

# Guide to Rules, Proceedings and Hearings

## Per Local Rule 2002-1

**DRAFT**

## U.S. Bankruptcy Court

## District of North Dakota

(Effective 12/1/2009)

Type of Proceeding	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom?	Filing Fee (If Applicable)
Compel Abandonment, Request by Party in Interest	6007(b)	554(b)	Motion Notice Proof of Service	14 days to object	Parties in interest <sup>(1)</sup>	\$150.00
Abandonment, Request by Trustee or Debtor in Possession (Chapter 11)	6007(a)	554(a)	Notice of Intent Proof of Service	14 days to object	All creditors <sup>(2)</sup>	
Abstention	5011	305	Motion Notice Proof of Service	14 days to object	Parties in interest <sup>(1)</sup>	

Access to Tax Documents	4002	521	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Access to Documents		107(c)(2)	Motion Proof of Service		May be filed Ex Parte	
Adequate Protection	4001	361	Motion Notice Proof of Service	14 days to object	Parties in interest plus 20 largest unsecured creditors if no committee was appointed (1)	
Administrative Expenses		503	Application Notice Proof of Service	21 days to object	Parties in interest(1)	
Appeal	8001 8002 8004	Title 28 § 158	Notice (official form 17)	Notice must be filed within 14 days after entry of judgment, order or decree	Parties in interest(1)	\$255.00

Appointment, Consumer Privacy Ombudsman		332 363	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Appointment, Interim Trustee in Involuntary Case	2001		Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Assume or Reject	6006	365	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Automatic Stay, Confirm Termination or Absence		362(j)	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Automatic Stay, Extend		362(c)(3)(B)	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Automatic Stay, Impose		362(c)(4)	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Automatic Stay, Lift	4001(a)(1)	362	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	\$150.00

Avoid Lien	4003(d)	522(f)	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Avoid Lien re Household Goods	4003	522(f)	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Cash Collateral, Use of	4001(b)	363	Motion Notice Proof of Service	14 days to object	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(b)(1)(1)	
Claim, Objection to	3007	502	Objection Proof of Service	Scheduled for Hearing	Parties in interest(1)	
Compel			Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Compensation	2002(a)(6) 2016	330 331 328	Application Itemization Notice Proof of Service	21 days to object, Rule 2002(a)(6)	All creditors if the amount requested is over \$1,000.00, Rule 2002(a)(6)(2) If under \$1,000,	

					Parties in interest(1)	
Compensation (Chapter 13 – Pre-Confirmation)	2002(a)(6) 2016	330 331 328	Noticed through plan. Plan must specify total fees paid.	28 day notice of Plan Confirmation hearing, Rule 2002(b)	All creditors, Rule 2002(b) (2)	
Compensation (Chapter 13 – Post-Confirmation Modification Fees – \$500.00 or less)	2002(a)(6) 2016	330 331 328	Noticed through plan. Plan must specify total fees paid.	21 days, Rule 2002(a)(5)	All creditors, Rule 2002(a)(5) (2)	
Compensation (Chapter 13 – Post Confirmation Modification Fees – Greater than \$500 up to \$1000)	2002(a)(6) 2016	330 331 328	Application Itemization Notice Proof of Service	21 days to object, Rule 2002(a)(6)	Parties in interest (1)	
Compensation (Chapter 13 – Post-Confirmation Modification Fees – Over \$1,000)	2002(a)(6) 2016	330 331 328	Application Itemization Notice Proof of Service	21 days to object, Rule 2002(a)(6)	All creditors 2002(a)(6) (2)	
Compromise or Settlement	2002(a)(3) 9019		Motion Notice Proof of Service	21 days to object, Rule 2002(a)(3)	All creditors, Rule 2002(a)(3)(2)	
Consolidation	1015	302	Motion Notice Proof of Service	21 days to object	All creditors(2)	
Contempt	9020	105	Motion Proof of Service	May be scheduled for hearing	Parties in interest(1)	

Conversion, Request by Debtor						
- Chapter 7	1017(f)	706(a)	Motion and Order	No notice required but courtesies should be observed		<p>\$15.00 to convert a chapter 11 to a chapter 7</p> <p>\$25.00 to convert a chapter 13 to a chapter 7</p> <p>\$60.00 to convert a chapter 12 to a chapter 7</p>
- Chapter 11	1017(f)	1112(a)	Motion and Order	No notice required but courtesies should be observed		<p>\$755.00 for chapter 7 to convert to chapter 11</p> <p>\$800.00 to convert a chapter 12 to a chapter 11</p>
- Chapter 12	1017(f)	1208(a)	Notice of Conversion or Motion	No notice required but courtesies should be observed		

