 Trustee with a verified statement or written evidence from his insurance carrier or broker that he has fire and extended coverage on his buildings and equipment and also motor vehicle insurance on all vehicles operated on public highways. If no such insurance is currently in effect, the debtor must explain why it is not in force. The debtor shall immediately notify the Chapter 12 Trustee of any lapse, cancellation, or proposed cancellation of any insurance coverage.
3. Under Section 1231 of Chapter 12 of the Bankruptcy Code, a separate taxable entity is created for state and local tax purposes commencing on the day the Chapter 12 petition was filed. Therefore, the debtor is required to commence keeping books and records for the new separate taxable entity. This means that the debtor should do the following:
- a. The books and records of the debtor are to be closed as of the date of filing the bankruptcy petition, and a new set of books and records must be kept thereafter for the debtor-in-possession under Chapter 12.
  - b. All of the debtor's bank accounts must be closed immediately upon the filing of the Chapter 12 petition, and new bank accounts opened. All amounts from the old accounts and all receipts are to be deposited in the new bank accounts, and all disbursements should be made by check.
  - c. The debtor must keep a file (or envelope) in which to keep a copy of all bills, invoices and sales slips for purchases or payments he makes after the petition is filed.
4. You will receive a separate notice of the date, time and place for the first meeting of creditors under Section 341 of the Bankruptcy Code. Both the debtor and his attorney must attend that meeting, at which the debtor will be examined under oath by the Chapter 12 Trustee and any creditors who may attend. The debtor must bring to that meeting a copy of his last year's federal, state and local (if required) income tax returns, Form 1040, and all Schedules filed with the return, including Schedule F. The copy of the income tax returns must be filed with the Chapter 12 Trustee at the First Meeting as an exhibit.

5. In addition to the Monthly Cash Receipts and Disbursements Statement referred to in paragraph 2.b. above, within 60 days after the end of a calendar year (or fiscal year), the debtor must complete and file with the Chapter 12 Trustee a Schedule F together with all supporting schedules of Schedule F, and Form 4835 of IRS Form 1040 for any part of the first calendar or taxable period ending after the date on which the Chapter 12 petition was filed. The Schedule F and Form 4835 must report all income and all expenses to the end of the calendar (or fiscal) year. Since Section 1231(b) of Chapter 12 requires the Chapter 12 Trustee to make a state or local tax return for an individual debtor-in-possession, the Chapter 12 Trustee will probably have to consult further with you and the debtor-in-possession in order to discharge his responsibility to prepare the tax return. The debtor is responsible for filing and paying all federal taxes as usual.
6. Since Congress specified that Chapters 1, 3 (except for Section 361) and 5 of the Bankruptcy Code also apply to cases under Chapter 12 of the Bankruptcy Code, you should emphasize to your client that he may not:
  - a. Retain or employ attorneys, accountants, appraisers, auctioneers or other professional persons without court approval. This includes employing the attorney who filed the petition to provide services after the filing. See 11 U.S.C. Section 327.
  - b. Compensate any attorney, accountant, appraiser, auctioneer or other professional person except as allowed by the Court. See 11 U.S.C. Section 330.
  - c. Use cash collateral (or cash equivalents) without the consent of the secured creditor or court authorization. See 11 U.S.C. Section 363(c)(2). Cash collateral includes proceeds, products, offsprings, rents, or profits of property subject to a security interest when reduced to cash.
  - d. Obtain credit or incur unsecured debt other than in the ordinary course of business without Court authorization. See 11 U.S.C. Section 364(b).
  - e. Incur secured debt without court authorization. See 11 U.S.C. Section 364(c).
  - f. Pay any creditor for goods or services provided before the filing of the petition except as provided in a confirmed plan. See 11 U.S.C. Section 549.
7. A Chapter 12 plan must be filed within 90 days of the date the petition was filed, unless the Court extends the time. 11 U.S.C. Section 1221. Failure to comply is cause for dismissal under 11 U.S.C. Section 1208. The statement of current income and current expenditures required to be filed under 11 U.S.C. Section 521(1) should be accurate and should be reviewed and modified if necessary prior to the Section 341 meeting. Failure to provide an accurate statement may result in denial of confirmation, dismissal or conversion to a Chapter 7 liquidation.

8. Liquidation Analysis. Under Section 1225(a)(4) of Chapter 12, you must be able to prove at the hearing on confirmation of the plan that the amount that will be distributed under the plan for each allowed unsecured claim is not less than the amount that would be paid on the claim if the debtor were liquidated under Chapter 7. A claim filed by an unsecured creditor is allowed unless the debtor or the Chapter 12 Trustee files an objection to it in court and the court sustains the objection. I suggest that you give consideration to the early preparation of an accurate analysis of the liquidation value of all of the property of the debtor's estate which you must be prepared to offer as an Exhibit at the confirmation hearing, or the court may not be able to confirm your plan.
9. Failure to Comply. Failure of the debtor to comply with the instructions contained in this Order may be grounds for dismissal of this Chapter 12 case under Section 1208 of the Bankruptcy Code.

