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DISTRICT COURT OF GUAM

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JEANNE G. QUINATA
CLERK OF COURT

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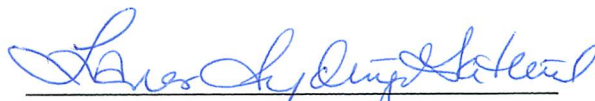
7 Adoption of Updated Local Rules
8 of Bankruptcy Practice
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GENERAL ORDER

No. 17-0007

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12 Pursuant 28 U.S.C. § 2071, and after appropriate public notice and an opportunity for
13 comment, the District Court of Guam hereby adopts the attached updated Local Rules of
14 Bankruptcy Practice, effective December 1, 2017.

15 SO ORDERED this 13th day of November, 2017.
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20 Frances Tydingco-Gatewood
21 Chief District Judge
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BANKRUPTCY LOCAL RULES (“BKLR”)

EFFECTIVE DECEMBER 1, 2017

PART I

**COMMENCEMENT OF CASE;
PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF**

**BANKRUPTCY LOCAL RULE 1001-1
TITLE, APPLICATION AND SCOPE OF RULES**

(a) Title and Scope. These are the Bankruptcy Local Rules for the Bankruptcy Division of the District Court of Guam. The Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms promulgated under 28 U.S.C. § 2075, together with these Bankruptcy Local Rules, govern practice and procedure in all bankruptcy cases and adversary proceedings in this district. They may be cited as “BKLR _____-____.”
(*Number*)

(b) Relationship to Federal Rules of Bankruptcy Procedure. These rules are divided into nine parts to be consistent in format with the Federal Rules of Bankruptcy Procedure. These rules supplement the Federal Rules of Bankruptcy Procedure, and they shall be construed to promote the just, efficient, and economical determination of every bankruptcy case and adversary proceeding. The numbering system of these rules attempts to conform to the Uniform Numbering System for Local Bankruptcy Court Rules, approved by the Judicial Conference Advisory Committee on Bankruptcy Rules. In most cases, these rules relate to a similarly-numbered rule from the Federal Rules of Bankruptcy Procedure.

(c) Relationship to Federal Rules of Civil Procedure. Whenever a Federal Rule of Civil Procedure is incorporated, it shall be incorporated as modified by the Federal Rules of Bankruptcy Procedure.

(d) Relationship to District Court of Guam General and Civil Local Rules. These rules shall incorporate the General and Civil Local Rules of the District Court of Guam as appropriate.

(e) Definitions. As used in these rules:

(1) “All creditors”—when used with respect to service of documents—includes parties in interest, parties who have requested notice in a case, any trustee and committee appointed in a case and the Office of the United States Trustee;

(2) “Bankruptcy Code” or “Code” means title 11 of the United States Code;

(3) “Bankruptcy Local Rules” or “BKLR” refers to the Bankruptcy Local Rules of the Bankruptcy Division of the District Court of Guam;

(4) “Clerk” refers to the Clerk of Court or a deputy clerk of the Bankruptcy Division of the District Court of Guam;

(5) Except where the context otherwise requires, “court” refers to the Bankruptcy Division of the District Court of Guam and to the judge acting on behalf of the court with respect to a matter within the court’s jurisdiction;

(6) “CM/ECF” means the Case Management/Electronic Case Files system used in the Bankruptcy Division of the District Court of Guam;

(7) “Debtor” includes the joint debtor, if any;

(8) “FRBP” refers to a rule of the Federal Rules of Bankruptcy Procedure;

(9) “Fed.R.Civ.P.” refers to a rule of the Federal Rules of Civil Procedure; and

(10) The symbol “§” refers to a section under title 11 of the United States Code, unless another title is cited.

(f) Application to Persons Appearing Without Counsel. A person who appears and is not represented by counsel must comply with these rules. Each reference in these rules to “attorney” or “counsel” applies equally to a party who is not represented by counsel, unless the context otherwise requires.

(g) Procedures Outside the Bankruptcy Local Rules. These rules are not intended to limit the discretion of the court. The court may, on a showing of good cause, waive any of these rules, or make additional orders as it may deem appropriate and in the interests of justice.

(h) Sanctions for Noncompliance with Rules. Failure of counsel or of a party to comply with these rules, the Fed.R.Civ.P., the FRBP, or with any order of the court may be grounds for imposition of sanctions authorized by statute or rule or within the inherent power of the court, including, without limitation, dismissal of any action, entry of default, finding of contempt, imposition of monetary sanctions or attorney’s fees and costs, and other lesser sanctions.

(i) Effective Date; Transitional Provision. These rules govern all bankruptcy cases and adversary proceedings pending on or commenced after the date of adoption. Where justice requires, a judge may order that an action or proceeding pending before the Court prior to that date governed by the prior practice of this Court. These rules supersede all previous local bankruptcy rules.

BANKRUPTCY LOCAL RULE 1002-1
PETITION-GENERAL

(a) Filing. A petition commencing a case under the Bankruptcy Code shall be filed in the Bankruptcy Division of the District Court of Guam.

(b) Commencement of Case. A case is commenced by filing with the clerk:

(1) A petition using the appropriate Official Form;

(2) A mailing matrix in a format prescribed by the clerk; and

(3) A filing fee paid in full in accordance with FRBP 1006, or the first installment together with a motion to pay the filing fee in installments in accordance with FRBP 1006.

(c) Declaration. Petitions filed by lawyers who are registered CM/ECF participants shall be accompanied by a declaration substantially conforming to the local form (Declaration Re: Electronic Filing of Petition, Schedules & Statements [GUB 5005-4]).

(d) Effect of Failure to Specify Necessary Information.

(1) If the petition fails to specify the chapter under which relief is sought, the case will be deemed to have been filed under chapter 7.

(2) If the petition fails to specify whether it is a consumer or business case, it will be presumed to be a consumer case.

(3) If the petition fails to indicate the number of creditors or equity holders, or the amount of assets or debts, it will be presumed that the case falls in the smallest category of each.

BKLR 1002-1 Related Local Form:

- Declaration Re: Electronic Filing of Petition, Schedules and Statements [GUB 5005-4]
- Mailing Matrix Guidelines

BANKRUPTCY LOCAL RULE 1004-1
PETITION – PARTNERSHIP

(a) Consent Requirement. When a voluntary petition is filed by a partnership, there shall be attached to the petition, as an exhibit, a verified document evidencing the consent of all general partners to the filing of the petition.

(b) Separate Entity Requirement. The clerk shall not accept for filing a single petition in bankruptcy referring to both a partnership and the individual partner or partners. If separate filings are intended by an individual partner or partners as well as the partnership, separate petitions are required by each entity.

(c) Necessity of Retaining Counsel. The clerk shall not accept for filing a voluntary or involuntary petition to commence a case if the debtor is a partnership unless the debtor is represented by an attorney who has signed the petition.

**BANKRUPTCY LOCAL RULE 1005-1
PETITION - CAPTION**

(a) Names. If a debtor is an individual, the full name shall be used, followed by all names, assumed names, trade names, or designated by or under which the debtor is or has been known or has conducted any business within the eight years preceding the filing of the petition. If the petition lists other names used by the debtor that are modified by a term indicative of an artificial entity, such as “Inc.” or “LLC”, the debtor must file with the petition a declaration substantially conforming to the local form (Declaration Regarding Trade Name(s) Used by Debtor [GUB 1005-1]), stating that the name was used as a trade name but does not identify a separate legal entity. Absent such a declaration, the clerk will not include such a name as an alias or “dba” in the case information and notices sent by the court.

(b) Chapter Identification. The caption should identify the Chapter under which the case is filed.

BKLR 1005-1 Related Local Form:

- Declaration Regarding Trade Name(s) Used by Debtor [GUB 1005-1]

**BANKRUPTCY LOCAL RULE 1006-1
FEES-INSTALLMENT PAYMENTS**

Every voluntary petition submitted to the Clerk of Court for filing shall be accompanied by one of the following payment options: i) full payment of the applicable filing fee; ii) an application for waiver of the filing fee (Official Form B103B), if debtor qualifies; or iii) an application to pay the filing fee in installments (Official Form B103A). The Clerk of Court is authorized to reject or dismiss a voluntary petition that is not accompanied by one of the above payment options.

BANKRUPTCY LOCAL RULE 1007-1
LISTS, SCHEDULES AND STATEMENTS

(a) Case Opening Documents.

(1) Definition. The case opening documents that are subject to this subdivision include the schedules and statements required to be filed with the court under § 521(a), other than copies of payment advices; the certificate from an approved nonprofit budget and credit counseling agency required to be filed under § 521(b); and any other document required to be filed with the petition or within a specified amount of days thereafter, under a statute, rule, or order.

(2) Dismissal Upon Failure to File Required Schedules and Statements. In a voluntary case where case opening documents are not filed with the petition, the clerk is authorized to issue an order to satisfy the deficiency and to give notice that failure to file the missing schedules or statement within 14 days after the date the petition was filed, or some later date as the court directs, may result in dismissal of the case without further notice, unless on or before the filing deadline the debtor requests and is granted an extension of time to file the documents. An order dismissing the case pursuant to this provision may include a 180-day bar to refile a subsequent petition pursuant to § 109(g)(1).

(3) Extension of Time to File Case Opening Documents. A debtor may request an extension of time to file case opening documents by filing with the court a motion substantially conforming to the local form (Debtor's Motion to Extend Time to File Case Opening Documents [GUB 1007-1a3]) that states the date the petition was filed, the date set for the first meeting of creditors, the new deadline being requested, and the reason for the extension. Consideration of the motion may be expedited if it contains the signature of an authorized representative of the Office of the United States Trustee in a chapter 11 case and the Chapter 13 trustee in a chapter 13 case indicating that there is no objection to an extension. The debtor may email the proposed order in Word or WordPerfect format to chambers@gud.uscourts.gov.

(b) Payment Advices.

(1) Non-Filing of Payment Advices. Unless the court orders otherwise, the copies of payment advices or other evidence of payment received by the debtor from any employer described in § 521(a)(1)(B)(iv) may not be filed with the court. If the court permits the filing, the filing party is responsible for redacting any confidential information, such as all but the last 4 digits of the debtor's Social Security number and any financial account numbers.

(2) Submission to Trustee. The copies of payment advices or other evidence of payment described in § 521(a)(1)(B)(iv) must be submitted to the trustee in a case under chapter 7, 12, or 13, or the Office of the United States Trustee in a case under chapter 11, not later than 7 days before the date first set for the first meeting of creditors under § 341, or 45 days after the date of the filing of the petition, whichever is earlier. The debtor may offer an explanation why payment advices are not being submitted by providing to the trustee or the Office of the United States

Trustee a statement substantially conforming to the local form (Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations [GUB 1007-1b2]).

(3) Failure to Submit. If the debtor fails to submit to the trustee the copies of payment advices or other evidence of payment within the time specified in paragraph (2) of this subdivision, the trustee may request an order dismissing the case by filing a motion substantially conforming to the local form (Trustee's Motion to Dismiss Case Under U.S.C. § 521(i)(2) [GUB 1007-1b3]) or, in the alternative, a motion for an order declining to dismiss the case for the reasons stated in § 521(i)(4). In the absence of such motions, the court will presume that the debtor has submitted these documents timely to the trustee and that the debtor's case is not subject to dismissal under § 521(i)(1) or (2). A party in interest other than a trustee requesting dismissal under § 521(i)(2) for failure to file payment advices must file and serve on the debtor and all creditors a motion to dismiss with the trustee's declaration that the trustee did not receive any payment advices or any statement by the debtor regarding the failure to submit such information.

(c) Motion for Reconsideration. A debtor whose case has been dismissed for failure to file required documents may request the court to reconsider the order dismissing the case by filing the required documents and then filing a motion substantially conforming to the local form (Debtor's Motion to Reconsider Order Dismissing Case [GUB 1007-1c]).

