

February 2015

# Bankruptcy Confidential



*A newsletter of the*

**U.S. Bankruptcy Court for the  
Southern District of California**

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## **New Local Rules and Revised Local Bankruptcy Forms**

With the release of the revised Local Bankruptcy Rules and Administrative Procedures comes revisions to the local bankruptcy forms. These revised forms are designed to be used on or after March 1, 2015. (Using them before March 1 may lead to incorrectly set time periods necessitating re-noticing and delays.)

The revised forms are being made available so filers will be ready on March 1. **You can download a package of the revised PDF-fillable and Word forms** (in a .zip file; 19 MB) **by clicking [here](#).**

The individual forms will be available on the [Forms page](#) of the court's Web site after the March 1 effective date.

In addition to changes necessitated by the Local Rules and Administrative Procedures, the process for paying filing fees in installments is changing once again; it is reverting to two payments. An explanation of this change is discussed in the next section. Also, there is a slight modification to the Chapter 13 plan to reflect the actual process for disbursement of the trustee's fee.

A complete list of revised local bankruptcy forms containing changes for March 1 can be found at the end of this newsletter.

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## **Filing Fees Paid in Installments: Two Payments, 30 Days returns March 1, 2015**

For over 20 years, the court relied on a two-payment, 30-day plan for the payment of filing fees when an installment plan was approved. This resulted in expeditious processing of the eligible debtor's discharge as it eliminated delays at the end of the case awaiting fee payments. In June 2014, the court implemented a three-payment process, which coincided with a tremendous drop in filings. Unfortunately, the three-payment process has resulted in confusion regarding amounts due, debtor difficulties in keeping track of the additional payment, and with the drop in filings, actual delays in entry of discharge for some debtors as a result of the meetings of creditors happening earlier in the timeline. Given this situation, the U.S. Bankruptcy Court for the Southern District of California will be reverting back to the two-payment process for installments.

This change will begin on March 1, 2015. The revised installment forms are included in the forms package in the above link and will also be available on the court's Web site on March 1, 2015 for cases filed on or after this date.

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## **Chapter 13 Plan Revised**

In the forms package you will find a revised Chapter 13 Plan. The only substantive change is found in section 3(A) Trustees Fees, which now reflects appropriate language regarding the trustees fee distribution.

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## **New Local Bankruptcy Rules and Administrative Procedures effective March 1, 2015**

On January 28, 2015, the U.S. Bankruptcy Court adopted the final version of the Local Bankruptcy Rules originally published for comment on September 16, 2014. In addition, the court also redrafted and broadened the Administrative Procedures beyond electronic filing. The two documents work in concert with each other: some portions of the old Administrative Procedures have become Local Rules, whereas some Local Rules have become Administrative Procedures. You can download both documents (as well as the General Order) [here](#).

Also, here is a [compare / redline version](#) showing changes that were a result of the public comment period, the panel discussions sponsored by the Bankruptcy Forum, and input from the Local Rules Committee.

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## Thank You, Local Rules Committee!

The Bankruptcy Court thanks the members of the Local Rules Committee who worked so diligently to complete this project. The Local Rules Committee members are:

- Robert R. Barnes, Esq.
- Tiffany L. Carroll, Acting U.S. Trustee
- Jeffrey David Cawdrey, Esq.
- Peter L. Duncan, Esq.
- William P. Fennell, Esq.
- Radmila P. Fulton, Esq.
- Janet Dean Gertz, Esq.
- Larissa L. Lazarus, Esq.
- Russel T. Little, Esq.
- David E. McAllister, Esq.
- Rebecca Pennington, Esq.
- David J. Rausa, Esq.
- Ronald E. Stadtmueller, Esq.
- Kelly Ann Tran, Esq.
- Dennis J. Wickham, Esq.

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## Revised Forms effective March 1, 2015

**You can download a package of the revised PDF-fillable and Word forms** (in a .zip file; 19 MB) **by clicking [here](#)**. They are being made available so filers will be ready on March 1, 2015.

Individual forms will be available on the [Forms page](#) of the court's Web site after the March 1 effective date.

CSD 1100 - Amendment

CSD 2110 - Application by Trustee to Pay Expenses w/o Notice to Creditors

CSD 1020 - Application for Waiver of the Ch 7 Filing Fee

CSD 1006 - Application to Pay Filing Fees in Installments

CSD 1099 - Balance of Schedules, Statements, and/or Chapter 13 Plan

CSD 3018 - Certificate of Compliance Re: Early Conference

Chapter 13 Plan

CSD 1007 - Creditor Matrix Instructions

CSD 1171 - Debtor's Motion to Value Real Property

CSD 1163 - Motion for Relief from Stay (Unlawful Detainer)

CSD 1160 - Motion for Relief from Stay - Real & Personal Property

CSD 1489 - Motion to Reopen Case

CSD 1130 - Notice of Conversion (Ch 12 to Ch 7) by Debtor

CSD 1129 - Notice of Conversion (Ch 13 to Ch 7) by Debtor

CSD 1185 - Notice of Filing of Motion for Relief from Automatic Stay

CSD 1180 - Notice of Intended Action & Opportunity for Hearing

CSD 3019 - Notice of Pre-Trial Status Conference

CSD 1003 - Notice of Related Cases

CSD 1140 - Notice of Objections to Debtors' Claim of Exemptions

CSD 2015 - Objection to Claim and Notice Thereof

CSD 2049 - Order Appointing Appraiser

CSD 2045 - Order Appointing Auctioneer

CSD 4002 - Order Appointing Mediator and Assignment to Mediation

CSD 2111 - Order Approving Trustee's Application to Pay Expenses w/o Notice

CSD 2012 - Order Dismissing Chapter 13 Case after Hearing

CSD 2013 - Order on Non-Contested Motion Dismissing Case Chapter 13 Case

CSD 2023 - Order on Trustee's Application for Immediate Sale

CSD 1184 - Request and Notice of Hearing

CSD 1175 - Request and Notice of Hearing Re: Chapter 13 Trustee's Notice to Dismiss

CSD 1179 - Request by Debtor for Statement of Position of Chapter 13 Trustee

CSD 1186 - Request for Hearing Re: Relief from Stay Motion

CSD 3030 - Request to Enter Default

Rights and Responsibilities Debtor/Attorney (Business Case)

Rights and Responsibilities Debtor/Attorney (Consumer Case)

CSD 3011 - Substitution of Attorney and Order Thereon

CSD 2011 - Trustee's Motion to Dismiss Case & Order

CSD 2062 - Trustee's Notice of Intended Action

CSD 2063 - Trustee's Notice of Public Sale and Invitation for Better Offer

CSD 2064 - Trustee Notice of Proposed Auction

CSD 2065 - Trustee Notice of Proposed Abandonment of Property