- Chapter 13	1017(f)	1307(a)	Notice of Conversion or Motion	No notice required but courtesies should be observed		\$765.00 for chapter 13 to convert to chapter 11  \$35.00 for chapter 12 to convert to chapter 13
Conversion, Request by Party in Interest						
- Chapter 7	1017(f) 2002(a)(4)	706(b)	Motion, Notice and Proof of Service	21 days to object, Rule 2002 (a) (4)	All creditors, Rule 2002(a)(4)(2)	\$15.00 to convert to chapter 7
- Chapter 11	1017(f) 2002(a)(4)	1112(b)	Motion, Notice and Proof of Service	21 days to object, Rule 2002 (a) (4)	All creditors, Rule 2002(a)(4)(2)	
- Chapter 12	1017(f) 2002(a)(4)	1208(d)	Motion, Notice and Proof of Service	21 days to object, Rule 2002 (a) (4)	All creditors, Rule 2002(a)(4)(2)	
- Chapter 13	1017(f)	1307(c)	Motion, Notice and Proof of Service	21 days to object	Parties in interest(1)	
Credit Counseling, Exemption from		109(h)(4)	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Credit Counseling, Extend Time		109(h)(3)	Motion Proof of Service	No notice required but courtesies should be observed	Parties in interest(1)	

Credit, Request to Obtain	4001(c)	364	Motion Notice Proof of Service	14 days to object	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(c)(1)	
Damages, Creditor Misconduct		524(i) 707(b)(5)	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Declaratory Judgment (constitutes an adversary proceeding)	7001(9)	Variable	Complaint Cover Sheet (if case not filed electronically)			\$250.00(3)
Default Judgment	7055		Motion Proof of Service	Court will take matter under advisement	Parties in interest(1)	
Discharge, Delay Entry of	4004(c) 2		No Notice of the Motion is required		Parties in interest(1)	
Discharge, Hardship	4007(d) 2002	1228(b) 1328(b)	Motion	Court to enter order and notice for service	All creditors, Rule 2002	
Discharge, Objections to (constitutes an adversary proceeding)	4004(a) 7001(4)	727(a)	Complaint Cover Sheet (if case not filed electronically)			\$250.00(3)
Dischargeability, Objection to (constitutes an adversary	4007(c) 7001(6)	523(c)	Complaint Cover Sheet (if case not filed electronically)			\$250.00(3)

proceeding)						
Disclosure Statement, Approval of	2002(b) 3017	1125	Disclosure Statement	28 day notice of hearing, Rule 2002(b)		
Disclosure Statement, Modification	3016(b)	1125	Motion Notice Disclosure Statement Proof of Service	21 days to object		
Dismiss, Duplicate Case			Motion	No notice required but courtesies should be observed		
Dismissal, Request by Debtor						
-Chapter 7	1017(a) 2002(a)(4)		Motion Notice	21 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4)(2)	
-Chapter 11	1017(a) 2002(a)(4)		Motion Notice	21 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4)(2)	
-Chapter 12 (no previous conversion)		1208(b)	Motion and Order	No notice required but courtesies should be observed		
-Chapter 13 (no previous conversion)		1307(b)	Motion and Order	No notice required but courtesies should be observed		

-Chapter 12 (previous conversion)	1017(f) 2002(a)(4)	1208(c)	Motion, Notice and Proof of Service	21 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4) <a href="#">(2)</a>	
-Chapter 13 (previous conversion)	1017(f)	1307(c)	Motion, Notice and Proof of Service	21 days to object	Parties in interest <a href="#">(1)</a>	
Dismissal, Request by Party in Interest						
-Chapter 7	1017(f) 2002(a)(4)	707	Motion, Notice and Proof of Service	21 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4) <a href="#">(2)</a>	
-Chapter 11	1017(f) 2002(a)(4)	1112(d)	Motion, Notice and Proof of Service	21 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4) <a href="#">(2)</a>	
-Chapter 12	1017(f) 2002(a)(4)	1208(c)	Motion, Notice and Proof of Service	21 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4) <a href="#">(2)</a>	
-Chapter 13	1017(f)	1307(c)	Motion, Notice and Proof of Service	21 days to object	All creditors	
Emergency/Expedited Hearing, Request for	9006		Motion Motion for Expedited Hearing Affidavit in Support Proposed Order	If approved, clerk's office will schedule hearing	Parties in interest <a href="#">(1)</a>	
Employ (Application not required to employ debtor's attorney in Chapter 7 or 13)	2014	327	Application Verified Statement or Affidavit		U.S. Trustee	