BKLR 1007-1 Related Local Forms:

- Debtor's Motion to Extend Time to File Case Opening Documents [GUB 1007-1a3]
- Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations [GUB 1007-1b2]
- Trustee's Motion to Dismiss Case Under 11 U.S.C. § 521(i)(2) [GUB 1007-1b3]
- Debtor's Motion to Reconsider Order Dismissing Case [GUB 1007-1c]

**BANKRUPTCY LOCAL RULE 1007-2
MAILING-LIST OR MATRIX**

(a) Requirement to File. The clerk may reject for filing a voluntary petition submitted without a mailing matrix, i.e. the list of names and addresses of entities included or to be included on Schedules D, E, F, G, and H.

(b) Format of Names and Addresses. The format of names and addresses in the mailing matrix must conform to guidelines issued by the clerk.

(c) Digital File Format.

(1) Electronic Filing. A person electronically filing a voluntary petition must upload the mailing matrix immediately after filing the petition. An image of the matrix must also be included with the petition. When electronically filing an amended matrix to include additional

creditors, only the names and addresses of the additional creditors should be included in the upload and the image of the list.

(2) Matrix Submitted on Paper. A person submitting a paper copy of a voluntary petition for filing must submit both a paper copy of the mailing matrix and an electronic version on media (diskette, CD, USB drive, etc.) capable of being uploaded in the court's electronic filing system.

(d) Verification. The mailing matrix must be accompanied by the debtor's verification that all entities included on Schedules D, E, F, G, and H have been listed in the mailing matrix, using a form that substantially conforms to the local form (Verification of Creditor Matrix [GUB 1007-2d]). The clerk's office will not compare the names and addresses listed in the schedules with the names and addresses shown on the Master Mailing Matrix or Equity Security Holders Mailing Matrix or supplement thereto.

(e) Amended Matrix. The debtor must file an amended mailing matrix to reflect any changes or additions to the names and addresses of entities included on Schedules D, E, F, G, or H, including a change of address of the entity or the entity's attorney, or the addition of an entity or an entity's attorney. An amended matrix is subject to the requirements of subdivisions (b) and (c) of this rule. The debtor is responsible for serving the notice of bankruptcy case, meeting of creditors, and deadlines, as well as any other notices sent by the clerk, on the parties listed in the amended matrix. The amended matrix should attach a cover sheet and certificate of service substantially conforming to the local form (Cover Sheet for Amendments [GUB 1009-1b]).

BKLR 1007-2 Related Local Forms:

- Verification of Creditor Matrix [GUB 1007-2d]
- Cover Sheet for Amendments [GUB 1009-1b]

**BANKRUPTCY LOCAL RULE 1009-1
AMENDMENTS TO LISTS AND SCHEDULES**

(a) In General. Except as stated in BKLR 1007-2(c)(1), an amendment to a list, schedule, or statement must replace in its entirety, rather than supplement, the originally filed document

(b) Cover Sheet with Declaration. A party filing an amended list, schedule, or statement pursuant to FRBP 1009(a) must attach a cover sheet substantially conforming to the local form (Cover Sheet for Amendments [GUB 1009-1b]), containing the debtor's declaration that the information in the amendments is true and correct.

(c) Notice. Whenever Schedule D, E, F, G, or H is amended to add a creditor or party in interest, the debtor must serve a copy of the notice of commencement of the bankruptcy case, the meeting of creditors, and any deadlines set by the court upon all added entities. The debtor must file a certificate of service to show compliance with this provision. The requirement to file a certificate of service may be satisfied by using the cover sheet substantially conforming to the

local form (Cover Sheet for Amendments [GUB 1009-1b]), containing a section for certifying service.

BKLR 1009-1 Related Local Forms:

- Cover Sheet for Amendments [GUB 1009-1b]

**BANKRUPTCY LOCAL RULE 1009-2
CORRECTION OF SOCIAL SECURITY NUMBER**

(a) Amended Statement of Social Security Number. The debtor must promptly submit an amended Statement of Social Security Number [Official Form B121] upon becoming aware that an incorrect number was provided at the time of filing the petition, whether the petition was filed electronically or on paper. The amended statement must indicate conspicuously that it is an amended statement intended to correct the number previously provided to the court. It is not necessary for the debtor to file an amended petition to correct the last 4 digits of the number showing on the petition.

(b) Notice to Creditors. Upon submitting an amended Statement of Social Security Number, the debtor must give notice of the correct number to all creditors and parties in interest by sending a notice substantially conforming to the local form (Notice of Corrected Social Security Number [GUB 1009-2b]). The debtor must also send notice to the major credit reporting agencies whose names and addresses are included on the form. This notice must include the debtor's full (9-digit) Social Security Number and must not be filed in order to protect the debtor's privacy.

(c) Certificate of Service. The debtor must file a certificate of service substantially conforming to the local form (Certificate of Service: Notice of Corrected Social Security Number [GUB 1009-2c]) to show compliance with the notice requirement of this rule. The certificate of service must not include the debtor's full Social Security Number or attach a copy of the notice that was served, in order to protect the debtor's privacy.

BKLR 1009-2 Related Local Forms:

- Statement of Social Security Number [Official Form B121]
- Notice of Corrected Social Security Number [GUB 1009-2b]
- Certificate of Service: Notice of Corrected Social Security Number [GUB 1009-2c]

**BANKRUPTCY LOCAL RULE 1015-1
JOINT ADMINISTRATION/CONSOLIDATION**

(a) Motion. A motion by one or more debtors requesting joint administration, but not substantive consolidation, of related cases may be presented to the court ex parte, provided that the court may set the matter for hearing after notice to parties in interest.

(b) Case Dockets. Unless the court orders otherwise, all documents must be entered on the docket of the case designated as the lead case.

(c) Mailing Matrix and Notice List. The clerk will maintain a single, consolidated mailing matrix of names and addresses of creditors and parties requesting notice in the lead case.

(d) Claims Register. Unless the court orders otherwise, the clerk will maintain a single claims register in the lead case. All proofs of claim and interest must be filed in the lead case but must indicate the particular debtor against whom the claim or interest is asserted.

(e) Separate Accounts and Reports. Unless the jointly administered cases are also substantively consolidated, the debtor in possession or trustee must maintain separate accounts of property and distributions of each estate, and must report on each estate separately. All monthly operating reports and interim and final reports by a trustee or debtor in possession must be filed in the lead case but must clearly identify the separate estate involved.

**BANKRUPTCY LOCAL RULE 1017-1
CONVERSION - REQUEST FOR/NOTICE OF**

(a) Motion and Notice. A chapter 7 debtor seeking to convert a case to one under another chapter pursuant to § 706(a) must file a motion and give notice. Notice is sufficient if given to the Office of the United States Trustee, the case trustee, and all parties receiving notice electronically through the court's transmission facilities. The notice must advise that the court may enter an order granting the motion without further notice or hearing if no objection to the motion is filed within 14 days after the date that the motion was filed. The debtor may include the notice with the motion by filing a motion substantially conforming to the local form (Debtor's Motion and Notice to Convert Chapter 7 Case to Another Chapter [GUB 1017-1]).

(b) Additional Fees Upon Conversion of Case. A notice and motion for conversion of a case must be accompanied by payment of the filing fee, if any, required for conversion of the case to the chapter for which conversion is sought.

BKLR 1017-1 Related Local Form:

- Debtor's Motion and Notice to Convert Chapter 7 Case to Another Chapter [GUB 1017-1]

BANKRUPTCY LOCAL RULE 1017-2
DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS

(a) Dismissal Without Further Notice. Failure of the debtor to file in a timely manner the documents required by the FRBP or by these Bankruptcy Local Rules or to appear at the meeting of creditors shall be cause for dismissal of the bankruptcy case without further notice.

(b) Reinstatement. A case dismissed for failure of the debtor to timely file a required document or for failure to appear at the meeting of creditors may be reinstated on motion of the debtor pursuant to FRBP 9024, provided that all required documents are filed, or on motion of another party. The Clerk shall not close a dismissed case until 60 days after the date of dismissal.

(c) Dismissal with Prejudice.

(1) Unless otherwise stated in the dismissal order, an order dismissing a bankruptcy case that provides that the dismissal is with prejudice means that the debtor is prohibited from filing another bankruptcy petition for 180 days from the date that the dismissal order is entered upon the docket.

(2) Nothing in this rule prevents the clerk from obeying a specific order entered by a judge of this court. Nor does this rule prohibit a judge from entering such further orders or injunctions as are necessary to prevent an abuse of the bankruptcy process or to prohibit frivolous pleadings and filings, based on the facts of that particular case.

(d) Order for Dismissal.

(1) Notwithstanding § 521(i)(1), no case shall be deemed dismissed except upon entry of an order of dismissal.

(2) If a party moves for dismissal pursuant to § 521(i)(2) and if such motion specifically requests dismissal within seven (7) days, the court may dismiss the case without further notice or hearing if the docket is missing one or more of the six items identified in § 521(a)(1)(A) and (a)(1)(B)(i) through (v). If the docket contains a filing denominated as such but which the moving party contends fails to include all the contents required by § 521(a)(1) or required by the FRBP, these Bankruptcy Local Rules or Official Forms, the motion shall identify the alleged deficiency. The movant shall serve the motion on the debtor and the trustee along with a notice requiring a response to be filed within fourteen (14) days of service. If no such response is timely filed, the court may dismiss the case without further notice or hearing. If a response is timely filed, the court will either rule on it or set it for hearing.

(e) Notice of Dismissal. The clerk will provide notice of an order dismissing a case under this rule to the debtor, debtor's attorney (if any), United States trustee, and parties in interest.

BANKRUPTCY LOCAL RULE 1074-1
CORPORATIONS AND OTHER ARTIFICIAL ENTITIES

(a) Authority to File Petition. When a voluntary petition is filed by an entity other than a natural person, a copy of the resolution or other document authorizing the filing of the petition, or a verified document evidencing the consent of all general partners, must be attached to the petition as an exhibit.

(b) Designation of Responsible Individual. Every debtor that is an artificial entity must designate a natural person to be responsible for performing the debtor's duties in bankruptcy. The responsible individual must reside on Guam, unless the court orders otherwise. The designation must be filed within 14 days after the date the petition is filed and must include the individual's name, position, address, telephone number, and email address, and must include the individual's consent. If more than one individual is designated, the designation must specify each individual's responsibilities.

(c) Representation by Counsel.

(1) Chapter 11 Debtor in Possession. Every chapter 11 debtor in possession that is an artificial entity must be represented by an attorney whose employment is subject to court approval under § 327(a).

(2) Contested Matters and Adversary Proceedings. Except for requesting an award of compensation as a professional, an artificial entity must appear through counsel when acting as a party in a contested matter or adversary proceeding.

PART II

**OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;
EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

BANKRUPTCY LOCAL RULE 2003-1
MEETING OF CREDITORS & EQUITY SECURITY HOLDERS

(a) Attendance Required. The following are required to attend the meeting of creditors held pursuant to § 341(a):

(1) the debtor and the joint debtor, if any, or if the debtor is an artificial entity, the responsible individual designated under BKLR 1074-1; and

(2) an attorney representing the debtor and the joint debtor if the petition was filed through counsel.

(b) Failure to Attend Meeting.

(1) Debtor, Joint Debtor, or Designated Responsible Individual. The trustee or United States Trustee shall request dismissal of the case for failure of the debtor, joint debtor or designated responsible individual to attend on two or more occasions the meeting of creditors by filing and serving on the debtor and all creditors a motion and notice of hearing substantially conforming to the local form (Notice of Motion and Motion to Dismiss Case for Non-Appearance at Meeting of Creditors [GUB 2003-1b1]). If the case is dismissed, the order may bar the debtor(s) from filing a subsequent voluntary petition for 180 days, pursuant to § 109(g)(1).

