

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

FILED  
JUL 31 2024  
DOUGLAS E. WEDGE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: 81 DEPUTY

IN RE: )  
 ) General Order 24-03  
ADOPTION OF AMENDMENTS TO )  
LOCAL RULES )

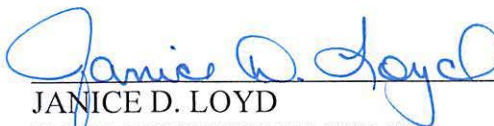
The United States Bankruptcy Court for the Western District of Oklahoma adopts the attached amended Local Rules, including Local Forms and Guidelines for Electronic Case Filing, Procedures in Chapter 12 Cases, Chapter 13 Guidelines, and Chapter 11 Policies and Procedures in Subchapter V Cases, effective September 1, 2024 to apply to all pending, new, and reopened cases and proceedings. The attached Local Rules and related documents shall supersede the prior version of the Local Rules and its related documents, adopted by General Order 15-1, supplemented by General Order 15-2, and revised by General Order 15-3, and any other General Orders previously adopted by the Court except for the following:

G.O. 24-02	Order re: Attorney Representation of Chapter 7 Debtors
G.O. 24-01	Order re: Holiday-Related Court Closing
G.O. 23-01	Order re: Pleadings Using Generative Artificial Intelligence
G.O. 22-05	Revised Order Appointing Standing Local Rules Committee
G.O. 21-01	Order re: Electronic Document Submission System Administrative Procedures
G.O. 20-08	Employment Dispute Resolution Plan and EDR Coordinators
M.O. 15-02	Guidelines for Bankruptcy Petition Preparers

SO ORDERED this 31<sup>st</sup> day of July, 2024.



SARAH A. HALL  
CHIEF U.S. BANKRUPTCY JUDGE



JANICE D. LOYD  
U.S. BANKRUPTCY JUDGE

# LOCAL RULES



**September 1, 2024**

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA  
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

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LOCAL FORM 1001-1 – DECLARATION REGARDING ELECTRONIC FILING

LOCAL FORM 1006-1 – NOTICE OF DEFERMENT OF FILING FEE BY TRUSTEE OR  
DEBTOR-IN POSSESSION

LOCAL FORM 1007-1.B – CORPORATE OWNERSHIP STATEMENT

LOCAL FORM 1007-1.C – VERIFICATION OF LIST OF CREDITORS

LOCAL FORM 1007-1.D – PAY ADVICE COVER SHEET

LOCAL FORM 1009-1.A – AMENDMENT COVER SHEET

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LOCAL FORM 4002-2 – DISCLOSURE OF DOMESTIC SUPPORT OBLIGATIONS

LOCAL FORM 7016-1 – FINAL PRETRIAL ORDER (SAMPLE)

LOCAL FORM 9010-1.H – NOTICE OF CHANGE OF ADDRESS

LOCAL FORM 9013-1.L – ORDER (TEMPLATE)

LOCAL FORM 9036-1.B – REQUEST AND CONSENT TO ELECTRONIC NOTICE  
AND SERVICE OF DOCUMENTS

**LOCAL RULES  
UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

\*Amended per General Order No. 24-03  
EFFECTIVE **September 1, 2024**

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

**A. Application.**

1. These Local Rules govern all cases and proceedings pending before the United States Bankruptcy Court for the Western District of Oklahoma on the effective date specified above and thereafter and shall supersede all local rules and general orders pertaining to rules of procedure previously adopted and entered by the Court, unless such general order is specifically incorporated herein.

2. These Local Rules, the Guidelines for Electronic Case Filing (General Order No. 24-04 [Appendix A](#) hereto), the General Order Concerning Procedures in Chapter 12 Cases (General Order No. 24-05 [Appendix B](#) hereto), the General Order Concerning Chapter 13 Guidelines (General Order No. 24-06 [Appendix C](#) hereto), the General Order Concerning Chapter 11 Policies and Procedures in Subchapter V Cases (General Order No. 24-07 [Appendix D](#) hereto), and the general orders entered by this Court, the laws of the United States, the [Federal Rules of Bankruptcy Procedure](#) and any applicable rule of the United States District Court for the Western District of Oklahoma, as amended from time to time, shall govern all cases and proceedings before this Court.

**B. Citation.** These Local Rules shall be cited as the “Local Bankruptcy Rules” and may be cited as “Local Rule \_\_\_\_\_.”

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

**D. Interim Standing Orders.** These Local Rules may be modified or supplemented from time to time by the Court by general order. General orders of interest to the bankruptcy bar and to the public shall be maintained by the Clerk and shall be available on the Court’s website (<http://www.okwb.uscourts.gov>).

**E. Guidelines for Electronic Case Filing (“ECF Guidelines”).** References to the “ECF Guidelines” in these Local Rules shall mean the Guidelines for Electronic Case Filing, or as may be amended, which are attached hereto as [Appendix A](#).

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

**G. Official Bankruptcy Forms.** References to “[Official Form\(s\)](#)” in these Local Rules shall mean the forms prescribed by the Judicial Conference of the United States or the Director of the Administrative Office of the U.S. Courts, copies of which are available on the Court’s website (<http://www.okwb.uscourts.gov>).

**H. Definitions.** The definitions of words and phrases contained in Title [11](#) of the United States Code and the [Federal Rules of Bankruptcy Procedure](#) govern their use in these Local Rules. Other frequently used, initially capitalized terms contained herein shall have the meaning as set forth below:

**1. Affidavit.** References to an “affidavit” in these Local Rules may be satisfied by the execution of an affidavit or an unsworn declaration under penalty of perjury pursuant to 28 U.S.C. § [1746](#), subject to compliance with such provision. An affidavit or declaration may be incorporated into a filed Document and need not be separate or an attachment. Affidavits and unsworn declarations must be signed by the person offering the evidentiary material with an original handwritten signature. For affidavits and unsworn declarations, pro se filers must include the original handwritten signature; registered filers can submit a computer-generated signature (e.g., “s/Jane Doe”) if the Document including an original handwritten signature is in the possession of the registered filer; alternatively, proof of execution of the affidavit or unsworn declaration may be demonstrated by an image of the Document with the original handwritten signature.

**2. BAP.** References to “BAP” shall mean the Bankruptcy Appellate Panel of the United States Court of Appeals for the Tenth Circuit.

**3. Bankruptcy Rules.** References to “Bankruptcy Rules” shall mean the Federal Rules of Bankruptcy Procedure.

**4. Clerk.** References to the “Clerk” shall mean the Court Clerk of the United States Bankruptcy Court for the Western District of Oklahoma.

**5. Code.** References to the “Code” shall mean the United States Bankruptcy Code, 11 U.S.C. § [101](#) *et. seq.*

**6. Court or Bankruptcy Court.** References to “Court” or “Bankruptcy Court” shall mean the United States Bankruptcy Court for the Western District of Oklahoma.

**7. Court’s Website.** References to the “Court’s website” shall mean <http://okwb.uscourts.gov>.

**8. Debtor.** The term “debtor” shall refer to both singular and plural form, as the case may be.

**9. District Court.** References to “District Court” shall mean the United States District Court for the Western District of Oklahoma.

**10. District Court Local Rules.** References to “District Court Local Rules” shall mean the [Local Civil Rules](#) of the United States District Court for the Western District of Oklahoma.

**11. Document.** The term “Document,” in both singular and plural forms, shall refer to anything filed either electronically or manually with the Court.

**12. ECF System.** References to the “ECF System” shall mean the Case Management/Electronic Case Filing System implemented by the Court as set forth in General Order No. 24-04 annexed hereto as [Appendix A](#).

**13. File-Stamped Copy.** References to the term “file-stamped copy” shall refer to a copy of the electronically filed Document bearing the file stamp or a copy of the Document and the applicable “Notice of Electronic Filing.”

**14. Local Rules.** References to “Local Rules” shall mean these Local Rules of the United States Bankruptcy Court for the Western District of Oklahoma.

**I. Electronic Signature.** The “s/Jane Doe” constitutes the signature of said party on any electronically filed Document except on the following:

1. [Official Form](#) B121, Debtor’s Statement About Your Social Security Number,
2. Declaration Regarding Electronic Filing (by self-represented filers using Electronic Self-Representation (eSR)) ([Local Form 1001-1](#)), and
3. Application to appear pro hac vice.

For these three exceptions, the electronically filed Documents must include an original handwritten signature. Any Document not submitted electronically by any party must include an original handwritten signature.

**J. Signature, Verification, and Retention of Documents and Pleadings.** The electronic filing of a Document electronically signed by a client of the Registered Participant, including but not limited to the petition, statement of financial affairs and schedules of assets and liabilities, shall be deemed a certification by the Registered Participant that he or she has the Document bearing the person’s original handwritten signature in his or her physical possession. The Registered Participant must produce the original signed Document on request of the Court or a trustee. Electronically filed pleadings and Documents requiring original signatures, other than the signature of the Registered Participant, must be maintained in paper form by the Registered Participant until two (2) years after the later of the running of the appeal time or closing of the bankruptcy case.

## **PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF**

### **RULE 1002-1 PETITION – GENERAL**

#### **A. Specific Requirements.**

1. The petition shall conform to the current [Official Forms](#).
2. If the debtor is an artificial entity, a certified copy of the entity action authorizing the filing of the petition shall be attached to the petition. All artificial entities, including, without limitation, corporations, partnerships, and limited liability companies, may only appear through, and must be represented by, counsel at all times.

### **RULE 1005-1 CAPTIONS**

The caption of Documents filed with the Court should comply with the appropriate [Official Form\(s\)](#). Every case and adversary proceeding number must be followed by the letters which designate the Judge to whom it is currently assigned. The Chapter under which a case proceeds should be shown below the case number.

### **RULE 1006-1 FILING FEE**

**A. General Requirement.** All fees must be paid on the calendar day on which the transaction requiring a fee occurs. Electronic filers are required to pay filing fees on time through the ECF system by credit or debit card, or Automated Clearing House (ACH). Payments from electronic filers for fees that can be made through ECF will not be accepted by the Clerk outside of ECF and its related payment programs, unless a technical failure prevents the filer from paying electronically. If a fee is not timely paid by a registered attorney, the attorney's access to the ECF system shall be deactivated until all fees have been paid. If a filing fee is not timely paid, the pleading or Document may be stricken without further notice or hearing. Any Document presented for manual filing without proper provision for payment of the filing fee shall not be accepted for filing by the Clerk. Any petition for relief presented for paper filing without proper provision for payment of the filing fee shall not be accepted for filing by the Clerk unless the petition is accompanied by an application to pay filing fee in installments, prepared as prescribed by the appropriate [Official Form](#), or an application requesting a waiver under 28 U.S.C. § [1930\(f\)](#), prepared as prescribed by the appropriate [Official Form](#), both of which must be separate from the petition. A trustee may, upon proper notice, defer the payment of fees. See [Local Form 1006-1](#).

**1. Manner of Payment.** Payment of filing fees, administrative fees, and other scheduled fees shall be made by a non-electronic filer by cashier's check, money order or electronically through Pay.gov form payment. Pay.gov form payments allow for the acceptance of debit cards, Automated Clearing House (ACH), PayPal deposited funds, and credit cards from someone other than a debtor. Negotiable instruments shall be made payable to "Clerk, U.S. Bankruptcy Court," except checks shall not be accepted from debtors. All payments shall be in the exact amount of such fees and charges.



**B. Conversion; Amendment to Creditor List; Fee.** In a Chapter 11, 12 or 13 case that is converted to a case under Chapter 7, no filing fee shall be required for filing the amendment to the creditor list required by Local Rule [1019-1.A](#) if the amendment is filed within fourteen (14) days following the entry of the order converting the case or notice of conversion.

**C. Payment of Filing Fee in Installments.** An application for payment of the filing fee in installments must provide for the filing fee to be paid in four (4) approximately equal installments. An application for payment of the filing fee in installments must be separate from the petition, must state the proposed installment payments and must be on the appropriate [Official Form](#). If the debtor in a Chapter 13 case proposes to pay the filing fee in installments, the filing fee must be paid in full prior to confirmation of the plan. An application for payment of the filing fee in installments is subject to the Court's approval.

**D. Failure to Make Installment Payment.** The Clerk is directed to give notice of a hearing to show cause upon failure to receive timely installment payments. The Clerk must give no less than ten (10) days' notice of the hearing to the debtor and counsel of record. If debtor, or counsel of record, fails to appear at such hearing or otherwise fails to show good cause why the case should not be dismissed for failure to pay filing fee, or fails to pay the entire balance of the fee owing at or prior to the hearing, the Court may dismiss the case, or otherwise dispose of it.

**E. Priority of Payment.** All fees and costs due and owing to the Clerk must be paid in full prior to payment of any interim professional compensation or other administrative expenses in a case except as specifically authorized by the Court.

**F. Refund Policy.** Attorneys are responsible to ensure that filing fees are paid correctly and accurately. If an attorney believes that a filing fee has been paid in error, the attorney **MUST**: request a refund of filing fees in the form of a written application along with a proposed order that is filed in the appropriate case. Overpayments of fees of \$25.00 or less will not be refunded by the court. A written application for a refund of the overpayment must be submitted within thirty (30) days of the overpayment.

**G. In Forma Pauperis.** An order granting an application to proceed in forma pauperis may be revoked and the filing fee paid by the Trustee to the Clerk in the event substantial assets are recovered. If the applicant paid any fees to an attorney or a bankruptcy petition preparer for assistance in the bankruptcy filing, the applicant is not eligible for an in forma pauperis application.

## **RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS**

**A. Lists, Schedules and Statements.** The Lists, Schedules and Statements shall conform to the current [Official Forms](#).

**B. Ownership Statement.** Any artificial entity, other than a governmental unit, that is a debtor shall file a statement that identifies all publicly held entities, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the entity's equity interest, or states that there are no such entities to report. The ownership statement shall be made in a separate Document ([Local Form 1007-1.B](#)) to be filed concurrently with the petition. A supplemental ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

**C. List of Creditors.** The creditor mailing list (“Creditor Matrix”) must comply with the Style Guide for Electronic Filing which is attached hereto as [Appendix A-1](#) of the [ECF Guidelines](#), as may be amended, and with the following formatting requirements:

**1. Addresses.** All addresses must be presented using only postal standard abbreviations as directed by the United States Postal Service in the publication “Postal Addressing Standards.” The two-letter state identifier as prescribed by the United States Postal Service must be used. All addresses must not contain punctuation such as periods or commas; a single space should be used in lieu of punctuation. Zip codes must appear only on the same line as the city and state. Do not place the zip code on a separate line. A hyphen shall be used if a zip+4 code is used.

**2. Print Styles.** The Creditor Matrix must be in 12 pitch and in all upper-case letters. Do not use light, bold, expanded, condensed, script, italics or other types of stylization such as shading.

**3. Single Column.** The Creditor Matrix must be typed in a single column, left justified on a two and one half (2 ½) inch left margin with no less than one (1) inch top and bottom margins.

**4. Spacing.** Each name and address must consist of no more than five total lines, with at least three blank lines between each name and address block.

**5. Character.** Each line must be no more than forty (40) characters in length. No special characters shall be used, except a hyphen in the zip code. A single space shall be used in lieu of special characters.

**6. Attention Lines and Account Numbers.** The person or departments to whom a notice should be routed shall be listed by name on the first line of an address block. Do not include the word “attention” or the phrase “in care of,” or any abbreviation thereof, as part of any line in an address block. Account numbers shall not be included on any line.

**7. Duplicate Addresses.** Do not list any entity twice at the same address, no matter how many accounts with, or claims against, a debtor an entity may have.

**8. Stray Marks and Miscellaneous Information.** Do not place page numbers on any page of the list. Do not print any type of header or title on any page of the list.

**9. Verification.** The mailing list and any amendment thereto must be verified, or accompanied by an unsworn declaration under penalty of perjury, as to its accuracy and completeness, as required by Bankruptcy Rule [1008](#). See [Local Form 1007-1.C](#).

**10. Filing and Uploading.** The Creditor Matrix shall be filed in PDF format with the Petition. The Creditor Matrix must also be uploaded to the ECF System as a “.txt” Document with the petition. Pro se debtors must use the matrix program provided on the Court’s website and/or accessible at the public kiosks in the Clerk’s Office to compile and submit their list of creditors. Failure to timely upload the Creditor Matrix may result in the issuance of an order to show cause why the bankruptcy case should not be dismissed for such failure and setting a twenty-four (24) hour deadline to upload the creditor matrix or the case will be dismissed. Instructions for preparing the Creditor Matrix as a text Document are available on the Court’s website ([www.okwb.uscourts.gov](http://www.okwb.uscourts.gov)).

**11. Amended Matrices.** Any amendment to the Creditor Matrix shall be formatted as specified in this rule. An amended matrix shall include only the newly added or modified creditors. Filers must upload the new or modified creditor information to ECF. Pro se debtors must use the program provided on the Court’s website to upload the new or modified creditor information.

**D. Payment Advices.** Within fourteen (14) days of filing a bankruptcy petition, each individual debtor shall file a “Pay Advice Cover Sheet” ([Local Form 1007-1.D](#)), together with copies of all payment advices or other evidence of payment (such as paycheck stubs, direct deposit statements, employer’s statement of hours and earnings) received from the debtor’s employer within sixty (60) days before the date the debtor filed his/her bankruptcy case. The debtor’s social security number and any identifying account numbers shall be redacted from any pay advices. Self-employed debtors shall file employee income records in the form of income statements (i.e., monthly profit and loss statements). If a debtor has no income or has only social security or other retirement income or is a recipient of public benefits, the debtor shall submit [Local Form 1007-1.D](#), stating such facts. Failure to timely file [Local Form 1007-1.D](#) with supporting documentation shall constitute cause for dismissal of a bankruptcy case without further notice or hearing.

**E. Privacy.** With the exception of the debtor’s Statement of Social Security Number, the debtor and debtor’s counsel shall redact the following personal data identifiers from tax returns or transcripts, bank statements, payment advices and all other Documents before filing: all but the last four digits of the social security number; all names of minor children (use minors’ initials); all but the last four digits of any bank, savings or similar account numbers; and birth date except for the year. Filers shall use a redaction method that permanently removes information from the Document (i.e., Adobe Acrobat’s Redact Tool). The use of text boxes, highlights, or “commenting” tools do not permanently remove information from Documents; therefore, these methods do not meet the requirement that private information be redacted. The responsibility for redacting personal data identifiers rests solely with the debtor and debtor’s counsel. The Clerk will not review Documents for compliance with this rule, seal Documents containing personal data identifiers without a Court order, or redact such information from Documents, whether filed electronically or on paper.

**F. Statement of Social Security Number.** An individual debtor who is not represented by an attorney should submit, not file, a Statement of Social Security Number on the appropriate [Official Form](#) to the Clerk at the time of filing the petition. When a case is filed electronically, the ECF System will allow for the manual input of the full social security number; however, the attorney

of record shall file the Statement of Social Security Number in the ECF System as a separate Document from the petition and file it concurrently with the petition.

**G. Taxing Authorities.** Copies of the list of addresses of taxing authorities shall be made available by the Clerk upon request and are available on the Court's website (<http://www.okwb.uscourts.gov>).

**H. Notice to Trustee.** Any statement of intention respecting surrender or retention of property made under the provisions of 11 U.S.C. § [521\(a\)\(2\)\(A\)](#) must be served on the trustee and all creditors affected, with a certificate or affidavit of service complying with Local Rule [9007-1](#).

#### **RULE 1008-1 VERIFICATION OF PETITION AND ACCOMPANYING PAPERS**

Any petition, list, schedule or statement of financial affairs, or amendment thereto, that is filed more than fourteen (14) days after having been personally signed by the debtor or electronically signed by the debtor and the filing attorney shall be accompanied by a statement, verified by the debtor, or containing an unsworn declaration of the debtor, that no change in circumstances has occurred in the interim. If a Document is notarized, the signature of the notary can be an original handwritten or electronic signature. Additionally, the notary seal or stamp must be visible on the Document or the PDF of the Document.

#### **RULE 1009-1 AMENDMENTS TO LISTS AND SCHEDULES**

**A. Cover Sheet.** All amendments to the petition, statements, lists or schedules must have a cover sheet consistent with [Local Form 1009-1.A](#). The cover sheet must include a representation as to whether the amendment corrects, replaces, or supplements the previously filed Document and an explanation of the revisions being made. Cover sheets shall include the original handwritten or the electronic signature of the filing attorney or the original handwritten signature of the pro se debtor unless the pro se debtor submits the cover sheet electronically in which case an electronic signature is acceptable.

**B. Schedule Amendments.** Each time schedules are amended, an amended summary of schedules and statistical summary must be filed and should include, if applicable, revised amounts and totals to reflect the amendment made.

**C. Signature of Debtor(s).** All amendments must be verified or contain an unsworn declaration of the debtor to the same extent as was required of the original Document.

**D. Additional Filing Fee.** An additional filing fee is required for each amendment to a debtor's Schedules D, E and F, the creditor matrix or list of creditors pursuant to 28 U.S.C. § [1930\(b\)](#), except as set forth in Local Rule [1006-1.B](#).

**E. Notice to Creditors.** If creditors are added to the schedules after the service of the notice of bankruptcy case, meeting of creditors and deadlines, the debtor shall give notice to each additional creditor of the commencement of the case and all applicable bar dates and deadlines and file a certificate or affidavit of service for such notice. See Local Rule [5005-1.D](#).

## **RULE 1015-1 CONSOLIDATION OR JOINT ADMINISTRATION OF CASES**

**A. Deconsolidation Prior to Conversion.** All joint cases, filed pursuant to 11 U.S.C. § [302](#), shall be deconsolidated prior to conversion of the case to another chapter for only one of the joint debtors. Requests for deconsolidation shall be made by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#). The motion shall include in the title “and Notice of Opportunity for Hearing” and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

Deconsolidation shall be effective only upon both entry of an order and payment of any applicable fees.

**B. Joint Administration Orders.** Orders directing joint administration of multiple cases shall provide the surviving case name and number, filing instructions for the parties, directions as to the filing of Documents and claims in the subordinate cases and, where required, instructions for the consolidation of all creditors into the jointly administered case.

## **RULE 1016-1 DEATH OF A DEBTOR**

Attorneys should file a notice as soon as practicable upon the death of a debtor. If not already completed, upon motion and order, the financial management course requirement and the Meeting of Creditors for the deceased debtor, may be waived by the court. The motion shall include in the title “and Notice of Opportunity for Hearing” and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy

Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

## **RULE 1017-1 DISMISSAL OR CONVERSION OF CASES**

Conversion or dismissal of a case, except those conversions pursuant to 11 U.S.C. §§ [1208\(a\)](#) or [1307\(a\)](#), shall be effective only upon entry of an order. Except for conversions of a single debtor in a joint case, conversions pursuant to Sections [1208\(a\)](#) and [1307\(a\)](#) are effective upon filing and service, by debtor, of a notice of conversion. Conversions of a case as to a single debtor in a joint case are affected through the procedures in Local Rule [1015-1](#) and this rule. Any request for conversion, the procedure for which is not specifically set forth in the following subsections of this rule, must be made by motion, filed and served in conformity with Local Rules [9007-1](#) and [9013-1](#).

**A. Conversions from Chapter 7.** A request for conversion of a case from Chapter 7 to Chapter 11, 12 or 13, if by the debtor, must be made by motion accompanied by an affidavit containing facts showing that the case is eligible for conversion under 11 U.S.C. § [706\(a\)](#) and (d). A request for conversion of a case from Chapter 7 to Chapter 11, if by a party in interest, must be by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#).

**B. Conversions from Chapter 11.** A request for conversion of a case from Chapter 11 to Chapter 7, if by a debtor, must be made by motion accompanied by an affidavit containing facts showing that the case is eligible for conversion under 11 U.S.C. § [1112\(a\)](#) and (f). A request for conversion of a case from Chapter 11 to Chapter 7, if by a party in interest or the United States Trustee, must be by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#). A request for conversion of a case from Chapter 11 to Chapter 12 or 13, if by a debtor, must be made by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#).

**C. Conversions from Chapter 12.** Conversion of a case from Chapter 12 to Chapter 7, if requested by a debtor, is effective upon debtor's filing and serving a notice of conversion. Requests for conversion of a case from Chapter 12 to Chapter 7, if by a party in interest, must be made by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#).

**D. Conversions from Chapter 13.** Conversion from Chapter 13 to Chapter 7, if requested by the debtor, is effective upon debtor's filing and, serving forthwith upon the Chapter 13 trustee, a notice of conversion. A request for conversion of a case from Chapter 13 to Chapter 7, if by a party in interest, must be made by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#). All requests for conversion of a case from Chapter 13 to Chapter 11 or 12 must be made by motion, filed and served in conformity with Local Rules [9007-1](#) and [9013-1](#).

**E. Conversion of One Debtor in Joint Cases.** Upon entry of an order granting deconsolidation and payment of the fee required by the Administrative Office of the U.S. Courts,



pursuant to 28 U.S.C. § [1930](#), a request for conversion may then be submitted according to the procedures in the appropriate prior subsection of this rule.

**F. Information Regarding Domestic Support Obligations.** Within fourteen (14) days after the conversion of a case to a case under Chapter 11, 12 or 13, the debtor shall provide the trustee, if a trustee is appointed, with the information required by Bankruptcy Rule [4002](#) and Local Rule [4002-2](#) on [Local Form 4002-2](#).

**G. Requests for Dismissal.** A request for dismissal of any case, except those requests made pursuant to 11 U.S.C. § § [1208](#)(b) and [1307](#)(b), must be made by motion. A request by a debtor for dismissal of a case under Chapter 12 or 13, pursuant to Section [1208](#)(b) or [1307](#)(b), must be made by motion, accompanied by an affidavit containing facts showing that the case has not been previously converted and disclosing any existing arrangement or agreement between the debtor and creditors or any person or entity in connection with the motion for dismissal.

**H. Reconversion.** Reconversion, or a second conversion of a case, must be requested by motion filed and served in accordance with this Rule and Local Rules [2002-1](#) and [9013-1](#).

**I. Notice of Opportunity for Hearing and Notice of Hearing.** A motion to convert or dismiss, except those requests made pursuant to 11 U.S.C. § [1307](#)(b), shall include in the title “and Notice of Opportunity for Hearing and Notice of Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat twenty-one (21) days regardless of the manner of service.]**

#### **NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the \_\_\_\_\_ is Filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK

**73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.**

## **RULE 1019-1 PROCEDURE FOLLOWING CONVERSION TO CHAPTER 7**

**A. Amendment to Creditor List.** In addition to the requirements of Bankruptcy Rule [1019](#), the debtor-in-possession or trustee in a superseded Chapter 11 case, and the debtor in a superseded Chapter 12 or 13 case, shall file an amendment to the creditor matrix reflecting the names and addresses of all unscheduled, unpaid post-petition creditors within fourteen (14) days following the entry of the order converting the case or the filing of a notice of conversion without payment of a filing fee. After expiration of the fourteen (14) day period, the filing fee for amending a list of creditors shall be assessed.