Examination Under Rule 2004	2004		Motion Proof of Service		Parties in interest(1)	
Examiner, Request to Appoint in a Chapter 11	9014	1104	Motion Notice Proof of Service	14 days to object	All creditors(2)	
Exemptions, Objection to	4003(b)	522	Objection Notice Certificate of Service	14 days to object	Parties in interest(1)	
Extend Time to File Complaint to Determine Dischargeability of Debt	4007(d)		Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Extend Time to Appeal	8002(c)		Motion Proof of Service	May be set by the Court	Parties in interest(1)	
Extend Plan Payments (Chapter 13)		1322(d) 1329(c)	Motion Notice Proof of Service	21 days to object	All creditors(2)	
Extend Time to File Plan	9006	1121(d) 1221 1321	Motion Proof of Service		All creditors(2)	
Extend Time to File Schedules or Statement	9006 1007(c)		Motion Proof of Service		Trustee and U.S. Trustee	

Filing Fees, Request to Pay in Installments (individuals only)	1006 LBR 1006-1	Title 28 § 1930(a) (6)	Application	No notice required		\$100.00 minimum payment due at time of filig
Financial Management Course, Exemption		109(h)(4) 727(a)(11)	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Injunction or Equitable Relief (constitutes an adversary proceeding)	7065 7001(7)	Variable	Complaint Cover Sheet (if case not filed electronically)			\$250.00(3)
Joint Administration	1015	302	Motion Notice Proof of Service		All creditors(2)	
Judgment, Alter or amend	9023		Motion Proof of Service		Court will take matter under advisement	
Leave to Appeal	8003		Motion Proof of Service	Party has 14 days to file an answer in opposition	Parties in interest(1)	
Lien, Determine the Validity, Priority, or Extent of (constitutes an adversary proceeding)	7001(2)		Complaint Cover Sheet (If case not filed electronically)			\$250.00(3)
Limit Notice	2002(i)		Motion Affidavit Proposed Order	No notice required but courtesies should be observed		

Means Test, Exemption from		701(b)(2)(D)	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Modify Assurance Payment		366(c)(3)	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Plan, Confirmation of						
-Chapter 11	3020(b) 2002(b)	1128 1129	Plan	28 day notice of hearing, Rule 2002(b)	All creditors, Rule 2002(b)( <a href="#">5</a> )	
-Chapter 12	3015 2002(a)(8)	1224 1225	Plan	21 day notice of hearing, Rule 2002(a)(8)	All creditors, Rule 2002(a)(8)( <a href="#">2</a> )	
-Chapter 13 (hearing is held only if objections are filed)	3015 2002(b) LBR 3015-1	1324 1325	Plan	28 day notice of hearing, Rule 2002(b)	All creditors, Rule 2002(b)( <a href="#">2</a> )	
Plan, Amend Before Confirmation						
-Chapter 11		1129	Amended Plan Notice of Amended Plan (when adversely affects creditors) Proof of Service			
-Chapter 12		1223	Amended Plan Notice of Amended Plan (when adversely affects creditors) Proof of Service			

-Chapter 13		1323	Amended Plan Notice of Amended Plan (when adversely affects creditors) Proof of Service			
Plan, Motion to Modify after confirmation						
-Chapter 11		1127	Motion Notice Proof of Service	21 days, Rule 2002(a)(5)	All creditors, Rule 2002(a)(5)(2)	
-Chapter 12 & 13	3015	1229 1329	Motion Notice Proof of Service	21 days, Rule 2002(a)(5)	All creditors, Rule 2002(a)(5)(2)	
Pro Hac Vice			Motion Proposed Order			
Quash			Motion Proposed Order			
Reaffirmation Agreement (pro se)	4008 LBR 4008-1	524(c) and (d)	Agreement Motion	Set for hearing by Court unless consumer debt secured by real estate		
Reaffirmation Agreement (pro se) (consumer debt secured by real estate)	4008 LBR 4008-1	524(k)(3)(J)	Reaffirmation Agreement	Effective upon filing with court		
Reaffirmation Agreement, (presumption of undue hardship)	4008 LBR 4008-1	524(c) and (d)	Reaffirmation Agreement	May be set for hearing by Court		

Reaffirmation Agreement entered into with a credit union	4008 LBR 4008-1	524(m)	Reaffirmation Agreement	Effective upon filing with court		
Reconsider	9024		Motion Proof of Service	May be taken under advisement or set for hearing	Parties in interest(1)	
Recover Money or Property except under § 554 and § 725 of the Code (constitutes an adversary proceeding)	7001(1)	542 544 547 548	Complaint Cover Sheet (If case not filed electronically)			\$250.00(3)
Redemption of Property from Lien or Sale	6008	722	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Refund Filing Fee			Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Reject Lease or Executory Contract	6006	365	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Relief from Stay	4001(a)	362(d)	Motion Notice Proof of Service	14 days to object	Parties in interest plus the list of 20 largest unsecured creditors if no committee was appointed,	\$150.00