(2) Attorney. The trustee or United States Trustee may move for the imposition of monetary or other sanctions against the debtor's attorney of record if an attorney fails to appear at the meeting of creditors.

(c) Meeting Held Open. In a chapter 13 case, a meeting held open by the trustee does not extend the time for the debtor to file any unfiled tax returns in compliance with § 1308, unless the trustee explicitly directs that the meeting be held open for that purpose.

BKLR 2003-1 Related Local Form:

- Notice of Motion and Motion to Dismiss Case for Non-Appearance at Meeting of Creditors [GUB 2003-1b1]

**BANKRUPTCY LOCAL RULE 2004-1
DEPOSITIONS AND EXAMINATIONS**

(a) Examination Order Issued by Clerk. A party in interest seeking to examine the debtor or other entity pursuant to FRBP 2004 may request an examination order by filing a motion substantially conforming to the local form (Motion for Rule 2004 Examination [GUB 2004-1]). The clerk is authorized to issue an examination order requested by a party in interest who has complied with the requirements of this local rule. Such examination order will compel the attendance or production of documents by the debtor, or, if the examinee is not the debtor, will authorize the issuance of a subpoena substantially conforming to the Subpoena for Rule 2004 Examination [B2540] in accordance with FRBP 9016 and Fed. R. Civ. P. 45. If the requirements of this rule are not satisfied, the clerk may issue an order denying the request for an examination order.

(b) Date, Time, and Place of Examination. Prior to filing a motion for an examination order, the party seeking the order shall make all reasonable efforts to arrange a mutually convenient

date, time, and place of examination. The motion for an examination order must be supported by a declaration stating either:

(1) that the proposed date, time, and place of examination have been agreed upon by all concerned; or

(2) that the parties could not agree to a date, time, and place of examination after all reasonable efforts were made, in which case the examination will take place with the moving party's proposed date, time and place of examination, but no earlier than 14 days after the filing of the motion for an examination order, and no earlier than 30 days after the date of issuance of the examination order or subpoena, whichever is later, if the motion requests production of documents or electronically stored information.

(c) Request Limited to Delivery of Documents. Subdivision (b) of this rule does not apply to requests for production of documents or electronically stored information to be delivered to the requesting party so long as the deadline for delivery is not less than 30 days after the date of issuance of the examination order or a subpoena, whichever is later. The motion requesting an order for production of documents or electronically stored information by mail or similar delivery method may include a request for authority to issue a subpoena for a personal examination following review of the materials produced so long as the examination date is not less than 14 days after the date of issuance of the subpoena.

(d) Other Discovery Procedures Not Available. The declaration supporting issuance of an order under FRBP 2004 must state that the requested examination does not involve pending litigation in which discovery is available under FRBP 7026 and FRBP 9014, or other authority.

(e) Objections. An examinee or party in interest objecting to an examination must file and serve on the examining party a motion for a protective order or, if a subpoena has been served, a motion to quash the subpoena.

BKLR 2004-1 Related Local Forms:

- Subpoena for Rule 2004 Examination [B2540]
- Motion for Rule 2004 Examination [GUB 2004-1]

**BANKRUPTCY LOCAL RULE 2014-1
EMPLOYMENT OF PROFESSIONALS**

A request for an order of employment may be made by filing an application substantially conforming to the local form (Application to Employ Professional [GUB 2014-1]). The applicant shall either (a) submit a proposed order bearing the approval of the Office of the United States Trustee, (b) arrange for the Office of the United States Trustee to notify chambers that the Office of the United States Trustee does not object to the application, in which case the court

may enter a text order granting the application, or (c) if there is an objection to the application, obtain a hearing date from the courtroom deputy and give notice of the hearing.

BKLR 2014-1 Related Local Form:

- Application to Employ Professional [GUB 2014-1]

**BANKRUPTCY LOCAL RULE 2015-6
MONTHLY OPERATING REPORTS**

(a) Cases in Which Reports Are Required. Monthly operating reports shall be filed by the trustee or debtor in possession in the following cases:

- (1) All cases under chapter 11 and chapter 12;
- (2) chapter 7 cases, where the trustee is operating a business; and
- (3) chapter 13 cases, if the court so orders.

(b) Filing Deadline. Each required monthly operating report shall be filed not later than the 20th day of the month following the month to which the report pertains. A separate report must be filed for each calendar month, or portion thereof, during which the case is pending, up to and including the month in which an order of confirmation or dismissal is entered.

(c) Service of Reports. A copy of each monthly report must be served, not later than the day upon which it is filed with the court, upon the Office of the United States Trustee, the chair and counsel of record of each committee of creditors and each committee of equity security holders appointed in the case, and such other persons or entities as may be ordered by the court. Reports in a chapter 12 or chapter 13 case must be served on the trustee.

(d) Form and Content of Reports.

(1) Unless the court orders otherwise, monthly operating reports must include an accrual basis profit and loss statement, a balance sheet, and a statement of receipts and disbursements.

(2) Any motion to modify this requirement must be served on all parties upon whom the monthly operating report is required to be served.

(e) Certificate of Counsel. Each required monthly operating report must be accompanied by a certificate of the debtor's or trustee's attorney that the attorney has reviewed the report and that it has been prepared in compliance with this rule. Counsel's certificate shall not be deemed a representation by counsel that the entries in the report are accurate or that the report has been prepared in compliance with applicable accounting standards and principles.

BANKRUPTCY LOCAL RULE 2015-7
DEBTOR’S BOOKS AND RECORDS

(a) Voluntary Cases. In a case filed pursuant to § 301 or 302, the books and records of the debtor shall be closed on the day immediately preceding the day on which the petition is filed, whether or not a separate estate is created for tax purposes. Prepetition liabilities must be segregated and reported separately from postpetition liabilities.

(b) Involuntary Cases. In a case filed under § 303, the books and records of the debtor shall be closed on the day on which relief is ordered or an interim trustee is appointed, whichever occurs first. Notwithstanding the foregoing, liabilities incurred before the commencement of the case shall be segregated and, in the event relief is granted, reported separately from liabilities incurred after the commencement of the case.

BANKRUPTCY LOCAL RULE 2015-8
TRUSTEES – INTERIM REPORTS

(a) Requirement to File. Unless the trustee has filed a report of no distribution, a trustee appointed in a case under chapter 7 or chapter 11 must file an interim report in each case that has been pending under the same chapter for more than 1 year. The initial report is due not later than the first anniversary of the trustee’s appointment, and additional interim reports must be filed at least every twelve (12) months thereafter. This requirement is in addition to any reporting requirements set by the United States Trustee.

(b) Content of Report. The trustee may satisfy the reporting requirement of this rule by filing a report including substantially conforming to the local form (Trustee’s Interim Report [GUB 2015-8) including:

- (1) a brief description of the status of the case;
- (2) Form 1 - Individual Estate Property Record and Report; and
- (3) Form 2 - Cash Receipts and Disbursements Record.

BKLR 2015-9 Related Local Form:
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|---|
| <ul style="list-style-type: none">• Trustee’s Interim Report [GUB 2015-8] |
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BANKRUPTCY LOCAL RULE 2016-1
COMPENSATION OF PROFESSIONALS

(a) Application Requirements. Unless these rules provide otherwise, an application for compensation for services or reimbursement of expenses under § 330, 331, or 503(b)(4) must include the following:

(1) the information about the applicant and the application, case status, project billing, and actual, necessary expenses as set forth in the *Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330*, contained in:

(A) Appendix A – Guidelines for Reviewing Applications for Compensation filed under 11 U.S.C. § 330 in (1) larger chapter 11 cases by those seeking compensation who are not attorneys, (2) all chapter 11 cases below the larger case thresholds, and (3) cases under other chapters of the Bankruptcy Code (except that the project billing format is required only if the professional’s compensation is anticipated to exceed \$10,000); and

(B) Appendix B – Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C. § 330 for Attorneys in Larger Chapter 11 Cases (including Exhibits A – E).

(2) a summary sheet substantially conforming to the local form (Compensation Summary Sheet [GUB [2016-1a](#)]);

(3) detailed time records unless the professional is an auctioneer, real estate agent, or other professional whose compensation is based on a commission percentage; and

(4) a certification by the applicant that:

(A) the applicant has reviewed the application;

(B) the amounts being requested are billed at rates no less favorable than those customarily employed by the applicant and generally accepted by the applicant’s nonbankruptcy clients; and

(C) to the best of the applicant’s knowledge, information, and belief, the application conforms to the U.S. Trustee’s Guidelines – Appendix A and Appendix B, this rule, and any order of the court, except as specifically noted in the certification

(b) Chapter 13 Attorney Fee Guidelines. The court may issue guidelines determining presumptively reasonable fees for normal and customary services to be performed by attorneys for chapter 13 debtors. Use of the guidelines may require the filing of an agreement substantially conforming to the local form (Rights and Responsibilities of Chapter 13 Debtors and Attorneys [GUB 2016-1b]). An attorney electing to follow the guidelines may seek the allowance of

compensation and reimbursement of expenses through expedited procedures provided by this rule.

(c) Allowance of Compensation as Part of Plan Confirmation. An attorney electing to follow the Chapter 13 Attorney Fee Guidelines may seek the allowance of initial fees as part of the plan confirmation process without filing a separate application. The order allowing the compensation may be included in the order confirming the plan unless the debtor's attorney has failed to file the agreement describing the rights and responsibilities of Chapter 13 debtors and attorneys or if the agreement provides for compensation inconsistent with the compensation disclosed by the attorney under FRBP 2016(b).

(d) Allowance of Compensation for Post-Confirmation Services. An attorney who elected to follow the Chapter 13 Attorney Fee Guidelines for the initial allowance of fees may seek the allowance of additional fees for certain post-confirmation services as follows.

(1) Fees Not Exceeding Amounts in Guidelines. No application for additional compensation is required if the fee amounts do not exceed the amounts specified in the Chapter 13 Attorney Fee Guidelines and:

(A) no later than 14 days after payment or an agreement to pay the fees directly to the attorney by the debtor or a third party, the attorney files a supplemental disclosure statement substantially conforming to the local form (Supplemental Disclosure of Compensation by Attorney for Chapter 13 Debtor [GUB 2016- 1c1]), disclosing the amount of additional compensation paid or to be paid and certifying that the fees requested do not exceed the maximum amounts in the guidelines; or

(B) the attorney requests payment through plan distributions by filing a request for payment of an administrative expense substantially conforming to the local form (Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case [GUB 3070-2a2]), including a certification that the fees requested do not exceed the maximum amounts in the guidelines.

(2) Fees Exceeding Amounts in Guidelines. If the fees being requested exceed the amounts in the guidelines, or if the particular services are not addressed by the guidelines, an attorney whose initial fees were allowed by the plan confirmation order may request the allowance of additional compensation by filing and serving on the Trustee, the Office of the United States Trustee, and all creditors, an application substantially conforming to the local form (Application for Additional Fees in Chapter 13 Case; Notice of Hearing [GUB 2016-1c2]), attaching detailed billing records for the subject services, and arranging for a hearing in accordance with BKLR 9013-1(e).

(e) Payment of Compensation. Unless the court orders otherwise, a debtor's attorney in a chapter 13 case may accept post-petition payments for compensation only:

(A) through plan distributions;

(B) as provided in item (d) of this rule; or

(C) from funds deposited in a client trust account as authorized by a court order.

BKLR 2016-1 Related Local Forms:

- Chapter 13 Attorney Fee Guidelines
- Rights and Responsibilities of Chapter 13 Debtors and Attorneys [GUB 2016-1b]
- Supplemental Disclosure of Compensation by Attorney for Chapter 13 Debtor [GUB 2016-1c1]
- Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case [GUB 3070-2a2]
- Application for Additional Fees in Chapter 13 Case; Notice of Hearing [GUB 2016-1c2]

**BANKRUPTCY LOCAL RULE 2070-1
ESTATE ADMINISTRATION**

Funds of the Estate – Account Identification. The signature card (or if there is none, the depository agreement) for any account containing funds which are the property of a bankruptcy estate must clearly indicate that the depositor or investor is a “debtor in possession” or a trustee in bankruptcy.