**B. Information Regarding Domestic Support Obligations.** Within fourteen (14) days after the conversion of a case to a case under Chapter 7, the debtor shall provide the trustee with the information required by Bankruptcy Rule [4002](#) and Local Rule [4002-2](#) on [Local Form 4002-2](#).

**C. Final Report.** The Court directs that the Standing Chapter 13 Trustee shall file and transmit to the United States Trustee a final report and account as soon as is practicable after all checks have cleared the bank account maintained by the Standing Chapter 13 Trustee.

## **PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

### **RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

**A. Service By Mail.** When mailing paper copies of Documents that have been electronically filed to parties who are not Registered Participants of the ECF System, the filing party must include a file-stamped copy of the Document in order to provide the recipient with proof of filing. If a party is required to serve notice of a “Text-Only Order” to parties who are not Registered Participants of the ECF System, the party shall send a copy of the Notice of Electronic Filing associated with the “text-only order” to such recipients.

**B. Twenty-One-Day Notices to Parties in Interest.** The proponent or movant shall prepare and serve the notices required by Bankruptcy Rule [2002](#)(a)(2), (3), (4), (5) and (6) unless the action is initiated by the Court, in which event the appropriate notice shall be served by the Clerk unless the Court directs otherwise. The notices required by Bankruptcy Rule [2002](#)(a)(7) shall be given by the Clerk in cases under chapters 7, 12 and 13. In a case under Chapter 11, the notices required by Bankruptcy Rule [2002](#)(a)(7) shall be given by the movant.

**C. Twenty-Eight-Day Notices to Parties in Interest.** The notices required by Bankruptcy Rule [2002](#)(b) shall be given by the proponent of the plan or the party whose disclosure statement is being considered.

**D. Corresponding Response Deadline.** The response deadline for any request for relief identified in Bankruptcy Rule 2002(a) and (b) shall be the period of time required for notice set forth



therein unless a different response time is prescribed by applicable statute, rule or order, in which event such response time shall apply.

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

**F. Other Notices.** The notices required by Bankruptcy Rule [2002](#)(f)(7) shall be given by the proponent of the plan. The notice required by Bankruptcy Rule [2002](#)(f)(8) shall be given by the Chapter 7 trustee.

**G. Certificate or Affidavit of Service of Notices.** Certificates or affidavits of service for notices must be substantially in the form of [Local Form 2002-1.G](#).

1. If all parties who are entitled to receive notice are served electronically by the ECF System, no additional certificate or affidavit of service is necessary.

2. If parties are not listed on the Notice of Electronic Filing as having received electronic service and are entitled to receive notice, the filing party must serve a file-stamped copy of the Document in accordance with the Bankruptcy Rules and either include a certificate or affidavit of service in the Document certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate signed certificate or affidavit of service containing the same information substantially in the form of [Local Form 2002-1.G](#). If a separate certificate or affidavit of service is filed electronically, the certificate or affidavit of service shall specifically identify the Document served (including the docket number) and the docket event shall be linked to the Document served.

## **RULE 2003-2 ENTITY OWNERSHIP STATEMENT – CREDITORS COMMITTEE**

Any entity, other than a governmental unit, that accepts appointment to a committee of creditors shall complete and file a statement identifying any publicly held entity, other than a governmental unit, that directly or indirectly owns ten percent (10%) or more of any class of the entity's equity interest or stating that there are no such entities to report. The entity's ownership statement ([Local Form 1007-1.B](#)) shall be filed within seven (7) days of an appointment to a committee. A supplemental entity ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

## **RULE 2004-1 EXAMINATIONS**

**A. Leave of Court.** Leave of court to examine any entity pursuant to Bankruptcy Rule [2004](#) must be requested by motion under Bankruptcy Rule [9013](#) and Local Rule [9013-1](#). The motion shall include in the title "and Notice of Opportunity for Hearing," and immediately below the title shall contain the following statement:

## NOTICE OF OPPORTUNITY FOR HEARING

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

**B. Agreed Examinations.** If the entity requesting the examination certifies in a written application that notice of the proposed examination has actually been communicated to the entity to be examined, and that there is no objection to the examination as proposed, an order authorizing the examination may be submitted *ex parte* under Local Rule [9013-1.L.5](#). Examinations pursuant to Bankruptcy Rule [2004](#) may also be taken by agreement, in which event no order shall be required.

## RULE 2014-1 EMPLOYMENT OF PROFESSIONALS

Motions and applications for employment made pursuant to Bankruptcy Rule [2014](#) shall be filed and served in accordance with Local Rule [9013-1](#). Any terms for post-petition retainer must be set forth in the motion and payment of same pursuant to Local Rule [2016-1](#). The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

## NOTICE OF OPPORTUNITY FOR HEARING

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

## **RULE 2015-1 DUTIES OF TRUSTEES AND DEBTORS-IN-POSSESSION TO KEEP RECORDS, MAKE REPORTS, AND GIVE NOTICE**

**A. Chapter 7 Cases.** The Chapter 7 trustee must submit in each Chapter 7 case such reports as required by the United States Trustee.

**B. Chapter 11 Cases – Pre-confirmation.** The monthly operating reports must be prepared using the applicable forms provided on the United States Trustee’s website at (<https://www.justice.gov/ust/ust-regions-r20>) and at the time required by the United States Trustee. Monthly operating reports shall be signed by the debtor or trustee under penalty of perjury and be submitted (but not signed) by counsel.

**C. Chapter 11 Cases – Post-confirmation.** The debtor-in-possession, trustee or any other agent named in the confirmed plan to oversee consummation thereof in a case under Chapter 11 shall submit such reports as may be required by the United States Trustee and/or the Court.

**D. Chapter 12 Cases.** The debtor shall sign, and file verified reports and summaries of the business operations, including farming or fishing operations, if applicable, in the form required by the Court, trustee, or the United States Trustee. Within fourteen (14) days after the filing of the petition, the debtor must file a report and summary of business operations for the calendar month preceding the month in which the case is filed. The debtor shall file monthly reports on or before the 15th day of each succeeding month covering the business operations for the preceding calendar month.

**E. Chapter 13 Cases.** The Standing Chapter 13 Trustee must submit in each Chapter 13 case such reports as required by the United States Trustee.

**F. Records Retention.** All trustees and debtors-in-possession must retain all records pertaining to a case for a period of not less than two (2) years after the case is closed, or for such longer period as may be required by any applicable provision of the Internal Revenue Code.

## **RULE 2016-1 COMPENSATION OF PROFESSIONALS**

**A. Retainers.** In Chapter 9, 11 and 12 cases, attorneys and accountants shall deposit into a trust account all retainer funds received from the debtor pre-petition that had not been earned and applied pre-petition. No retainer funds shall be withdrawn without an order of the Court. Pre-petition and any post-petition retainer funds in Chapter 13 cases are governed by the procedures governing Chapter 13 cases ([Appendix C](#)). Pre-petition and any post-petition retainer funds in Chapter 11 cases are governed by the procedures governing Chapter 11 cases ([Appendix D](#) as it relates to Subchapter V cases) and the United States Trustee’s Guidelines available at <https://www.justice.gov/ust/fee-guidelines>.

**B. Fee Applications.** All fee applications must substantially comply with the United States Trustee’s Guidelines for Reviewing Applications for Compensation & Reimbursement of Expenses filed under 11 U.S.C. § [330](#) unless otherwise authorized, except as provided by Local Rule [9013-1.H.5](#) by the Court or the United States Trustee. The United States Trustee’s Guidelines are available at <https://www.justice.gov/ust/fee-guidelines>

**C. Notice of Opportunity for Hearing and Notice of Hearing.** A motion or application for compensation and reimbursement of expenses shall include in the title “and Notice of Opportunity for Hearing and Notice of Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat twenty-one (21) days regardless of the manner of service.]**

#### **NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

### **PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

#### **RULE 3001-1 PROOFS OF CLAIM**

**A. Format.** Proofs of claim must comply substantially with the applicable [Official Form](#). Any supporting Documents attached to a proof of claim shall be limited to no more than a total of fifty (50) single-sided pages exclusive of the [Official Form](#). Supporting Documents in excess of fifty (50) pages attached to electronically filed proofs of claim shall be disregarded by the Court. For paper-filed proofs of claim, the Clerk shall detach those pages exceeding fifty (50) and dispose of them without further notice. Originals of supporting Documents should not be attached to proofs of claim. The paper used for attachments shall be white, letter sized (8 ½” x 11”), and of standard weight. Should attachments and exhibits exceed a total of fifty (50), single-sided pages, the filer must attach a

summary of the Documents less than fifty (50) pages in lieu of attaching the Documents to the proof of claim. Attachments shall not include colored ink or images.

**B. Change of Address.** A creditor that has filed a proof of claim must file an amended proof of claim using the most current [Official Form](#) to effectuate a change of either the address to which notices should be sent, or the address to which payments should be sent.

**C. Transfer of Claims.** When a claim is transferred pursuant to Bankruptcy Rule [3001](#)(e)(2) or (e)(4), the notice of transfer of claim shall include the claim number assigned by the Clerk to the original proof of claim for which the transferee shall be substituted for the transferor. Transfers that do not correctly or sufficiently identify a claim will not be processed or docketed by the Clerk.

#### **RULE 3002-1 FILING PROOFS OF CLAIM**

**A. Mandatory Electronic Filing.** All proofs of claim or interest shall be filed electronically except for those filed by a creditor or interest holder not represented by counsel. Counsel not admitted to practice in this district shall register as an “ECF Limited Participant” in order to file proofs of claim with the Court.

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

#### **RULE 3003-1 FILING PROOFS OF CLAIM IN CHAPTER 9 OR CHAPTER 11**

In a Chapter 9 or 11 case, the debtor-in-possession or trustee, if one is appointed, shall file an application for an order fixing the time within which proofs of claim or interest must be filed and shall serve the order fixing the time within which to file proofs of claim or interest on the debtor, the trustee, all creditors, indenture trustees, equity security holders, and all persons requesting notice in the case.

#### **RULE 3004-1 FILING OF CLAIMS BY DEBTOR OR TRUSTEE**

A debtor or trustee filing a proof of claim in the name of a creditor shall concurrently file a separate notice of filing claim and serve, pursuant to Local Rule [9007-1](#), file-stamped copies of both the notice and the claim upon the affected creditor(s), and as appropriate, the debtor or trustee.

#### **RULE 3007-1 OBJECTIONS TO CLAIMS**

**A. Proofs of Claims.** Bankruptcy Rule [3007](#) applies to objections to proofs of claims.

**B. Filing and Service of Objections.** Any entity objecting to any claim shall file a written objection. The title of the written objection shall include Objection to Claim No. \_\_\_\_\_, filed by \_\_\_\_\_, Notice of Opportunity for Hearing, and Notice of Hearing. The objection shall be served upon the claimant, the debtor or debtor-in-possession and the trustee, and a certificate or affidavit of service shall be filed with the Court pursuant to Local Rule [9007-1](#).

**C. Content of Objection; Notice of Opportunity for Hearing; Notice of Hearing.** The written objection shall include the following: (1) the claimant and claim number; (2) the basis of the objection and legal authority therefor; (3) at least thirty-three (33) days' notice of the hearing on the objection, as required by Bankruptcy Rule [3007](#); (4) notice that responses to the objection must be filed within fourteen (14) days; (5) a statement that a failure to timely respond may result in the objection being sustained by the Court without further notice or hearing pursuant to Local Rule [9013-1.E](#); and (6) a notice of hearing (to be held if a response is filed). The title of any objection to a claim shall include in the title "Objection to Claim No. \_\_\_, filed by \_\_\_\_\_, Notice of Opportunity for Hearing and Notice of Hearing," and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to sustain the objection, or you wish to have your views considered, you must file a written response to the objection with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the objection. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court. If no response is timely filed, the court may sustain the objection and strike the scheduled hearing without further notice.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

#### **NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)**

**Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.**

**D. No Response.** If a timely response to a claim objection is not filed and served within fourteen (14) days after the objection is filed, the objecting party shall upload a proposed order to the Court, pursuant to the [ECF Guidelines](#) and shall notify the Court that the hearing on the objection may be stricken. [Note – this is a flat fourteen (14) days regardless of manner of service.]

**E. Omnibus Objections to Claims.** Leave to file omnibus objections to claims may be granted pursuant to application and order of the Court.

#### **RULE 3008-1 CLAIMS – RECONSIDERATION**

Bankruptcy Rule [3008](#) applies to proofs of claims.

#### **RULE 3010-1 DIVIDENDS**

**A. DeMinimus Distributions.** Chapter 12 and 13 trustees may distribute payments in amounts less than \$15.00 to creditors without order of the Court.

**B. Satisfaction of Claim.** Upon satisfactory proof to the Chapter 12 or 13 trustee that a claim is fully satisfied, the payments that would have otherwise been made on that claim may be distributed by the trustee to holders of other allowed claims provided for by the confirmed plan without requiring modification of the plan.

#### **RULE 3011-1 UNCLAIMED FUNDS**

**A. Disposition of Unclaimed Funds.** Any person or entity, or the legal representative or agent of any person or entity, may make a claim for funds which are ordered to be paid to that person or entity from a bankruptcy estate but were not paid. A request for the release of unclaimed funds pursuant to 28 U.S.C. § [2042](#) shall be made by completing and filing an application for payment of unclaimed funds on [Local Form 3011-1](#) which shall contain full proof of the right to payment of such funds. The request must be served on the United States Attorney for the Western District of Oklahoma. If no response or objection has been filed within fourteen (14) days from the date of filing of the application, an application which provides sufficient documentation to establish the identity of the claimant and the authority of the applicant to make a claim may be approved without a hearing. The Court, in its discretion, may set a hearing and/or require such additional evidence before issuing an order granting the application. All indications of fraud will be referred to the United States Attorney for the Western District of Oklahoma.

**B. Deposit of Unclaimed Funds.** Trustees shall remit both fees owed by the estate and unclaimed funds to the Court as Automated Clearing House (ACH) transactions.

#### **RULE 3012-1 VALUATION OF COLLATERAL**

**A. Chapter 11 Cases.** In Chapter 11 cases, motions to determine the value of secured claims shall be filed separately in accordance with Local Rule [9013-1](#) and shall not be incorporated into the plan or any plan confirmation objection. The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

##### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written



response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

**B. Chapters 12 and 13 Cases.** In Chapter 12 and 13 cases, motions to determine the value of secured claims shall be governed by [Appendix B](#) and [Appendix C](#), respectively, annexed hereto.

#### **RULE 3015-1 FILING, OBJECTION TO CONFIRMATION, AND MODIFICATION OF A PLAN IN CHAPTER 12 OR CHAPTER 13**

**A. Chapter 12.** Procedures and guidelines concerning cases under Chapter 12 are set forth in General Order No. 24-05, annexed hereto as [Appendix B](#), which order shall be subject to amendment from time to time.

**B. Chapter 13.** Procedures and guidelines concerning cases under Chapter 13 are set forth in General Order No. 24-06, annexed hereto as [Appendix C](#), which order shall be subject to amendment from time to time. [Local Form 3015-1](#) serves as the form Chapter 13 Plan.

#### **RULE 3018-1 BALLOTS – VOTING ON PLANS**

**A. Ballots Not Filed.** Ballots received in connection with confirmation of a Chapter 9 or 11 plan of reorganization shall not be filed with the Clerk except as directed by an order of the Court. Chapter 9 and Chapter 11 plan proponents must prepare and file a summary of ballots no later than three (3) business days before the hearing on confirmation of the plan. The tabulation shall include the numbers and percentages of acceptances and rejections of each impaired class, and whether each such impaired class is deemed to accept or reject the plan.

**B. Original Ballots.** The plan proponent shall have the original ballots present at the hearing on confirmation of a plan of reorganization. The ballots may be introduced into evidence upon request of the Court or a party in interest.

#### **RULE 3022-1 FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE**

In a Chapter 11 case, the debtor-in-possession or trustee must file and serve a final report and a motion for entry of final decree ([Local Form 3022-1](#)) as soon as practicable after entry of an order confirming a plan of reorganization. Local Rules [9013-1](#) and [9014-1](#) apply to motions for entry of a final decree.



## **PART IV. THE DEBTOR: DUTIES AND BENEFITS**

### **RULE 4001-1 AUTOMATIC STAY; ABANDONMENT; USE, SALE OR LEASE OF PROPERTY; USE OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS**

**A. Relief from the Automatic Stay of 11 U.S.C. § 362(a).** A motion for relief from the automatic stay of 11 U.S.C. § [362](#)(a) shall be clearly designated as such in the title of the Document. Failure to do so may be deemed by the Court to be a waiver of the benefits of an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § [362](#)(e). The filing party and/or filing attorney shall pay all necessary filing fees for a motion for relief from the automatic stay.

**B. Waiver of Fourteen (14) Day Stay Under Bankruptcy Rule 4001.** If movant seeks a waiver of the fourteen (14) day stay under Bankruptcy Rule [4001](#)(a)(3), such request must be clearly designated in the title of the Document and must show cause why such waiver should be granted.

**C. Motions Seeking Relief in Addition to Relief from the Automatic Stay of 11 U.S.C. § 362(a) and Abandonment of Property.** Where a motion for relief from the automatic stay of 11 U.S.C. § [362](#)(a) and abandonment of property includes a request for additional relief other than abandonment of property or adequate protection, such request shall constitute a waiver of the right to an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § [362](#)(e).

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

**E. Notice of Motions Under 11 U.S.C. § 554.** If a motion requests abandonment, whether separately or combined with a request for relief under 11 U.S.C. §§ [362](#), [363](#), [364](#) or [365](#), the motion shall be served on all creditors pursuant to Bankruptcy Rule [6007](#) unless an order limiting notice is entered by the Court.

**F. Relief from the Co-Debtor Stay.** A motion for relief from the co-debtor stay provided by 11 U.S.C. §§ [1201](#)(a) or [1301](#)(a) shall be designated as "Motion for Relief from Co-Debtor Stay." Failure to do so may be deemed a waiver of the benefit of automatic termination of the stay upon the conditions stated in 11 U.S.C. §§ [1201](#)(d) and [1301](#)(d). The motion, providing a twenty (20) day notice for objections, shall be served upon the debtor, the debtor's counsel, the trustee, any individual that is liable on the debt with the debtor (i.e., a co-debtor), and all parties in interest who have requested notice in the case.

**G. Hearing on Motion for Relief from Automatic Stay or Co-Debtor Stay.** If a motion for relief from the automatic stay or the co-debtor stay is opposed, it is the duty of the party opposing the motion to promptly notify the Courtroom Deputy Clerk of the appropriate Bankruptcy Judge of the need for a hearing pursuant to 11 U.S.C. § [362](#)(e), and the opposing party must give notice of the hearing to all interested parties.

**H. Applicability of Local Rules 9013-1 and 9014-1.** Local Rules [9013-1](#) and [9014-1](#) apply to motions filed pursuant to 11 U.S.C. §§ [362](#), [363](#) and [364](#) and Bankruptcy Rule [4001](#). The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

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

**J. Continuation of the Automatic Stay.** A motion for continuation of the automatic stay under 11 U.S.C. § [362](#)(c)(3)(B) shall be filed within seven (7) days of the filing of the petition. The debtor shall serve such motion on all creditors to be stayed, the United States Trustee, the trustee, counsel for any official committee (or if no committee has been approved in a Chapter 11 case, upon the list of 20 largest unsecured creditors), and all holders of liens on and interests in any property to be affected by the stay. An affidavit or verification from debtor(s) shall be filed with any motion for continuation of the automatic stay. It is the duty of the party filing the motion to promptly notify the Courtroom Deputy Clerk of the appropriate Bankruptcy Judge of the need for a hearing pursuant to 11 U.S.C. § [362](#)(c)(3)(B). Failure to comply with this rule may result in denial of the motion without further notice or a hearing. The motion shall include in the title “and Notice of Opportunity for Hearing and Notice of Hearing,” and immediately below the title shall contain the following statement:

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or

you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

**NOTICE OF HEARING  
(TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

**K. Imposition of the Automatic Stay.** A motion for imposition of the automatic stay under 11 U.S.C. § 362(c)(4)(B) shall be filed within thirty (30) days of the filing of the petition. The debtor shall serve such motion on all creditors to be stayed, the United States Trustee, the trustee, counsel for any official committee (or if no committee has been approved in a Chapter 11 case, upon the list of 20 largest unsecured creditors), and all holders of liens on and interests in any property to be affected by the stay. An affidavit or verification from debtor(s) shall be filed with any motion for imposition of the automatic stay. It is the duty of the party filing the motion to promptly notify the Courtroom Deputy Clerk of the appropriate Bankruptcy Judge of the need for a hearing pursuant to 11 U.S.C. § 362(c)(4)(B). Failure to comply with this rule may result in denial of the motion without further notice or a hearing. The motion shall include in the title “and Notice of Opportunity for Hearing and Notice of Hearing,” and immediately below the title shall contain the following statement:

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

[Note – this is a flat fourteen (14) days regardless of the manner of service.]

**NOTICE OF HEARING  
(TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

**RULE 4002-1 DEBTOR DUTIES – CHANGE OF ADDRESS**

A debtor must notify the Court of any change in physical or mailing address by filing and serving in accordance with Local Rule [9007-1](#), a notice of address change in each such case and proceeding. Address changes shall not be accepted or effected by any other means. See [Local Form 9010-1.H](#).

**RULE 4002-2 DEBTOR DUTIES - DOMESTIC SUPPORT OBLIGATION**

Within fourteen (14) days after the filing of the schedules and statements under Bankruptcy Rule [1007\(b\)\(1\)](#), an individual debtor in a case under Chapter 7, 11, 12 or 13 with any domestic support obligation (as defined in 11 U.S.C. § [101\(14A\)](#)) shall provide to the trustee on [Local Form 4002-2](#) the following information regarding any domestic support obligations: (1) the name, address and telephone number of all domestic support obligation claimants; and (2) the current name and address of the debtor’s employer. The debtor shall notify the trustee of any changes in such information until the debtor’s discharge is granted or denied. The obligation to complete and transmit [Local Form 4002-2](#) is in addition to, and not in lieu of, full and accurate completion and filing of Schedule E with respect to domestic support obligations. If the debtor is unable to obtain the information to complete [Local Form 4002-2](#), the debtor must file an affidavit so stating and detailing the steps taken to obtain such information.

**RULE 4003-1 EXEMPTIONS**

**A. Objection to Claim of Exemption.** Objections to claims of exemption must comply with Bankruptcy Rule [4003\(b\)](#). Additionally, the pleading shall include in the title “and Notice and Opportunity for Hearing and Notice of Hearing,” and immediately below the title shall contain the following statement:

## NOTICE OF OPPORTUNITY FOR HEARING

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to sustain the objection, or you wish to have your views considered, you must file a written response to the objection with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the objection. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court. If no response is timely filed, the court may sustain the objection and strike the scheduled hearing without further notice.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

### NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)

Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

**B. Response to Objection.** A response to an objection to a claim of exemption must be filed within fourteen (14) days after the date the objection was filed. [Note – this is a flat fourteen (14) days regardless of manner of service.]

**C. No Response.** If a timely response to an exemption objection is not filed and served within fourteen (14) days after the objection is filed, the objecting party shall upload a proposed order to the court, pursuant to the [ECF Guidelines](#), and shall notify the Court that the hearing on the objection may be stricken. [Note – this is a flat fourteen (14) days regardless of manner of service.]

**D. Motion to Avoid Lien.** A separate motion under Bankruptcy Rule [4003](#)(d) shall be filed with respect to each creditor that holds a lien on exempt property that the debtor seeks to avoid pursuant to 11 U.S.C. § [522](#)(f). These motions shall be filed separately in accordance with Local Rule [9013-1](#), shall not be incorporated into a Chapter 11, 12 or 13 plan and shall be served pursuant to Bankruptcy Rules [9014](#)(b) and [7004](#). If an objection to a claim of exemption is timely filed, entry of an order on any motion to avoid a lien on the property claimed to be exempt shall be delayed until after entry of an order resolving the objection to the exemption claim. Further, if a discharge has not been entered, the order shall provide that the lien shall be avoided upon entry of discharge. The motion

to avoid lien shall include in the title, the name of the creditor “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

### **RULE 4008-1 REAFFIRMATION**

All Reaffirmation Agreements and Reaffirmation Agreement Cover Sheets shall substantially conform to the applicable [Official Forms](#) and must be complete. The Court, in its discretion, may strike a reaffirmation agreement, without notice or hearing, that is incomplete or has been incorrectly completed.

## **PART V. COURTS AND CLERKS**

### **RULE 5001-1 COURT’S AND CLERK’S OFFICES**

**A. Terms of Court.** The Court will be in continuous session at Oklahoma City for the transaction of judicial business on all business days throughout the year.

**B. Location of Court.** The principal offices of the Court are located in the Old Post Office Building, 215 Dean A. McGee Avenue, Room 147, Oklahoma City, Oklahoma 73102.

**C. Paper Filings.** This Court requires that filings by attorneys be made electronically. New cases in paper format filed by pro se debtors are accepted in the Clerk’s office between 8:30 a.m. and 4:00 p.m. All other Documents submitted by individuals not represented by an attorney are accepted for manual filing until 4:30 p.m. in the Clerk’s Office and until 5:00 p.m. in the designated drop box outside the Clerk’s Office. Electronic filings are accepted twenty-four (24) hours a day, seven (7) days a week unless electronic filing is disrupted by an emergency or periodic maintenance. If a filing cannot be timely submitted because of a technical failure, the pleading or Document may be filed at the Clerk’s Office or, with prior permission, emailed as a PDF to the Clerk’s Office.

**D. Public Website.** The Court maintains a public website, which contains extensive information beneficial to the public, at [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov).



**E. Other Locations.** Hearings may be conducted by the judges of the Court in other locations within the district in any cases or proceedings where the Court finds, either on its own motion or upon motion of any party, that the interests of justice or the convenience of the parties or witnesses will be best served. See 28 U.S.C. § [152](#)(b)(1).

## **RULE 5003-1 CLERK – GENERAL**

**A. Exhibits.** Exhibits will not be docketed. Original exhibits received into evidence can be retrieved from the custody of the Clerk before final disposition of the case or proceeding only on application and order of the Court. Original exhibits not retrieved within sixty (60) days following final disposition of a case or proceeding may be destroyed or otherwise disposed of by the Clerk.

**B. Official Mailing List.** The Clerk shall maintain, and update as necessary, the official mailing list for each bankruptcy case which shall include: (1) the name and address of the debtor, the debtor's counsel, the trustee, the United States Trustee, and any members of any official committee appointed in the case, and its counsel; (2) the names and addresses of all persons or entities on the creditor list as it may be amended; (3) the names and addresses of all persons or entities on the equity security holders list as it may be amended, if applicable; (4) the names and addresses of all persons or entities who file an entry of appearance and request for notice in the case; (5) the names and addresses of creditors who file a proof of claim in the case; and (6) the names and addresses of interest holders who file a proof of interest in the case. This listing shall be known as the "Official Mailing List," which can be found in the CM/ECF system via *Utilities > Mailings > Mailing Info for a Case*.

**C. Redaction of Transcripts.** In compliance with the policy of the Administrative Office of the U.S. Courts, transcripts produced of court proceedings shall be made available to the public electronically.