If you or the debtor have any questions about this order and the enclosed instructions, please call or write, or discuss the situation with:

Mr. Thad H. Waters, Jr.  
Mailing Address/Office Address  
Standing Chapter 12 Trustee  
P. O. Box 379  
St. Joseph, LA 71366  
(318)766-0707

who has been appointed Chapter 12 Standing Trustee. You will need to contact the Trustee who has been appointed for this particular case. The Trustee's percentage fee to be collected on all payments under plans has been set by the Attorney General at 10 percent on the first \$450,000.00 paid under the plan, and three percent on the overage.

IT IS SO ORDERED.

THUS DONE AND SIGNED at \_\_\_\_\_, Louisiana, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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JUDGE, U.S. BANKRUPTCY COURT

FORM NO. 4. CHAPTER 12 CASE--MONTHLY CASH RECEIPTS AND DISBURSEMENTS

Month of \_\_\_\_\_, 20\_\_

CHAPTER 12 CASE

NAME OF DEBTOR: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

MONTHLY CASH RECEIPTS AND DISBURSEMENTS

(Report on a cash basis, unless you keep financial records on an accrual basis.)

I. Cash Received During Month (Itemize):

<u>Item &amp; Quantity Sold</u>	<u>Amount</u>
New loan received this month (if any):	\$ _____
Wages earned from outside work:	\$ _____
Other receipts:	\$ _____
TOTAL CASH RECEIPTS	\$ _____

II. Expenses Paid:

Total amount paid for household or living expenses:	\$ _____
Operating expenses paid (itemize):	
<u>Item</u>	<u>Amount</u>
Plan payments made to Chapter 12 Trustee:	\$ _____
TOTAL EXPENSES PAID DURING MONTH	\$ _____
Losses due to crop failure or damage:	\$ _____
Losses due to death or disease of livestock or poultry:	\$ _____
PROFIT (OR LOSS) FOR MONTH	\$ _____

III. Cash Reconciliation:

Cash and Bank Accounts Balance at Beginning of Month:	\$ _____
Income (or Loss) During Month:	\$ _____
Cash and Bank Account Balance at End of Month:	\$ _____

IV. Expenses Charged But Not Paid During Month (Itemize):

<u>Expense</u>	<u>Amount</u>
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I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING STATEMENT, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

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DATE

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DEBTOR/OFFICER OF DEBTOR

FORM NO. 5. CHAPTER 12 CASE SUMMARY OF OPERATIONS--FAMILY FARMER

CHAPTER 12 CASE

SUMMARY OF OPERATIONS--FAMILY FARMER

(This report must be filed with the Chapter 12  
Trustee 5 days before the First Meeting of Creditors)

NAME OF DEBTOR: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

I. NUMBER OF ACRES:

Owned: _____	Amount or % of Rent
Leased (list by parcel)	Received by Debtor

_____	_____
_____	_____
_____	_____

Total owned & leased by debtor from others:	_____
Total leased to others:	_____
Tillable acreage:	_____
Set aside acreage:	_____

II. LIVESTOCK AND POULTRY:

Number of (list by kind)

III. RESULTS OF LAST CROP SEASON:

A. Crops Grown:

					AMOUNT OF LIEN
	NUMBER	YIELD	TOTAL	QUANTITY	ON
	ACRES	PER	SALES	SOLD OR	STORED
<u>CROP</u>	<u>PLANTED</u>	<u>ACRE</u>	<u>AMOUNT</u>	<u>SEALED</u>	<u>CROP</u>
			<u>PRICE</u>		

(LIST BY CROP)

B. Livestock and Poultry Sold Last Year:

<u>Livestock and poultry</u>	<u>Number</u>	<u>Total Price</u>
(LIST BY KIND)		\$ _____

C. Total Income Last Year from Products Sold:  
(i.e., milk, eggs, wool, hides, etc.)

(LIST BY KIND) \$ \_\_\_\_\_

Have you made an assignment of proceeds?

(YES/NO) \_\_\_\_\_

If yes, to whom: \_\_\_\_\_

IV. CURRENT OR PROPOSED FARMING SEASON:

A. Crops:

<u>CROP</u>	<u>NO. OF ACRES</u>	<u>ESTIMATED* YIELD</u>	<u>ESTIMATED PRICE ** PER UNIT</u>	<u>TOTAL PROCEEDS</u>
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(LIST BY KIND)

TOTAL PROCEEDS--ALL CROPS: \$ \_\_\_\_\_

FN\* Assuming normal moisture and growing conditions.

FN\*\* State your estimate of market price per unit or government support (loan) price if you are eligible for government support program.