**BANKRUPTCY LOCAL RULE 2072-1
NOTICE TO OTHER COURTS**

(a) Notice of Bankruptcy Petition. Notice of the filing of a bankruptcy petition in this district must be given to any federal, state or territorial court or administrative tribunal in which the debtor is a party to pending litigation or other proceeding. Notice must be given, at the earliest possible date, to the judge to whom the matter is assigned, the clerk of the court where the matter is pending, all counsel of record in the matter, and all parties to the action not represented by counsel. A debtor filing a petition without bankruptcy counsel shall give notice immediately to any attorney representing the debtor in pending litigation or other proceeding. Notice of a bankruptcy petition will not bar any conference in another court held to advise the court and the parties of the status of the bankruptcy case.

(b) Party to Give Notice. In a voluntary case, the notice must be given by the debtor or the debtor's counsel. In an involuntary case, notice must be given by the petitioning creditors or their counsel.

(c) Effect of Not Giving Notice. Failure to give the notice required by subdivision (a) of this rule may constitute cause for annulment of the stay imposed by § 362, 922, 1201, or 1301 and may also result in the imposition of sanctions.

(d) Notice of Order for Relief from Stay. If an order terminating, annulling, modifying, or conditioning the stay imposed by § 362, 922, 1201, or 1301, will permit resumption of litigation or other proceeding, the party obtaining the order for relief from stay must give notice thereof to the parties noted in subdivision (a) of this rule.

(e) Notice of Other Order Affecting Litigation. Notice of an order dismissing or closing a case, granting or denying a discharge, or otherwise affecting the resumption of litigation or any other proceeding, must be given by the debtor or the debtor's counsel to the parties noted in subdivision (a) of this rule. If the debtor or the debtor's counsel fails to give such notice promptly, the notice may be given by any party in interest with knowledge of the order affecting pending litigation or other proceeding.

BANKRUPTCY LOCAL RULE 2083-1
CHAPTER 13 - GENERAL

(a) Debtor's Notice of Conversion to Chapter 7. A debtor may request an order converting a chapter 13 case, not previously converted from another chapter, to one under chapter 7 by filing and serving on the trustee and United States Trustee a notice substantially conforming to the local form (Debtor's Notice of Conversion of Case to Chapter 7 [GUB 2083-1a]). Unless the court directs otherwise, a hearing is not required.

(b) Debtor's Motion to Dismiss Case. A debtor may request an order dismissing a chapter 13 case, not previously converted from another chapter, by filing and serving on the trustee and United States Trustee a motion substantially conforming to the local form (Debtor's Motion to Dismiss Chapter 13 Case [GUB 2083-1b]). Unless the court directs otherwise, a hearing is not required.

(c) Debtor's Motion to Approve Sale of Property. A chapter 13 debtor may request an order approving a sale of property by filing and serving on the trustee, the United States Trustee, and all parties claiming an interest in the subject property, a motion and notice substantially conforming to the local form (Debtor's Motion to Approve Sale in Chapter 13 Case [GUB 2083-1c]) in accordance with BKLR 9013-1(e). The motion must include a report as to the status of title and liens for the subject property. The motion may include a request for approval of any compensation to be paid to the debtor's attorney for services related to the motion and payment of a commission or other fees to a sales agent, auctioneer, or other professional for services performed in connection with the sale, if (i) the amount requested does not exceed the applicable amount under the Chapter 13 Attorney Fee Guidelines, and (ii) the compensation will be paid directly from the proceeds of the sale and will not diminish the amount distributable to unsecured creditors.

(d) Debtor's Motion to Obtain Credit or Incur Debt.

(1) Form of Motion. A chapter 13 debtor may request an order authorizing the debtor to obtain credit or incur debt by filing a motion substantially conforming to the local form (Debtor's Motion to Incur Debt [GUB 2083-1d]). The motion may include a request for approval of any compensation to be paid to the debtor's attorney for services related to the motion if (i) the amount requested does not exceed the applicable amount under the Chapter 13 Attorney Fee Guidelines, and (ii) the compensation will be paid directly from the proceeds of the loan and will not diminish the amount distributable to unsecured creditors.

(2) Notice. The court may consider the request without notice to creditors if:

(A) the collateral for the new debt is property that vested in the debtor upon plan confirmation or otherwise is not property of the estate;

(B) the loan proceeds will be used to satisfy all remaining payments to the trustee due under the plan;

(C) where a separate application for compensation will be made, any compensation for services of the debtor's attorney related to the motion will be paid into a client trust account, pending further court approval; and

(D) the trustee's approval is evidenced by the trustee's signature on the motion or proposed order.

(3) Plan Modification. A debtor is not required to file a separate motion to modify confirmed plan if:

(A) the sale or loan proceeds will be used to complete all remaining payments due under the confirmed plan; and

(B) plan modification is limited to the acceleration of such payments.

(e) Trustee's Motions to Dismiss.

(1) Motion to Dismiss for Lack of Feasibility. If the trustee determines from the proofs of claims actually filed that the confirmed plan is not feasible, *i.e.* there will be insufficient funds to pay in full all administrative expenses, secured claims, priority claims, and any claims placed in a special class for full payment, the trustee may file and serve on the debtor a motion to dismiss for lack of feasibility substantially conforming to the local form (Trustee's Motion to Dismiss for Lack of Feasibility; Notice of Deadline [GUB 2083-1e1]). Failure of the debtor to file, within 28 days after the date of filing of the motion, an objection to a claim, which, if sustained, would ensure feasibility, or a motion to modify the confirmed plan, may result in the court dismissing the case without further notice or hearing.

(2) Motion to Dismiss for Failure to Make Plan Payment or Other Cause. Unless these rules provide for a specific alternate procedure, the trustee may request an order dismissing a

chapter 13 case by filing and serving on the debtor a motion and notice substantially conforming to the local form (Trustee's Motion to Dismiss Case; Notice of Hearing; Certificate of Service [GUB 2083-1e2]). The motion must be filed and served no later than 21 days before the hearing date.

(f) Operation of Business.

(1) Requirement for Reports. Not later than 7 days before the meeting of creditors, the debtor must submit business reports to the trustee if requested by the trustee or if at least 2 of the following conditions exist:

(A) the business employs 3 or more individuals;

(B) the business earns monthly gross receipts exceeding \$10,000;

(C) the business produces net receipts comprising 50% or more of the debtor's income reported in schedule I.

(2) Content of Reports. The business reports required under this rule must include:

(A) a projection of average monthly income and expenses;

(B) evidence of appropriate business insurance;

(C) inventory of goods as well as a list of furniture and equipment as of the date of filing of the petition;

(D) monthly income and expense statements for at least 6 months preceding the date of filing of the petition, including a statement regarding incurred and unpaid expenses, signed by the debtor under penalty of perjury; and

(E) any additional financial information specified by the trustee.

(3) Trustee's Duties. If business reports are not required under this rule, the trustee is not required to perform any additional duties under § 1302(c) with respect to the debtor's operation of a business.

BKLR 2083-1 Related Local Forms:

- Debtor's Notice of Conversion of Case to Chapter 7 [GUB 2083-1a]
- Debtor's Motion to Dismiss Chapter 13 Case [GUB 2083-1b]).
- Debtor's Motion to Approve Sale in Chapter 13 Case [GUB 2083-1c]
- Debtor's Motion to Incur Debt [GUB 2083-1d]

- Trustee’s Motion to Dismiss for Lack of Feasibility; Notice of Deadline [GUB 2083-1e1]
- Trustee’s Motion to Dismiss Case; Notice of Hearing; Certificate of Service [GUB 2083-1e2]

**BANKRUPTCY LOCAL RULE 2090-1
ATTORNEYS – ADMISSION TO PRACTICE**

(a) In General. The General Local Rules of practice of the District Court of Guam regarding attorney admission and practice apply in all bankruptcy proceedings.

(b) Parties Appearing Without an Attorney. Any party proceeding without an attorney will be expected to be familiar with and to proceed in accordance with the rules of practice and procedure of this court and with the appropriate federal rules and statutes that govern the action.

(c) Change of Address. An attorney who changes office address must submit a written change of address to the clerk. Completion and submission of this address change will update the attorney's address in the court’s electronic database. In those cases where the attorney represents a party other than the debtor, this address change will not update the address on the mailing lists for those cases. In those cases, to update the address on the mailing list and to give notice of the address change to other attorneys and parties, the attorney must file a notice of change of address in each case. In cases where the attorney does represent the debtor, the address is updated in the database, and also updated on the mailing lists for those cases.

If the change of address is because the attorney has changed law firms, in each case in which the attorney has appeared and in which the former firm will continue to represent the debtor or other party, a notice must be filed stating that the attorney no longer represents the party and stating who in the firm now represents that party. For those cases in which the attorney, at the new firm, will continue to represent the debtor or other party, the attorney will remain the attorney of record at the new firm and address.

PART III

**CLAIMS AND DISTRIBUTION TO CREDITORS
AND
EQUITY INTEREST HOLDERS; PLAN**

**BANKRUPTCY LOCAL RULE 3001-2
REQUESTS TO PAY ADMINISTRATIVE EXPENSES**

(a) Applicability. Unless the court orders otherwise, this rule governs all requests for payment of administrative expenses under § 503(a), except for:

(1) Compensation and expenses awarded under § 330(a), and

(2) Administrative expenses incurred in the ordinary course of business to the extent authorized under § 364(a).

(b) Form of Request.

(1) Requests for Interim Payment. An entity seeking payment for an administrative expense prior to confirmation of a plan or the filing of a trustee's final report must file a motion for allowance and payment of an administrative expense in accordance with BKLR 9013-1(e). Payment may be made only upon order of the court allowing the expense and approving an interim payment.

(2) Requests for Payment in the Ordinary Course of Distributions. An entity seeking payment for an administrative expense through distributions under a confirmed plan or by the trustee after the filing of a final report may file a request substantially conforming to the local form (Request for Payment of Administrative Expense [GUB 3001-2]). Absent a timely objection to plan confirmation or a final report, payment may be made through a distribution under a confirmed plan or as part of the trustee's distribution of estate assets, without entry of a separate order allowing the expense.

(c) Timing of Request. Unless the court otherwise sets a deadline, a request for payment of an administrative expense is timely if filed:

(1) In a case under chapter 11, 12, or 13, by the later of:

(A) 28 days prior to the date of the plan confirmation hearing; or

(B) 28 days after the occurrence of the last event giving rise to the expense;

(2) In a case under chapter 7, by the later of:

(A) the deadline for filing a proof of claim;

(B) 28 days after the occurrence of the last event giving rise to the expense; or

(C) for expenses arising from the use of premises by a trustee or debtor in possession, 28 days after surrender of the premises by the trustee or debtor in possession.

(d) Notice. An entity requesting payment of an administrative expense under this rule must give notice of the request to the trustee or debtor in possession, the Office of the United States Trustee, and, in a chapter 11 case, any committee appointed in the case, or if no committee has been appointed, the holders of the 20 largest unsecured claims.

BKLR 3001-2 Related Local Form:

- Request for Payment of Administrative Expense [GUB 3001-2]

**BANKRUPTCY LOCAL RULE 3003-1
FILING PROOF OF CLAIM OR INTEREST UNDER CHAPTER 11**

(a) Standard Bar Date. Unless otherwise ordered by the court, proofs of claim or interest shall be filed pursuant to FRBP 3003 and shall be filed within 90 days after the first date set for the meeting of creditors called pursuant to 11 U.S.C. § 341(a) unless the claimant is a governmental unit, in which case a proof of claim shall be filed before 180 days after the date of the order for relief or such later time as the Federal Rules of Bankruptcy Procedure may provide. Notice of the deadline for filing proof of claim or interest shall be included by the clerk in the notice of commencement of the case.