**1. Notice of Filing.** The Clerk shall notify all parties in attendance at a hearing of the filing of a transcript and the deadlines to file the notice of intent to request redaction, the request for redaction, the redacted transcript filing date and the release of transcript date.

**2. Redaction of Information.** Access to electronic transcripts filed with the Court will be initially restricted for a period of ninety (90) days (the "Inspection Period") to permit court users and case participants to request redaction of personally identifiable data in accordance with the following procedures. Personally identifiable data includes (i) Social Security numbers; (ii) financial account numbers; (iii) names of minor children; (iv) dates of birth; and (v) home addresses.

**3. Responsibility for Redaction.** Parties wishing to review transcripts for possible redaction shall be responsible to monitor the docket for the filing of the transcripts. Neither court reporters/transcriptionists nor the Court shall be responsible to identify a need for or to redact information. The Clerk is not required to review transcripts filed with the Court to determine compliance with this rule. The responsibility for redacting transcripts rests solely with counsel and the parties to an action, including pro se parties. The parties to a hearing remain responsible

for redaction procedures even if the entity ordering the transcript is a Judge or a member of the public.

**4. Transcripts Restricted.** The ECF System event for filing of transcripts shall automatically restrict access to transcripts filed with the Court to hearing participants, Clerk's office public terminal users and Court staff. The transcript may be viewed by the public only at a public terminal at the office of the Clerk. The transcript may not be copied or printed by the Clerk for a customer during the Inspection Period. A permanent header shall appear on the transcript stating that the transcript is AVAILABLE AT THE PUBLIC TERMINAL FOR VIEWING ONLY.

**5. Notice of Filing Transcript.** Parties shall request redaction of personally identifiable data from a transcript by filing a Notice of Intent to Request Redaction with the Clerk within seven (7) business days of the filing of the official transcript by the court reporter/transcriptionist. A file-stamped copy of the notice shall be served on the court reporter/transcriptionist by the attorney or party filing the notice.

**6. Request for Redaction.** If a Notice of Intent to Request Redaction is filed within seven (7) days of the filing of the official transcript, the transcript shall not be made available electronically to the public until redaction is completed. After filing a Notice of Intent to Request Redaction, the filer has twenty-one (21) calendar days following the filing of the official transcript, to file a Request for Redaction. The Request for Redaction shall include a statement indicating the location of personally identifiable data within the transcript. The statement shall include the name of the person giving testimony to be redacted, the transcript page number, and the line number of the transcript where the personally identifiable data appears. The Request for Redaction shall be served on the court reporter/transcriptionist. The Request for Redaction shall be a private event. Only Court users may view the Request for Redaction.

**7. Failure to Meet Deadline.** If an attorney or party files a Notice of Intent to Request Redaction but fails to file a timely Request for Redaction or an Application to Extend Time for Redaction, no redaction will be made and the unredacted transcript shall be publicly available after the expiration of the ninety (90) day inspection period.

**8. Response or Objection to Request for Redaction.** Nothing in this rule shall prohibit an attorney or party from responding to or objecting to a Request for Redaction. However, the filing of a response or an objection shall not extend any deadline periods.

**9. Redaction of Information.** The court reporter/transcriptionist shall redact the following personally identifiable data from the electronic transcript as follows:



- (i) Social Security numbers to the last four digits;
- (ii) Financial account numbers to the last four digits;
- (iii) Names of minor children to the initials;
- (iv) Dates of birth to the year; and
- (v) Home addresses to the city and state.

**10. Filing of Redacted Transcript.** The redacted transcript must be filed within thirty-one (31) days from the date the transcript was originally filed with the Clerk, unless otherwise ordered by the Court.

**11. Unredacted Transcript.** After the filing of a redacted transcript, the original unredacted electronic transcript shall be retained by the Clerk as a private Document. The unredacted transcript shall not be available for inspection or printing unless otherwise ordered by the Court.

**12. Expiration of Inspection Period.** After the ninety (90) day inspection period has expired and no redaction requests are pending, an unredacted transcript shall be available for inspection and copying in the office of the Clerk or for downloading from the ECF System. Restricted access to the transcript shall be removed by Court staff.

**13. PACER fees.** Fees will be assessed to access the transcript via the ECF System. Charges for transcripts are not capped at thirty (30) pages. Fees will be assessed for each look at the transcript. A free look or copy will not be available. Fees will be assessed even if the attorney or party has previously purchased a copy of the transcript.

**14. Redaction of Other Information.** Requests for redaction of personally identifiable data other than the data specified in these Local Rules or additional requests for redaction of transcripts must be submitted as a motion to restrict personal information pursuant to Bankruptcy Rule [9037](#)(d) and (h). Such motion to restrict personal information shall be filed within twenty-one (21) calendar days of the filing of the official transcript. The motion to restrict personal information shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written

response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat twenty-one (21) days regardless of the manner of service.]**

The electronic transcript shall not be made publicly available until an order resolving the motion is issued by the Court.

## **RULE 5005-1 FILING REQUIREMENTS**

**A. Electronic Filing and Limited Exceptions.** All Documents submitted to the Clerk for filing, regardless of where or when the case or proceeding was originally commenced, shall be filed electronically pursuant to these Local Rules and the [ECF Guidelines](#), annexed hereto as [Appendix A](#). The foregoing shall not apply to (1) Documents filed by a pro se party; (2) proofs of claim or interest filed by the claimant or interest holder not represented by an attorney; or (3) reaffirmation agreements if neither party to the agreement is represented by counsel. If Documents are manually filed, the Clerk shall scan and upload the images to the ECF System. Items described in subsection (2) and (3) above may be filed electronically. The electronic filing of a Document in accordance with these Local Rules and the [ECF Guidelines](#) shall constitute entry of that Document on the docket kept by the Clerk under Bankruptcy Rule [5003](#). Pro se debtors can use [Electronic Self-Representation \(eSR\)](#) to file a petition and related documents electronically, and individuals not represented by an attorney can use the [Electronic Document Submission System \(EDSS\)](#) to file documents electronically.

**B. Filing Fee.** See Local Rule [1006-1](#).

**C. Registration.** Each attorney must register with the Court in accordance with the procedures set forth in the [ECF Guidelines](#) in order to file Documents electronically. Registered participants must obtain a login and password from PACER prior to registering with the Court to file documents electronically. Registered participants of the ECF System shall be responsible for maintaining current contact information in the ECF System. Failure to maintain current mailing addresses, email addresses and telephone numbers will result in deactivation of the attorney's ECF System login. The Court reserves the right to temporarily deactivate an electronic filer's login for failure to comply with the Local Rules, the [ECF Guidelines](#) and the user's electronic filer agreement and for failure pay filing fees. The Court also reserves the right to revoke an attorney's authority to file electronically, after notice and hearing, when an attorney has failed to comply with the Local Rules, the [ECF Guidelines](#) and the user's electronic filer agreement or has misused the ECF System.

**D. Certificate or Affidavit of Service of a Document.**

1. If all parties who are entitled to receive notice are served by the ECF System, no separate certificate or affidavit of service is necessary. The Notice of Electronic Filing created by the ECF System serves as the certificate or affidavit of service of a Document served electronically.

2. For parties not listed on the Notice of Electronic Filing who are entitled to receive notice and parties who are entitled to service pursuant to Bankruptcy Rules [9014\(b\)](#) and/or [7004](#), the party serving notice shall either include a certificate or affidavit of service in the Document certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate certificate or affidavit of service containing the same information. If a separate certificate or affidavit of service is filed, the certificate or affidavit of service shall specifically identify the Document served and the docket number and the docket entry shall relate the certificate or affidavit of service to the Document served by docket number. See [Local Form 2002-1.G](#).

**E. Privacy.** A party filing a Document shall redact the following personal data identifiers appearing in any Document filed with the Court: names of minor children (use minors' initials); all but the last four digits of any bank, savings or similar financial account numbers; all but the last four digits of any social security number; and all birth date information except the year. Filers shall use a redaction method that permanently removes information from the Document (i.e., Adobe Acrobat's Redact Tool). The use of text boxes, highlights, or "commenting" tools do not permanently remove information from Documents; therefore, these methods do not meet the requirement that private information be redacted. The responsibility for redacting personal identifiers rests solely with the filing party. **THE CLERK WILL NOT REVIEW DOCUMENTS FOR COMPLIANCE WITH THIS RULE, SEAL DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS WITHOUT A COURT ORDER OR REDACT SUCH INFORMATION FROM DOCUMENTS.**

**F. Documents Under Seal.** An order approving a motion to file a Document under seal shall (i) state that the record shall be sealed permanently (subject to an application and order granting a party in interest access to the sealed Document for good cause); (ii) specify a date when the order shall be vacated; or (iii) specify a date certain when the Court shall consider vacating the order. An order approving a motion to file a Document under seal must specifically state it is based upon representation of the moving party. Once an order has been obtained approving the filing under seal, the Document may be filed under seal by delivering the Document to be sealed to the Clerk. A cover sheet must be attached to the Document being filed under seal that includes a caption in accordance with Local Rule [9004-1.A](#) and the title of the Document being filed under seal. In addition, the cover sheet must contain the related docket numbers of the motion and order and the following statement in bold, "DOCUMENT TO BE FILED UNDER SEAL." The Clerk will docket the Document so that only the filing details and Document title will appear on the docket sheet. Any sealed Document must include an original handwritten signature. See Local Rule [1001-1.I](#).

**G. Case Assignment - Random Selection.** The division of cases will be made pursuant to workload parity guidelines established by the Judges. Case assignment will be made using a nonpublic system of rotation established and monitored by the Clerk. When a case is converted to a

Chapter 13 case, the Clerk is directed to enter a text order reassigning the case to the Judge hearing all Chapter 13 cases. When a case is converted from a Chapter 13 case, the Clerk is directed to enter a text order reassigning the case randomly.

**H. Assignment of Related Cases.** A case which is related to a previously filed petition shall be assigned to the Judge to whom the previously filed petition was assigned unless the subsequent case is a Chapter 13 case, in which case it shall be assigned to the Judge hearing Chapter 13 cases.

**I. Repeat Filings.** If the debtor has filed a bankruptcy case in the previous eight years, the Clerk shall reassign the case to the Judge to whom the previous bankruptcy case was assigned unless the case is a Chapter 13 case, in which case it shall be assigned to the Judge hearing Chapter 13 cases.

**J. Judicial Recusal or Disqualification.** If a Judge recuses, disqualifies, or is disqualified from hearing a case, the Judge will enter an order noting the recusal or disqualification and directing that the case be returned to the Clerk for random reassignment to another Judge. If all Judges have recused or have been disqualified from hearing a case, the Chief Bankruptcy Judge will request that the Chief Judge of the United States Court of Appeals for the Tenth Circuit assign a Bankruptcy Judge from another district to hear and decide the case.

#### **RULE 5007-1 INTERPRETERS; SERVICES FOR PERSONS WITH COMMUNICATIONS DISABILITIES**

Except for proceedings initiated by the United States or for those persons with communication disabilities, the Court shall not provide interpreters or other accommodation. An interpreter provided by any party must provide evidence of Federal or State certification.

#### **RULE 5010-1 REOPENING CASES**

Reopening of a case shall be effective only upon both entry of an order and payment of any applicable fees. Requests to reopen a case must be made by motion filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#). Should the motion be contested, Local Rules [9014-1](#) and [9017-1](#) shall apply. It shall not be necessary to reopen a closed case in order to redact personally identifiable information therein. All orders reopening Chapter 7, 12 and 13 cases shall state whether the moving party requests that the United States Trustee appoint a trustee. A motion to reopen shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the

response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

#### **RULE 5011-1 WITHDRAWAL OF REFERENCE**

A motion for withdrawal of the reference of a case or proceeding pursuant to Bankruptcy Rule [5011](#)(a) and responses thereto shall be filed with the Clerk with payment of all filing fees or other payment requirements and in accordance with LCvR 81.4(b), [Local Civil Rules](#) of the United States District Court for the Western District of Oklahoma. Unless otherwise ordered by the Court, a motion for withdrawal shall not toll, suspend or otherwise change the time period for filing responsive Documents in pending matters. The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

##### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

#### **RULE 5011-2 ABSTENTION**

Unless otherwise ordered by the Court, a motion for abstention shall not toll, suspend, or otherwise change the time period for filing responsive Documents in pending matters. The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

##### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee

Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

## **RULE 5020-1 MISCELLANEOUS PROCEEDINGS**

Upon notice served on all parties in interest at least fourteen (14) days prior to the proposed closing, the Clerk shall close a miscellaneous proceeding in which there has been no filing(s) during the proceeding sixty (60) days, provided that a miscellaneous proceeding may be reopened by order of the Court.

## **PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE**

### **RULE 6004-1 SALE OF ESTATE PROPERTY**

#### **A. Notice of Use, Sale, or Lease of Property Not in the Ordinary Course of Business**

1. Local Rule [9013-1](#) does not apply to a notice of proposed use, sale, or lease of property made pursuant to Bankruptcy Rule [6004](#)(a).

2. The notice of proposed use, sale, or lease of property not in the ordinary course of business shall include the information set forth in Bankruptcy Rule [2002](#)(c)(1). If a date of the proposed action is included in the notice, the notice shall also include the following statement in a separate paragraph: “Objections to the proposed action [use, sale, lease] of the above-described property must be filed and served not less than seven (7) days before the date set for the proposed action. If no objection is timely filed or served, the proposed action may be taken without further notice or hearing.” The notice of proposed use, sale, or lease of property not in the ordinary course of business shall be served in accordance with Bankruptcy Rule [6004](#)(a) and, if applicable, Bankruptcy Rule [2002](#)(d)(3).

#### **B. Sale Free and Clear of Liens and Other Interests.**

1. Local Rule [9013-1](#) does apply to a motion for authority to sell property free and clear of liens and other interests made pursuant to Bankruptcy Rule 6004(c) or to objections thereto. The motion shall include in the title “and Notice of Opportunity for Hearing and Notice of Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about**

**your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat twenty-one (21) days regardless of the manner of service.]**

**NOTICE OF HEARING  
(TO BE HELD IF A RESPONSE IS FILED)**

**Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.**

2. Objections to a motion for authority to sell property free and clear of liens and other interests made pursuant to Bankruptcy [Rule 6004](#)(c) must be filed and served not more than twenty-one (21) days after the motion is filed. [Note – this is a flat twenty-one (21) days regardless of the manner of service.]

3. The motion and notice shall be served pursuant to Bankruptcy Rule [6004](#)(a) and (c), and, if applicable, Bankruptcy Rule [2002](#)(d)(3). Service of the motion and notice shall be accomplished within three (3) days of the filing of the motion and notice, and a certificate or affidavit of service shall be filed no later than seven (7) days prior to the hearing date.

**RULE 6006-1 EXECUTORY CONTRACTS**

Notice of a motion to assume, assume and assign, or reject an executory contract or unexpired lease, or notice of a motion to require the trustee or debtor-in-possession to assume, assume and assign, or reject an executory contract or unexpired lease shall be given by the moving party to parties identified in Bankruptcy Rule [6006](#)(c) and to the debtor, the trustee, any committee appointed under 11 U.S.C. §§ [705](#) and [1102](#), counsel for each of the foregoing, all entities known by the trustee or the



debtor-in-possession to assert or claim a lien or other interest in the contract or lease, and all parties in interest who have requested notice in the case. If assumption of a contract or lease under which there has been a default is proposed, the motion shall describe the default and proposed method of satisfying the provisions of 11 U.S.C. § [365](#)(b). The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

#### **RULE 6007-1 ABANDONMENT**

##### **A. Service of Notice of Intent to Abandon.**

**1. Value Less Than \$1,000.** Property with an estimated gross value of \$1,000 or less may be abandoned by a trustee or debtor-in-possession after filing a notice of intent to abandon with the Court, and without any other notice or hearing.

**2. Value Greater Than \$1,000.** Notice by the trustee or debtor-in-possession of a proposed abandonment of property with an estimated gross value greater than \$1,000 shall be in accordance with Bankruptcy Rule [6007](#)(a) and Local Rule [9013-1](#).

**B. Motion by Party in Interest.** Movant shall serve the motion on the trustee or debtor-in-possession and to parties identified in Bankruptcy Rule [6007](#)(a). The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written



response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

**C. Objections.** The time to file and serve an objection to a motion filed under Bankruptcy Rule [6007](#)(a) or (b) shall be fourteen (14) days from the date of filing of the motion. [Note – this is a flat fourteen (14) days regardless of manner of service.]

## **RULE 6008-1 REDEMPTION**

Service of a motion for redemption of property from a lien or sale shall be given to the debtor, debtor's counsel, the trustee, the United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case. The time to file an objection or response to the motion shall be fourteen (14) days from the date of filing the motion. The motion shall include in the title "and Notice of Opportunity for Hearing," and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

## **PART VII. ADVERSARY PROCEEDINGS**

### **RULE 7003-1 COVER SHEET**

Unless the adversary complaint is filed electronically, for which no cover sheet is required, an adversary complaint shall be accompanied by an adversary proceeding cover sheet, completed pursuant to the instructions on the [Official Form](#), as the last page of the complaint and not as a separate Document.

## **RULE 7004-1 SUMMONS**

A summons and an involuntary summons will be generated and issued by the ECF System. Counsel is required to print and serve the summons in accordance with Bankruptcy Rule [7004](#). For cases and proceedings not filed electronically, and for garnishment summonses and alias summonses, counsel, or a pro se litigant must prepare the summons and present it to the Clerk's office for issuance. Parties will be notified electronically when the summons has been issued.

## **RULE 7005-1 FILING OF DISCOVERY MATERIALS**

Notices of oral depositions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto shall be served on all parties to the adversary proceeding or contested matter but shall not be filed unless so ordered by the Court or attached to a Document for use in the proceeding. If Court intervention is sought concerning any discovery matter, copies of the portions of the discovery material at issue shall be attached as exhibits to the discovery motion. Copies of relevant discovery materials may also be filed in a like manner in connection with any response to a discovery motion.

## **RULE 7007-1 MOTION PRACTICE (ADVERSARY PROCEEDINGS)**

Motion practice in adversary proceedings shall be governed by Local Rule [9013-1](#). Motions shall include in the title "and Notice of Opportunity for Hearing," and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than \* days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat \* days regardless of the manner of service.]**

The moving party shall calculate the appropriate response time as allowed by applicable statute, rule, or order. The response time shall be that period set forth in the Notice of Opportunity for Hearing calculated from the date of entry of the request for relief on the docket regardless of manner of service, unless a different response time is prescribed by applicable statute, rule, or order in which event the longer response time shall apply.

## **RULE 7007-2 OWNERSHIP STATEMENT**

Any artificial entity, other than a governmental unit or trustee, that is a party to an adversary proceeding shall complete and file an ownership statement identifying all publicly held entities, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the entity's equity interests or stating that there are no such entities to report. The ownership statement shall be filed concurrently with the first Document ([Local Form1007-1.B](#)) filed by an entity in the proceeding. A supplemental ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

## **RULE 7016-1 PRETRIAL PROCEDURES: SCHEDULING CONFERENCES, SETTLEMENT CONFERENCES, AND ALTERNATIVE DISPUTE RESOLUTION**

**A. Scheduling.** Scheduling conferences may be conducted in adversary proceedings brought pursuant to Bankruptcy Rule [7001](#) and in contested matters brought pursuant to Bankruptcy Rule [9014](#). As soon as the case or proceeding is at issue, the Court may schedule any conference it deems appropriate. Whether or not any such conference is held, the Court may enter a scheduling order governing amendments, dispositive motions, discovery, the final pretrial order, trial or hearing dates, and any other appropriate matters.

**B. Preparation for Conferences.** Prior to any conference, trial counsel for each of the parties must confer and exchange all then known exhibits and other material which may be offered in evidence, and a list of all then known witnesses. It is the duty of counsel for plaintiff or movant to arrange this conference. All other counsel must provide full cooperation for this and any subsequent meetings of counsel. Additional exhibits or witnesses must be exchanged promptly once they become known.

**C. Agenda at Conferences.** Counsel who will conduct the trial or hearing and pro se parties must attend all conferences and be prepared to discuss, to the extent appropriate, all of the following:

1. Whether or not the proceeding is a core proceeding;
2. If it is not a core proceeding, whether or not the parties consent that the Bankruptcy Judge hear and determine the matter and enter appropriate orders and judgments;
3. Eliminations of unnecessary claims or defenses;
4. Possibility of stipulations and admissions of facts;
5. Elimination of unnecessary and cumulative evidence;
6. Identification of witnesses and documents, the scheduling of pretrial motions, discovery cut-off, trial briefs, proposed findings of fact and conclusions of law, and the trial date;

7. The possibility of settlement;
8. Disposition of any pending matters;
9. Need for specific procedures in difficult or protracted cases;
10. Any unusual or unique legal issues; and
11. Any other appropriate matters.

**D. Preparation of the Final Pretrial Order.** Unless otherwise ordered, counsel for the plaintiff or movant is responsible for initially preparing, circulating, and submitting to the Court the final pretrial order ([Local Form 7016-1](#)) in adversary proceedings. Opposing counsel shall cooperate fully in the preparation of the order. The final pretrial order shall be submitted to the appropriate Judge for approval no later than five (5) business days prior to the scheduled trial or hearing, unless otherwise provided for in any scheduling order.

**E. Sanctions.** Failure to appear at a conference, appearance at a conference unprepared, or failure to cooperate in good faith with opposing counsel may result in the imposition of sanctions. Possible sanctions include, without limitation: dismissal of complaints; striking of documents; entry of preclusion orders; orders staying the proceeding; default judgment or order; assessment of expenses, costs, and fees against either a party or counsel; or, such other order as the Court may deem appropriate.

## **RULE 7026-1 DISCOVERY – GENERAL**

**A. Generally.** Except in the case of a contested involuntary proceeding under 11 U.S.C. § [303](#), Local Rule [7016-1](#) shall be applied in lieu of Federal Rule of Civil Procedure [26](#)(a)(1), (a)(4) and (f). Further, discovery shall not be stayed pending the conference of counsel as required by Local Rule [7016-1](#).B.

**B. Discovery Disputes.** Every motion or objection relating to a discovery dispute shall contain a statement that counsel for the moving party has consulted with counsel for the adverse party concerning the motion or objection and the parties have failed to resolve the discovery dispute despite good faith efforts. If the parties agree that certain discovery orders such as discovery scheduling orders or protective orders should be entered, the parties may submit a joint motion and a proposed agreed order.

## **RULE 7030-1 DEPOSITIONS**

Depositions may be taken at any time after commencement of an adversary proceeding or contested matter, and this rule constitutes leave therefor as required by Bankruptcy Rule [7030](#). Reasonable notice for taking a deposition is not less than three (3) business days, unless otherwise ordered by the Court. Before filing a notice of deposition of a party, counsel for the party seeking to take the deposition shall make a good faith effort to confer with the proposed deponent through deponent's counsel, if any, to arrange an agreeable date, time, and place for the deposition.

## **RULE 7037-1 FAILURE TO MAKE DISCOVERY: SANCTIONS**

The Court shall strike any motion or response relating to discovery disputes unless counsel for the movant certifies in writing that he or she has conferred in good faith with opposing counsel, and that after a sincere attempt to resolve differences has been made, the attorneys have been unable to agree.

## **RULE 7040-1 ASSIGNMENT OF PROCEEDINGS FOR TRIAL**

Complaints in adversary proceedings brought pursuant to Bankruptcy Rule [7001](#) will be assigned in all instances to the Judge to whom the related bankruptcy case is assigned.

## **RULE 7041-1 DISMISSAL OF ADVERSARY PROCEEDINGS**

**A. Dormancy.** Any adversary proceeding or contested matter which has been pending without action for more than ninety (90) days may be deemed dormant unless it is under submission.

**B. Disposition Docket.** Periodically, the assigned Courtroom Deputy Clerk shall prepare a schedule of all dormant matters. Upon direction of the Court, the assigned Courtroom Deputy Clerk will notice all dormant matters for a disposition docket. The assigned Courtroom Deputy Clerk must give no less than twenty-one (21) days' notice by mail of the hearing to all parties and their counsel of record.

**C. Disposition of Dormant Matters.** If the party or counsel of record fails to appear at such hearing or otherwise fails to show good cause why the dormant matter should not be dismissed or stricken or fails to submit an order acceptable to the Court disposing of the matter at or prior to the hearing, the Court may dismiss or strike the dormant matter, or otherwise dispose of it with or without prejudice. Reopening or reassertion of the matter after disposition may be conditioned upon such terms as the Court may determine.

**D. Status of Adversary When Case Dismissed.** Any adversary proceeding in which a final judgment has not been entered is deemed dismissed, without prejudice and without further order of the Court, upon dismissal of the case under which it pends, except as provided by an order of the Court. However, as to proceedings which have been removed from other courts to the bankruptcy court, dismissal of such proceeding shall not be deemed effective until twenty (20) days after dismissal of the case in order to provide time for the proceeding to be remanded to the court from which it was removed.

## **RULE 7052-1 FINDINGS BY THE COURT: *EN BANC* HEARINGS AND TRIALS**

Upon request of a Judge of the Court, or upon motion, any matter may be heard en banc if all Judges of the Court concur.

## **RULE 7054-1 COSTS – TAXATION**

The Clerk is authorized to tax costs only when presented with a judgment that specifically awards costs to the party seeking costs. Such prevailing party who seeks to recover costs against an unsuccessful party pursuant to Bankruptcy Rule [7054\(b\)](#) shall file a verified bill of costs on [Official](#)

[Form](#) B2630 and support the same with a brief. The bill of costs and brief shall be filed not more than fourteen (14) days after entry of judgment. [Note – this is a flat fourteen (14) days regardless of manner of service.] Any request for costs shall be a separate Document from a motion for legal fees. The bill of costs shall have endorsed thereon proof of service upon the opposing party. The prevailing party shall provide either receipts, documents, or an affidavit in support of the requested itemized costs. Objections to the bill of costs, with supporting brief, must be filed within fourteen (14) days from the date the bill of costs was filed. [Note – this is a flat fourteen (14) days regardless of manner of service.] After consideration of the bill of costs and any objections, the Clerk will make a disposition and ruling on the bill of costs allowing or disallowing the items in whole or in part. If a bill of costs is properly and timely filed, and no written objection thereto is filed within the time herein specified, the claimed costs may be allowed in full.

## **RULE 7055-1 DEFAULT JUDGMENT**

Fed. R. Civ. P. [55](#) applies in adversary proceedings. See Fed. R. Bankr. P. [7055](#).

**A. Application for Entry of Default.** A party seeking an entry of default from the Clerk pursuant to Fed. R. Civ. P. [55](#)(a) must file an application seeking such relief. Such application must be accompanied by an affidavit stating (1) the date on which the Complaint was filed; (2) the date on which service was effected upon the defendant(s); (3) the method of service; (4) the deadline for response to the Complaint; (5) the lack of a timely response; and (6) the defendant(s) is not a minor, is competent and is not on active military service and thus protected by the Servicemembers Civil Relief Act of 2003.