					Rule 4001(a)(1)(1)	
Removal, Notice of (adversary proceeding)	7001(10) 9027		Notice of Removal Cover sheet (If case not filed electronically)			\$250.00(3)
Reopen Case (fee may not be required if filed by debtor regarding discharge)	5010 4007(b)	350(b)	Motion Proof of Service	May be set by Court	Parties in interest(1)	Chapter 7 - \$260.00  Chapter 11 - \$1000.00  Chapter 13 - \$235.00  Chapter 12- \$200.00
Retiree Benefits, Reinstatement of		1114	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Restrict Public Access		107(c)(1)	Motion Proof of Service	May be set by Court	Parties in interest(1)	

Sale	6004 2002(a)(2)	363	Motion Notice Proof of Service	21 days to object	All creditors, Rule 2002(a)(2)( <a href="#">2</a> )	
Sanctions (if motion filed in adversary, matter taken under advisement per local rule)	7037	28 § 1927	Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Schedules, Amending to Add Creditors  If the case is closed, it will need to be reopened.	1009 LBR 1009-1		Amended Schedule (signed by debtor) Cover sheet (if document not filed electronically) Proof of Service on any notice mailed to creditors pursuant to FRBP 2002 to the additional creditors			\$26.00
Schedules, Amending (no creditors added)	1009 LBR 1009-1		Amended Schedule (signed by debtor)			No fee required

Seal Records		303(I)	Motion Proof of Service	May be set for hearing by Court	Parties in interest( <a href="#">1</a> )	
Shorten Time	9006		Motion Affidavit Proposed Order	No notice required but courtesies should be observed		
Stay Pending Appeal	8005		Motion	May be set by the Court	Parties in interest( <a href="#">1</a> )	
Strike			Motion Notice Proof of Service	14 days to object	Parties in interest( <a href="#">1</a> )	
Strike to Redact Personal Identifiers	9037		Motion Proof of Service	No notice required but courtesies should be observed		
Substitution of Attorneys			Motion/Stipulation Proof of Service Proposed Order			
Summary Judgment	7056 LBR 7001-1		Motion Proof of Service	Matter will be taken under advisement	Parties in interest( <a href="#">1</a> )	
Suspension of Payments (Chapter 12 and Chapter 13) -			Motion Notice Proof of Service	14 days to object	All creditors( <a href="#">2</a> )	

temporary						
Trustee, Request to Appoint in a Chapter 11	2007.1	1104	Motion Notice Proof of Service	14 days to object	All creditors(2)	
Turnover estate property in debtor's possession (to recover estate property in third party's possession, an adversary proceeding is required)	7001	543	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Value of Personal Property, Determine Consequential (By Trustee Only)		362(h)(2) 521(a)(2)	Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Valuation	3012	506(a)	Motion Proof of Service	Motion filed after appraisals complete for both sides, hearing will be set upon filing of motion	Parties in interest(1)	
Venue, Change	1014	Title 28, § 1412	Motion Notice Proof of Service	14 days to object	All creditors(2)	
Withdraw as Attorney for Debtor			Motion Notice Proof of Service	14 days to object	Parties in interest(1)	
Withdrawal of Reference		Title 28, § 157(d)	Motion	Upon the filing of the Motion, it will be transmitted to		\$250.00

				the District Court for a determination		

These guidelines are for reference purposes only and should not be relied upon instead of the Bankruptcy Code and/or Bankruptcy Rules. Parties are advised that they should consult the applicable Code sections and/or Rules. Proof of Service necessary where noted if parties served are not electronic filing users.

1. "Parties in interest" in a main case bankruptcy means: The debtor and debtor's attorney, trustee, U.S. Trustee, creditors' committee, any objecting party or attorney who may be directly involved with the proceeding and anyone else you deem necessary should receive notice.

"Parties in interest" in an adversary proceeding means: The plaintiff and/or their attorney, the defendant and/or their attorney, U.S. Trustee, any objecting party or attorney who may be directly involved with the proceeding and anyone else you deem necessary should receive notice.

2. "All Creditors" means: Everyone on the mailing matrix, parties in interest, plus any other attorney or objecting party who is not listed but might be a party in interest.

3. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

4. The plan and the disclosure statement are sent with the notice of disclosure hearing to the debtor, any trustee or committee appointed under the Code, secured creditors, and the

Securities and Exchange Commission. The notice of disclosure hearing is sent to all creditors, Rule 2002(b).

5. At least 28 days before the confirmation hearing, the following items must be served on all creditors: order approving disclosure statement, notice of confirmation hearing, approved disclosure statement, plan and ballot. These materials will not be mailed by the Clerk's Office.