(b) Non-Standard Bar Date. In those instances in which a 90-day claims deadline is not appropriate, debtor's attorney should submit a motion and proposed order providing for a different date at the time the Chapter 11 petition is filed. The motion should include a brief statement of the reason for the date suggested.

**BANKRUPTCY LOCAL RULE 3004-1
CLAIMS FILED ON BEHALF OF CREDITOR**

(a) Notice. A party filing a proof of claim on behalf of a creditor under FRBP 3004 or FRBP 3005 must serve the creditor and the creditor's attorney, if any, with a copy of the filed proof of claim, and a notice of the filing substantially conforming to the local form (Notice of Claim Filed on Behalf of Creditor [GUB 3004-1]). The filing party must promptly file a certificate of service showing when, how, and on whom service was made.

(b) Amended Claim Filed by Creditor. When a proof of claim has been filed on behalf of a creditor under FRBP 3004 or FRBP 3005, the creditor may file an amended proof of claim within 30 days after service of the notice required under subdivision (a) of this rule. Unless the court orders otherwise, the amended proof of claim filed by the creditor will supersede the proof of claim filed by another entity.

BKLR 3004-1 Related Local Form:

- Notice of Claim Filed on Behalf of Creditor [GUB 3004-1]

BANKRUPTCY LOCAL RULE 3007-1
CLAIMS-OBJECTIONS

CLAIMS-OBJECTIONS

(a) Notice of Bar Date to Respond to Objection. The party filing an objection to a proof of claim that is not asserted as part of an adversary proceeding shall give notice: (1) that the claimant has 14 days from service of the objection to file and serve a response to the objection; and, (2) that if a timely response is not filed and served, the objection may be sustained by the court without further notice or hearing.

(b) Form of Objection. Parties must employ a form that substantially conforms to the applicable local form (Objection to Claim; Notice of Hearing [GUB 3007-1]).

(c) Order Sustaining Objection. If a timely response is not filed and served by the claimant, the objecting party may lodge an order with the court sustaining the objection.

(d) Hearing. If the claimant timely files and serves a response to the objection, the objecting party must obtain a hearing date, serve notice on the claimant and file a certificate of service. The hearing date must be no earlier than 44 days after notice of objection to the proof of claim has been filed and served on the claimant.

(e) Additional Requirements in Chapter 7 and 13 Cases. In chapter 7 and 13 cases, the following additional rules apply:

(1) The objection must state a specific basis for disallowing the claim under Bankruptcy Code § 502;

(2) The caption of the objection, any notice served in regard to the objection, and any order entered in regard to the objection must state the name of the claimant and the claim number of the disputed claim as set forth in the official claims register maintained by the court; and,

(3) The objection may incorporate the certificate of service of the objection.

(f) Payments on Claim. Pending resolution, the chapter 13 trustee will make payments on only the uncontroverted portion of the claim subject to an objection, until such time as the court orders otherwise.

(g) Objection Requiring Adversary Proceeding. An objection to a claim that includes a demand for relief of a kind specified in FRBP 7001 may not proceed under the procedures described in this rule. Such an objection requires the filing of a complaint to commence an adversary proceeding.

BKLR 3007-1 Related Local Form:

- Objection to Claim; Notice of Hearing [GUB 3007-1]

**BANKRUPTCY LOCAL RULE 3010-1
DIVIDENDS-SMALL**

(a) Chapter 7 Cases. The trustee in a chapter 7 case may pay dividends in amounts less than \$5.

(b) Chapter 12 and Chapter 13 Cases. The trustee in a chapter 12 or chapter 13 case may distribute payments in amounts less than \$15.

**BANKRUPTCY LOCAL RULE 3011-1
UNCLAIMED FUNDS**

(a) Application. A party seeking a disbursement of unclaimed funds that have been deposited with the clerk must file an application with the court.

(b) Proof of Entitlement.

(1) Application by Claimant.

(A) Individual Claimant. An application by a claimant who is an individual must be accompanied by a copy of a valid photo identification issued by a government agency. Acceptable forms of identification include, but are not limited to, firearms identification, passport, driver's license, military identification.

(B) Artificial Entity. An application by a claimant that is a corporation, partnership, limited liability company, or other artificial entity must be accompanied by documentation showing authority to make the application, such as articles of incorporation, board meeting minutes, or other documentation.

(2) Application by Legal Representative. An application by a claimant's legal representative, including a funds locator, must be accompanied by an original, notarized power of attorney that clearly authorizes the representative to act on behalf of the claimant. If the claimant is deceased, an application must be accompanied by a certified copy of a letter of administration, probated will, or other document that clearly authorizes the representative to file the application on behalf of the claimant's estate.

(3) Application by Successor in Interest. An application by a party asserted to be the successor in interest to the original claimant must be accompanied by documentation that clearly establishes a right to payment of the unclaimed funds.

(4) Address. The application must state the claimant’s address at the time the claim was made and provide either documentation identifying the claimant as having resided or conducted business at that address at the time, or a declaration to that effect.

(c) Competing Applications. If there are competing applications for the same unclaimed funds, payment will be made to the original claimant over a representative asserting to be the claimant’s legal representative. If there is more than one party claiming to be the claimant’s legal representative, the earliest application will be given priority, unless the court orders otherwise.

(d) Service on United States Attorney. An additional copy of the application for unclaimed funds must be sent to the Office of the United States Attorney, District of Guam. Unless the court orders otherwise, disbursement of any unclaimed funds requires a statement of no objection by the United States Attorney.

(e) Payment. If the application is made by the claimant’s legal representative, the clerk will make the check payable to the claimant but will send the payment to the applicant’s address.

BANKRUPTCY LOCAL RULE 3015-1
CHAPTER 13 - PLAN

(a) Form Plan. Unless the court orders otherwise, a plan filed in a chapter 13 case must substantially conform to the local form plan (Chapter 13 Plan [GUB 113]). The language of the form plan may not be altered. The debtor may propose additional or different plan provisions only by setting them out in the “Non-standard Provisions” section of the plan.

(b) Dismissal Upon Failure to File Plan. If a plan is not filed with a chapter 13 petition or prior to an order converting the case chapter 13, the clerk is authorized to issue an order to satisfy the deficiency. The order may include a notice that failure to file the plan within 14 days may result in dismissal of the case without further notice, unless or before the deadline the court enters an order extending the time to file the plan. An order dismissing the case under this provision shall include a 180-day bar to refile a subsequent petition as authorized by § 109(g)(1).

(c) Extension of Time to File Plan. A debtor may request an extension of time to file a plan by filing and serving on the trustee and United States Trustee a motion substantially conforming to the local form (Debtor’s Motion to Extend Time to File Case Opening Documents [GUB 1007-1a3]). Consideration of the motion may be expedited if the motion includes the trustee’s signature indicating that there is no objection to the request.

(d) Motion to Reconsider Dismissal. A debtor whose case has been dismissed for failure to file a plan may request the court to reconsider the order dismissing the case by filing a proposed plan

and motion substantially conforming to the local form (Debtor's Motion to Reconsider Order Dismissing Case [GUB 1007-1c]).

(e) **Request to Value Collateral to Determine Amount of Secured Claim.** If the plan includes a request to value the collateral under § 506(a), the plan must include an addendum that substantially conforms to the local form (Attachment A: Addendum to Section 4.5 [GUB 113A]). Any supporting documents, such as appraisals, declarations, exhibits, and memoranda, shall be identified appropriately and appended to the addendum. Each addendum is limited to a single piece of real or personal property unless all interests being determined are secured by the same aggregate of collateral. Otherwise, requests involving different collateral must be made in additional, separate addenda.

(f) **Request to Avoid a Lien.** If the plan includes a request to avoid a lien under § 522(f), the plan must include an addendum that substantially conforms to the local form (Attachment B: Addendum to Section 4.7 [GUB 113B]). Any supporting documents, such as appraisals, declarations, exhibits, and memoranda, shall be identified appropriately and appended to the attachment. Additional requests to avoid liens must be made in additional, separate addenda.

(g) **Service of Plan.**

(1) **Debtor required to serve plan.** The debtor shall serve the plan and any amended plan on the trustee, each lienholder, and any other party holding an interest in the subject property.

(2) **Manner of Service.** The debtor shall serve the plan in the same manner as required for giving notice under Bankruptcy Rule 2002 of the time fixed for filing objections to confirmation of the plan. If the plan includes a request to avoid a lien or to determine the value the collateral, the plan and addenda must be served on each affected creditor in the manner provided for service of a summons and complaint by Bankruptcy Rule 7004.

BKLR 3015-1 Related Local Forms:

- Chapter 13 Plan [GUB 113]
- Motion to Extend Time to File Case Opening Documents [GUB 1007-1a3]
- Debtor's Motion to Reconsider Order Dismissing Case [GUB 1007-1c]
- Attachment A: Addendum to Section 4.5 [GUB 113A]
- Attachment B: Addendum to Section 4.7 [GUB 113B]

BANKRUPTCY LOCAL RULE 3015-2
CHAPTER 13 – AMENDMENTS TO PLANS

(a) Amendment of Plan Before Confirmation.

(1) Amended Plan. The debtor may file an amended chapter 13 plan any time before confirmation by filing and serving on all creditors a plan substantially conforming to the local form plan (Chapter 13 Plan [GUB 113]). The debtor must check the box labeled “Amended” and indicate the date of the plan on the first page.

(2) Plan Motions. If the terms of an amended plan are inconsistent with any plan motions filed with the original plan, the debtor must file an amended plan motion.

(3) Objections.

(A) Prior Objection Deemed Moot. An objection to a chapter 13 plan becomes moot upon the filing of an amended plan. If a party remains opposed to confirmation of an amended plan, the party must file a new objection.

(B) Deadline to Object. An objection to an amended plan must be filed not later than the time specified in BKLR 3015-3(a).

(4) Amended Plan Payments. If the debtor has filed an amended plan prior to confirmation, the plan payments that come due after the date the amended plan is filed must be made in the amount stated in the amended plan, which may be higher or lower than the amount stated in the original plan. Where successive amended plans are filed, any plan payment that comes due must be made in the amount stated in the most recently filed amended plan.

(b) Modification of Plan After Confirmation.

(1) Debtor’s Motion.

(A) Form of Motion and Notice. The debtor may request modification of a confirmed plan by filing a motion and notice of hearing substantially conforming to the local form (Debtor’s Motion to Modify Confirmed Plan; Notice of Hearing [GUB 3015-2b1]). A copy of the entire plan as modified need not be filed so long as the motion describes with specificity the proposed modifications to the plan then in effect.

(B) Service. A debtor’s motion and notice must be served promptly on the trustee and:

(i) all creditors and parties in interest; or

(ii) if the motion is filed after the deadline to file a proof of claim, only those parties who have filed a proof of claim.

(C) Objections. An objection to a debtor’s motion to modify a confirmed chapter 13 plan must be filed not later than 14 days before the motion’s hearing date. If there are no objections, the court can grant the motion and vacate the hearing.

(2) Motion by Trustee or Creditor. A motion to modify a confirmed chapter 13 plan brought by a party other than the debtor, including the trustee’s motion to extend the plan’s duration, except that a response to the motion must be filed not later than 14 days before the hearing date. The trustee may request a plan extension up to 60 months after the time the first payment was due under the confirmed plan by filing a motion and notice of hearing substantially conforming to the local form (Trustee’s Motion to Extend Plan; Notice of Hearing [GUB 3015-2b2]).

BKLR 3015-2 Related Local Forms:

- Chapter 13 Plan [GUB 113]
- Debtor’s Motion to Modify Confirmed Plan; Notice of Hearing [GUB 3015-2b1]
- Trustee’s Motion to Extend Plan; Notice of Hearing [GUB 3015-2b2]

**BANKRUPTCY LOCAL RULE 3015-3
CHAPTER 13 - CONFIRMATION**

(a) Objection to Confirmation. A party objecting to confirmation of a chapter 13 plan or a plan motion must file an objection substantially conforming to the local form [GUB 3015-3Obj] 14 days before the date of the confirmation hearing or continued confirmation hearing.