**B. Certificate of Default.** Clerk of Court will enter a certificate of default.

**C. Motion for Default Judgment.** Notwithstanding Fed. R. Civ. P. [55](#)(b)(1), after entry of the certificate of default by the Clerk, a party seeking a default judgment shall present a motion complying with Local Rule [9013-1](#) with a fourteen (14) day notice of opportunity for hearing to the Judge, rather than the Clerk, which shall have attached as an exhibit the proposed judgment. If the claim to which no response was made is for a “sum certain,” then the motion shall be accompanied by an affidavit showing the principal amount due and owing, not exceeding the amount sought in the claim, plus interest, if any computed by the movant, with credit for payments received to date clearly set forth, and costs, if any, including any costs pursuant to 28 U.S.C. § [1920](#). If the amount of the claim is not readily ascertainable or if the amount requested in the motion exceeds the amount stated in the claim, the Court may conduct a hearing on the motion for default judgment. The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee

Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

**D. Certificate or Affidavit of Service.** Both the application for entry of default and motion for default judgment must be accompanied by a certificate or affidavit of service that complies with Local Rule [9007-1](#).D.

## **RULE 7056-1 SUMMARY JUDGMENT**

**A. Generally.** Local Rule [9013-1](#) shall apply to summary judgment motions and responses. The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

**B. Brief in Support of Motion for Summary Judgment.** A motion for summary judgment (or partial summary judgment) shall include or be accompanied by a brief in support thereof, not exceeding twenty (20) pages in length, exclusive of attachments or appendices. A brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section that contains a concise statement of material facts as to which movant contends no genuine issue exists. Each fact shall be stated in a separately numbered paragraph and shall refer with particularity to those portions of the affidavits, discovery materials, Documents, or other parts of the record before the Court upon which the movant relies. The movant shall not incorporate by reference arguments, replies, Documents, or portions of Documents that were previously filed therein or in other proceedings. Affidavits, discovery materials, Documents, and other relevant portions of the record upon which the movant relies shall be attached to the brief. The statement of material facts shall be followed by the movant’s argument and authorities. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.



**C. Response Brief.** A brief in response to a motion for summary judgment (or partial summary judgment), not exceeding twenty (20) pages in length, exclusive of attachments or appendices, shall be filed within fourteen (14) days after the filing of the brief in support of the motion for summary judgment. [Note – this is a flat fourteen (14) days regardless of manner of service.] The response brief shall begin with a section stating, by paragraph number, each of the movant’s facts to which the non-movant contends a genuine issue exists and shall refer with particularity to those portions of affidavits, discovery materials, Documents, and other relevant parts of the record before the Court upon which the non-movant relies to dispute the movant’s fact. All properly supported material facts set forth in the movant’s statement shall be deemed admitted for the purpose of summary judgment unless specifically controverted by a statement of the non-movant that is supported by evidentiary material. If the non-movant contends that other material facts exist which preclude summary judgment, the non-movant shall set forth each such material fact in a separately numbered paragraph and shall refer with particularity to those portions of affidavits, discovery materials, Documents, and other relevant parts of the record before the Court upon which the non-movant relies. Affidavits, discovery materials, Documents, and other relevant portions of the record upon which the non-movant relies shall be attached to the brief. The non-movant’s dispute of movant’s statement of material facts and statement of other material facts, if any, shall be followed by the non-movant’s argument and authorities. The non-movant shall not incorporate by reference arguments, replies, Documents, or portions of Documents that were previously filed therein or in other proceedings. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.

**D. Reply Briefs to Address New Matters.** The movant may file a reply brief, not exceeding five (5) pages in length, exclusive of attachments or appendices, within fourteen (14) days after the date the response brief was filed, but such reply brief shall address only new matters set forth in the non-movant’s response brief. [Note – this is a flat fourteen (14) days regardless of manner of service.] Affidavits, discovery materials, Documents, and other relevant portions of the record upon which the movant relies in its reply shall be attached to the reply brief. The respondent shall not incorporate by reference arguments, replies, Documents or portions of documents that were previously filed therein or in or other proceedings. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.

**E. The Record.** The record on summary judgment shall consist of all materials permitted by [Rule 56](#) of the Federal Rules of Civil Procedure that are properly in the record before the Court. Documentary evidence must be authenticated by affidavit or otherwise demonstrated to be admissible under the Federal Rules of Evidence in order to be considered on summary judgment.

**F. One Time Filing.** Absent leave of court, each party may file only one (1) motion for summary judgment under Bankruptcy Rule [7056](#).

## **RULE 7067-1 DEPOSIT IN COURT**

Investment and disbursement of registry funds will be made pursuant to general orders of this Court, which will be subject to amendment from time to time.



## **PART VIII. APPEALS TO DISTRICT COURT**

Part VIII of these Local Rules shall not apply to appeals to the United States Bankruptcy Appellate Panel of the Tenth Circuit (“BAP”). The BAP rules, which are available on the Court’s website (<https://www.bap10.uscourts.gov/rules>), apply to all appeals unless and until a party elects to have the appeal heard by the District Court pursuant to 28 U.S.C. § [158](#)(c)(1). Upon such election, [Part VIII](#) of these Local Rules shall apply to the appeal.

### **RULE 8001-1 PROCEDURE ON REMANDS**

Whenever a matter is remanded to the Court, any party may move to set the matter for further proceedings.

### **RULE 8009-1 DESIGNATION OF RECORD – APPEAL**

**A. Items Included.** A designation of items to be included in the record on appeal in accordance with Bankruptcy Rule [8009](#) shall describe the items to be included by docket number, filing date, and the title or a description of the item. Notwithstanding Bankruptcy Rule [8009](#), no copy of any Document identified in the designation of the items to be included in the record on appeal shall be attached to the designation filed with the Court, and no other documents, exhibits, attachments or any other paper shall be attached to the designation when filed. Any items designated by the parties to be included in the record should be submitted to the Clerk electronically.

**B. Incomplete Record.** If any party fails to take action necessary to enable the Clerk to assemble and transmit the record, the Clerk will transmit an incomplete record.

### **RULE 8010-1 COMPLETION AND TRANSMISSION OF RECORD – APPEAL**

The court reporter’s endorsed request for a transcript and the court reporter’s request for extension of time pursuant to Bankruptcy Rule [8010](#)(a)(2), if any, shall be filed with the Clerk.

## **PART IX. GENERAL PROVISIONS**

### **RULE 9001-1 DEFINITIONS**

See Local Rule [1001-1](#).H.

### **RULE 9004-1 PAPERS – REQUIREMENTS OF FORM**

**A. Papers Acceptable for Filing.** Documents filed in a case or proceeding shall be formatted to be 8½ inches wide by 11 inches long. Documents shall not exceed 50 megabytes in size and shall contain printing in no less than 12-point font (including footnotes). Documents shall have margins of no less than one (1) inch, and electronically submitted orders must have a four (4) inch top margin on first page only. Documents shall be double spaced (unless the Document is only one (1) page) and drawn upon one side of the page only. Documents shall not include printing or images in color. The paper used must be white in color.

**B. Oversized Attachments.** Documents which were drafted for another purpose, but which are tendered for filing in a case or proceeding as attachments, exhibits, etc., should be enlarged or reduced to conform to the size requirement in subsection A. of this rule, unless reducing the size of the Document will render the Document unreadable. If reducing the Document renders it unreadable, the filer must request leave to file a Document of non-conforming size.

**C. Title.** The title of any Document filed must clearly identify each and every request for relief, objection or other response being made therein.

**D. Electronic Filer Signature Block.** The signature block on every Document must conform with the filer's CM/ECF profile. When a Document is signed by an electronic filer, the electronic filer's full name, state bar number (if applicable), address, email address, telephone number, facsimile number (if applicable), and name of party or parties represented shall be shown on the Document beneath the signature line.

**E. Debtor's Signature.** When a Document is signed by a debtor, the debtor's name shall be signed as it appears in the style of the case, and the signature block shall include the debtor's address, email address, telephone number, and facsimile number (if applicable). [Official Form 121](#) Statement About Your Social Security Numbers and the Declaration Regarding Electronic Filing Using Electronic Self-Representation (eSR) (by pro se debtors using eSR) ([Local Form 1001-1](#)) must bear the original handwritten signature of the debtor. See Local Rule [1001-1.I](#) and [Electronic Document Submission System Administrative Procedures \(EDSS\)](#) regarding signatures and electronic filing by debtors.

**F. Street Address.** If a party, including without limitation a debtor, uses a post office box to receive mail, the party must include a physical address, as well as the post office box, on all documents filed with the Court, unless otherwise ordered by the Court.

**G. Service Through the ECF System.** When a Document is filed electronically in accordance with these Local Rules and the [ECF Guidelines](#), the ECF System shall generate and email a Notice of Electronic Filing to the filing party and any other registered party who has requested electronic notice in that case or proceeding.

1. If the recipient is a registered user of the ECF System, the Clerk's emailing of the Notice of Electronic Filing shall be the equivalent of service of the Document by first class mail, postage prepaid, except in the case of a summons and complaint or other Document that must be served pursuant to Bankruptcy Rule [7004](#). See Bankruptcy Rule [9014\(b\)](#).

2. Service by electronic means is not effective if the party making service learns that the attempted service was not electronically delivered to the person to be served.

## **RULE 9006-1 TIME PERIODS**

**A. Enlargement or Reduction of Time.** All applications for enlargement of time under Bankruptcy Rule [9006\(b\)](#) or reductions of time under Bankruptcy Rule [9006\(c\)](#) shall include in the caption of the application appropriate language such as "Motion/Application for Expedited Hearing"

or “Motion/Application for Expedited Ruling” or “Motion/Application for Shortened Notice” and shall state:

1. The cause for such request;
2. The date due without the requested enlargement or reduction;
3. The dates of any previous applications and the results thereof; and
4. A statement that the consent of the other parties in interest has been requested, whether such parties consent or object, and the identity of parties consenting or objecting or, if consent was not requested, the reason therefor.

A proposed order shall be uploaded contemporaneously with the filing of an application to enlarge or reduce time.

**B. Continuances.** All applications for continuances of hearings shall be in writing, shall state the cause for such request, and shall contain a statement that all other parties to the hearing have been contacted regarding the requested continuance and whether such parties consent or object. The application shall be filed no fewer than twenty-four (24) hours prior to the scheduled hearing date and time. If an emergency renders a timely application impossible, the application shall describe the emergency and shall represent that a timely application was impossible. Continuances are not favored by the Court, and the Court may, in its discretion, deny a request for a continuance notwithstanding consent to a continuance by all parties to the matter or proceeding. A hearing may be continued by the Court from time to time without further notice other than an announcement at the originally scheduled hearing of the date of the continued hearing.

**C. Ex Parte Ruling.** Requests described in subsections A and B of this Rule may be ruled upon *ex parte*.

#### **RULE 9007-1 GENERAL AUTHORITY TO REGULATE NOTICES: SERVICE**

**A. When Service Required.** Except as otherwise provided in these Local Rules, in the Bankruptcy Rules, or in an order of the Court, every Document required to be served must be served on each party in interest upon whom service is required by the Code or the Bankruptcy Rules.

**B. Person to be Served.** Where an attorney has entered an appearance for a party in a case or proceeding, service of any Document required to be made on such party, except a complaint, must be made on the party’s attorney unless the Court directs otherwise.

**C. How Service Made.** Service must be made pursuant to Bankruptcy Rule [7005](#), which adopts Fed. R. Civ. P. [5\(b\)](#) and Bankruptcy Rule [9006](#).

**D. Certificate or Affidavit of Service.** Except as set forth otherwise in these Local Rules, a certificate or affidavit of service ([Local Form 2002-1.G.](#)) must accompany all requests for relief, objections, orders served pursuant to Local Rule [9013-1.L.3](#) and notices submitted for filing. Every certificate or affidavit of service must include (1) the names and addresses of all persons and entities served other than through the ECF System; (2) the date service was made; (3) the manner in which

service was made; and (4) the personal or electronic signature of the person making the certificate or affidavit, his or her typed name, address, telephone number, and if an attorney, state bar number. It is not sufficient to state that service was made on “all parties in interest,” “all interested parties,” “all ECF registrants” or the like. In cases where the certificate or affidavit of service would be inordinately long, the Court may provide exception to this rule pursuant to application and order.

**E. Limitations on Service or Notice.** No order shortening time for service or limiting notice of any request for relief shall be entered except upon a clear and specific showing, by affidavit, of the reasons why proceeding other than by notice as prescribed by the Bankruptcy Rules and this rule is necessary. The affidavit must state whether a previous request altering notice requirements has been made by the moving party in connection with the case.

## **RULE 9009-1 OFFICIAL FORMS**

All petitions, lists, schedules, statements, and other Documents should comply substantially with the most current version of the [Official Forms](#), as well as any [Local Forms](#). All questions on the [Official Forms](#) must be answered completely by the party and/or the filing attorney.

## **RULE 9010-1 ATTORNEYS**

**A. Bankruptcy Court Bar.** The bar of this court shall consist of those attorneys who may practice before, and are in good standing with, the United States District Court for the Western District of Oklahoma, provided the attorney’s state bar number is provided to the Clerk of the District Court.

**B. Entry of Appearance Required.** An attorney appearing for a party in a case or proceeding must enter an appearance by signing and filing an entry of appearance or a Document.

**C. Withdrawal of Counsel.** Counsel may be permitted to withdraw only upon leave of Court after the filing of a motion and service thereof on the client and all other interested parties. Withdrawal may be conditioned upon counsel receiving papers for forwarding to the former client, as the Court may require until there is an appearance by other counsel or pro se. The motion shall include in the title “and Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should also serve a file-stamped copy of the

response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of the manner of service.]**

Withdrawal shall be permitted by application and order only where another attorney in the same or a different law firm has previously entered an appearance in the case or proceeding on behalf of the client and the client consents to the withdrawal.

**D. New Counsel.** In the event a party changes, adds or substitutes counsel, new counsel must enter an appearance. It is the obligation of new counsel to inform the Clerk of his or her appearance in accordance with Local Rule [9010-1.B](#).

**E. Representation of Artificial Entities.** The petition and all Documents filed subsequent to the petition on behalf of a corporation, partnership, limited liability corporation or partnership, or other artificial entity must be filed by an attorney qualified to practice before this Court pursuant to Local Rules [9010-1.A](#) and [1002-1.A.2](#).

**F. Scheduling Conflicts.** The Bankruptcy Court has adopted the Guidelines for Resolving Scheduling Conflicts with Oklahoma Courts as set forth in the General Order of the Court of Appeals of the Tenth Circuit dated May 21, 1998, (<https://www.ca10.uscourts.gov/clerk/rules>).

**G. Attorneys Appearing *Pro Hac Vice*.** The procedure for admission *pro hac vice* in any case or proceeding in this Court is:

1. A written application to appear *pro hac vice* must be filed with the Court either electronically (by an attorney certified to file electronically with this Court) or in paper format. A completed request for admission *pro hac vice* form (promulgated by the District Court) with an original, not electronic, signature must be attached to the application when filed.

2. Contemporaneously with filing the application to appear *pro hac vice*, the movant shall either upload a proposed order authorizing *pro hac vice* appearance electronically or submit a proposed order to the assigned Judge.

3. The movant shall submit the necessary admission fee to the Clerk of the District Court.

4. Admission to practice in a bankruptcy case shall also serve as admission to practice in any and all adversary proceedings filed in the bankruptcy case, as well as any jointly administered or consolidated cases.

5. An attorney appearing *pro hac vice* is required to associate with local counsel as required by LCvR 83.3 of the [Local Civil Rules](#) of the United States District Court for the Western District of Oklahoma.

6. Non-local attorneys seeking *pro hac vice* admission in a case may send Documents to the Court Clerk for manual filing while awaiting entry of an order admitting them *pro hac vice* and pending completion of requirements to become an ECF System user.

**H. Address Change.** An attorney must notify the Court and all parties in interest in every pending case and adversary proceeding in which the attorney has appeared, of any change in physical or mailing address and email address by filing and serving in accordance with Local Rule [9007-1](#), a notice of address change in each such case and proceeding. Address changes shall not be accepted or effected by any other means. See [Local Form 9010-1.H](#).

**I. Compliance with Local Rules and ECF Guidelines.** Attorneys and their staff are expected to be well versed in the contents and application of, and to have appropriate technology in their offices to permit compliance with the Local Rules and the [ECF Guidelines](#). Documents filed with the Court which do not comply with the Local Rules and the [ECF Guidelines](#) may be stricken without notice and without time to correct the deficiency(ies) at the Court's discretion. Repeated failure by attorneys and/or their staff to comply with the Local Rules and the [ECF Guidelines](#) shall result in the suspension of the subject attorney's privilege to practice before this Court until sufficient remedial training has been undertaken to the satisfaction of the Court.

#### **RULE 9011-4 SIGNATURES**

**A. Electronic Filer Signature.** The signature block on every Document must conform with the filer's CM/ECF profile. (See Local Rules [9004-1.D](#) and [9004-1.E](#)) Every Document electronically filed shall contain the signature of the electronic filer excepting only reports filed pursuant to Local Rule [2015-1](#). The electronic filer shall indicate a signature on each signature line by inserting "s/Jane Doe" or a scanned signature on each applicable line. Bankruptcy Rule [9011](#) applies to all Documents filed.

**B. Effect of Electronic Filings.** The electronic filing of a Document bearing the attorney's electronic signature and using an attorney's ECF login and password constitutes the signature of that attorney. The attorney signing the Document that is filed must match the identity of the attorney whose ECF System login and password was used to file the Document. Documents bearing the electronic signature of one attorney but that are filed using the ECF login and password of another attorney shall be stricken by the Clerk. One attorney cannot file a Document using another attorney's ECF System login and password.

**C. Signature Dates.** Dates of signatures on the electronically filed Document must be the same as the date the Document was actually signed.

**D. Two or More Signatures.** The following procedure applies when a stipulation or other Document requires two or more signatures:

1. The filing attorney shall initially confirm that the content of the Document to be filed is acceptable to all persons required to sign the Document and shall obtain the signature authorization of all parties on the Document. For purposes of this rule, physical, facsimile, electronic signatures and other written authorizations are permitted. A Document may be signed in counterparts.



2. The filing attorney shall then file the Document electronically, indicating the signatures, e.g., “s/Jane Doe,” of all appropriate persons.

## **RULE 9013-1 MOTIONS**

**A. Request for Relief Defined.** A request for relief other than one required to be commenced under Bankruptcy Rule [7001](#) may be made by application or motion only. An application is a request for relief which requires approval of the Court and may be granted *ex parte*. A motion is a request for relief which requires service, notice, and opportunity for hearing, unless made at a hearing as permitted by Bankruptcy Rule [9013](#).

**B. Separate Requests for Relief.** Unless otherwise provided by the Court, motions containing multiple requests for relief will not be permitted except for certain limited exceptions authorized by Paragraph 7 of the [ECF Guidelines](#). Similarly, affirmative requests for relief cannot be combined with an objection, response or reply to a motion or application except for certain limited exceptions authorized by Paragraph 7 of the [ECF Guidelines](#). If a motion containing multiple requests for relief or an objection, response or reply containing an affirmative request for relief is filed, an order may be entered striking the motion, objection, response or reply and directing the filer to file separate motions or a separate objection, response or reply and a motion containing the request for relief.

**C. Brief Required.** A motion, application or response must specify the point or points upon which it is based and must be accompanied by a concise brief, unless excepted by Local Rule [9013-1.I](#) or by the Court. A brief may be combined with the request for relief or response provided the title of the Document clearly so indicates. No brief longer than twenty (20) typewritten pages may be submitted without prior permission of the Court. Briefs exceeding fifteen (15) pages in length shall be accompanied by a table of contents showing headings or subheadings and by a table of authorities cited. Reply briefs are optional and not encouraged. A reply to a new matter raised in the response may be filed within five (5) days after the response is filed. Reply briefs shall not reargue the points and authorities included in the opening brief and shall be limited to five (5) typewritten pages in length. Sur-reply briefs are not permitted except by prior leave of court and may not exceed five (5) typewritten pages in length.

**D. Time for Response.** Each party serving a response to a request for relief must file and serve a file-stamped copy of it within the deadline set forth in the Notice of Opportunity for Hearing accompanying the request for relief. [Note – the deadline set forth in the Notice of Opportunity for Hearing sets forth the specific response time regardless of the manner of service.] See Local Rule [2002-1.D](#).

**E. Failure to Respond.** Any request for relief which is not opposed within the applicable response period may be deemed confessed and the relief granted *ex parte* and without further notice. See Local Rule [9013-1.L](#).

**F. Hearings.** Hearings on requests for relief may not be conducted routinely unless requested or unless required by an applicable Bankruptcy Rule. When applicable, notice of a hearing may be combined in one Document with the request for relief, provided that the title of the Document indicates that such notice is contained therein. If the Court orders a hearing, the party requesting the relief is responsible for serving notice of the hearing date and time on all other interested parties and filing a certificate or affidavit of service in compliance with Local Rule [9007-1.D](#). Any request for

continuance of a hearing or trial must be made in writing and, unless otherwise allowed by a Judge, filed with the Court at least twenty-four (24) hours prior to the scheduled date of the hearing or trial.

**G. Notice of Opportunity for Hearing.** Except for relief specified in Local Rule [9013-1](#).H, all motions or requests for relief shall include in the title “And Notice of Opportunity for Hearing,” and immediately below the title shall contain the following statement:

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than \* days from the date of filing of this request for relief. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the court.

**[Note – this is a flat \* days regardless of the manner of service.]**

The moving party shall calculate the appropriate response time as allowed by applicable statute, rule or order. The response time shall be that period set forth in the Notice of Opportunity for Hearing calculated from the date of entry of the request for relief on the docket regardless of manner of service, unless a different response time is prescribed by applicable statute, rule or order in which event the longer response time shall apply.

**H. Exceptions.** Subsection G. of this Rule does not apply to:

1. A notice of sale not in the ordinary course of business made pursuant to Bankruptcy Rule [6004](#)(a). See Local Rule [6004-1](#).A.
2. A motion made pursuant to Bankruptcy Rule [9011](#)(c).
3. A motion for withdrawal of a case or proceeding brought pursuant to Bankruptcy Rule [5011](#)(a). See Local Rule [5011-1](#)
4. A motion to appoint a trustee or examiner pursuant to 11 U.S.C. § [1104](#).
5. A request for compensation and reimbursement of expenses if the total request is \$1000 or less.
6. A Chapter 7 trustee’s notice of final report and application for compensation provided a separate notice of the same is filed.



**I. Requests for Relief Not Requiring Briefs.** Unless otherwise directed by the Court, briefs are not required with respect to the following requests for relief:

1. To continue a conference, hearing, or trial;
2. To substitute parties;
3. For appointment of professional persons;
4. For enlargement of time in accordance with Local Rule [9006-1](#) of these Local Rules; and
5. For administrative orders requested by a trustee in a case under Chapter 7, 12 or 13.

**J. Time and Manner of Service of Requests for Relief.**

1. If the recipient of a notice or request for relief is a Registered Participant in the ECF System, service by the ECF System of the Notice of Electronic Filing shall be the equivalent of service of the Document and no certificate or affidavit of service need be filed with respect thereto.

2. If the party entitled to notice or service is not a Registered Participant in the ECF System, or the party is entitled to service pursuant to Bankruptcy Rules [9014\(b\)](#) and [7004](#), when a request for relief is filed, a file-stamped copy of the request for relief shall be served by the movant upon all such parties entitled to receive notice thereof within two (2) days of the filing date. Movant shall file a certificate or affidavit of service within three (3) days after filing the request for relief in compliance with Local Rules [5005-1.D](#) and [9007-1.D](#) (which may be included in the request for relief). If the certificate or affidavit of service is not timely filed, the Court may deny the request for relief without notice to the movant. See [Local Form 2002-1.G](#).

**K. Expedited Consideration.** Upon filing an application for expedited consideration of a request for relief, a movant shall contact the assigned Judge's Courtroom Deputy Clerk by telephone or email to advise the Court of the application and receive further direction from the Court with respect thereto.

**L. Orders.**

1. **Proposed Orders.** If no objection or other response to a request for relief has been filed by the deadline for such filing, a proposed order should be uploaded to the Court's ECF System within thirty (30) days after expiration of the deadline to file an objection or other response to a request for relief. A proposed order must:

a. State that “findings of fact are based upon representations of counsel” at the end of the order. See Local Form 9013-1.L;

b. Contain a description of the relief being granted in the title of the order;

c. Certify to the Court: the date and manner of service of the request for relief and the persons and entities upon whom service was made; the applicable response period and the date of its expiration; and the lack of any timely response;

d. Include an approval for entry of the moving party and signature with the information required by Local Rule 9004-1.D, E and F;

e. Include a statement that the prevailing party will effectuate service of the order on all parties in interest unless otherwise ordered by the Court or the order dismisses a bankruptcy case. See Local Rule 9013-1.L.3; and

f. Comply with Local Form 9013-1.L.

**2. Agreed Proposed Orders.** All agreed proposed orders must include approvals for entry of all interested parties and signatures with typed name, address, telephone number, email address and, if an attorney, a state bar number (See Local Rules 9004-1.D and 9004-1.E). An agreed order approved for entry only by the person submitting it may be acceptable, in the Court’s discretion, provided it contains, or is accompanied by, that person’s certification that all interested parties have consented to its entry.

**3. Service of Orders.** Unless otherwise ordered by the court and except for orders dismissing a bankruptcy case, it is the duty of the prevailing party to serve all parties in interest entitled to notice of an order with a file-stamped copy of the order electronically, or by mail, and file an appropriate certificate or affidavit of service in compliance with Local Rule 9007-1.D.

**4. Proposed Orders Following Hearing.** All other proposed orders required to be submitted after a hearing must be submitted by the prevailing party within ten (10) business days after the announcement by the Court of its decision, unless a different deadline is set by the Court.

**5. Ex Parte Orders.** In each case of a request for relief presented *ex parte*, no order shall be entered unless it is based upon an affidavit. The affidavit shall show cause for the *ex parte* action requested and for the specific relief requested and shall state whether the party has made a previous *ex parte* request for relief in the case. In addition, the person seeking the relief must certify that the opposing party either consents, objects, or despite diligent efforts made in good

faith, specifying such efforts, neither counsel for the party against whom the relief is requested, nor the party, in the event such party is not represented by counsel of record, could be contacted and advised that the relief would be sought. The movant must state the applicable statute, rule or other authority authorizing the *ex parte* relief requested.

**6. Stale Orders.** If an order is not uploaded within thirty (30) days of expiration of the applicable response period, the motion may be stricken by the Court.

## **RULE 9014-1 CONTESTED MATTERS**

Unless otherwise provided in an order of the Court, any party wishing to present evidence at a scheduled hearing on a contested matter must file and serve on all parties in interest, pursuant to Local Rule [9007-1](#), a notice listing: a brief description of the exhibits to be offered; the names of all witnesses intended to be called, including designating as an expert witness any witness who the party shall offer as an expert; a brief description of proposed testimony for each witness; and an estimated length of time to present the evidence and argument. Such notice must be filed no later than seven (7) days after the initial response deadline for the motion, unless otherwise ordered by the court. Upon review of this notice, the Court may schedule a pre-hearing conference and direct any rules governing adversary proceedings to be applied to the matter. Presentation of exhibits is further subject to Local Rule [9017](#). Failure to comply with this Rule may result in exclusion of the evidence or such other sanction as the Court deems appropriate in the circumstances. See Rule [9017-1](#) for further obligations regarding evidence.

