

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

GENERAL ORDER NO. 2  
CONCERNING PROCEDURES IN CHAPTER 12 CASES

- I. **Scope of Rules.** The provisions contained in this Order shall be applicable to all cases under chapter 12 of the Bankruptcy Code.
- II. **Motions to Value pursuant to 11 U.S.C. § 506.**
  - A. **Deadline for Filing Valuation Motions.** Motions to value secured claims pursuant to 11 U.S.C. § [506](#) must be filed not later than twenty (20) days following the conclusion of the meeting of creditors conducted pursuant to 11 U.S.C. § [341](#)(a).
  - B. **Content of Motions.** Motions to value secured claims must contain all pertinent information, including without limitation, a detailed description of the property to be valued, the valuation asserted by the party, the basis therefor and the actions taken by the party and/or its attorney to ascertain the basis for the value asserted.
  - C. **Hearing.** It shall be the duty of the party filing a motion to value a secured claim to (i) promptly obtain from the courtroom deputy clerk of the appropriate bankruptcy judge a hearing date and time and (ii) provide timely written notice of the hearing on motion to value to all interested parties and file a certificate of service in compliance with Local Rule 9006-1. The hearing shall be no less than forty (40) days after the filing of the motion.
  - D. **Deadline for filing Objections.** Any party in interest may object to a motion for valuation pursuant to 11 U.S.C. § [506](#) within fourteen (14) days after the filing of the request (which includes the three (3) days for service by mail in accordance with Bankruptcy Rule 9006 and Local Rule 9013-1 unless an order of the Court provides a different response time).
  - E. **Content of Objections.** Objections must contain the all pertinent information, including without limitation, the valuation asserted by the objecting party, the basis therefor and the actions taken by the party and/or its attorney to ascertain the basis for the value asserted.
  - F. **Applicability of Local Rules 9006-1, 9013-1 and 9014-1.** Local Rules 9006-1, 9013-1 and 9014-1 apply to valuation motions and objections filed pursuant to 11 U.S.C. § [506](#).
  - G. **Appointment of Court Appraiser.** The Court, in its discretion, may appoint an appraiser in any case where valuation of a secured claim is an issue. The

appointment shall be made pursuant to Rule [706](#), Fed. R. Evid., and the cost of the appraisal shall be paid as directed by the Court.

### **III. Confirmation of Chapter 12 Plans.**

- A. Confirmation Hearing. It shall be the duty of the debtor to promptly obtain from the courtroom deputy clerk of the appropriate judge a date and time for conducting the hearing on confirmation of a chapter 12 plan. Concurrently with the filing of a chapter 12 plan, the debtor shall file and serve on all parties in interest a written notice of the confirmation hearing and the deadline for filing objections to the confirmation of the chapter 12 plan in accordance with Bankruptcy Rule [2002](#) and file a certificate of service in compliance with Local Rule 9006-1. The hearing shall be no less than forty (40) days and no more than (45) days after the filing of the chapter 12 plan unless otherwise ordered by the Court for cause in accordance with 11 U.S.C. § [1224](#). Failure to timely obtain a confirmation hearing and timely file and serve written notice of the confirmation hearing shall result in the subject chapter 12 plan being stricken.
- B. Deadline for filing Objections. Any party in interest may object to confirmation of a chapter 12 plan within twenty-one (21) days after the filing of the chapter 12 plan (which includes the three (3) days for service by mail in accordance with Bankruptcy Rule 9006 and Local Rule 9013-1 unless an order of the Court provides a different response time). Objections must be served on the debtor, the standing chapter 12 trustee and all other parties in interest, and the objecting party must file a certificate of service in compliance with Local Rule 9006-1.
- C. Applicability of Local Rules 9006-1, 9013-1 and 9014-1. Local Rules 9006-1, 9013-1 and 9014-1 apply to objections to confirmation of chapter 12 plans and the hearing on confirmation of chapter 12 plans.
- D. Chapter 12 Plan Confirmation Requirements. A chapter 12 plan will be confirmed only if the plan provides a basis for determining whether the requirements of 11 U.S.C. § [1225](#) have been satisfied. The requirements of 11 U.S.C. § [1225](#)(a)(4), (a)(5)(B) and (a)(6) may not be deemed to be satisfied if the chapter 12 plan does not contain, at a minimum, the following:
1. An detailed statement of the debtor's assets and liabilities;
  2. A cash flow projection for the year immediately following confirmation of the proposed plan, including, without limitation, statements identifying farm and non-farm income sources;
  3. Assumptions upon which the cash flow projection are based with historical or other data justifying the assumptions;

4. A statement of non-farm income for the taxable year preceding the filing of the petition;
5. A projection of administrative expenses, including without limitation attorneys' and trustee's fees;
6. A schedule of all payments to be made under the plan, including the names and address for each creditor and the date and amount of each payment;
7. The probable tax consequences of the proposed plan;
8. An itemization of any secured property to be retained, the value of such property, the basis of the valuation and the amount of indebtedness the property secures;
9. A liquidation analysis and statement of the assumptions on which it is based.

IV. **Procedures for Motions for Relief from Automatic Stay.** Local Rules 4001-1, 9006-1, 9013-1 and 9014-1 apply to motions for relief from the automatic stay and objections filed thereto in chapter 12 cases.

V. **Discharges in Chapter 12 Cases.** Discharges in chapter 12 cases will be granted only on motion after notice to the standing chapter 12 trustee and all other parties in interest. Any motion seeking the discharge of a chapter 12 debtor shall be accompanied by (i) a certificate of the chapter 12 standing trustee that all payments required by the confirmed plan have been made and that the trustee's fees thereon have been paid or (ii) an affidavit of the debtors that the standing chapter 12 trustee refused to issue such certificate and the reason therefor.

Dated in Oklahoma City, Oklahoma, this 29th day of November, 2012.

By the Court.

s/Sarah A. Hall  
Sarah A. Hall  
Chief Bankruptcy Judge

s/T. M. Weaver  
T.M. Weaver  
Bankruptcy Judge

s/Niles L. Jackson  
Niles L. Jackson  
Bankruptcy Judge