(b) Lack of Objections. In the absence of any timely filed objections to confirmation and any plan motions, the court may cancel the confirmation hearing, confirm the plan, and determine any plan motions.

(c) Confirmation Orders. Unless the court directs otherwise, the trustee will prepare a confirmation order substantially conforming to the local form (Order Confirming Chapter 13 Plan [GUB 3015-3pln]), attaching the plan as an exhibit, and any order deciding a plan motion (Order Granting Plan Motion to Avoid Lien [GUB 3015-3avd] or Order Granting Plan Motion to Value Collateral [GUB 3015-3val]). The trustee may delegate the responsibility to prepare an order to the debtor or the debtor’s attorney.

(d) Procedure Upon Denial of Plan Confirmation.

(1) Action Required Within 14 Days. If the court denies confirmation, the order may provide that the case may be dismissed unless, within 14 days after the entry of the order denying confirmation, the debtor:

(A) files an amended plan and any plan motions, or

(B) converts the case to a case under another chapter.

(2) **Plan Motions.** If an amended plan is filed following denial of confirmation of a plan, any plan motions must be re-filed as amended or renewed motions.

(e) **Multiple Denials of Confirmation.** If two or more plans have been denied confirmation in a case, the trustee may include in an objection to any subsequent plan a motion to dismiss the case for prejudicial delay to creditors. Separate notice of the request for dismissal is not required.

BKLR 3015-3 Related Local Forms:

- Objection to Chapter 13 Plan or Plan Motion [GUB 3015-3obj]
- Order Confirming Chapter 13 Plan [GUB 3015-3pln]
- Order Granting Plan Motion to Avoid Lien [GUB 3015-3avd]
- Order Granting Plan Motion to Value Collateral [GUB 3015-3val]

**BANKRUPTCY LOCAL RULE 3017-1
DISCLOSURE STATEMENT - APPROVAL**

(a) **Motion and Notice Required.** A plan proponent seeking approval of a disclosure statement related to a chapter 11 plan must file a motion for approval with the disclosure statement attached as an exhibit. Except as provided in BKLR 3017-2, the moving party must immediately obtain a hearing date and promptly give at least 28 days' notice of the hearing to all parties in interest.

(b) **Form of Notice.** Unless the court orders otherwise, the notice of the hearing on a motion to approve a disclosure statement must substantially conform to the local form (Notice of Hearing on Disclosure Statement [GUB 3017-1b]).

(c) **Objections.** A party objecting to approval of the disclosure statement must file a written objection not later than 14 days before the hearing date, unless otherwise ordered by the court. The objection should specify why the disclosure statement (rather than the proposed plan) is objectionable. The court generally will not entertain arguments about plan confirmation at the disclosure statement hearing.

(d) **Duty to Confer.** If an objection to the proposed disclosure statement is filed, the plan proponent and the objecting party must confer in a good faith attempt to resolve the dispute.

(e) **Adequate Information.** A plan proponent may establish that the proposed disclosure statement contains adequate information through offer of proof, declaration, or, if the court so requires, live testimony. In all cases, a witness competent to testify must be present. The plan proponent is not required to file briefs or memoranda.

(f) Confirmation Hearing. At the conclusion of the disclosure statement hearing, counsel for the plan proponent shall be prepared to advise the court of the amount of court time the confirmation hearing will require. If a contested confirmation hearing is anticipated, the court will entertain requests that scheduling procedures be established concerning the filing of briefs, exchange and marking of exhibits, disclosure of witnesses and discovery.

(g) Order Approving Disclosure Statement. If the disclosure statement is approved at the hearing, the plan proponent must promptly prepare and submit for signing an order that substantially conforms to Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof (Official Form B313). The proposed order must attach the approved disclosure statement as an exhibit.

BKLR 3017-1 Related Local Forms:

- Notice of Hearing on Disclosure Statement [GUB 3017-1b]
- Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof [Official Form B313]

**BANKRUPTCY LOCAL RULE 3017-2
CHAPTER 11 - DISCLOSURE STATEMENT - SMALL BUSINESS CASES**

In a small business case governed by § 1125(f), a plan proponent may file a motion to seek (i) approval of a disclosure statement submitted using a court-approved standard form, (ii) conditional approval of a disclosure statement subject to final approval after notice and a hearing, or (iii) a determination that the plan itself provides adequate information and that a separate disclosure statement is not necessary. Any disclosure statement for which conditional or final approval is sought must be attached as an exhibit to the motion.

**BANKRUPTCY LOCAL RULE 3018-1
BALLOTS - VOTING ON PLANS**

(a) Service. The plan proponent must file a certificate identifying the parties served ballots to accept or reject a chapter 11 plan. The certificate of service may be combined with the certificate showing service of the disclosure statement and plan.

(b) Ballots to be Returned to Plan Proponent. Completed ballots must be returned to the plan proponent or its agent, not the court.

(c) Ballot Report. Not later than 14 days before the confirmation hearing, the plan proponent must file a ballot tabulation report that:

(1) shows the percentages of acceptances and rejections for each impaired class, in number and dollar amount;

(2) identifies any unimpaired classes with an explanation why such classes are unimpaired under § 1124;

(3) identifies any ballots received after the voting deadline set by the court and whether such ballots are included in the tabulation; and

(4) attaches all ballots as exhibits (unless there are an unusually large number of ballots).

BANKRUPTCY LOCAL RULE 3020-1
CHAPTER 11- CONFIRMATION

(a) Service of Disclosure Statement and Plan. The plan proponent must file a certificate identifying the parties served the disclosure statement and plan. The certificate of service must be filed promptly after service was made.

(b) Objections to Confirmation. Unless the court otherwise orders, objections to confirmation of the plan must be filed not later than 14 days prior to the confirmation hearing.

(c) Duty to Confer. The plan proponent and any party objecting to confirmation must make a good faith effort to confer prior to the confirmation hearing regarding disputed issues and the conduct of the confirmation hearing.

(d) Confirmation Requirements. If the plan has been accepted by the requisite majorities and no objections to confirmation have been filed, the plan proponent may establish that the plan meets the applicable requirements of chapter 11 by offer of proof, declaration, or, if the court so requires, live testimony. In all cases, a witness competent to testify must be present.

BANKRUPTCY LOCAL RULE 3022-1
FINAL REPORT/DECREE (CHAPTER 11)

After the entry of a plan confirmation order, the debtor in possession or trustee in a chapter 11 case may request entry of a final decree by filing and serving on the United States Trustee, any committee appointed in the case, or if no committee was appointed, the holders of the 20 largest unsecured claims, an application for a final decree closing the case and discharging the trustee, if one has been appointed. If no objection is filed within 30 days after the date of filing of the application, the clerk may enter a final decree without further notice or hearing.

BANKRUPTCY LOCAL RULE 3070-1
CHAPTER 13- PAYMENTS

(a) Plan Payments to Trustee. Plan payments must be made in a form acceptable to the trustee.

(b) Pre-Confirmation Lease Payments. Pre-confirmation payments due under personal property leases governed by § 1326(a)(1)(B) may be made directly by the debtor to the lessor only if the plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor must make the payment as part of the total payment to the trustee, and the trustee will pay the lessor, both before and after confirmation, upon the filing of a proof of claim by the lessor.

(c) Pre-Confirmation Adequate Protection Payments. Pre-confirmation adequate protection payments governed by § 1326(a)(1)(C) may be made directly by the debtor to the secured creditor only if the debtor's plan so provides or if no plan provision addresses payment of the adequate protection. If the plan provides for payment of the secured claim by the trustee, the debtor must make the adequate protection payment as part of the total payment to the trustee, and the trustee will pay the secured creditor, both before and after confirmation, upon the filing of a proof of claim by the creditor.

BANKRUPTCY LOCAL RULE 3070-2
CHAPTER 13- DISTRIBUTIONS

(a) Need to File Claim.

(1) Need to File Proof of Claim. A creditor must file a timely proof of claim (Official Form B410) in order to receive distributions under the plan.

(2) Need to File Administrative Claim. A debtor's attorney must file a request for payment of an administrative expense for compensation and reimbursement of expenses to be paid through plan distributions. The request may be made by filing in the claims register a request substantially conforming to the local form (Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case [GUB 3070-2a2]). The request may be made by filing in the claims register.

(b) Arrearage Portion of Secured Claim. Notwithstanding FRBP 3002(a), the holder of a secured claim must file a timely proof of claim in accordance with FRBP 3002(c) in order to receive plan distributions for a prepetition arrearage or default. If the plan provides for payment of an "arrearage," the trustee shall make a distribution according to the amount stated on the proof of claim as "Amount of arrearage and other charges at time case filed included in secured claim," unless the court orders otherwise. The trustee will make no distribution on the secured portion of a claim that states the amount of the arrearage is \$0.00, none, or the like, or if the arrearage amount is left blank.

(c) Untimely Claims. Unless the court orders otherwise, claims filed after the time periods stated in FRBP 3002(c) will not receive distributions under the plan. The court may consider a stipulation to allow an untimely claim without notice to other creditors if executed by the debtor and the trustee.

(d) Debtor's Duty to Examine and Object to Claims. Upon the expiration of the claims bar date for non-governmental creditors, the debtor is responsible for reviewing all claims and filing an objection to any claim with which the debtor disagrees and which has not yet been determined by the court.

(e) Trustee's Notice of Filed Claims and Intent to Make Distributions. The trustee must file and serve on the debtor and all creditors a notice of claims filed and intent to make distributions. The notice must list the claims filed and advise that distributions under the plan will be made according to the classification and amount of claims as filed, unless the court already has decided the value of collateral securing a debt, avoided a lien, or otherwise disallowed or modified a claim by specific order. The notice may state that the actual distributions will be subject to changes including, but not limited to, determinations of objections to claims, amended claims, stipulations allowing untimely claims, and awards of attorney compensation. The trustee shall serve the notice of claims filed and intent to make distributions by the later of:

(1) 28 days after the latest claims deadline stated in FRBP 3002(c), and

(2) 60 days after the entry of the plan confirmation order.

(f) Determination of Claimant's Address for Distribution. The trustee shall make distributions in accordance with the name and address of the claimant stated on the proof of claim, subject to any amendment, assignment, transfer, change of address, or any other information filed with the court as part of the individual case record. The trustee shall not make a distribution to a claimant or address other than that stated on the proof of claim unless the notice of an address change is filed with the court. A claimant may give notice of an address change by filing a form substantially conforming to the local form (Notice of Change of Address (Proof of Claim) [GUB 3070-2f]).

(g) Claims Amended, Assigned or Transferred After the Deadline to File a Claim. If a claim is amended, assigned, or transferred after the deadline to file a claim under FRBP 3002, the creditor amending the claim, the assignee, or the transferee must file promptly with the court the document amending, assigning or transferring the claim.

(h) Distribution on Disputed Claim. To suspend distribution on a disputed claim, the debtor must file and serve an objection to claim on the claimant not later than 28 days after the filing of the trustee's notice of filed claims and intent to make distributions. The objection must comply with procedures stated elsewhere in these rules. Pending a determination of an objection, the trustee shall cease making a distribution on the disputed claim. If the objection is overruled, at the request of the claimant or the trustee, the court may make provision for payment of any dividends not paid while the objection was pending. Nothing in these rules prevents the debtor,

the trustee, or other party in interest from objecting to a claim after the deadline specified in this paragraph. However, unless the court orders otherwise, an objection that is untimely under this subdivision and that is sustained shall not result in a refund of amounts already paid on the disputed claim.

(i) Relief from Stay.