## **RULE 9016-1 SUBPOENAS**

Subpoenas must be prepared and issued pursuant to Bankruptcy Rule [9016](#).

## **RULE 9017-1 EVIDENCE**

**A. Hearing Not Held.** If a request for relief is based upon facts not appearing of record, the Court may, at its discretion, order the filing of affidavits and determine the matter without a hearing. See Bankruptcy Rule [9017](#).

**B. Time to File and Serve Exhibit and Witness List.** See Local Rule [9014-1](#).

**C. Marking and Disclosure of Exhibits.** All exhibits which are intended to be offered in evidence at a trial or hearing must be marked for identification and provided to opposing counsel and three (3) copies to the Court (which includes one for the witness) at least five (5) business days prior to the trial or hearing, or as may otherwise be ordered by the Court. Parties may exchange exhibits electronically or by another agreed method but shall provide printed copies of exhibits in notebooks to an opposing party if requested. Exhibits provided to the Court must be contained in a notebook or notebooks and be sequentially numbered in the lower right corner and tabbed with dividers. The notebook(s) must be labeled with the case name and number and the respective party's name, and the exhibit numbers contained therein. The notebook(s) shall also contain an index of the exhibits contained therein.

**D. Bulky or Heavy Exhibits.** The Court may provide for preservation of evidence as justice may require; however, exhibits will not be docketed. Evidence such as objects, exhibits, diagrams, charts, and drawings on a chalkboard may be photographed under the supervision of the Court. The Clerk shall dispose of exhibits consistent with Local Rule [5003-1.A](#).

**E. Legibility.** All evidence proposed to be used or introduced in a hearing or trial must be clearly legible.

## **RULE 9019-1 COMPROMISES AND SETTLEMENTS**

A motion filed by the trustee or debtor-in-possession pursuant to Bankruptcy Rule [9019](#) to approve the compromise or settlement of controversies shall be filed in the bankruptcy case and shall be served on the debtor, debtor's counsel, the trustee, the United States Trustee, creditors and parties who have requested notices in the case unless otherwise ordered by the Court. A motion filed under this Local Rule shall describe with specificity the contentions of the parties and the basis and terms of the settlement. The motion shall include in the title "and Notice of Opportunity for Hearing and Notice of Hearing," and the body of the motion shall contain the following statement:

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**[Note – this is a flat twenty-one (21) days regardless of the manner of service.]**

### **NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)**

**Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. in the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.**

The notice of hearing on the motion shall be served on the parties named above pursuant to Bankruptcy Rule [2002\(a\)\(3\)](#) and Local Rule [2002-1](#).

#### **RULE 9021-1 ENTRY OF JUDGMENTS AND ORDERS**

All Court orders and notices will be filed electronically. An order may be in the form of a text-only order, which, together with the Notice of Electronic Filing, shall constitute the evidence of an order concerning the matter. Any order filed electronically without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and the order had been entered on the docket in a conventional manner.

#### **RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION**

**A. Electronic Filers.** Requesting and receiving a password from the Clerk to participate in the ECF System shall constitute a request and consent to receive service by electronic means pursuant to Bankruptcy Rule [9036](#).

**B. Unrepresented Parties.** Unrepresented parties can consent to receive electronic notice and service of all documents in a bankruptcy case or proceeding by completing and submitting a Request and Consent to Electronic Notice and Service of Documents ([Local Form 9036-1.B](#)). A form must be submitted for each bankruptcy case or proceeding in which electronic notice is sought. Consenting to electronic notice means the unrepresented party consents to no longer receiving notice or service of pleadings and documents through the U.S. Mail.

# **GUIDELINES FOR ELECTRONIC CASE FILING**



**September 1, 2024**

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA  
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

## APPENDIX A

### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

#### GENERAL ORDER NO. 24-04

#### GUIDELINES FOR ELECTRONIC CASE FILING

The Clerk of the Court for the United States Bankruptcy Court for the Western District of Oklahoma (Court) is hereby authorized to establish and promulgate Electronic Case Filing Guidelines (ECF Guidelines), including procedures for the registration of attorneys and for the distribution of logins and passwords to permit electronic filing and notice of pleadings and other Documents. ECF Guidelines shall be made available to the public in paper form at the Clerk's office and by posting the ECF Guidelines on the Court's web site, [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov).

##### 1. SCOPE OF ELECTRONIC FILING

- A. All cases and adversary proceedings filed or pending in the Court shall be, and by this order are, assigned to the Court's Electronic Case Filing System (ECF System).
- B. The official file of the Court shall be the electronic file. Pleadings and Documents filed in paper format will be scanned and docketed in the ECF System and will be accessible only electronically.

##### 2. PARTICIPATING IN THE ECF SYSTEM

- A. To become a Participant in the ECF System, applicants must register for a login and password from the Public Access to Court Electronic Records (PACER) Service Center (<https://pacer.uscourts.gov/>).
- B. A Registered Participant is an attorney admitted to practice in and in good standing with the Western District of Oklahoma or someone authorized by the Court (e.g., Subchapter V Trustees, those admitted *pro hac vice*) to file electronically in the ECF System.
- C. Pro se filers and bankruptcy petition preparers will not be Registered Participants unless permitted by the Court. Pro se filers may present paper pleadings or Documents for filing at the Clerk's Office or by mail. Pro se filers may submit Chapter 7 and 13 voluntary petitions electronically via the [Electronic Self-Representation \(eSR\) Bankruptcy Petition Preparation System](#) and pleadings or Documents in pending cases via the Court's [Electronic Document Submission](#)

[System \(EDSS\)](#). The Court Clerk will scan the paper Documents and submissions via EDSS and docket them in the ECF System.

- D. A Limited Participant is an electronic filer authorized by the Court Clerk to file in the ECF System for specific purposes, including:
- i. Assignment/Transfer of Claim (Not Waived);
  - ii. Certificate of Service;
  - iii. Change of address;
  - iv. Notice of Appearance and Request for Notice;
  - v. Notice of Claim Satisfaction;
  - vi. Notice of Debtors Request for Post-Petition Mortgage Payment Forbearance Due to COVID-19;
  - vii. Notice of Lien;
  - viii. Notice of Mortgage Payment Change;
  - ix. Notice of Postpetition Mortgage Fees, Expenses, and Charges;
  - x. Objection to Claim;
  - xi. Proof of Claim;
  - xii. Proof of Claim Attachment 3002(C)(7)(B);
  - xiii. Reaffirmation Agreement;
  - xiv. Request for Payment of Taxes;
  - xv. Statement/Response to Notice of Final Cure Payment Rule 3002.1;
  - xvi. Transfer of Claim by Claims Agent;
  - xvii. Withdrawal of Claim;
  - xviii. Withdrawal of Proof of Claim Attachment;
  - xix. Withdrawal of Document; and
  - xx. Withdrawal of Mortgage Payment Document.

### 3. LOGINS AND PASSWORDS

- A. After receiving the Participant's request from PACER for access to the ECF System, the Clerk's Office will process the Participant's request. Requests may take up to twenty-four (24) hours to process.
- B. Only the Registered Participant or an employee of the Registered Participant may use the Registered Participant's ECF login and password. The Registered Participant shall be responsible for any filings made using the Registered Participant's login and password.
- C. Only the Limited Participant may use the Limited Participant's ECF login and password. The Limited Participant shall be responsible for any filings made using the Limited Participant's login and password.
- D. If a Participant believes his or her login and/or password have been compromised, the Participant should change the password through PACER.



- E. A Registered Participant may withdraw from participation in the ECF System for cause, only upon order of the Court. A motion to withdraw from the use of ECF by a Registered Participant must be presented to the Chief Judge. If the motion is granted, the Court Clerk will immediately deactivate the Registered Participant's password and delete the Registered Participant from all applicable electronic notice lists.
- F. A Limited Participant may withdraw from participation in the ECF System for cause, by email to [helpdesk@okwb.uscourts.gov](mailto:helpdesk@okwb.uscourts.gov). If a Limited Participant changes employers, the Limited Participant shall be responsible for updating his or her contact information with PACER.
- G. A Participant's login and password shall be deactivated by the Court upon learning that the Participant has passed away.

#### 4. SIGNATURES

- A. Documents submitted in electronic format must be signed consistent with the [Federal Rules of Bankruptcy Procedure](#) and [Local Rules](#) 1001-1.H.1, 1001-1.I, 9004-1.D, and 9004-1.E.

#### 5. ELECTRONIC FILING OF DOCUMENTS

- A. All electronic Documents, except the text upload of the creditor matrix, must be submitted in Portable Document Format (PDF) that is searchable.
- B. Participants must designate a title for the pleading or Document by selecting the appropriate event contained in the ECF System.
- C. Documents are considered filed only when the submit button in ECF is activated. The electronic Document stamp, reflecting the date of filing, that appears on the filed Document and on the Notice of Electronic Filing (NEF) shall be the file stamp by the Court Clerk for all purposes. The filing time is the time noted on the NEF.
- D. Participants who have appeared in a case or who have registered as an interested party will receive one free viewing of any Document filed in that case.
- E. Participants shall follow the preferred style practices attached to the ECF Guidelines as [Appendix A-1](#) when electronic filing in the ECF System.

#### 6. NOTICE OF ELECTRONIC FILING AND SERVICE

- A. When a Document is filed electronically, a NEF is automatically generated by the ECF System. The NEF is sent electronically to the attorney filing the document and to Participants appearing in the case in which the Document is filed.

Transmission of a NEF to the registered email address of a Participant will constitute service.

- B. Participants must maintain current contact information with the Court consistent with [Local Rule](#) 5005-1.C. The primary email address in the Participant's PACER Account will be the address used for service. The Participant may provide additional email addresses to which courtesy copies of ECF notices will be sent. Information regarding *Updating Your Contact Information and Secondary Email Addresses* is available on the Court's website at [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov).

## 7. MOTIONS

With the exception of the following motions, all motions filed shall include only one request for relief:

- i. Motions for Relief from Stay and Abandonment;
- ii. Motions for Relief from Stay, Abandonment, or Adequate Protection;
- iii. Motions for Relief from Stay, Abandonment, and Relief from Co-Debtor Stay;
- iv. Motions for Relief from Stay, Abandonment, and Relief from Co-Debtor Stay or Adequate Protection;
- v. Motions to Annul the Stay and to Abandon;
- vi. Motions to Modify Plans, Response and Requests for Compensation;
- vii. Motions to Suspend Plan Payments and Compensation;
- viii. Motions to Convert or Dismiss;
- ix. Motion to Reopen and Enlarge Time to File Financial Management Certificate;
- x. Motion to Sell and For Compensation;
- xi. Final Report and Account and Application for Final Decree; and
- xii. Other combination events as the Court may create.

Filing parties must ensure that a proper "Event" has been selected for each request for relief filed electronically either through filing and docketing separately or through use of a permissible combined event in the ECF System.

## 8. MATRICES

- A. Attorneys and/or litigants shall ensure that addresses for creditors are correctly uploaded. A creditor included on the matrix without an address will not be provided notice by the Court Clerk until an amended matrix with the complete address is filed and necessary filing fees are paid by the debtor. The debtor, or the debtor's attorney, shall provide notice or service to any party for whom no address is included on the matrix.

- B. Attorneys and/or litigants who enter an incorrect address for a creditor shall be notified when mail is returned. If mail is returned to an attorney and/or litigant, the attorney and/or litigant shall file a corrected notice within ten (10) days of receipt or shall file a corrected matrix with the Court that includes a notice from the Bankruptcy Noticing Center or the returned mail envelope from the U.S. Postal Service reflecting the new address or that an address cannot be ascertained.
- C. The Court Clerk can reject a matrix that fails to comply with the requirements of [Local Rule](#) 1007-1.C.

## 9. ORDERS

- A. The Court's electronic filing of orders, decrees, memoranda, opinions and judgments shall constitute entry on the Court's docket for purposes of Rules [5003](#) and [9021](#) of the Federal Rules of Bankruptcy Procedure.
- B. Registered Participants submitting orders for Court approval must submit the orders in electronic format through the ECF System in accordance with the *E-Orders Guidelines* available on the Court's website at [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov).
- C. Judges may sign orders manually, by electronic means permitted by Rule [5005\(a\)\(2\)](#) of the Federal Rules of Bankruptcy Procedure, or judges may use docket text orders.
- D. An order filed electronically without judicial signature or with a facsimile of a judge's signature has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order and entered the order manually on the docket.
- E. The Court may issue certain orders as text only. Text orders will not include a separate Document signed by a judge. A text order has the same force and effect as if a judge had affixed his or her signature to a paper copy of the order and entered the order manually on the docket. The moving party shall be required to print the text order, to mail it to any party who did not receive electronic notice of the order and to docket a certificate of service reflecting mailing of the order.

## 10. SOCIAL SECURITY NUMBERS

- A. Consistent with [Local Rule](#) 1007-1.F, the Statement About Your Social Security Numbers, [Official Form](#) 121, shall be filed concurrently with the petition as a separate docket event and include the entire social security number and original handwritten signature of the debtor(s). It will not be available for viewing by the public.

## 11. TECHNICAL FAILURE

- A. Any difficulty in accessing the ECF System and any other technical failure of the

ECF System should be reported to the Clerk's Office immediately.

- B. A Participant whose filing is made untimely as the result of a technical failure may seek appropriate relief from the assigned judge. If no case is pending, relief may be sought from the Chief Judge. The Court shall determine whether a technical failure has occurred on a case-by-case basis. Filing deadlines shall not otherwise be altered based upon a technical failure.
- C. If a filing cannot be timely filed as a result of a technical failure, the pleading or Document may be filed at the Clerk's Office or, with prior permission, may be emailed to the Court Clerk by contacting the Clerk's Office.

## 12. FILING ERRORS AND REVOCATION OF FILING PRIVILEGES

- A. Participants shall contact the Court Clerk by phone (405) 609-5700 or email [helpdesk@okwb.uscourts.gov](mailto:helpdesk@okwb.uscourts.gov) if a filing error is made and assistance is needed correcting it.
- B. If errors are found in filings, the Court Clerk may make a corrective entry describing the error and instructing the filer to correct it. The Court may strike Documents if corrections are not made promptly.
- C. If errors are found in docketing, the Court Clerk may note the error and the correction made by the Court Clerk.
- D. The Court may revoke or deactivate the login and password of a Participant and/or impose sanctions against a Participant under any of the following conditions:
  - i. Misuse of the ECF System login and/or password;
  - ii. Failure to comply with the provisions in the Attorney's Registration Form or Limited Participant's Application;
  - iii. Failure to adequately secure and protect the Participant's login and password;
  - iv. Failure to comply with the provisions of these Guidelines for Electronic Filing;
  - v. Failure to maintain an email address capable of receiving emails and NEFs from the Court;
  - vi. Return of undeliverable emails or NEFs sent from the Court to the Participant;
  - vii. Failure to pay filing fees for pleadings and Documents filed electronically; or
  - viii. Repeated filing errors without adequate correction.

- E. The Court may also deactivate the login and password of a Participant upon learning that the Participant has passed away.

13. EFFECTIVE DATE

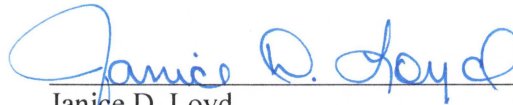
These Guidelines for Electronic Case Filing take effect on September 1, 2024.

Dated in Oklahoma City, Oklahoma, this 31<sup>st</sup> day of July, 2024.

By the Court.



Sarah A. Hall  
Chief Bankruptcy Judge



Janice D. Loyd  
Bankruptcy Judge

## APPENDIX A-1

### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

## STYLE GUIDE FOR ELECTRONIC CASE FILING

This Style Guide contains the preferred style practices for all Participants of the Court's Electronic Case Filing (ECF System) for the United States Bankruptcy Court for Western District of Oklahoma (Court). Style consistency is the key to efficient searches in the ECF System since successful queries require very exact matches to search data including punctuation and abbreviations.

### 1. ADDING PARTIES

When adding new parties to the ECF System, the information must conform to standard punctuation and spacing rules listed in this Style Guide.

#### A. SEARCHING FOR PARTIES

Before adding any party to a case, make sure you do a thorough search of the ECF System for the party using various "search clues." If the ECF System finds the correct party name with a search, select it to help minimize different versions of the same party name in the ECF System. Even something as simple as "United States" can cause ambiguity if everyone is entering it differently. For example, "UNITED STATES", "U.S.", "US", "USA", "U.S.A.", or "U.S. of A."

#### B. SEARCH STRATEGIES

The ECF System requires exact text matches.

- i. When searching for debtors, the more search clues you provide, the more likely you are to find the exact person. For example, if you search for the last name of *Smith*, the ECF System may return a list of quite a few parties with that last name. However, if you search for the last name of *Smith* with the first name of *Eugene*, the ECF System may return a single party.
- ii. When searching for creditors, it may be necessary to conduct multiple searches. First, search for the creditor's entire name (ex., "World Communications"). If that is not successful, you can search for more broadly on part of the creditor's name (ex., "World Comm" or just "World").

- iii. When searching for a party, do **NOT** use an asterisk in the search criteria (ex., Villa\*). **Using an asterisk will slow down the entire ECF System.**

## **C.      ADDING DEBTORS**

- i. Debtors must be added using the names and addresses as they appear on the petition or on the complaint.
- ii. If a debtor has a street address and a mailing address, the **mailing address** should be entered into the ECF System.
- iii. If a debtor has a title, add the title in the ***Party Text*** box. When entered this way, the party text will appear on the docket report following the name and separated by a comma.
- iv. Information must be entered in the ***SSN box*** or the ***Tax ID*** box even if the social security number for an individual debtor or tax identification number for a business debtor is unknown. Use the following formats for unknown numbers:

- SSN:            000-00-0000
- Tax ID:        00-0000000

## **D.      ADDING PLAINTIFFS AND DEFENDANTS**

- i. Plaintiffs and defendants must be added using names as they appear on the complaint. You may find the names when you search the database. If a name in the database is close to the one being added, accept the existing name in the database and correct the address, if necessary.
- ii. Do **NOT** add a title for plaintiffs or defendants.
- iii. If the complaint lists alias(es) for the plaintiff or defendant, add them separately using the Alias(es) button, do **NOT** add alias(es) as part of the last name.
- iv. Select the Plaintiff or Defendant ***party role***.

## **E.      ADDING CREDITORS**

- i. Add creditors to cases using names existing in the ECF System where possible.



- ii. The same creditor may be added to many different cases. Ideally, only one of each creditor should appear in the database. For example,

***Ford Motor Credit Company*** may incorrectly be written as:

- Ford Motor Credit Co.
- Ford Motor Credit Corporation
- Ford Motor Credit Company, Inc.
- Ford Motor Company
- Ford Motor Credit Corp.

The name should be written as *Ford Motor Credit Company* in the ECF System. Having a long list of different names for the same creditor makes searching difficult and time consuming.

- iii. Do **NOT** add mailing addresses for creditors who have attorney representation. If a creditor is found in the ECF System with an address, delete the address fields before accepting the ***Party Information*** screen.
- iv. Do **NOT** add a title for creditors.
- v. Select the Creditor ***party role***.
- vi. Creditors added to the ECF System via the uploading of the creditor mailing list shall be formatted consistent with this Style Guide and [Local Rule](#) 1007-1.C.

## 2. STYLE CONVENTIONS FOR NAMES

The following style conventions apply to all names entered in the ECF System. For additional information regarding adding debtors, plaintiffs, defendants, and creditors, see the above Sections [1.C](#), [1.D](#), and [1.E](#) in this Style Guide.

- A. Use upper- and lower-case characters when entering names in the ECF System. Do **NOT** enter names in ALL capital letters. Do **NOT** use periods; for example: Jr, Ltd, Co, Inc

Examples:            Wallace D Smith Jr  
                         United States Services Fidelity and Guaranty

- B. Use single spacing between all names and following initials. Do **NOT** use periods.

Examples:            J J Jones (Space between initials)  
                         Smith, Inc (Space between comma and Inc)

- C. Do **NOT** insert spaces between names having upper- and lower-case letters or hyphens.

Examples: Patricia DeVita (No space between De and Vita)  
Joseph O'Brien (No space after apostrophe)  
Brenda Trainer-Mills (No spaces around hyphen)

- D. Enter generations such as Jr, Sr, II, III in the generation field. Do **NOT** use periods.
- E. If an individual does not have a middle name, leave the field blank. Do **NOT** insert NMI for "no middle initial."
- F. If an individual has multiple names, such as *David Santa Claus Curry*, add the extra names in the Middle Name field.

Last Name: Curry  
Middle Name: Santa Claus  
First Name: David

- G. Business names should be entered entirely in the Last Name field. Do **NOT** use the First Name or Middle Name fields when entering a business name.
- H. Spell out the word "and" when used in party names. Do **NOT** use the ampersand sign (&) for "and."

S and J Co  
Price and Associates

- I. Avoid abbreviating unless the abbreviation is a part of the company name as reflected on the petition or pleading.

<b><u>Use</u></b>	<b><u>Do NOT Use</u></b>
Ford Motor Company	Ford Motor Co.
First Federal Association	1 <sup>st</sup> Federal Assoc.

### 3. STYLE CONVENTIONS FOR ADDRESSES

The following style conventions apply to all addresses entered in the ECF System.

- A. Addresses must **not** exceed four (4) lines. The party name and address must not exceed five (5) lines.

- B. The city, state, and zip code **must** be the only information entered on the fifth (5<sup>th</sup>) or last address line.

- C. Abbreviate post office boxes without a space between the P and the O. Do **not** use periods.

PO Box 1350  
PO Drawer 1954

- D. Use numerals (not words) for numbers in addresses.

3224 E 26<sup>th</sup> St  
425 6<sup>th</sup> St  
1 Federal Way

- E. If a party, other than the debtor, has both a street address and a post office box address, **only** add the post office box address.

James Johnson  
PO Box 1919  
5000 Western Way  
Oklahoma City, OK 73118-7036

← Do **NOT** enter this information.

- F. When necessary, use the second and/or third line of the address for building name, suite number, floor, firm name, or attention. Do **NOT** include symbols such as c/o, &, %, #, etc.

Arthur Anderson and Associates  
John Hancock Bldg Ste 2600  
8723 Michigan Ave  
Chicago, IL 60604

- G. Use the full nine-digit zip code when possible.

- H. Foreign addresses must have the full name of the post office and country of destination printed in capital letters.

- I. The country name or APO destination must be the only information on the bottom line of an address:

HELENA L SAUNDERS  
1010 CLEAR STREET  
OTTAWA ON K1A 0B1  
CANADA

SGT WILLIAM SMITH  
UNIT 21103 BOX 512  
APO AE 09014

- J. The preferred format for telephone numbers is (405) 609-5700. Note the blank space between the area code and phone number.

#### 4. ABBREVIATIONS

##### A. Street and Address Designations

Below is a list of preferred street and address designators. Do **NOT** use periods after the designation.

<b><u>Use</u></b>	<b><u>Instead of</u></b>
Apt	Apartment
Ave	Avenue
Bldg	Building
Blvd	Boulevard
Ct	Court
Dr	Drive
Expwy	Expressway
Frwy	Freeway
Hwy	Highway
IH	Interstate Highway
Ln	Lane
Pkwy	Parkway
Pl	Place
Rd	Road
RR	Rural Route
Sq	Square
St	Street

##### B. Geographic Directions

Do **NOT** use periods after the direction.

North	N	Northeast	NE
South	S	Southwest	SW
East	E	Southeast	SE
West	W	Northwest	NW

**C. States and Territories**

AL	Alabama	MT	Montana
AK	Alaska	NE	Nebraska
AZ	Arizona	NV	Nevada
AR	Arkansas	NH	New Hampshire
AS	American Samoa	NJ	New Jersey
CA	California	NM	New Mexico
CO	Colorado	NY	New York
CT	Connecticut	NC	North Carolina
DE	Delaware	ND	North Dakota
DC	District of Columbia	CM	N. Mariana Islands
FL	Florida	OH	Ohio
GA	Georgia	OK	Oklahoma
GU	Guan	OR	Oregon
HI	Hawaii	TT	Palau
ID	Idaho	PA	Pennsylvania
IL	Illinois	PR	Puerto Rico
IN	Indiana	RI	Rhode Island
IA	Iowa	SC	South Carolina
KS	Kansas	SD	South Dakota
LA	Louisiana	TN	Tennessee
ME	Maine	TX	Texas
TT	Marshall Islands	UT	Utah
MD	Maryland	VT	Vermont
MA	Massachusetts	VA	Virginia
MX	Mexico	VI	Virgin Islands
MI	Michigan	WA	Washington
TT	Micronesia	WV	West Virginia
MS	Mississippi	WI	Wisconsin
MO	Missouri	WY	Wyoming

# PROCEDURES IN CHAPTER 12 CASES



**September 1, 2024**

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA  
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

## APPENDIX B

### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

#### GENERAL ORDER NO. 24-05

#### 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\(a\)](#). If no motion to value is timely filed in a case, the value of the debtor's interest in an asset for purposes of confirmation of a Chapter 12 plan shall be the value assigned to such asset by the debtor in the Schedules unless otherwise agreed by the parties.
  - B. **Content of Motions; Notice of Opportunity for Hearing; Notice of Hearing.** A motion to value shall include, at a minimum, the following: 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. [Local Rule](#) 9013-1 applies to a motion to value made pursuant to 11 U.S.C. § [506](#) and to any objections thereto. The motion shall include in the title "and Notice of Opportunity for Hearing and Notice of Hearing," and immediately after the title shall contain the following statement:

#### NOTICE OF OPPORTUNITY FOR HEARING

**Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document.** If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the motion. You should



also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate of service with the Court.

**[Note – this is a flat fourteen (14) days regardless of manner of service.]**

**NOTICE OF HEARING  
(TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the \_\_\_\_\_ is filed, the hearing on the matter will be held on \_\_\_\_\_, 202\_\_, at \_\_:\_\_.m. on the \_\_\_\_\_ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, Oklahoma 73102. If no response is timely filed and the Court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

- C. Hearing. It shall be the duty of the party filing a motion to value a secured claim to (i) notify the Courtroom Deputy Clerk of the appropriate Bankruptcy Judge of the need for a hearing pursuant to Bankruptcy Rule [3012\(a\)](#) and (ii) give notice of the hearing to all interested parties. The hearing shall be no less than forty (40) days after the filing of the motion.
- D. Deadline for filing Objections. A response to a motion to value a secured claim must be filed within fourteen (14) days after the filing of the motion. [Note – this is a flat fourteen (14) days regardless of manner of service.]
- E. Content of Objections. Objections shall contain, at a minimum, 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. No Response. If a timely response to a motion to value secured claim is not filed and served within fourteen (14) days after the motion is filed, the party filing the motion shall upload a proposed order and shall notify the Court that the hearing on the motion to value secured claim may be stricken.
- G. Applicability of Local Rules 9007-1, 9013-1 and 9014-1. [Local Rules](#) 9007-1, 9013-1 and 9014-1 apply to valuation motions and objections filed pursuant to 11 U.S.C. § [506](#).
- H. 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 Bankruptcy 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](#) 9007-1.D. The hearing shall be no less than thirty (30) 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 [Note: -- this is a flat twenty-one (21) days regardless of the manner of service.] 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 or affidavit of service in compliance with [Local Rule](#) 9007-1.
- C. Applicability of Local Rules 9007-1, 9013-1 and 9014-1. [Local Rules](#) 9007-1, 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. A 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; and
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, 9007-1, 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.