B. Estimated Income from Livestock and Poultry Operation:

<u>Livestock and Poultry</u>	<u>Number to be Sold</u>	<u>Estimated Total Price</u>
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(LIST BY KIND)

TOTAL LIVESTOCK AND POULTRY SALES PRICE: \$ \_\_\_\_\_

C. Total Estimated Crop & Livestock and Poultry Income: \$ \_\_\_\_\_

V. CURRENT OR PROPOSED CROP SEASON--ESTIMATED EXPENSES:

A. <u>Expenses</u>	<u>Amount</u>
Fuel	\$ _____
Seed	\$ _____
Feed	\$ _____
Fertilizer	\$ _____
Herbicides, Pesticides or other Chemicals	\$ _____
Equipment Rental	\$ _____
Electric & Phone Bills	\$ _____
Repairs	\$ _____
Crop Insurance	\$ _____
Other Insurance	\$ _____
Real Estate Taxes	\$ _____
Cash Rent on Leased Land	\$ _____
Combining and/or Drying Expense	\$ _____
Processing Costs	\$ _____
Hired Labor	\$ _____
Other	\$ _____
<b>TOTAL ESTIMATED OPERATING EXPENSES</b>	<b>\$ _____</b>

If you have an operating loan for the current or proposed crop season, state amount \$ \_\_\_\_\_ and name and address of lender \_\_\_\_\_ and security given or pledged \_\_\_\_\_.

B. **Payments on Secured Debt:**  
Cash rents (if not included in Part A above)

\_\_\_\_\_   
Crop Share Rents--State no. of bushels/pounds and dollar value-- \_\_\_\_\_

Real Estate Mortgage and Contract for Deed (purchase agreement) payments:

To Whom:	Amount	\$
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
<b>TOTAL AMOUNT</b>	<b>_____</b>	<b>\$ _____</b>

Annual Payment due on Equipment Purchase Contracts:  
 To Whom: \_\_\_\_\_ Amount \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 TOTAL AMOUNT \$ \_\_\_\_\_

Payments on Loans Secured by Equipment, Crops, or Livestock:  
 To Whom: \_\_\_\_\_ Amount \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 TOTAL AMOUNT \$ \_\_\_\_\_

TOTAL PAYMENTS ON SECURED DEBT: \$ \_\_\_\_\_

C. Total Operating Expenses and Payments on Secured Debt: \$ \_\_\_\_\_

VI. NET ESTIMATED OPERATING PROFIT OR LOSS:  
 (Total Receipts from Item IV(C) less Total Expenses and Payments from Item V(C)): \$ \_\_\_\_\_

VII. AMOUNT OF DISPOSABLE INCOME AVAILABLE TO PAY UNSECURED CLAIMS:  
 (Subtract VII(C) from Item VI) \$ \_\_\_\_\_

- A. Estimated Household and Family Cash Living Expenses (subtract from net profit or add to net loss): \$ \_\_\_\_\_
- B. Estimated State, Local, and Federal Income Tax on Net Profit \$ \_\_\_\_\_
- C. Total of A and B \$ \_\_\_\_\_
- D. Disposable Income from Farming (Subtract C from amount entered on line at VII) \$ \_\_\_\_\_
- E. Income from other than Farming \$ \_\_\_\_\_
- F. Total Disposable Income \$ \_\_\_\_\_

FORM NO. 6. TAX DEPOSIT STATEMENT

TAX DEPOSIT STATEMENT

\_\_\_\_\_, Debtor in Possession Case No. \_\_\_\_\_

Month or Period Ending \_\_\_\_\_, 20\_\_

SUMMARY

FEDERAL WITHHOLDING TAX

Beginning Withholding Tax Payable \$\_\_\_\_\_

Withheld or Accrued \$\_\_\_\_\_

Disbursements to Tax Account \$\_\_\_\_\_

Deposit Receipt \_\_\_\_\_

and/or

Check Numbers \_\_\_\_\_

Ending Withholding Tax Payable \$\_\_\_\_\_

STATE WITHHOLDING TAX

Beginning Withholding Tax Payable \$\_\_\_\_\_

Withheld or Accrued \$\_\_\_\_\_

Disbursements to Tax Account \$\_\_\_\_\_

Deposit Receipt \_\_\_\_\_

and/or

Check Numbers \_\_\_\_\_

Ending Withholding Tax Payable \$\_\_\_\_\_

FICA WITHHOLDING TAX (Include both Employer and Employee Share)

Beginning Withholding FICA Tax Payable \$\_\_\_\_\_

Withheld or Accrued \$\_\_\_\_\_

Disbursements to Tax Account \$\_\_\_\_\_

Deposit Receipt \_\_\_\_\_ \$\_\_\_\_\_

and/or

Check Numbers \_\_\_\_\_

Ending FICA Tax Payable \$\_\_\_\_\_

SALES TAX

Beginning Sales Tax Payable \$\_\_\_\_\_

New Sales Tax Payable \$\_\_\_\_\_

Disbursements to Tax Account \$\_\_\_\_\_

Deposit Receipt \_\_\_\_\_

and/or

Check Numbers \_\_\_\_\_

Ending Sales Tax Payable \$\_\_\_\_\_

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING STATEMENT, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

\_\_\_\_\_ Debtor or Officer of the Debtor