(1) Order Granting Relief from Stay. If an order granting relief from the automatic stay or co-debtor stay unconditionally permits the secured creditor to foreclose on or repossess its collateral, the trustee shall cease making payments as soon as practicable to all creditors whose claims are based entirely on a secured interest in the collateral being foreclosed on or repossessed.

(2) Stipulation or Order Regarding Relief from Stay. If a stipulated order on relief from stay or other order provides that an arrearage in postpetition payments will be added to the prepetition debt amount paid through the plan, the creditor must file an amended claim to show the adjusted total amount due.

(j) Payment of Debtor's Attorney Fees. Plan distributions on account of compensation and reimbursement of expenses of attorneys for chapter 13 debtors will be made before or at the same time of each payment to creditors. Upon entry of an order allowing fees and expenses, an attorney must draw on any funds being held in a client trust account before accepting any plan distributions.

BKLR 3070-2 Related Forms:

- Proof of Claim [B410]
- Request for Payment of Administrative Expense; Compensation for Debtor's Attorney In Chapter 13 Case [GUB 3070-2a2]
- Notice of Change of Address (Proof of Claim) [GUB 3070-2f]

PART IV

THE DEBTOR: DUTIES AND BENEFITS

**BANKRUPTCY LOCAL RULE 4001-1
AUTOMATIC STAY - RELIEF FROM**

(a) Motion. A motion requesting relief from the automatic stay imposed by § 362(a) must state the basis under § 362(d) for the relief being sought. Except for related relief from a co-debtor stay under § 1201(a) or 1301(a), the motion may not include requests for other relief.

(b) Notice.

(1) Form of Notice. The moving party must file and serve a notice of hearing substantially conforming to local form GUB 9073-1 which provides explicit notice of the deadline to file an opposition statement and that the court may grant the relief without a hearing in the absence of a timely filed opposition statement.

(2) Separate Document. The notice must be filed as a separate docket entry.

(c) Service. The moving party must serve, promptly after filing, a copy of the motion and the notice on:

(1) the debtor;

(2) the debtor's attorney;

(3) any trustee appointed in the case;

(4) any committee appointed in the case under § 705 or 1102, or its attorney, or, if no committee of unsecured creditors has been appointed in a chapter 11 case, the creditors included on the list filed pursuant to FRBP 1007(d);

(5) if the motion seeks to enforce a lien, all other parties, known to the moving party, who claim an ownership or security interest in the same collateral;

(6) if the motion concerns a co-debtor stay, the co-debtor; and

(7) if the motion concerns the commencement or continuation of a judicial, administrative, or other action or proceeding, all parties to the action or proceeding.

(d) Opposition Statement and Reply. Deadlines to file and serve an opposition or reply are as follows:

(1) opposition or other responsive statement: 14 days after filing of motion

(2) reply by moving party: 7 days after filing of opposition.

(e) Stipulations. The court will consider granting relief from the automatic or co-debtor stay, without the filing of a motion, upon submission of a stipulation for the relief if signed by the debtor, the party seeking relief, the trustee, and any party in interest, including a co-debtor. In a chapter 11 case where no trustee has been appointed, the stipulation must be signed by the members of the unsecured creditors committee or its attorney. In a chapter 11 case where no trustee or unsecured creditors committee has been appointed, notice of not less than 21 days of the stipulation and an opportunity to object must be given to the holders of the 20 largest unsecured claims.

BKLR 4001-1 Related Local Forms:

- Notice of Hearing [GUB 9073-1]

**BANKRUPTCY LOCAL RULE 4001-5
AUTOMATIC STAY - EXTENDING OR IMPOSING STAY; CONFIRMING NO STAY
IN EFFECT**

(a) Motions to Extend or to Impose Stay.

(1) Motion Required. A party requesting an order to extend the automatic stay under § 362(c)(3)(B), or to impose the stay under § 362(c)(4)(B), must file a motion.

(2) Contents. The motion must state whether relief is sought with respect to all creditors or only specified creditors, who must be identified by name. The motion must set forth facts, supported by declarations as appropriate, showing that the filing of the present case is in good faith as to the creditors to be stayed and describing the circumstances that led to dismissal of any prior case(s) by the debtor.

(3) Notice and Hearing

(A) Motion to Extend Stay. A party seeking to extend the stay under § 362(c)(3)(B) must obtain a hearing date that is not later than 30 days after the date of filing of the petition. A request to shorten time is not required if the motion is filed and served not less than 14 days before the hearing date. The motion must include a notice that any response to the motion must be filed and served on the moving party not less than 7 days before the hearing date. The moving party is not required to file a reply but may do so not less than 3 days before the hearing date.

(B) Motion to Impose Stay. A motion to impose the stay is governed by BKLR 9013-1(e).

(b) Motions to Confirm Termination or Absence of Stay.

(1) Motion Required. Unless the court orders otherwise, a party requesting an order to confirm that the automatic stay has been terminated or is not in effect under § 362(h)(1) or (j) must file a motion.

(2) Contents.

(A) Motions Under 11 U.S.C. § 362(h)(1). A motion to confirm termination of the automatic stay filed under § 362(h)(1) must set forth facts, supported by declarations as appropriate, describing the personal property that is the subject of the motion and the actions taken by the debtor and the moving party with respect to the debtor's statement of intention filed pursuant to § 521(a)(2), and any proposed reaffirmation under § 524(c). A copy of the debtor's statement of intention must be attached as an exhibit to the motion.

(B) Motions Under 11 U.S.C. § 362(j). A motion to confirm the termination or absence of a stay under § 362(j) must set forth facts, supported by declarations as appropriate, regarding the dismissal or closing of any prior cases, the time any discharge was granted or denied, and any other facts pertinent to the motion.

(3) Notice and Hearing. Motions to confirm the termination or absence of a stay are governed by BKLR 9013-1(e).

(c) Service. A motion and notice governed by this rule must be served on the debtor, the debtor's attorney, any creditors or parties in interest affected by the motion, the United States Trustee, and any trustee or committee appointed in the case.

BANKRUPTCY LOCAL RULE 4004-3 DISCHARGE OF INDIVIDUAL DEBTOR

(a) Chapter 11.

(1) Discharge After Completion of Plan Payments. Upon completion of all payments due under a confirmed plan, a debtor in a chapter 11 case who is an individual must file and serve on all creditors a certification and notice of completion of plan payments substantially conforming to the local form (Chapter 11 Individual Debtor's Certification of Eligibility for Discharge; Notice of Deadline to Object [GUB 4004-3b]). The certification must include a statement that § 1141(d)(5)(C) does not apply to the debtor. Any objection to the certification and the granting of a discharge must be filed within 30 days after the date of filing of the certification and notice.

(2) When Motion Required. A debtor in a chapter 11 case who is an individual may request the granting of a discharge without completion of all payments under the plan, as provided under § 1141(d)(5)(A) and (B), by filing and serving on all creditors a motion, in accordance with BKLR 9013-1(e).

(b) Chapter 12 and Chapter 13.

(1) Discharge After Completion of Plan Payments. Upon completion of all payments due under a confirmed plan, a chapter 12 or chapter 13 debtor in a case commenced on or after October 17, 2005, must file with the court a certification of eligibility for a discharge substantially conforming to Procedural Form B2830 (Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) [B2830]). If the certification

indicates that the debtor is eligible for a discharge with respect to § 1228(a) and (f) or § 1328(a) and (h), the clerk will serve on all creditors a notice that any objection to the certification and the granting of a discharge must be filed within 30 days after the date of the notice. If a debtor fails to file the certification under this rule by account, the clerk may close the case without the granting of a discharge.

(2) When Motion Required. A debtor in a chapter 12 or chapter 13 case may request the granting of a discharge without completion of all payments under the plan, as provided under § 1228(b) or § 1328(b), by filing and serving on all creditors a motion in accordance with BKLR 9013-1(e). Unless the court orders otherwise, the granting of a discharge under this provision remains subject to the requirements to file a certification of eligibility under paragraph (1) and, in a chapter 13 case, to have completed an instructional course concerning personal financial management.

BKLR 4004-3 Related Local Forms:

- Chapter 11 Individual Debtor's Certification of Eligibility for Discharge; Notice of Deadline to Object [GUB 4004-3b]
- Chapter 13 Debtor's Certification Regarding Domestic Support Obligations and Section 522(q) [B2830]

**BANKRUPTCY LOCAL RULE 4008-1
REAFFIRMATION**

(a) Reaffirmation Without Representation or Certification by Debtor's Attorney. In a case with a debtor unrepresented by an attorney, or where an attorney is unwilling or unable to sign the Certification by Debtor's Attorney, the debtor or creditor must file a motion for approval of the reaffirmation agreement. Such debtor must complete Part E of Official Form B2400A.

(b) Extension of Deadline to Refile Reaffirmation Agreement. A party-in-interest's request to defer entry of a discharge and to extend the time to file a reaffirmation agreement by filing a motion conforming to the local form (Debtor's Motion to Defer Entry of Discharge and Enlarge Time to File Reaffirmation Agreement [GUB 4008-1b]), generally will be considered ex parte. A motion for such relief by a party other than the debtor must comply with BKLR 9013-1(e).

BKLR 4008-1 Related Local Forms:

- Reaffirmation Agreement [B240A]
- Reaffirmation Agreement Cover Sheet [Official Form B427]
- Motion to Defer Entry of Discharge and Enlarge Time to File Reaffirmation Agreement [GUB 4008-1b]

PART V

COURT AND CLERK

BANKRUPTCY LOCAL RULE 5005-1
FILING PAPERS - REQUIREMENTS

(a) Filing. Documents to be filed in a bankruptcy case or proceeding must be filed with the clerk of the bankruptcy court.

(b) Caption Requirements. In addition to the information generally required by these rules, a party filing a document with the clerk must include the following in the document's caption:

- (1) the chapter of the Bankruptcy Code under which the case is currently pending; and
- (2) if the document is the subject of a hearing or trial, the date and time of the hearing or trial.

(c) Defective Pleadings and Papers.

(1) The clerk may reject without filing a petition that is submitted:

(A) by a person who may not file a voluntary petition pursuant to an order of this court or any other federal court;

(B) in paper form without the original signature of the debtor, and, if any, the joint debtor and the attorney for the debtor(s); or

(C) without a creditor mailing matrix.

(2) The clerk may reject without filing any document, including a petition, that is submitted:

(A) without the fee required to be paid at the time of filing by 28 U.S.C. § 1930(a) or (b), in a manner acceptable to the clerk;

(B) in paper form without the original signature of the individual submitting the document;

(C) without the verification or declaration required under FRBP 1008;

(D) for filing in a closed or non-existent case in this court, unless the document's purpose is to commence or reopen a case; or

(E) not on the required form.

(3) The clerk shall give prompt notice to the party whose document has been rejected for filing, including a specific description of the deficiency.

(4) Any party affected by the rejection of a document may file a motion for judicial review of such action within 7 days after the date of the clerk’s rejection notice. The moving party must serve notice of a motion for such review on all parties affected by the document subject to the motion. If judicial review results in a determination that the rejection was improper, the document will be deemed filed as of a date and time set by the court.

**Bankruptcy Local Rule 5005-4
Electronic Filing**

The Court will accept for filing documents submitted, signed, verified or served by electronic means that comply with the CM/ECF Administrative Procedures established by the Court as set forth in General Order No. 09-0007, and any amendments thereto as may be adopted from time to time. The electronic filing of a document in accordance with the CM/ECF Administrative Procedures constitutes the filing of the document and entry of the document on the docket by the Clerk under FRBP 5003 and the Bankruptcy Local Rules of this court.