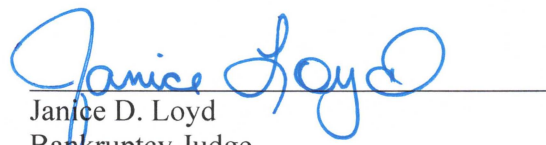
VI. **Effective Date.** These Procedures in Chapter 12 Cases take effect on September 1, 2024.

Dated in Oklahoma City, Oklahoma, this 31<sup>st</sup> day of July, 2024.

By the Court.



Sarah A. Hall  
Chief Bankruptcy Judge



Janice D. Loyd  
Bankruptcy Judge

# CHAPTER 13 GUIDELINES



**September 1, 2024**

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA  
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

**APPENDIX C**

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

**GENERAL ORDER NO. 24-06**

**CHAPTER 13 GUIDELINES**

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## Scope of Guidelines

These Guidelines, in conjunction with the [Bankruptcy Code](#), the [Federal Rules of Bankruptcy Procedure](#), and the [Local Rules](#) of Bankruptcy Procedure, contain the rules and procedures for Chapter 13 practice in this Court, and are applicable to all Chapter 13 cases. In case of a conflict between these Guidelines and the [Bankruptcy Code](#) or these Guidelines and the [Federal Rules of Bankruptcy Procedure](#), the [Bankruptcy Code](#), or if applicable, the [Federal Rules of Bankruptcy Procedure](#) shall control.

## Filing of Pay Advices

In addition to the schedules, statements, and Documents required to be filed by Fed. R. Bankr. P. [1007](#), all debtors must file [Local Form 1007-1.D](#) with copies of the debtors' pay stubs, paychecks, and/or fixed income statements, if applicable, for the six months immediately prior to bankruptcy, or if applicable, copies of profit and loss statements for the two quarters immediately prior to bankruptcy within fourteen (14) days of filing the petition.

## Section 341 Meeting of Creditors and Confirmation Hearing

**Confirmation Hearings Concurrent with the Meeting of Creditors.** The Court has determined it is in the best interest of creditors and Chapter 13 estates to confirm Chapter 13 Plans, and thereby commence payments to creditors, as early as is practicable. For these reasons, the Court has determined that at the conclusion of the Meeting of Creditors under 11 U.S.C. § [341](#), if there is no unresolved oral or written objection to confirmation, and no oral or written objection to confirmation at a date earlier than the date specified in 11 U.S.C. § [1324\(b\)](#), the Trustee shall submit the confirmation order to the Court for entry. The confirmation order will be entered by the Court, unless the Court determines the matter should be set for further hearing.

**Notice of Concurrent Meeting of Creditors and Confirmation Hearing.** All notices of the Meeting of Creditors will include notice of an opportunity for hearing on confirmation and will provide the deadline for the filing of written objections to confirmation and to the concurrent confirmation hearing. The notice of the Meeting of Creditors shall also specifically provide that if there are no objections to confirmation or to the concurrent confirmation hearing confirmation, or if all objections are resolved at the conclusion of the Meeting of Creditors, the Trustee will submit the confirmation order to the Court for entry.

**Objections to Concurrent Confirmation Hearing.** The deadline for objections to confirmation concurrently with the Meeting of Creditors is seven (7) days prior to the date set for the Meeting of Creditors. If any party objects to the concurrent confirmation hearing, the confirmation hearing will be continued no earlier than twenty (20) days and no later than forty-five (45) days after the date of the Meeting of Creditors.

**Deadline for Objections to Confirmation.** The deadline for the filing of written objections to confirmation is seven (7) days prior to the date set for the Meeting of Creditors. Any party who has not filed a written objection by this deadline, but desires to preserve its objection, may appear at the Meeting of Creditors and raise an oral objection. If an oral objection is raised at the Meeting of Creditors, the confirmation hearing will be continued no earlier than twenty (20) days and no later than forty-five (45) days after the date of the Meeting of Creditors. Any party raising an oral

objection at the Meeting of Creditors must still file a written objection not less than seven (7) days after the Meeting of Creditors.

**Continuance of the Meeting of Creditors.** The Trustee may continue or adjourn the Meeting of Creditors by oral notice given at the Meeting of Creditors, without further written notice to creditors. Continuance of the Meeting of Creditors will necessarily include continuance of any pending confirmation issues, and the deadline to object to confirmation and/or to expedited confirmation will be extended to the date that is seven (7) business days prior to the continued Meeting of Creditors. In any case in which a written objection to confirmation or to expedited confirmation is pending, or in which an oral objection to confirmation or to expedited confirmation is raised at the Meeting of Creditors, and any objection is not resolved by the conclusion of the Meeting of Creditors, the Trustee shall request the case be set for a hearing on confirmation before the Court.

**Debtors Must Remain Current.** Whenever a hearing on confirmation is continued, the debtor(s) must be current in their payments at all future confirmation hearings, or the case may be recommended for dismissal.

**Standard Confirmation Order.** The Court has adopted a standard confirmation order. The Court may amend the standard confirmation order from time to time as it deems appropriate. Any interlineations or changes to the standard confirmation order not approved by the Trustee require notice, a hearing, and approval of the Court to be effective.

**Debtor is Responsible for Serving the Confirmation Order.** Upon entry of the confirmation order, it shall be timely served by the debtor(s). The confirmation order shall be served upon all parties listed on the mailing matrix, all parties who have filed a request for notices, and the assistant United States Trustee, and a certificate of service shall be filed pursuant to [Local Rule](#) 9007-1.D.

## **Mortgages**

**Delinquent Mortgages Shall Be Paid through the Plan.** All mortgages extending beyond the plan under which the debtor(s) is / are not current at the time the Chapter 13 petition is filed shall be paid through the Chapter 13 Plan. In addition, all mortgages that are subject to modification are to be paid through the Chapter 13 Plan and in full during the term of the plan.

**First Postpetition Payments.** For long-term mortgages paid under the terms of 11 U.S.C. § [1322\(b\)\(5\)](#), the first ongoing mortgage payment that comes due before the first plan payment is required to be paid shall be set up by the Trustee as an additional arrearage claim and shall be paid at the same rate of interest as is paid on the pre-petition arrearage claim pursuant to the confirmation order.

## **Proofs of Claims**

**Claim Required to Receive Distributions.** To receive disbursement from the Trustee, a creditor must file a proof of claim in the case. If the claim is secured, evidence of perfection of the security interest must be attached to the proof of claim. If post-petition interest is sought, the proof of claim must clearly and conspicuously state the rate of interest. The Trustee will pay post-petition interest as stated in the confirmation order.

**Serving Claims on Pro Se Debtor(s).** If the debtor(s) is / are pro se, the creditor must serve a copy of the claim on the debtor(s) by U.S. Mail and file a certificate of service.

**Claims in Converted Cases.** Claims filed in the case prior to the conversion are deemed filed in the Chapter 13 case.

## **Attorney Fees**

**Effect of Ethics Rules.** The Court's establishment of a presumptive ("no-look") fee in no way abrogates the attorney's obligations under Oklahoma Rules of Professional Conduct, Rule 1.5 to only charge a reasonable fee.

**Attorney Compensation.** All requests for fees or expenses by debtors' attorneys shall be approved by the Court. Attorneys may be compensated by either accepting the Presumptive ("no-look") Fee or by hourly billing. Attorneys seeking compensation by hourly billing shall file a fee application with time records in accordance with 11 U.S.C. § [330](#), Fed. R. Bankr. P. [2016](#), and [Local Rule](#) 2016-1.B.

**Disclosure Required.** Pursuant to Fed. R. Bankr. P. [2016\(b\)](#), debtors' attorneys must disclose any monies paid to them from any source on behalf of the debtor(s).

**Pre-petition Retainers.** Debtors' attorneys are permitted to accept a reasonable retainer prior to the filing of the petition. Retainers shall be deposited in the attorney's trust account and unearned retainers may not be withdrawn without an order from the Court. Unearned retainers are property of the bankruptcy estate.

**Post-petition Retainers.** Attorney's fees for post-confirmation services shall be paid through the plan unless ordered otherwise. A debtors' attorney shall not accept any payment for services or a retainer from the debtor(s), or from a third party, without first obtaining an order authorizing the fees and specifically permitting direct payment by the debtor(s).

**Prevailing-party Attorney Fees.** Attorney's fees sought by prevailing parties in contested matters or adversary proceedings will be limited as the Court deems appropriate where the party initiating the matter or proceeding has not made reasonable attempts to resolve the matter without the necessity of instituting the contested matter or adversary proceeding.

**Presumptive Fee for Pre-confirmation Services.** The debtors' attorney may be awarded a fee in the confirmation order up to \$4,000, inclusive of any retainer received pre-petition, without the necessity of filing a fee application. In addition, attorneys may receive an additional \$750 for motions to avoid lien filed preconfirmation. The attorney fee approved in the confirmation order constitutes compensation for fees and expenses incurred for **all** pre-confirmation services and nominal post-confirmation services. The attorney fee approved in the confirmation order shall be paid at a rate of up to \$400 per month or fifty percent (50%) of the monthly plan payment, whichever is less.

**Nominal Post-confirmation Services.** Nominal post-confirmation services include, but are not limited to:

1. Answering clients' general questions;
2. Corresponding with creditors and the Trustee;
3. Reviewing notices of claims filed;
4. Reviewing annual reports;
5. Submitting monthly reports in business cases;
6. Filing financial management course certificates;
7. Filing Suggestions of Death; and
8. Filing address change notices.

**Presumptive Fee for Routine Post-confirmation Services.** If requested in the pleading, an attorney fee of up to \$750 may be allowed without filing a separate fee application for routine post-confirmation services. Routine post-confirmation services include, but are not limited to:

1. Responding to and resolving a motion filed by a party other than the debtor(s) whether by agreed order or modification;
2. Filing a motion to modify other than to resolve a motion filed by a party other than the debtor(s);
3. Filing a motion to incur new debt;
4. Filing any other necessary motion;
5. Objecting to a proof of claim filed by a creditor; and
6. Filing a proof of claim on behalf of a creditor.

The fee constitutes compensation for services and expenses related to the matter and will be awarded upon completion of the matter. Unless the order awarding the fee states otherwise, the fee will be paid through the confirmed plan at the rate of up to \$125 per month, beginning in the month following entry of the order awarding the fee. For fee purposes, the following are considered to be one post-confirmation service:

1. A motion to modify filed in response to a motion to dismiss or motion for relief from the automatic stay and/or co-debtor stay;
2. Multiple objections to claims;
3. Multiple motions to avoid liens; and
4. Any multiple pleadings that are substantially similar and filed at the same time.

**Cases Dismissed or Converted Prior to Confirmation.** Orders dismissing or converting a case prior to confirmation may allow an attorney fee up to \$2,000 without filing a separate fee application. This fee may consist of any pre-petition retainer paid by the debtor(s). **Attorneys shall refund any unearned portion of the retainer.** Funds held by the Trustee after payment of adequate protection payments and approved administrative expenses shall be returned to the debtor(s) under 11 U.S.C. § [1326\(a\)\(2\)](#) unless ordered otherwise. The Court cannot approve attorney fees for services in a Chapter 13 case after a case is dismissed or converted.

**Cases Converted Post-Confirmation.** An attorney may accept from the debtor(s), without filing a separate fee application, an attorney fee of up to \$1,000 for services necessary to convert the case from one under Chapter 13 to one under Chapter 7, 11, or 12. The attorney shall file a revised [Official Form 2030](#). This fee constitutes compensation for fees and expenses relating to the conversion.

**Reduction of Compensation for Neglect.** If, due to delay caused by neglect of the debtors' attorney, the case is not ready for confirmation at the conclusion of the Meeting of Creditors or at the conclusion of any continued confirmation hearing, the Trustee may recommend that the attorney's fee may be reduced.

## **Adequate protection**

Unless ordered otherwise, adequate protection payments provided for in 11 U.S.C. § [1326\(a\)](#) will be paid through the Trustee and will be paid in accordance with the following procedures:

**Paid Monthly.** Adequate protection payments will be paid monthly.

**Motion Required.** Adequate protection payments will not be paid on a claim where the claim is secured by real property or is not attributable to the purchase of the personal property unless an order is entered by the Court after the filing of a motion. [[Local Rules](#) 9007-1, 9013-1, and 9014-1 apply to motions seeking adequate protection].

**Motion Not Required.** Adequate protection payments will be paid on a claim where the debt is attributable to the purchase of the personal property.

**Priority.** Adequate protection payments shall be paid prior to the payment of outstanding attorney fees. If there are insufficient funds on hand to pay all adequate protection payments owing to creditors as well as the fee to the Trustee, the Trustee will reduce the distribution to each creditor on a pro-rata basis.

**Calculation of Adequate Protection on Vehicles.** Adequate protection will be calculated as 1-2% of the value of the vehicle, unless otherwise ordered by the Court.

**Amount to be Paid.** Unless ordered otherwise, the Trustee shall make adequate protection payments in the amount identified in Section C.1. of the Chapter 13 Plan [[Local Form 3015-1](#)].

**Objections to Adequate Protection.** A creditor who opposes the adequate protection amount proposed by the debtor(s) must file a written objection. It is the responsibility of the creditor filing the objection to ensure the issue is heard in a timely manner and that any order addressing the adequate protection amount to be paid to the creditor is entered prior to any order of dismissal, notice of conversion, or order of conversion. If the order is not entered in a timely manner, the funds subject to the order may be paid to other parties.

**Adequate protection payments in dismissed and converted cases.** Adequate protection payments in dismissed and converted cases shall not be paid to any creditor that has not filed a proof of claim with proper verification of security attached or provided, within five (5) days of the filing of any order of dismissal, notice of conversion, or order of conversion. Additionally, no payment shall be made to a creditor in a confirmed case until a proof of claim has been filed.

**Surrender Collateral.** Adequate protection will not be paid where the Chapter 13 Plan provides for the surrender of the collateral securing the debt. If a Chapter 13 Plan is amended to provide for

the surrender of collateral that was to be paid through the plan under an earlier plan, adequate protection payments shall be paid only through the month in which the amended plan is filed. If the amended plan is confirmed, the confirmation order shall provide for the payment of the adequate protection amount due through and including the month in which the surrender was proposed.

**Insurance Required.** Debtor(s) shall maintain full coverage insurance on all property serving as collateral for a claim or forming the basis of any liquidation value and shall provide proof of such insurance upon request by any interested party.

## **Property of the Estate**

**Repossessed Vehicles.** Any vehicle owned by debtor(s) that has been repossessed pre-petition but not yet retitled is presumptively property of the estate. If the debtor(s) desires to have a repossessed vehicle returned, the debtor(s) must provide for the creditor's claim in the plan. The Court strongly encourages debtors and creditors to reach an agreement for the return of repossessed vehicles without the necessity of filing a motion.

## **The Automatic Stay**

**Relief from the Automatic Stay.** Hearings on Motions for Relief from the Automatic Stay will be set on the Court's regular motion docket and will only be set upon the timely request of the objecting party. Hearings will be set within the requisite thirty (30) day period; however, the parties may agree to treat the first hearing date as a preliminary hearing and continue the motion for a final hearing. [[Local Rules](#) 4001-1, 9007-1, 9013-1, and 9014-1 apply to motions for relief from automatic stay].

**Payments on Collateral.** The Trustee shall not cease payments on a secured claim upon entry of an order granting relief from the automatic stay or upon entry of an order declaring there is no stay in effect unless an order of the Court specifically provides for such cessation of payments. Once collateral has been repossessed and sold, the creditor shall promptly amend its secured claim to reflect the receipt of sales proceeds. In the event that the secured claim has been overpaid, the creditor shall promptly return such overpayment to the Trustee.

**Comfort Orders.** The Court is willing to enter orders declaring there is no stay in effect (a "comfort Order") upon application by a party-in-interest attesting to the facts under which the applicant believes there is no stay in effect, unless the Court finds the application is without merit. If the application is filed by a secured creditor, the pleading must state whether the applicant believes its collateral is insured and the basis for its belief. Additionally, the application must be accompanied by proof that a security interest, if any, of the applicant has been properly perfected. Any order declaring the stay is not in effect must be promptly served by the applicant on the debtor(s), debtor's counsel, and all other interested parties.

**Pending Motions to Extend or Impose the Automatic Stay.** An application requesting a comfort order may not be filed if there is a pending motion to extend or impose the stay.

**Fourteen-day Stay.** Unless provided otherwise, any order declaring the automatic stay is not in effect must specifically provide that no action based on the order may be taken for fourteen (14) days from the date the order is entered, except that collateral the applicant believes is uninsured may be repossessed. This 14-day period is to allow debtor(s) an opportunity to dispute the facts set



forth in the application and to ask the Court to reconsider the entry of the order. This period will also allow the Trustee and other interested parties to request reconsideration for cause.

## Valuation

**Cramdown of Claims Secured by Real Property.** Valuation of claims secured by real estate shall be accomplished by filing a motion to determine value. [[Local Rules](#) 9007-1, 9013-1, and 9014-1 apply to motions to determine value].

**Cramdown of Claim Secured by Personal Property.** Valuation of claims secured only by personal property must be clearly and conspicuously indicated by checking the box in Paragraph 1 and in Paragraph 5.C.(2)(b) of the Chapter 13 Plan [[Local Form 3015-1](#)].

## Plan Payments

**Automatic Payments Required.** Debtors shall make monthly plan payments by an automatic means unless the Court permits otherwise.

**Debtors with Regular Wages.** Debtors that receive regular wages from employment shall make plan payment by either an Employer Wage Deduction pursuant to 11 U.S.C. § [1325\(c\)](#) or via TFS E-Wage. Any order entered that authorizes the Trustee to institute a wage deduction will also provide that the Trustee may amend or terminate such wage deduction without further order of the Court.

**Self-employed Debtors and Debtors without Regular Wages.** Self-employed Debtors (independent contractors, 1099) and Debtors that only receive retirement or benefits (social security, VA disability, etc.) may make monthly plan payments by recurring payments via TFS ePay.

**Direct Payments.** Debtors that desire to make their payments directly to the Trustee must file a motion and obtain the Court's approval to make monthly payments by another means.

**Debtors' Attorney's Obligation to Assist Debtors to Set Up Payments.** Debtors' attorneys are expected to be familiar with various payment options and assist Debtors in setting up payments.

**Existing Cases.** For cases filed prior to the effective date of these guidelines, if debtors who have not agreed to make payments by employer wage deduction fail to make a regular payment under a confirmed plan, the Trustee is authorized, pursuant to the Order Confirming Chapter 13 Plan, to implement the use of the employer wage deduction provision of 11 U.S.C. § [1325\(c\)](#) without further notice, unless, prior to the default, the Trustee was advised in writing that the debtor(s) would prefer the Trustee move for dismissal of the case.

## Plan Modifications

**Modification of Confirmed Plans.** Modification of a confirmed Chapter 13 Plan shall be by motion in accordance with 11 U.S.C. § [1329](#). Parties shall *not* file a new plan. The motion must state the reason for the modification and the specific modifications proposed, including the effect upon distribution to each creditor class should the modification be approved. Notice of the proposed modified plan is governed by Fed. R. Bankr. P. [3015\(h\)](#) and [Local Rules](#) 2002-1, 9007-1, 9013-1 and 9014-1. If the motion is filed after the claims bar date, notice may be limited to the



Chapter 13 Trustee, any party whose interest is affected by the modification, and creditors who have filed proofs of claim.

**Current Income Information Required.** When a debtor(s) files a motion to modify a confirmed plan, debtor(s) shall also file [Local Form 1007-1.D](#) with copies of the debtors' pay stubs, paychecks, and/or fixed income statements for the two months immediately prior to the motion, or if applicable, copies of profit and loss statements for the two quarters immediately prior to the motion, and amended Schedules I and J. If the required Documents are not filed, the Trustee may file an application requesting the Court to strike the motion.

## **Incurring New Debts**

**Incurring New Debts Limited by the Confirmation Order.** The Court's confirmation order prohibits the debtor(s) from incurring any new debt, except for medical debt, without the prior approval of the Court.

**Prior to Filing a Motion to Incur New Debt.** Prior to filing a motion to incur a new debt, the debtor(s) and the Trustee shall confer on the necessity and reasonableness of the debt to be incurred.

**Motion to Incur a New Debt.** The debtor(s) shall file a motion to obtain approval to incur a new debt or refinance an existing home loan. The debtors' motion must include:

1. The debtor(s) has / have conferred with the Trustee concerning the request, and whether the Trustee concurs that the debt is necessary and reasonable;
2. The purpose of the new debt;
3. The debtor(s) is / are current on plan payments;
4. Schedules I and J which must show debtor(s) has / have the ability to pay the plan payments, living expenses, and the new monthly loan payment;
5. The amount of the debt; and
6. Loan terms, if known.

[\[Local Rules 9007-1, 9013-1, and 9014-1 apply to motions to incur a new debt\]](#).

## **Final Reports in Chapter 13 Cases Converted to Chapter 7**

In cases converted from Chapter 13 to Chapter 7, the Chapter 13 Trustee is not required to file and transmit a final report and account to the United States Trustee until all funds received in the case have been administered. In accordance with Fed. R. Bankr. P. [1019\(5\)\(B\)](#), the Court directs that in converted cases, the Chapter 13 Trustee shall file and transmit his final report and account as soon as is practicable following all checks clearing the Chapter 13 Trustee's bank account.

## **Confirmation Docket Procedures**

**Morning and Afternoon Confirmation Dockets.** On Chapter 13 Docket Days, the Trustee conducts two confirmation dockets in the morning. Objections to confirmation that are not resolved or continued by the conclusion of the morning docket will be set over and heard by the Court on the afternoon docket. If an attorney is not present when called and has not obtained prior permission to appear late or be excused, the case will be set over to the afternoon docket.

**Objections to Confirmation.** All parties are required to make a good faith effort to resolve objections to confirmation prior to the hearing. Debtors' and creditors' attorneys must contact the Trustee's office sufficiently in advance of the confirmation hearing to resolve objections.

**Witness and Exhibit Lists for Contested Confirmation Hearings.** Witness and Exhibit Lists shall be filed at least seven (7) days prior to the contested Confirmation Hearing.

**Exhibit Binders for Contested Confirmation Hearings.** Unless ordered otherwise, parties shall provide three (3) exhibit binders to the Court at least five (5) days before the hearing. Unless a party requests a physical exhibit binder prior to the contested confirmation hearing, exhibits shall be exchanged between the parties electronically at least five (5) days prior to the hearing.

## **Motion Docket Procedure**

**Morning and Afternoon Motion Dockets.** On Chapter 13 Docket Days, the Trustee conducts two motion dockets in the morning. Matters not resolved or continued by the conclusion of the morning docket will be held over and heard by Court on the afternoon docket. If an attorney is not present when called and has not obtained prior permission to appear late or be excused, the case will be set over to the afternoon docket.

**Motion Docket.** All parties are required to make a good faith effort to resolve issues prior to the hearing. Parties shall submit proposed orders to the Trustee no later than 12 p.m. the day prior to the hearing.

**Witness and Exhibit Lists for Contested Matters.** Witness and Exhibit Lists shall be filed within seven (7) days after the expiration of the response period for the motion.

**Exhibit Binders for Contested Matters.** Unless ordered otherwise, the parties shall provide three (3) exhibit binders to the Court at least five (5) days before the hearing. Unless a party requests a physical exhibit binder at least ten (10) days prior to the hearing, exhibits shall be exchanged between the parties electronically at least five (5) days prior to the hearing.

## **Effective Date**

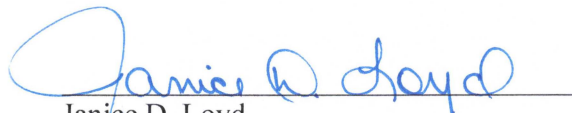
These Chapter 13 Guidelines take effect on September 1, 2024.

Dated in Oklahoma City, Oklahoma, this 31<sup>st</sup> day of July, 2024.

By the Court.



Sarah A. Hall  
Chief Bankruptcy Judge



Janice D. Loyd  
Bankruptcy Judge

# **CHAPTER 11 POLICIES AND PROCEDURES IN SUBCHAPTER V CASES**



**September 1, 2024**

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA  
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

## **APPENDIX D**

### **UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA**

#### **GENERAL ORDER NO. 24-07**

#### **CHAPTER 11 POLICIES AND PROCEDURES IN SUBCHAPTER V CASES**

- Filing Requirements
- Sub V Trustee
- SBRA Interim Rules
- Escrow Payments to Subchapter V Trustee
- Plan Deadline
- 341 Notice
- Status Conference and Pre-Status Conference Report
- Scheduling Order
- Subchapter V Plan
- Confirmation Hearing and Balloting Procedures
- Ballot Summary
- Post-Confirmation Actions
- Effective Date
- [Attachment 1](#) – Form for Subchapter V Pre-Status Conference Report
- [Attachment 2](#) – Form for Stipulation and Consent Order
- [Attachment 3](#) – Suggestions for Completion of Bankruptcy Official Form 425A (Plan of Reorganization for Small Business under Chapter 11)

**FILING REQUIREMENTS:** Documents required for a Subchapter V filing, which are the same as the requirements for a small business Chapter 11 filing, can be found at 11 U.S.C. § [1116\(1\)](#). See also 11 U.S.C. § [1187\(a\)](#).

**SUBCHAPTER V TRUSTEE:** The United States Trustee appoints a Subchapter V Trustee. The role of the Subchapter V Trustee is to oversee and monitor the case, to appear and be heard on specified matters, to facilitate a consensual plan, and to make distributions under a nonconsensual plan confirmed under the cramdown provisions.

**SBRA RULES:** Most of the Small Business Reorganization Act Rules are in the [Federal Rules of Bankruptcy Procedure](#). General Order [22-03](#) entered by the U.S. Bankruptcy Court for the Western District of Oklahoma adopts Interim Bankruptcy Rule 1020.

**ESCROW PAYMENTS TO SUBCHAPTER V TRUSTEE:** The debtor shall submit to the Subchapter V Trustee installment payments of \$1,500 (or other amount as agreed between the debtor, the Subchapter V Trustee, and the office of the United States Trustee) to serve as a retainer and ensure payment of the Subchapter V Trustee's fees incurred during the case. The first installment shall be due within 30 days of the filing of the petition. Subsequent installments shall be made on or before the last day of each successive month. For example, if a Subchapter V case is filed on July 12<sup>th</sup>, (i) the first payment would be due on or before August 11<sup>th</sup>, (ii) the second payment would be due September 30<sup>th</sup>, and (iii) payments would continue in this manner until the Court has ruled upon the Subchapter V Trustee's final motion for compensation.

