

# **NOTICE**

## **Proposed Revised Local Rules Available for Public Comment**

**(Comment Period Ends January 13, 2025)**

**Issued December 13, 2024**

The United States Bankruptcy Court for the Western District of Oklahoma announces the posting of proposed revisions to Local Rules for public comment. Proposed revisions are to the following Rules:

- Rule 1006-1, Filing Fee
- Rule 2002-1, Notice to Creditors and Other Interested Parties
- Rule 2016-1, Compensation of Professionals
- Rule 3001-1, Proofs of Claim
- Rule 3011-1, Unclaimed Funds
- Rule 4001-1, Automatic Stay; Abandonment; Use, Sale or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements
- Rule 7055-1, Default Judgment
- Rule 9013-1, Motions

In addition, proposed revisions are to the following Local Forms:

- Local Form 1006-1, Notice of Deferment of Filing Fee
- Local Form 1007-1.D, Pay Advice Cover Sheet
- Local Form 7016-1, Final Pretrial Order
- Local Form 9036-1.B, Request and Consent to Electronic Notice and Service of Documents

Finally, revisions are also being made to Appendix A, Guidelines for Electronic Case Filing; Appendix C, Chapter 13 Guidelines; and Appendix D, Chapter 11 Policies and Procedures in Subchapter V Cases.

All revisions are reflected in redline format with added language highlighted and deleted language marked with strikethroughs. These proposed revisions to the Local Rules are available for public comment beginning December 13, 2024, and ending January 13, 2025 with an anticipated effective date of February 1, 2025. Please share any comments with the Court by sending an email to [comments@okwb.uscourts.gov](mailto:comments@okwb.uscourts.gov).

## **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. **Trustees shall remit fees owed by the estate to the Court as Automated Clearing House (ACH) transactions.** 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 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)(1)(H)~~ shall be given by the proponent of the plan. The notice required by Bankruptcy Rule ~~2002(f)(1)(I)~~ 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 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~~Requests.** All fee ~~applications~~requests 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>. All fee requests for less than \$1,000 may be made by Application pursuant to Bankruptcy Rule 2002(a)(6).

**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.**

#### **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.** In a Chapter 7, 11, or 12 case, a ~~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. In a Chapter 13 case, creditors may provide change of address information directly to the Trustee. Change of address information must be provided to the Chapter 13 Trustee in writing and signed by an authorized individual.

**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 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 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\(a\)\(3\)\(a\)\(4\)](#), 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 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. Bankr. P. 7055](#) or 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. Bank. P. 7055](#) or 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 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 \$1,000 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.

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

IN RE:

Debtor.

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)  
)

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

Chapter \_\_\_\_\_

**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

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email Address

Counsel for \_\_\_\_\_

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

IN RE:

Debtor(s).

Plaintiff(s),

v.

Defendant(s).

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

Chapter \_\_\_\_\_

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

**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

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email Address

Counsel for \_\_\_\_\_

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

IN RE:

Debtor.

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

Chapter \_\_\_\_\_

**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 - you must fill out address on 2nd page

☐ Represented by Counsel - you must fill out address on 2nd page

Pro se Debtor Signature block

\_\_\_\_\_  
Debtor(s) Address

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email Address

Attorney Signature block

s/ \_\_\_\_\_

\_\_\_\_\_  
Attorney's Name - Bar Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email Address

Counsel for \_\_\_\_\_

(Leave a 4-inch margin **on first page only** 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,

Debtor(s).

ANY NATIONAL BANK & TRUST,

Plaintiff(s),

v.

JOHN DOE and JANE DOE,

Defendant(s).

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

Chapter \_\_\_\_

Adv. No. \_\_\_\_-\_\_\_\_

**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
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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**

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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.

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[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.

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

**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):**

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***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** Name \_\_\_\_\_

Printed Name: \_\_\_\_\_



# GUIDELINES FOR ELECTRONIC CASE FILING



**September 1, 2024** \_\_\_\_\_, 2025

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

# CHAPTER 13 GUIDELINES



**September 1, 2024 \_\_\_\_\_, 2025**

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\(S\)\(B\)\(e\)](#), 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~~ \_\_\_\_\_, 2025.

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

By the Court.

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Sarah A. Hall  
Chief Bankruptcy Judge

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Janice D. Loyd  
Bankruptcy Judge



# CHAPTER 11 POLICIES AND PROCEDURES IN SUBCHAPTER V CASES



**September 1, 2024** \_\_\_\_\_, 2025

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~~ \_\_\_\_\_, 2025.

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

By the Court.

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Sarah A. Hall  
Chief Bankruptcy Judge

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Janice D. Loyd  
Bankruptcy Judge