BKLR 5005-4 Related Local Form:

- CM/ECF Administrative Procedures for the Electronic Filing, Signing, Verifying and Serving of Bankruptcy Documents
- Declaration Re: Electronic Filing [GUB 5005-4g]

PART VI

COLLECTION AND LIQUIDATION OF THE ESTATE

**BANKRUPTCY LOCAL RULE 6004-1
SALE OF ESTATE PROPERTY**

(a) Procedure. A motion for authority to sell free and clear of liens under 11 U.S.C. § 363(f) shall identify by name, immediately below the caption, the lienholders and other interest holders whose property rights are affected by the motion. The affected lienholders and other interest holders shall be served with a complete set of moving papers pursuant to FRBP 7004(b). The motion must include, immediately below the caption, the statement: “**THIS MOTION AFFECTS THE PROPERTY RIGHTS OF . . .**” with the name of each holder of a lien or other interest whose property rights are affected.

(b) Supporting Papers.

(1) Memorandum of Law. The motion must be supported by a memorandum of law explaining compliance with § 363(f).

(2) Declaration. The motion must be accompanied by admissible evidence supporting the factual basis for the motion and showing satisfaction of one or more conditions under § 363(f). The evidence must include a copy of a current title report, a current Uniform Commercial Code Form 3 Financing Statement, or other report on the status of the title to the real or personal property and identification of any security interests in the subject property.

(3) Notice. Unless the court orders otherwise, the moving party must obtain a hearing date and give notice to all creditors in accordance with BKLR 9013-1(e). The notice of the hearing must identify the name and address of each lienholder and any other party whose property rights are affected by the proposed sale, the basis for compliance with § 363(f), contain a description of the property, identification of the purchasing party, and the material terms of the sale (including any provision for overbidding at the hearing).

(c) Sales Subject to Liens. A party seeking to sell estate property subject to one or more liens which will not be discharged from the proceeds of the sale at closing must obtain an order approving the sale. Subdivision (d) of this rule applies to such a sale.

(d) Other Sales Outside the Ordinary Course of Business. If the subject property is not being sold free and clear of liens or other interests, or is being sold subject to one or more liens which will not be discharged from the sale proceeds at closing, the trustee or debtor in possession may obtain an order approving the sale by filing a notice of the proposed sale substantially conforming to the local form (Notice of Proposed Use, Sale, or Lease of Property [GUB 6004-1d]). The notice must be served on the debtor, any committee appointed in the case, the United States trustee, all creditors, and any parties with an interest in the property or directly affected by the proposed sale.

(e) Trustee's Sale of Property Under \$2,500. When all of the nonexempt property of the estate has an aggregate gross value less than \$2,500, the clerk may give a general notice of intent to sell such property other than in the ordinary course by including such notice in the notice of commencement of the case, the notice of need to file a proof of claim, or other such notice, without further notice or a hearing. An objection to this procedure must be filed not later than 21 days after the date of filing of such notice.

(f) Trustee's Sale of Personal Property on Leased Premises. A motion by a trustee or debtor in possession to sell personal property of the estate located on leased premises may be heard on 7 days' notice without an order shortening time.

(g) Special Provisions.

(1) Good Faith Finding. A party seeking approval of a sale or lease of property as being made in good faith under § 363(m) must make the specific allegation of good faith in a motion governed by this rule and provide supporting evidence.

(2) 14-Day Stay After Entry of Order. A party seeking a provision in the order approving sale which waives the stay provided for in FRBP 6004 (h) must include a specific request for this provision in the motion and notice.

(h) Form of Order. The order granting a motion to sell free and clear of liens shall specify each lienholder whose interest is to be affected by the order.

BKLR 6004-1 Related Local Forms:

- Notice of Proposed Use, Sale, or Lease of Property [GUB 6004-1d]

PART VII

ADVERSARY PROCEEDINGS

COLLECTION AND LIQUIDATION OF THE ESTATE

BANKRUPTCY LOCAL RULE 7001-1

GENERAL

(a) Incorporation of Other Rules. Unless the court otherwise orders, the Federal Rules of Bankruptcy Procedure, Federal Rules of Civil Procedure, together with the General and Civil Local Rules of the District Court of Guam shall apply in all adversary proceedings.

(b) Modification. The court may direct that additional rules may apply.

BANKRUPTCY LOCAL RULE 7001-2

EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON ADVERSARY PROCEEDINGS

Whenever a bankruptcy case is dismissed, any adversary proceeding filed in connection with that case will be dismissed without prejudice unless otherwise ordered, and any proceedings that have been removed to the bankruptcy court in connection with that case shall be remanded.

**BANKRUPTCY LOCAL RULE 7001-3
CIVIL RICO CLAIMS**

Unless the court orders otherwise, any local rules of the district court governing claims based on the Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. § 1961, et seq., apply in adversary proceedings.

PART VIII

APPEALS TO DISTRICT COURT

BANKRUPTCY LOCAL RULE 8001-1 NOTICE OF APPEAL

An appeal from a final order or judgment or decree of the Court shall be taken to the United States Court of Appeals for the Ninth Circuit.

PART IX

GENERAL PROVISIONS

BANKRUPTCY LOCAL RULE 9009-1 FORMS

The clerk may issue local forms for use under the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the Bankruptcy Local Rules. References in these rules to use of a form substantially conforming to a prescribed local form means that the filer must provide the information requested in the local form.

BANKRUPTCY LOCAL RULE 9010-1 ATTORNEYS - NOTICE OF APPEARANCE

(a) Appearance and Filing of Papers. A corporation, partnership, or any entity other than a natural person may not appear as a party in an adversary proceeding or a contested matter or as a debtor in a bankruptcy case except through counsel admitted to practice in this District.

(b) Chapter 11 Cases. A corporation, partnership, or any entity other than a natural person may not serve as a debtor-in-possession in a Chapter 11 case unless represented by counsel. If a corporation or partnership does not obtain court approval of counsel promptly, the court, after notice as prescribed by FRBP 2002(a), may dismiss the case, order it converted to Chapter 7, or order the appointment of a trustee.

(c) Excepted Matters. Nothing herein shall preclude a corporation, partnership, or any entity other than a natural person from filing a proof of claim, an application for compensation, a reaffirmation agreement, or from appearing at a meeting of creditors through an officer or other authorized agent.

(d) Appearances. The filing of any document in a bankruptcy case or adversary case proceeding shall constitute an appearance by the attorney who signs the document.

(e) Withdrawal. No attorney shall seek withdrawal or substitution as attorney of record in any pending case or proceeding except by written application. Unless the rules require otherwise, the application shall contain at a minimum: (1) the name, address and telephone number of the substituting attorney, and such attorney's approval; or (2) if no substituting attorney exists, the client's name, last known address and telephone number, and a certificate of the attorney that the client has been notified in writing of the status of the case, including the dates and time of any court hearings or trial settings and the need to comply with any existing court orders, discovery requests and the possibility of sanctions for the failure to comply. The application shall be accompanied by a proposed court order.

(f) Notice. Prompt notice of any withdrawal or substitution order shall be given to all interested parties in any case, adversary proceeding, or contested matter in which the withdrawing attorney has appeared.

BANKRUPTCY LOCAL RULE 9011-1 ATTORNEYS - DUTIES

(a) Representation in a Bankruptcy Case. Notwithstanding any employment, retainer or attorney-client agreement, an attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel under 11 U.S.C. § 327(e), will be counsel of record and shall provide representation in all matters arising during the administration of the case until the case is closed or dismissed, unless the court approves the attorney's withdrawal or substitution.

(b) Representation in an Adversary Proceeding. An attorney representing a debtor in a bankruptcy case may, by agreement with the debtor, exclude representation of the debtor in an adversary proceeding by indicating such non-representation in the attorney's compensation disclosure statement required under FRBP 2016(b). If an attorney will not be representing the debtor in an adversary proceeding, the attorney must file and serve on the other parties a notice of non-representation.

BANKRUPTCY LOCAL RULE 9013-1 MOTION PRACTICE

(a) Applicability. For purposes of this rule, a motion is a written request for an order, whether denominated as a motion, application, objection, notice, or otherwise. This rule applies to any

motion unless another local rule or court-issued form specifically provides for a different procedure.

(b) Memoranda and Length of Motions. All motions, unless made in open court, shall include a memorandum setting forth the points and authorities relied upon in support of the motion. Unless otherwise permitted by the court, a motion and the supporting memorandum shall not exceed 15 pages, exclusive of attachments.

(c) Response and Reply for Motions. Unless otherwise ordered by the court, the party responding to a motion shall have 14 days after filing within which to serve and file a responsive memorandum, and the moving party shall have seven (7) days after filing of the responsive memorandum to serve and file a reply. Unless otherwise permitted by the court, oppositions and replies to motions shall not exceed 15 pages and 10 pages, respectively, exclusive of attachments.

(d) Motions for Continuance or Extensions of Time. Requests for continuance of hearings or extensions of time as to briefing schedules or other matters shall state whether any other party objects to the request, or why the moving party has been unable to determine the other party's position.

(e) Notice for Motion Requiring a Hearing. For any motion that requires a hearing, it shall be the responsibility of the moving party to obtain from the court the date, time and location of the hearing and to provide notice thereof to all interested parties in substantially the following format:

(1) In addition to the date, time and location of the hearing, the notice shall specify the details of the requested relief, the deadline for any response or objection, and the requirement that any response or objection be filed with the court and served on the moving party.

(3) The notice may state that the court may vacate the hearing and grant the requested relief if no timely objection is served and filed.

(4) The moving party shall serve notice to all parties entitled to notice not later than 21 days before the hearing and file a certificate or affidavit of service. The notice must substantially conform to the local form (Notice of Hearing [GUB 9073-1]).

BKLR 9013-1 Related Local Form:

- Notice of Hearing [GUB 9073-1]

**BANKRUPTCY LOCAL RULE 9014-1
CONTESTED MATTERS-ATTENDANCE OF WITNESSES**

(a) Initial Hearing without Live Testimony. Pursuant to FRBP 9014(e), all hearings scheduled on contested matters will be conducted without live testimony except as otherwise ordered by the

court. If, at such hearing, the court determines that there is a material factual dispute, the court will schedule a continued hearing at which live testimony will be admitted.

(b) Request for Live Testimony.

(1) Any party filing a motion, application, or objection who reasonably anticipates that its resolution will require live testimony may file an accompanying motion for an evidentiary hearing, stating:

- (A) The estimated time required for receipt of all evidence, including live testimony;
- (B) When the parties will be ready to present such evidence;
- (C) The estimated time required to complete all formal and informal discovery;
- (D) Whether a FRBP 7016 Scheduling Conference should be held; and,
- (E) Whether any party who may participate at the evidentiary hearing is appearing pro se.

(2) The party requesting an evidentiary hearing shall accompany the motion with a proposed order.

(3) Any response to a motion for an evidentiary hearing shall be served and filed within seven days of service of the motion. The time computation and enlargement provisions of FRBP 9006 shall not apply to the response deadline, except that the responding party shall have an additional 3 days to respond if the motion is served by mail.

(4) Based upon the motion and any responses, the court will either finalize the order setting the matter for hearing or request that the parties appear for a FRBP 7016 Scheduling Conference.

**BANKRUPTCY LOCAL RULE 9071-1
STIPULATIONS OF COUNSEL**

(a) Written. Stipulations of counsel or parties relating to the business of the court, other than stipulations made on the record in open court, shall be contemporaneously memorialized in writing and signed by and transmitted to all affected parties and counsel.

(b) Binding Effect. No stipulation between parties or counsel relating to the business of the court shall be binding on the court until approved by the court. Stipulations made in compliance with paragraph (a) above shall be binding on the participating parties and counsel until disapproved by the court or overruled by court order. Except as provided by law, the court may refuse to consider parole evidence of any stipulation not made in compliance with paragraph (a) above.

**BANKRUPTCY LOCAL RULE 9073-1
HEARINGS - NOTICE**

Separate Docket Entry Required. Unless the court directs otherwise, notice of a hearing on a motion or other matter must be filed separately on the docket, using a notice substantially conforming to the local form (Notice of Hearing [GUB 9073-1]). All notices must include a concise description of the relief sought.

BKLR 9073-1 Related Local Form:

- Notice of Hearing [GUB 9073-1]