The Subchapter V Trustee shall return any excess funds to the debtor within thirty (30) days following entry of an order regarding the Subchapter V Trustee's final motion for compensation, unless otherwise ordered by the Court.

**PLAN DEADLINE:** The deadline for filing the Subchapter V Plan is set upon the filing of the case at ninety (90) days from the filing date. That deadline appears in the notice of electronic filing and the docket text for the petition.

**341 NOTICE:** The 341 date is set forth in the 341 notice.

**STATUS CONFERENCE AND PRE-STATUS CONFERENCE REPORT:** The date of the Status Conference, and the deadline to file the Pre-Status Conference Report, will be set and noticed by the Court. The debtor's pre-status conference report should only be filed using the "Pre-Status Conference Report" event in the "Other" category of Bankruptcy Events menu in the CM/ECF system. Do NOT use the more generic Status Report event.

The Bankruptcy Court for the Western District of Oklahoma developed a form for the Subchapter V Pre-Status Conference Report. See [Attachment 1](#) of these policies and procedures.

**SCHEDULING ORDER:** Debtor's counsel should submit to the Court a Stipulation and Consent Scheduling Order as soon as possible after the filing of the case upon consultation with the

U.S. Trustee's office. The Stipulation and Consent Scheduling Order will set the following dates and deadlines:

- Date by which the debtor must file applications to employ general bankruptcy counsel;
- Date by which the debtor must file applications to employ all other professionals;
- Date by which the debtor must file a motion for authority to use cash collateral;
- Date by which the debtor must file an application and submit a proposed order establishing a bar date for the filing of creditors' claims;
- Date by which the debtor must file objections to disputed claims;
- Date by which the debtor must file a proposed disclosure statement (if necessary) and a plan of reorganization;
- Date by which creditors must make an election under 1111(b); and
- Date on which an equity security holder or creditor whose claim is based on a security must be the holder of record.

Parties shall use the Stipulation and Consent Scheduling Order form. See [Attachment 2](#) of these policies and procedures.

**SUBCHAPTER V PLAN:** The Subchapter V Plan should be filed using the "Plan" event under the "Plan" Bankruptcy Event menu category in the CM/ECF system.

The following [Official Forms](#) were developed for small business Chapter 11 cases, and are NOT specific to Subchapter V Cases, but may be helpful to debtors' attorneys:

- [Official Form 425A: Plan of reorganization for small business under Chapter 11](#) (See [Attachment 3](#) of these policies and procedures for Suggestions for Completion of Bankruptcy Official Form 425A);
- [Official Form 425B: Disclosure statement for small business under Chapter 11](#); and
- [Official Form 425C: Monthly operating report for small business under Chapter 11](#).

**CONFIRMATION HEARING AND BALLOTING PROCEDURES:** Contemporaneous with filing the Subchapter V Plan, the debtor's counsel should submit to the Court an Order setting deadlines related to plan confirmation, including:

- Date by which ballots accepting or rejecting the plan must be served (or received);
- Identification of the person to whom Ballots should be sent;
- Date by which written objections to confirmation must be filed;
- Statement that copies of any objections must be served on (i) counsel for Debtor, (ii) the Subchapter V Trustee, and (iii) the U.S. Trustee;
- Date and location set for the confirmation hearing (to be obtained from the Court); and
- Directing debtor to serve a copy of the plan and the Order to all required parties within three days of filing the plan.

Parties shall use the [Official Form](#) for Chapter 11 Ballots.



**BALLOT SUMMARY:** Pursuant to [Local Rule](#) 3018-1, Chapter 11 Plan proponents must prepare and file a summary of ballots received no later than three (3) business days before the hearing on confirmation of the plan. The ballot summary should be filed using the “Ballot Summary/Tabulation” event under the “Chapter 11 Events” Bankruptcy Event menu category in the CM/ECF system.

**POST-CONFIRMATION ACTIONS:** After the plan is confirmed, the debtor must file and serve a Notice of Substantial Consummation not later than fourteen (14) days after the confirmed plan is substantially consummated. See 11 U.S.C. §§ [1101\(2\)](#) and [1183\(c\)\(2\)](#).

The Notice of Substantial Consummation should be filed under the generic “Notice” event found under the Bankruptcy Event “Notices” menu category in the CM/ECF system.

Pursuant to [Local Rule](#) 3022-1, debtor’s counsel must file and serve a Chapter 11 Final Report and Motion for Entry of Final Decree ([Local Form 3022-1](#)) as soon as practicable after entry of an order confirming a plan of reorganization. The final report should be filed using the “Chapter 11 Final Report and Account and Motion for Final Decree” event under the “Chapter 11 Events” Bankruptcy Event category in the CM/ECF system.

**EFFECTIVE DATE:** These Chapter 11 Policies and Procedures for Chapter 11 Subchapter V Cases take effect on September 1, 2024.

Dated in Oklahoma City, Oklahoma, this 31<sup>st</sup> day of July, 2024.

By the Court.



Sarah A. Hall  
Chief Bankruptcy Judge



Janice D. Loyd  
Bankruptcy Judge

## ATTACHMENT 1

### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

In re:

Debtor(s).

Case No.  
Chapter 11  
Subchapter V

#### **SUBCHAPTER V PRE-STATUS CONFERENCE REPORT**

*Note: Must be filed 14 days prior to initial status conference.*

**(Include separate information regarding joint debtors, if any)**

Subchapter V Trustee:

Date of Order for Relief:

Claim Bar Date:

Plan Deadline

1. **Nature of the Business(es) and/or Employment(s) as appropriate:**

2. **Primary Cause(s) of the Necessity to File Bankruptcy:**

3. **Intake Meeting:**

The intake meeting was held and concluded on \_\_\_\_\_, 20\_\_\_\_. (If not concluded, explain why and state any continued dates.)

4. **First Meeting of Creditors:**

The First Meeting of Creditors was held and concluded on \_\_\_\_\_, 20\_\_\_\_. (If not concluded, explain why and state any continued dates.)



**5. Proof of Claim Deadline:**

The Court entered an Order setting a bar date for non-governmental claims of \_\_\_\_\_, 20\_\_\_\_, which has not passed / not yet passed [Doc. #\_\_\_\_]. (If a Bar Date Order has not yet been entered, explain why.)

**6. General Information About the Nature of the Secured, Priority, and Unsecured Debts:**

Secured Claims: \$ \_\_\_\_\_

Priority Unsecured Claims: \$ \_\_\_\_\_

Nonpriority Unsecured Claims: \$ \_\_\_\_\_

Total Claims: \$ \_\_\_\_\_

**7. Status of Employment of Professionals:**

Employment of debtor's bankruptcy counsel was approved on \_\_\_\_\_, 20\_\_\_\_, [Doc. # \_\_\_\_]. Debtor will / will not seek the employment of other professionals in the case. (If additional professionals will be employed, please provide an explanation.)

**8. Status of Discussions with Subchapter V Trustee:**

Debtor's attorney has been in communication with \_\_\_\_\_, the appointed Subchapter V Trustee as follows:

**9. Status of any Cash Collateral, Adequate Protection, or Stay Relief Issues:**

(INSERT)

**10. Goals for Reorganization of the Business:**

(INSERT)

**11. Efforts Taken and Status of Achieving a Consensual Plan:**

**(DESCRIBE THE WHO, WHAT, AND WHEN OF DISCUSSIONS WITH CREDITORS AND ANY AGREEMENTS REACHED)**

**12. Whether there is Need to File a Separate Disclosure Statement:**

Debtor does / does not anticipate needing to file a separate disclosure statement. (If there is a need for a separate disclosure statement, please explain why.)

**13. Current Status of Plan:**

The deadline to file a plan is \_\_\_\_\_, 20\_\_\_\_. At this time debtor does / does not anticipate the need to seek an extension of that deadline. (If there is an expectation of the need to seek an extension, please explain why.)

**Note: Debtor must file a plan not later than ninety (90) days after the entry of the order for relief.** Extensions of this deadline will only be granted by the Court upon a finding that the extension is “attributable to circumstances for which the debtor should not justly be held accountable.” See 11 U.S.C. § [1189\(b\)](#).

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

s/\_\_\_\_\_  
Signature of Debtor’s Attorney  
[Attorney’s Name - Bar Number  
Address  
Telephone Number  
Fax Number  
Email Address  
Counsel for ]

## ATTACHMENT 2

### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

In re:

CORPORATE DEBTOR, LLC,

Debtor.

Case No. 23-99999-JDL

Chapter 11

Subchapter V

#### **STIPULATION AND CONSENT SCHEDULING ORDER**

Corporate Debtor, LLC (“**Debtor**”) and the United States Trustee (“**UST**”), having conferred regarding an appropriate scheduling order for this case pursuant to 28 U.S.C. § 586(a)(5), hereby stipulate to the entry of this order:

1. Debtor shall file and serve an application to employ general bankruptcy counsel no later than \_\_\_\_\_.
2. Debtor shall file and serve applications to employ all other professionals no later than \_\_\_\_\_. Provided, however, Debtor may seek employment of professionals after that date for cause.

3. Debtor shall file and serve a motion for authority to use cash collateral from all necessary or appropriate sources no later than \_\_\_\_\_. Provided, however, Debtor may seek such authority after that date for cause.

4. Debtor shall file an application, and contemporaneously submit a proposed order, establishing bar dates for the filing of claims (other than governmental claims) no later than \_\_\_\_\_.

5. Unless Debtor designates a specific date after confirmation for claim objections to be filed (i) in the Status Conference Report, and (ii) in Debtor's plan, Debtor shall file objections to disputed claims no later than \_\_\_\_\_.

6. Creditors shall make an election under 11 U.S.C. § 1111(b) no later than \_\_\_\_\_.

7. Equity security holders and creditors whose claims are based on a security must be the holder of record as of \_\_\_\_\_.

8. Debtor shall file a proposed disclosure statement (if necessary) and plan of reorganization by \_\_\_\_\_.

9. To the extent Debtor files a disclosure statement, contemporaneous with the filing of the debtor's proposed disclosure statement and plan of reorganization, the debtor shall obtain a hearing date to determine the adequacy of the disclosure statement; or seek conditional approval of the disclosure statement, pursuant to Rules 3017 and 3017.1 of the FED. R. BANKR. P.

Therefore, in consideration of the foregoing, the parties stipulate and agree, and the Court orders, the deadlines set forth above shall apply in this case subject to further order of this Court.

**All findings of fact are based upon representation of counsel  
pursuant to Local Rule 9013-1.L.1.a**

# # #

Stipulated and approved for entry:

/s/ Debtor's Attorney  
**Debtor's Attorney, OBA#99999**  
ADDRESS.  
ADDRESS  
PHONE NUMBER  
EMAIL  
Attorney for Debtor

UNITED STATES TRUSTEE

/s/ Trial Attorney  
**Trial Attorney, OBA#99999**  
Department of Justice, US Trustee  
215 Dean A. McGee, Fourth Floor  
Oklahoma City, OK 73102  
PHONE NUMBER  
EMAIL

## **ATTACHMENT 3**

### **SUGGESTIONS FOR COMPLETION OF BANKRUPTCY OFFICIAL FORM 425A (PLAN OF REORGANIZATION FOR SMALL BUSINESS UNDER CHAPTER 11)**

#### **Page 1, Paragraph C:**

The projections must run for the life of the plan, i.e., if it is a 5-year plan the projections must run for five (5) years. All projections should be consistent with the plan's treatment and payment of claims. Projections should include a separate line item for payment of each bankruptcy administrative claim and highlight any assumptions that are not in accord with past experience. See Plan Projections template, next page.

#### **Page 2, Article 2:**

Each class should state the approximate amount of the claims contained in that class. Unless there is a reason to do otherwise, each secured creditor should be placed in its own separate class.

#### **Page 2, Article 3.02:**

The plan should contain an estimate of the administrative fees through confirmation and provide for how and when those fees will be paid.

#### **Page 3, Article 4 "TREATMENT":**

Claim treatment should contain, at a minimum, the following information: when payments commence, the frequency of payment, the amount of each payment, and when it is projected that payments will terminate.

## **PLAN PROJECTIONS**

PLAN MONTH <sup>1</sup>	0	1	2	3
-------------------------	---	---	---	---

### **STARTING CASH<sup>2</sup>**

#### **Cash Receipts**

Collections

Additional borrowings

Total Cash Receipts	_____	_____	_____	_____
---------------------	-------	-------	-------	-------

#### **Cash Disbursements**

Total Payroll

Payroll - Gross

Payroll - Employer Taxes

Benefits

Health Insurance

Worker's Comp Insurance

Insurance Property

Insurance GL and Other

Taxes

Expenses

Cost of goods

IT & Telecom

General Administrative

Rent

Professional Fees

Contract Labor

Office Expense

Other G&A

Bankruptcy Administrative

Total Operating Disbursements	_____	_____	_____	_____
-------------------------------	-------	-------	-------	-------

Projected Disposable Income	_____	_____	_____	_____
-----------------------------	-------	-------	-------	-------

---

<sup>1</sup> Must run for the life of the plan.

<sup>2</sup> Starting estimated cash at confirmation in Month 0; every month cash balance carried forward to start the next month.

Total Debt Service	_____	_____	_____	_____
Cash +/-				

Page 3 of 3



# LOCAL FORMS



**September 1, 2024**

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA  
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

**UNITED STATES BANKRUPTCY COURT**

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

Name of Debtor(s):

Case number (If known): \_\_\_\_\_

Chapter: \_\_\_\_\_

**DECLARATION REGARDING  
ELECTRONIC FILING  
(SELF-REPRESENTED INDIVIDUAL)**

Debtor(s).

1. I (we) have completed the following documents using the Court's Electronic Filing program for self-represented debtors:

☐ Voluntary Petition for Individuals Filing for Bankruptcy (Official Form B101)

☐ Chapter 7 Statement of Your Current Monthly Income (Official Form B122A-1)

☐ Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (Official Form B107)

☐ Statement of Exemption from Presumption of Abuse Under §707(b)(2) (Chapter 7 only) (Official Form B122A-1Supp)

☐ Declaration About an Individual Debtor's Schedules (Official Form B106)

☐ Chapter 7 Means Test (Official Form B122A-2)

☐ Statement of Intention for Individuals Filing Under Chapter 7 (Official Form B108)

☐ Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment (Official Form B122C-1)

☐ Chapter 13 Calculation of Your Disposable Income (Official Form B122C-2)

2. Declaration of Petitioner:

a. To be completed in all cases.

I(we), the undersigned Debtor(s) hereby declare under penalty of perjury that: (1) I(we) have read and understand the above-referenced document(s) being filed electronically ("Voluntary Petition"); (2) the information contained in the petition, statements and schedules, lists, and disclosures is true and correct, to the best of my knowledge and belief; and (3) I (we) have authorized the electronic filing of the Voluntary Petition with the United States Bankruptcy Court

I further declare under penalty of perjury that I (we) have completed and signed Your Statement about Your Social Security Number(s) (Official Form B121) and provided the signed original(s) to the Clerk. I (we) understand that this DECLARATION Regarding Electronic Filing must be filed with the Clerk in addition to the petition.

b. To be checked and applicable only if the petitioner is an individual (or individuals) whose debts are primarily consumer debts and who has (or have) chosen to file under chapter 7.

☐ I(we) am (are) aware that I(we) may proceed under chapter 7, 11, 12, or 13 of Title 11 United States Code; I(we) understand the relief available under each such chapter; I(we) choose to proceed under chapter 7; and I(we) request relief in accordance with chapter 7.

I understand that failure to file the signed original of this Declaration is grounds for dismissal of my case pursuant to 11 U.S.C. §§ 707(a) and 105

---

Date

---

Debtor's Name

---

Debtor's Signature

---

Date

---

Joint Debtor's Name

---

Joint Debtor's Signature

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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_\_  
 )  
Debtor. \_\_\_\_\_ )

**NOTICE OF DEFERMENT OF FILING FEE  
BY TRUSTEE OR DEBTOR-IN-POSSESSION**

The Trustee/Debtor-in-Possession hereby gives notice that the following fee(s) is / are deferred.  
The fee(s) should be payable only from the estate and to the extent there is any estate realized.

\_\_\_\_\_ Reopen \$\_\_\_\_\_ (filing fee varies)

\_\_\_\_\_ Conversion \$\_\_\_\_\_ (filing fee varies)

**TOTAL DUE:** \$\_\_\_\_\_

Dated: \_\_\_\_\_

s/ \_\_\_\_\_  
[Attorney's Name - Bar number  
Address  
Telephone Number  
Fax Number  
Email address  
Counsel for \_\_\_\_\_]

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

IN RE:	)	
	)	
Debtor's name,	)	Case No. ____ - ____ - ____
	)	Chapter ____
	)	
Debtor(s).	)	
_____	)	
	)	
Plaintiff's Name,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	Adv. No. ____ - ____
	)	
Defendant's Name,	)	
	)	
Defendant(s).	)	

**NOTICE OF DEFERMENT OF FILING FEE  
BY TRUSTEE OR DEBTOR-IN-POSSESSION**

The Trustee/Debtor-in-Possession hereby gives notice that the filing fee is deferred. The fee should be payable only from the estate and to the extent there is any estate realized.

\_\_\_\_\_ Complaint \$\_\_\_\_\_ (filing fee varies)

**TOTAL DUE:** \$\_\_\_\_\_

Dated: \_\_\_\_\_

s/ \_\_\_\_\_  
[Attorney's Name - Bar number  
Address  
Telephone Number  
Fax Number  
Email address  
Counsel for \_\_\_\_\_]

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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_  
 )  
Debtor. \_\_\_\_\_ )

**CORPORATE OWNERSHIP STATEMENT**

Pursuant to Federal Rules of Bankruptcy Procedure 1007(a)(1) or 7007.1, and Local Rule 1007-1.B, [insert name of entity], a

\_\_\_\_\_ Corporate debtor

\_\_\_\_\_ Nongovernmental corporation that is a party to an adversary proceeding (other than the debtor)

makes the following disclosure(s):

\_\_\_\_\_ The following is / are parent corporation(s) of the filer: \_\_\_\_\_

\_\_\_\_\_ The following is / are publicly held corporation(s) owning 10% or more of the filer's stock: \_\_\_\_\_

\_\_\_\_\_ There is / are no parent corporation(s) of the filer or publicly held corporations owning 10% or more of the filer's stock.

Date: \_\_\_\_\_ s/ \_\_\_\_\_  
[Attorney Name - Bar Number  
Address  
Telephone Number  
Fax Number  
Email Address  
Counsel for ]

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

IN RE:

Debtor's name,

Debtor.

)  
)  
)  
)  
)  
)

Case No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
Chapter \_\_\_\_

**VERIFICATION OF LIST OF CREDITORS**

- ☐ Original  
☐ Amendment  
☐ Add ☐ Delete

The above-named debtor hereby verifies that the **attached List of Creditors** is true and correct to the best of his/her/their knowledge. If this is an amendment to the Verification of List of Creditors, the **attached List of Creditors** contains only the newly added, modified, or deleted creditors.

The List of Creditors was electronically uploaded to the Court by the following method:

- ☐ Electronic Case Filing (ECF) system; or  
☐ Creditor Matrix application (*to be used by pro se filers only – available on the Court's website [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov) or in the Clerk's Office*).

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

Debtor's Signature

Printed Name: \_\_\_\_\_

Joint Debtor's Signature (if applicable)

Printed Name: \_\_\_\_\_

- ☐ Pro se Debtor  
☐ Represented by Counsel

s/ \_\_\_\_\_

[Attorney's Name - Bar Number

Address

Telephone Number

Fax Number

Email Address

Counsel for ]

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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_\_  
 )  
Debtor. \_\_\_\_\_ )

**PAY ADVICE COVER SHEET**

The following pay advice/employee income record information is filed on behalf of the debtor(s):

Pay advices are attached as follows:

<b>Debtor, Joint Debtor, or Non filing spouse</b>	<b>Employer</b>	<b>Beginning Date</b>	<b>Ending Date</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If specific pay advices are not attached, an explanation is required as to why documentation is not attached.

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

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

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

\_\_\_\_\_  
Debtor's Signature  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor's Signature (if applicable)  
Printed Name: \_\_\_\_\_

- ☐ Pro se Debtor  
☐ Represented by Counsel



s/

\_\_\_\_\_

[Attorney's Name - Bar Number

Address

Telephone Number

Fax Number

Email Address

Counsel for ]

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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_\_  
 )  
Debtor. \_\_\_\_\_ )

**AMENDMENT COVER SHEET**

This document:

- ☐ Corrects the previous filed document(s).
- ☐ Replaces the previous filed document(s).
- ☐ Supplements the previous filed document(s).

**Summary of revisions:**

*[An explanation of the revisions being made is required in this space.]*

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

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

\_\_\_\_\_  
Debtor's Signature

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor's Signature (if applicable)

Printed Name: \_\_\_\_\_

☐ Pro se Debtor

☐ Represented by Counsel

s/ \_\_\_\_\_

[Attorney's Name - Bar Number

Address

Telephone Number

Fax Number

Email Address  
Counsel for ]

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

IN RE: )  
 )  
Debtor's name, ) Case No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_  
 )  
Debtor. )

**CERTIFICATE OR AFFIDAVIT OF SERVICE**

*[The following template substantially complies with Local Rule 9007-1. Attorneys may devise their own certificates or affidavits of service in compliance with the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules.]*

This is to certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true and correct copy of the  
[insert title of document served], filed on \_\_\_\_\_, 20\_\_\_\_ [Doc. No. \_\_\_\_], was forwarded  
via U.S. Mail, first class, postage prepaid, to the following:

*[Insert a list of parties served, include their name and address.]*

s/\_\_\_\_\_  
Attorney's Name

*[full signature block required if certificate of  
service is filed as a separate document]*

s/\_\_\_\_\_  
[Attorney's Name - Bar Number  
Address  
Telephone Number  
Fax Number  
Email Address  
Counsel for ]

## **Instructions and Application for Payment of Unclaimed Funds United States Bankruptcy Court for the Western District of Oklahoma**

Unclaimed funds are held by the court for an individual or entity who is entitled to the money but who has failed to claim ownership of it. The United States Courts, as custodians of such funds, have established policies and procedures for holding, safeguarding, and accounting for the funds.

### **I. Searching Unclaimed Funds**

To search unclaimed funds, use the [Unclaimed Funds Locator](https://ucf.uscourts.gov/) at <https://ucf.uscourts.gov/>. Select OKWB – Oklahoma Western Bankruptcy Court from the dropdown list and enter the applicable search criteria. If you need access to a computer to perform the search, you may use the court's public computer terminal(s) located at 215 Dean A McGee Ave Suite 147, Oklahoma City, OK 73102. Additionally, you may contact the Clerk's office at (405) 609-5765 to verify unclaimed funds balances.

### **II. Filing Requirements for Payment of Unclaimed Funds**

#### **a. Application for Payment of Unclaimed Funds**

Any party who seeks the payment of unclaimed funds must file an [Application for Payment of Unclaimed Funds](#) in substantial conformance with the court's standard application form located on the court's website ([www.okwb.uscourts.gov](http://www.okwb.uscourts.gov)) and also included on page 5 of this document.

The original application must be filed with the Clerk in accordance with [Section III](#) below and a copy must be served on the United States Attorney for the Western District of Oklahoma. For purposes of this procedure, the "Applicant" is the party filing the application, and the "Claimant" is the party entitled to the unclaimed funds. The Applicant and Claimant may be the same.

#### **b. Supporting Documentation**

##### **1. Payee Information**

Funds are payable to the Claimant or payable jointly to the owner of record and funds locator if authorized by a power of attorney. In conjunction with the Application for Payment of Unclaimed Funds, Claimant's tax identification number (TIN) must be provided to the court on a certification form signed by the Claimant to whom funds are being distributed.

**A. Domestic Claimant**

A Claimant who is a U.S. person<sup>1</sup> must use either the [AO-213P](#) or [W-9 certification form](#) (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>). If a Claimant wants payment via Electronic Funds Transfer (EFT), then the [AO-213P](#) form must be used.

**B. Foreign Claimant**

A foreign Claimant must use a [W-8 certification form](#) (accessible by searching on the IRS website at: <https://www.irs.gov/>) accompanied by the [AO 215](#) form.

If you have problems completing a form, please contact the Clerk's office at (405) 609-5765.

**2. Additional Supporting Documentation**

Requirements for additional supporting documentation vary depending on the type of Claimant and whether the Claimant is represented. Please read the instructions below to identify what must accompany your Application for Payment of Unclaimed Funds.

Sufficient documentation must be provided to the court to establish the Claimant's identity and entitlement to the funds. Proof of identity must be provided in unredacted form with a current address. If there are joint Claimants, then supporting documentation must be provided for both Claimants.

**A. Owner of Record**

The Owner of Record is the original payee entitled to the funds appearing on the records of the court. If the Claimant is the Owner of Record, the following additional documentation is required:

**i. Owner of Record – Individual**

- a. Proof of identity of the Owner of Record (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
- b. A notarized signature of the Owner of Record (incorporated in application).

**ii. Owner of Record - Business or Government Entity**

- a. Application must be signed by an authorized representative for and on behalf of the business or government entity;
- b. A notarized statement of the signing representative's authority; and
- c. Proof of identity of the signing representative (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address).

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<sup>1</sup> "U.S. person" includes: an individual who is a U.S. citizen or U.S. resident alien; a partnership, corporation, company or association created in the U.S. or under the laws of the U.S.; an estate (other than a foreign estate); or a domestic trust (as defined in 26 C.F.R. 301.7701-7).

If the Owner of Record's name has changed since the funds have been deposited with the court, then proof of the name change must be provided.

**B. Successor Claimant**

A successor Claimant may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, succession or by other means. If the Claimant is a successor to the original Owner of Record, the following documentation is required:

**i. Successor Claimant – Individual**

- a. Proof of identity of the successor Claimant (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- b. A notarized signature of the successor Claimant (incorporated in application); and
- c. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

**ii. Successor Claimant – Business or Government Entity**

- a. Application must be signed by an authorized representative for and on behalf of the successor entity;
- b. A notarized statement of the signing representative's authority;
- c. A notarized power of attorney signed by an authorized representative of the successor entity;
- d. Proof of identity of the signing representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
- e. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

**iii. Deceased Claimant's Estate**

- a. Proof of identity of the estate representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- b. Certified copies of probate documents or other documents authorizing the representative to act on behalf of the decedent or decedent's estate in accordance with applicable state law (e.g., small estate affidavit); and
- c. Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

**C. Claimant Representative**

If the Applicant is Claimant's attorney or other representative, the following documentation is required:

- i. Proof of identity of the representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- ii. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and

- iii. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

### **III. Filing the Application**

The application, supporting documentation, certificate of service, and proposed order must be mailed to the court at the following address:

U.S. Bankruptcy Court  
Western District of Oklahoma  
215 Dean A. McGee Ave Suite 147  
Oklahoma City, OK 73102

### **IV. Post-Filing Process**

Any party objecting to the Claimant's request in the application shall, within twenty-one (21) days after service thereof, serve upon the Applicant and other appropriate parties and file with the court an objection to the application. If no response or objection has been filed within twenty-one (21) days from the date of filing of the application, an application which provides sufficient documentation to establish the identity of the claimant and the authority of the applicant to make a claim may be approved without a hearing. The Court, in its discretion, may set a hearing and/or require such additional evidence before issuing an order granting the application. Unclaimed Funds will be distributed once an Order has been signed. All indications of fraud will be referred to the United States Attorney for the Western District of Oklahoma.

### **V. Links**

[AO-213P](#) Payee Information and TIN Certification (accessible by searching on the United States Courts website at [www.uscourts.gov](http://www.uscourts.gov))

[W-9](#) Request for Taxpayer Identification Number and Certification (accessible by searching on the IRS website at: <https://www.irs.gov/>)

[W-8](#) Certificate of Foreign Status (accessible by searching on the IRS website at: <https://www.irs.gov/>)

[AO 215 Request to Determine Foreign Vendor Tax Payments](#) (accessible by searching on the United States Courts website at: [www.uscourts.gov](http://www.uscourts.gov))



**Fill in this information to identify the case:**

Debtor 1

\_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2

(Spouse, if filing) \_\_\_\_\_  
First Name Middle Name Last NameUnited States Bankruptcy Court for the: Western District of Oklahoma  
(State)

Case number: \_\_\_\_\_

**Form 1340 (12/23)****APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS****1. Claim Information**

For the benefit of the Claimant(s)<sup>1</sup> named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimant

Amount: \_\_\_\_\_

Claimant's Name: \_\_\_\_\_

Claimant's Current Mailing  
Address, Telephone Number,  
and Email Address: \_\_\_\_\_**2. Claimant Information**

Applicant<sup>2</sup> represents the following:

- ☐ The Claimant is the Owner of Record<sup>3</sup> entitled to the unclaimed funds appearing on the records of the court.
- ☐ The Claimant (Successor Claimant) is entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition, or succession by other means, and below are the name(s) of the Owner of Record and all previous owner(s) of the claim:
- \_\_\_\_\_
- \_\_\_\_\_.
- ☐ If the Claimant is a Successor Claimant, Applicant has sent a copy of the application to the Owner of Record and all other previous owner(s) of the claim at their current address or Applicant has enclosed a statement explaining why Applicant was not able to do so or an explanation of why doing so is not necessary.

**3. Applicant Information**

Applicant represents the following:

- ☐ Applicant is the Claimant.
- ☐ Applicant is Claimant's representative (e.g., attorney or unclaimed funds locator).
- ☐ Applicant is a representative of the deceased Claimant's estate.

<sup>1</sup> The Claimant is the party entitled to the unclaimed funds.

<sup>2</sup> The Applicant is the party filing the application. The Applicant and Claimant may be the same.

<sup>3</sup> The Owner of Record is the original payee.

**4. Supporting Documentation**

- ☐ Applicant has read the court's instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

**5. Notice to United States Attorney**

- ☐ Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney  
Western District of Oklahoma  
210 West Park Avenue, Suite 400  
Oklahoma City, OK 73102

**6. Applicant Declaration**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152.

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name of Applicant

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**6. Co-Applicant Declaration (if applicable)**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152.

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

\_\_\_\_\_  
Signature of Co-Applicant (if applicable)

\_\_\_\_\_  
Printed Name of Co-Applicant (if applicable)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**7. Notarization**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This Application for Unclaimed Funds, dated \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

*[Notarial wording to be adjusted based on state requirements]*

(SEAL) Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_

**7. Notarization**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This Application for Unclaimed Funds, dated \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

*[Notarial wording to be adjusted based on state requirements]*

(SEAL) Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_

IN RE: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 \_\_\_\_\_ ) Chapter \_\_\_\_\_  
 \_\_\_\_\_ )  
 Debtor. \_\_\_\_\_ )

☐ Check if this is an amended plan

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies.*

**To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under any plan.

The plan contains nonstandard provisions set out in Section 10.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The plan limits the amount of a secured claim based on a valuation of the collateral in accordance with Section 5.C.(2)(b).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The plan avoids a security interest or lien in accordance with Section 9.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2. **PAYMENTS TO THE TRUSTEE:** The Debtor (or the Debtor's employer) shall pay to the Trustee the sum of \$\_\_\_\_\_ per month for \_\_\_\_ months. If the plan payment structure is in the form of step payments, the payment structure is indicated below. Plan payments to the Trustee shall commence on or before 30 days after the Chapter 13 Petition is filed. The Debtor shall turn over such additional funds as required by law and/or any Court Order.

Step payments: \_\_\_\_\_.

Minimum total of plan payments: \$ \_\_\_\_\_

The Debtor intends to pay plan payments:

- ☐ TFS E-wage  
☐ TFS Recurring Automatic Payment  
☐ Wage deduction from employer of: ☐ Debtor  
☐ Joint Debtor

Debtor's Pay Frequency: ☐ Monthly ☐ Semi-monthly (24 times per year) ☐ Bi-weekly (26 times per year) ☐ Weekly ☐ Other

Joint Debtor's Pay Frequency: ☐ Monthly ☐ Semi-monthly (24 times per year) ☐ Bi-weekly (26 times per year) ☐ Weekly ☐ Other

☐ Direct payments (**Court order required**).

**3. PLAN LENGTH:** This plan is a \_\_\_\_\_ month plan.

**4. GENERAL PROVISIONS:**

- a. As used herein, the term "Debtor" shall include both Debtors in a joint case.
- b. Student loans are non-dischargeable unless determined in an adversary proceeding to constitute an undue hardship under 11 U.S.C. §523(a)(8).
- c. The Trustee will make no disbursements to any creditor until an allowed proof of claim has been filed. In the case of a secured claim, the party filing the claim must attach proper proof of perfection of its security interest as a condition of payment by the Trustee.
- d. Creditors not advising the Trustee of address changes may be deemed to have abandoned their claims.
- e. All property shall remain property of the estate and shall vest in the Debtor only upon dismissal, discharge, conversion or other specific Order of the Court. The Debtor shall be responsible for the preservation and protection of all property of the estate not transferred to and in the actual possession of the Trustee.

f. Secured creditors listed in Paragraphs 5(C)(2)(a) and 5(C)(2)(b), below, shall retain liens until the earlier of payment of the underlying debt determined by nonbankruptcy law or, if a Proof of Claim is filed, the entry of an order granting discharge. Secured claims extending beyond the length of the plan listed in Paragraphs 5(C)(3) and 5(C)(4), below, will not be discharged pursuant to 11 U.S.C. § 1328(a)(1).

g. The debtor is prohibited from incurring any debts except such debts approved pursuant to the Court's directives or as necessary for medical or hospital care.

**5. DISBURSEMENTS TO BE MADE BY TRUSTEE:**

**A. ADMINISTRATIVE EXPENSES:**

(1) Estimated Trustee's Fee: \_\_\_\_\_ %

(2) Attorney's Fee (unpaid portion): \$ \_\_\_\_\_ to be paid through plan in monthly payments

**B. PRIORITY CLAIMS UNDER 11 U.S.C. § 507:**

**(1) DOMESTIC SUPPORT OBLIGATIONS:**

(a) Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.

(b) The name(s) of the holder(s) of any domestic support obligation are as follows:

\_\_\_\_\_

(c) Anticipated Domestic Support Obligation Arrearage Claims. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. § 507(a)(1) will be paid in full pursuant to 11 U.S.C. § 1322(a)(2). These claims will be paid at the same time as secured claims. Any allowed claim for a domestic support obligation that remains payable to the original creditor shall be paid in full pursuant to the filed claim, unless limited by separate Court Order or filed Stipulation.

☐ Arrearage shall be paid through wage assignment, pursuant to previous Order entered by a non-bankruptcy Court.

☐ Arrearage shall be paid in full through the plan.

Name

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

Estimated arrearage claim

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Projected monthly arrearage payment in plan

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

(d) Pursuant to §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit, and shall be paid as follows:

Claimant and proposed treatment: \_\_\_\_\_

**(2) OTHER PRIORITY CLAIMS:**

(a) Pre-petition and/or post-petition priority tax claims shall be paid in full pursuant to the filed claim unless \_\_\_\_\_ limited by separate Court Order or filed Stipulation.

Name	Estimated Claim
_____	\$ _____
_____	\$ _____

(b) All other holders of priority claims listed below shall be paid in full as follows:

Name	Amount of Claim
_____	\$ _____
_____	\$ _____

**C. SECURED CLAIMS:**

**(1) PRE-CONFIRMATION ADEQUATE PROTECTION:** Pre-confirmation adequate protection payments to the following Creditors holding allowed claims secured by a purchase money security interest in personal property shall be paid by the Trustee through the plan as provided below. Adequate protection payments shall not be paid until the Creditor files a proof of claim, with proper proof of security attached.

Name	Collateral Description	Pre-Confirmation Monthly Payment
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**(2) SECURED DEBTS WHICH WILL NOT EXTEND BEYOND THE LENGTH OF THE PLAN:**

**(a) SECURED CLAIMS NOT SUBJECT TO VALUATION:** Secured creditors with a purchase money security interest securing a debt either incurred within the 910-day period preceding the filing of the bankruptcy petition where the collateral is a motor vehicle acquired for personal use, or incurred within the 1-year period preceding the bankruptcy petition where the collateral is any other thing of value, shall be paid in full with interest at the rate stated below. The amount stated on an allowed proof of claim controls over any contrary amount listed below.

Name	Collateral Description	Estimated Amount of Claim	Monthly Payment	Interest Rate
_____	_____	\$ _____	\$ _____	_____ %
_____	_____	\$ _____	\$ _____	_____ %
_____	_____	\$ _____	\$ _____	_____ %

**(b) SECURED CLAIMS SUBJECT TO VALUATION:** All other secured creditors, except secured tax creditors, shall be paid the proposed secured value with interest in the amounts stated below. To the extent the proposed secured value exceeds the secured claim, only the claim amount, plus interest shall be paid. Secured tax claims shall be paid as filed unless limited by separate Court Order.

NOTE: The valuation of real estate requires the filing of a motion to determine value and the entry of a separate Court Order before any proposed secured value of real estate stated below may be approved.

Name	Collateral Description	Proposed Secured Value	Monthly Payment	Interest Rate
_____	_____	\$ _____	\$ _____	_____ %
_____	_____	\$ _____	\$ _____	_____ %
_____	_____	\$ _____	\$ _____	_____ %

**(3) DEBTS SECURED BY PRINCIPAL RESIDENCE WHICH WILL EXTEND BEYOND THE LENGTH OF THE PLAN (LONG-TERM DEBTS):**

Name	Collateral Description	*Monthly Ongoing Pymt	*1 <sup>st</sup> Post-petition Pymt	*Estimated Amt of Arrearage	Interest On Arrearage
		\$	\$	\$	%
		\$	\$	\$	%
		\$	\$	\$	%

\*The "1<sup>st</sup> post-petition payment" is the monthly ongoing mortgage payment which comes due between the petition date and the due date of the first plan payment. The arrearage amounts, monthly ongoing payment, and 1<sup>st</sup> post-petition payment are estimated and will be paid according to the amount stated on the claim unless objected to and limited by separate Court Order. The interest rate to be paid on the arrearage and the 1<sup>st</sup> post-petition payment is reflected above.

**(4) OTHER SECURED DEBTS WHICH WILL EXTEND BEYOND THE LENGTH OF THE PLAN (LONG-TERM DEBTS):**

Name	Collateral Description	*Monthly Ongoing Pymt	*1 <sup>st</sup> Post-petition Pymt	*Estimated Amt of Arrearage	Interest On Arrearage
		\$	\$	\$	%
		\$	\$	\$	%
		\$	\$	\$	%

\* The "1<sup>st</sup> post-petition payment" is the monthly ongoing payment which comes due between the petition date and the due date of the first plan payment. The arrearage amounts, monthly ongoing payment, and 1<sup>st</sup> post-petition payment are estimated and will be paid according to the amount stated on the claim unless objected to and limited by separate Court Order. The interest rate to be paid on the arrearage and the 1<sup>st</sup> post-petition payment is reflected above.

**D. UNSECURED CLAIMS:**

(1) Special Nonpriority Unsecured claims shall be paid in full plus interest at the rate stated below, as follows:

Name	Amount of Claim	Interest Rate
	\$	%
	\$	%
	\$	%

(2) General Nonpriority Unsecured: Other unsecured creditors shall be paid pro-rata approximately \_\_\_\_ percent, unless the plan guarantees a set dividend as follows:

Guaranteed dividend to non-priority unsecured creditors: \_\_\_\_\_.

**6. DIRECT PAYMENTS BY DEBTOR:** The Debtor shall make regular payments directly to the following creditors:

Name	Amount of Claim	Monthly Payment	Collateral Description if Applicable
	\$	\$	
	\$	\$	
	\$	\$	

NOTE: Direct payment will be allowed only if the debtor is current on the obligation, the last payment on the obligation comes due after the last payment under this plan, and no unfair preference is created by the direct payment.

**7. EXECUTORY CONTRACTS AND UNEXPIRED LEASES:** The plan rejects all executory contracts and unexpired leases, except as follows:

Name	Description of Contract or Lease

**8. SURRENDERED PROPERTY:** The following property is to be surrendered to the secured creditor, with a deficiency allowed, unless specified otherwise. The Debtor requests the automatic stay be terminated as to the surrendered collateral upon entry of Order Confirming Plan or other Order of the Court.

Name	Amount of Claim	Collateral Description
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

**9. LIEN AVOIDANCE:** No lien will be avoided by the confirmation of this plan. Liens may be avoided only by separate Court Order, upon proper Motion including reasonable notice and opportunity for hearing.

Liens Debtor intends to avoid:

Name	Amount of Claim	Description of Property
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

**10. NONSTANDARD PLAN PROVISIONS:** Any nonstandard provision placed elsewhere in this plan is void.

☐ By checking this box certification is made by the Debtor, if not represented by an attorney, or the Attorney for Debtor, that the plan contains no nonstandard provision other than those set out in this paragraph.

Date \_\_\_\_\_

Signature \_\_\_\_\_  
Debtor  
Printed Name: \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_  
Joint Debtor  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
[Attorney's Name - Bar Number  
Address  
Telephone Number  
Fax Number  
Email Address  
Counsel for Debtor(s) ]

## CERTIFICATE OF SERVICE

☐ A separate certificate of service will be filed in the record.

☐ This is to certify that on \_\_\_\_\_, a true and correct copy of the foregoing Chapter 13 Plan was mailed by U.S. Mail, postage prepaid, to the parties listed on the attached matrix.

\_\_\_\_\_  
[Printed Name]



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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
 ) Chapter 11  
Debtor. \_\_\_\_\_ )

**CHAPTER 11 FINAL REPORT AND MOTION FOR ENTRY OF FINAL DECREE**

Debtor, by and through its undersigned attorney, and pursuant to 11 U.S.C. § [1106](#)(a)(7) and Rule [3022](#), Fed. R. Bankr. P., submits that the estate herein is fully administered and substantially consummated as follows:

1. The order confirming the plan has become final;
2. Any deposits required by the plan have been distributed;
3. The property proposed by the plan to be transferred has been substantially transferred;
4. The debtor or its successor under the plan has substantially assumed the business or the management of the property dealt with in the plan;
5. Payments under the plan have commenced;
6. All motions, contested matters and adversary proceedings have been finally resolved; and
7. There are no facts necessary to enable the Court to pass on the provisions of the final decree other than as presented in Schedule A attached hereto.

WHEREFORE, Debtor respectfully requests that this Court enter a final decree in this case and grant it such other and further relief as this Court deems just, equitable and proper.

Respectfully submitted,

s/ \_\_\_\_\_  
[Attorney's Name - Bar number  
Address  
Phone Number  
Fax Number  
Email address  
Counsel for Debtor ]

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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 ) Chapter \_\_\_\_\_  
 )  
Debtor. \_\_\_\_\_ )

**DISCLOSURE OF DOMESTIC SUPPORT OBLIGATIONS**

*(Note: A separate form must be submitted to the Trustee for each debtor in a joint case)*

\_\_\_\_\_, Debtor, being first duly sworn under oath, deposes and states:  
*(Print Debtor's Name)*

*(Select One)*

- ☐ I do not owe any person or entity a debt defined in [11 U.S.C. § 101\(14A\)](#) as a "domestic support obligation."
- ☐ I do owe the following person(s) or entity(ies) a debt defined in [11 U.S.C. § 101\(14A\)](#) as a "domestic support obligation" (attach all supporting documents that establish the terms of a domestic support obligation (i.e. copy of debtor's divorce decree, orders establishing parent- child relationship, and orders establishing or modifying child support)):

1.	Name of holder of claim for Domestic Support Obligation	
	Name of service/collection agent (if applicable)	
	Address	
	Telephone Number	
2.	Name of holder of claim for Domestic Support Obligation	
	<u>Name of service/collection agent (if applicable)</u>	
	<u>Address</u>	
	<u>Telephone Number</u>	

*(Attach additional sheets if necessary)*

***If you owe a domestic support obligation, provide the following additional information.***

The name and address of my most recent employer(s) is as follows:

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

s/ \_\_\_\_\_

Debtor's Signature

Printed Name: \_\_\_\_\_

(Leave a 4-inch margin for signature by judge)

[ This is a SAMPLE of a Final Pretrial Order.]

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

IN RE:	)	
	)	
JOHN DOE and JANE DOE,	)	Case No. ____ - ____ - ____
	)	Chapter ____
	)	
Debtor(s).	)	
_____	)	
	)	
ANY NATIONAL BANK & TRUST,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	Adv. No. ____ - ____
	)	
JOHN DOE and JANE DOE,	)	
	)	
Defendant(s).	)	

**FINAL PRETRIAL ORDER**

Trial Date: \_\_\_\_\_, 20\_\_

Date of Conference: \_\_\_\_\_, 20\_\_

Appearances: Sam P. Attorney, Norman, OK, for Plaintiff  
Dave C. Lawyer, Oklahoma City, OK, for Defendant

**I. STIPULATIONS**

- A. All parties are properly before the Court;
- B. The Bankruptcy Court has jurisdiction of the parties and of the subject matter pursuant to [28 U.S.C. § 1334](#), [28 U.S.C. § 157](#), and the order of the district court authorizing referral of proceedings to the bankruptcy judges;
- C. This is a core proceeding pursuant to [28 U.S.C. § 157\(b\)\(2\)\(1\)](#) and, to the extent the proceeding may be non-core, the parties consent to entry of judgment by the bankruptcy judge.
- D. Venue is proper under 28 U.S.C. §§ [1408](#) – [1412](#);
- E. This action is brought under 11 U.S.C. § [523](#)(a)(2)(B) to determine the dischargeability of a debt;
- F. Facts:
  - 1. Plaintiff is an Oklahoma state chartered banking institution.
  - 2. Defendants are debtors who filed a voluntary joint petition under Chapter 7 of the Bankruptcy Code in the Western District of Oklahoma on January 29, 2020.
  - 3. Defendants are co-makers of a \$50,000 promissory note in favor of Plaintiff, dated October 14, 2015.
  - 4. Plaintiff refinanced the obligation on January 20, 2019, and at the time of filing for bankruptcy, the balance remaining due and owing was \$55,245.
- G. Legal Issue(s):
  - 1. Did Defendants submit a materially false financial statement in connection with their application to refinance the debt owing to Plaintiff?
  - 2. Did Defendants intend to deceive Plaintiff through the representations made in the financial statement?

## II. CONTENTIONS

### A. Plaintiff:

#### 1. Facts:

- (a) During the period between the initial loan and refinancing of the note, Defendants' liabilities increased significantly while their assets decreased in number and value.
- (b) Defendants submitted a financial statement to obtain refinancing in which they listed more assets than they possessed and fewer liabilities than they owed.

#### 2. Factual Issues:

- (a) Did Defendants intentionally misrepresent their financial situation to induce Plaintiff to refinance their note?

### B. Defendants:

#### 1. Facts:

- (a) Defendants did not overstate the number or value of assets and did not omit any liabilities owed in their financial statement with the intent to deceive Plaintiff.
- (b) Defendants were advised by bank officers that the bank required the financial statement primarily for audit purposes and not for the purpose of determining whether to refinance Defendants' note.

#### 2. Factual Issues:

- (a) To what extent did Plaintiff rely upon the financial statement in deciding whether to refinance Defendants' note?

## III. EXHIBITS

Exhibits not listed will not be admitted by the Court unless good cause is shown and justice demands their admission.

### A. Plaintiff:

Number	Title	Objection	Evidence Rule Relied Upon
--------	-------	-----------	---------------------------

1	1991 Financial Statement	Relevance	FRE 402
2	Note dated October 14, 2015	Relevance	FRE 402
3	Renewal note dated January 20, 2019	None	
4	2012 Financial Statement	None	

B. Defendant:

Number	Title	Objection	Evidence Rule Relied Upon
None			

#### IV. WITNESSES

No unlisted witness will be permitted to testify as a witness in chief except by leave of court when justified by exceptional circumstances.

A. Plaintiff:

Name	Address	Proposed Testimony
John Jones	921 Anywhere Norman, Oklahoma	Plaintiff's leading procedures
Same Flake	555 Easy Street Moore, Oklahoma	Facts surrounding Jefferson Bank loan
Mike Otereo	333 Hard Street Bethany, Oklahoma	Facts surrounding refinancing

B. Defendant:

Name	Address	Proposed Testimony
All witnesses listed by plaintiff		
Debtors	c/o counsel	Facts surrounding loans
Jan Tury	444 Long Street Lawton, Oklahoma	Lending practices of plaintiff in 2019-2020

**V. CHRONOLOGICAL LISTING OF PERTINENT EVENTS**

Attached as a separate appendix, is a chart or list setting forth all pertinent events (without explanation) in the chronological order in which the events occurred.

**VI. POSSIBILITY OF SETTLEMENT**

Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor \_\_\_\_\_

**VII. ESTIMATED TRIAL TIME**

\_\_\_\_\_  
All parties approve this Order and understand and agree that this Order supersedes all pleadings and shall not be amended except by order of the Court.

\_\_\_\_\_  
[Attorney Name - Bar number  
Address  
Phone Number  
Fax Number  
Email address]  
Counsel for Plaintiff

\_\_\_\_\_  
[Attorney Name - Bar number  
Address  
Phone Number  
Fax Number  
Email address]  
Counsel for Defendant



## Appendix to Final Pretrial Order

### SAMPLE CHRONOLOGY

- Oct. 1, 2019 Defendants applied for a loan from Plaintiff and submitted a 2019 Financial Statement.
- Oct. 14, 2019 Defendants executed a note in favor of Plaintiff in the amount of \$50,000, and Plaintiff advanced that amount to Defendants.
- Jan. 14, 2019 Defendants sought to refinance the obligation they owed Plaintiff. Defendants submitted their 2012 Financial Statement prior to the refinancing.
- Jan. 20, 2019 Defendants executed a renewal note in favor of Plaintiff in the amount of \$55,245, for which Plaintiff "rolled over" the balance due on the old note and advanced to Defendants an additional \$2,000.00.
- Jan. 29, 2020 Defendants filed for relief under Chapter 7 of the Bankruptcy Code. The Schedules reflect assets and liabilities different from those set forth in either of Defendants' Financial Statements.
- Mar. 1, 2020 Plaintiff filed this adversary proceeding to except its debt from discharge.

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

IN RE:

Debtor's name,

Debtor.

)  
)  
)  
)  
)  
)

Case No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
Chapter \_\_\_\_

☐ Check if address should also be  
changed in an adversary proceeding  
(list all that apply)

Adversary No. and Title: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE OF CHANGE OF ADDRESS**

**OLD ADDRESS:**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address or P.O. Box)

\_\_\_\_\_  
(City, State, Zip Code)

**NEW ADDRESS:**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address or P.O. Box)

\_\_\_\_\_  
(City, State, Zip Code)

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

\_\_\_\_\_  
[Debtor's Signature (if pro se)]

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor's Signature (if pro se and applicable)

Printed Name: \_\_\_\_\_

s/\_\_\_\_\_  
Attorney's Name - Bar Number

Address  
Telephone Number  
Fax Number  
Email Address  
Counsel for ]

(Leave a 4-inch margin **on first page only** for signature by Judge)

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

IN RE: )  
 )  
Debtor's name, ) Case No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_  
 )  
Debtor. )

**ORDER**

*[Note: Titles of orders must contain a description of the relief being granted.]*

*[Note: Insert text of order. Orders must include the requirements set forth in Local Rule 9013-1.L.1.c "Certify to the Court: the date and manner of service of the request for relief and the persons and entities upon whom service was made; the applicable response period and the date of its expiration; and the lack of any timely response."]*

**All findings of fact are based upon representation of counsel.**

**The prevailing party will effectuate service of the order on all interested parties.**

# # #

Approved for Entry:

s/

\_\_\_\_\_  
[Attorney Name - Bar Number

Address

Telephone Number

Fax Number

Email address

Counsel for \_\_\_\_\_]

***NOTE: This is a template for an electronic order to be filed in a bankruptcy case. The caption for an order to be filed in an adversary proceeding must include both the bankruptcy case and adversary proceeding case numbers and styles.***

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

IN RE: \_\_\_\_\_ )  
 )  
Debtor's name, \_\_\_\_\_ ) Case No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
 ) Chapter \_\_\_\_  
 )  
Debtor. \_\_\_\_\_ )

**REQUEST AND CONSENT TO ELECTRONIC  
NOTICE AND SERVICE OF DOCUMENTS**

In accordance with Local Rule 9036-1.B., this form is to be used by unrepresented parties to consent to receive notice and service of all documents in a bankruptcy case or proceeding electronically (i.e., by email at the address given below).

**A separate form must be filed for each bankruptcy case and adversary proceeding for which electronic notice and service of documents is requested.**

If you check the first box below and provide an e-mail address in the space provided, you will receive notice and service via e-mail. Under Bankruptcy Rule 9036, you are waiving your right to receive a paper copy of documents filed electronically in this proceeding. You must have a valid e-mail address which you check frequently.

☐ **CONSENT TO RECEIVE ELECTRONIC NOTICING:** I consent to receive notices and service via e-mail. I understand that by making this request, I am waiving the right to receive a paper copy of any document filed electronically in this case. I understand that if my e-mail address changes, I must promptly notify the court in writing.

☐ **UPDATE E-MAIL ADDRESS:** Enter NEW e-mail address below.

☐ **REQUEST TO STOP ELECTRONIC NOTICING:** Resume notification via U.S. Mail.

**E-mail Address (Please print legibly):** \_\_\_\_\_

***NOTE: Each debtor in a joint case must file a separate form.***

I understand I have only one free look at any orders, notices, motions, and other documents sent to my e-mail. It is my responsibility to print or download documents immediately. I understand any additional document view(s) or download(s) after the first free look will require a PACER account ([www.pacer.gov](http://www.pacer.gov)) and I may be charged a fee.

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

\_\_\_\_\_  
Debtor's Signature  
Printed Name: \_\_\_\_\_