

**FILED**

DISTRICT COURT OF GUAM

JUL 28 2014 *chw*

**JEANNE G. QUINATA**  
CLERK OF COURT

GENERAL ORDER

No. 14-0005

In Re:

Adoption of Updated Local Rules  
of Bankruptcy Practice

Pursuant 28 U.S.C. § 2071, and after appropriate public notice and an opportunity for comment, the District Court of Guam hereby adopts the attached updated Local Rules of Bankruptcy Practice, effective August 1, 2014.

SO ORDERED this 28<sup>th</sup> day of July, 2014.



Frances Tydingco-Gatewood  
Chief District Judge



## District Court of Guam

4<sup>TH</sup> FLOOR, U.S. COURTHOUSE  
520 WEST SOLEDAD AVENUE  
HAGĀTÑA, GUAM 96910  
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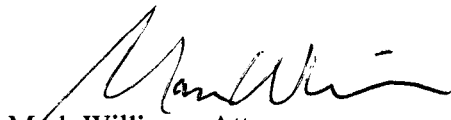
June 19, 2014

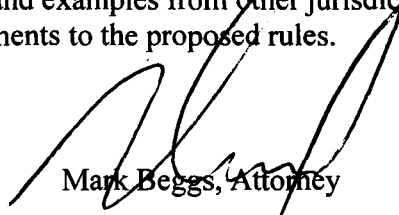
The Honorable Frances Tydingco-Gatewood,  
Chief Judge  
District Court of Guam  
4<sup>th</sup> Floor, U.S. Courthouse  
520 West Soledad Avenue  
Hagatna, Guam 96910

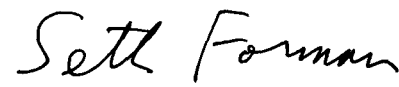
Re: Proposed Bankruptcy Local Rules

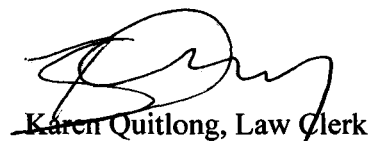
Your Honor,

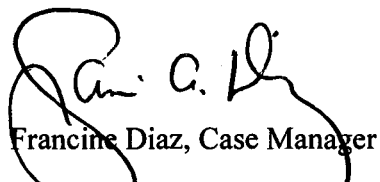
The Committee on Bankruptcy Local Rules of Practice for the District Court of Guam is pleased to present the attached proposed Bankruptcy Local Rules for your consideration and adoption. These proposed rules are based on input from the committee members and examples from other jurisdictions. The committee members welcome and appreciate any comments to the proposed rules.

  
Mark Williams, Attorney

  
Mark Beggs, Attorney

  
Seth Forman, Attorney

  
Karen Quitlong, Law Clerk

  
Francine Diaz, Case Manager

## **BANKRUPTCY LOCAL RULES (“BKLR”)**

### **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 3B), if debtor qualifies; or iii) an application to pay the filing fee in installments (Official Form 3A) and payment of the initial installment payment. 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 refileing 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](mailto: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. The amendment must clearly indicate that it is supplemental in nature.

**(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 B21] 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 B21]
- 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 designated 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 [B254] 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 [B254]
- 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.

<b>BKLR 2015-9 Related Local Form:</b>
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- |   |
|---|
| <ul style="list-style-type: none"><li>• Trustee's Interim Report [GUB 2015-8]</li></ul> |
|---|

**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 postpetition 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:**

- Compensation Summary Sheet [GUB 2016-1a]
- 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.

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**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**

**(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 may, but are not required to, employ 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.

**(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 3015-1]). 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 "Additional 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 may 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) Plan Motions.**

**(1) Definition.** "Plan motions" are the following types of motions directly related to a plan:

**(A)** motions to avoid judicial and nonpossessory, nonpurchase-money liens under § 522(f); and

**(B)** Motions to value collateral under § 506(a) for the purpose of modifying the rights of holders of secured claims as authorized by § 1322(b).

**(2) Form and Content of Motion.** A plan motion must substantially conform to the corresponding local form (Chapter 13 Plan Motion to Avoid Lien; Notice of Deadline to Object [GUB 3015-1avd], or Chapter 13 Plan Motion to Value Collateral; Notice of Deadline to Object [GUB 3015-1val]). The provisions of a plan motion must be consistent with the treatment of the subject claim proposed in the plan. Supporting documents, including appraisals, declarations, exhibits, and legal memoranda, may be attached to the motion. A plan motion must be filed separately and as soon as practicable after the plan is filed.

**(3) Service.** The debtor must serve the plan motion on the trustee, each lienholder, and any other party holding an interest in the subject property.

**(4) Objections.** An objection to a plan motion is deemed an objection to plan confirmation and must be filed no later than the deadline set for filing an objection to confirmation.

**BKLR 3015-1 Related Local Forms:**

- Chapter 13 Plan [GUB 3015-1]
- Motion to Extend Time to File Case Opening Documents [GUB 1007-1a3]
- Debtor's Motion to Reconsider Order Dismissing Case [GUB 1007-1c]
- Chapter 13 Plan Motion to Avoid Lien; Notice of Deadline to Object [GUB 3015-1avd]
- Chapter 13 Plan Motion to Value Collateral; Notice of Deadline to Object [GUB 3015-1val]

**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 3015-1]). 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 3015-1]
- 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 B13). 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 B13]

**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 B10) 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 [B10]
- 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 B283 (Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) [B283]). 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) [B283]

**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 B240.

**(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 B27]
- 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]).

<b>BKLR 9013-1 Related Local Form:</b>
--

- |  |
|--|
| <ul style="list-style-type: none"><li>• Notice of Hearing [GUB 9073-1]</li></ul> |
|--|

**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**

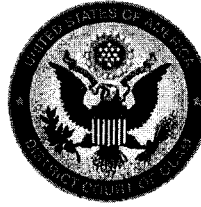
**Separate Docket Entry Required.** Unless the court directs otherwise, notice of a hearing on a motion or other matter must be filed separately on the docket, using a notice substantially conforming to the local form (Notice of Hearing [GUB 9073-1]). All notices must include a concise description of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

<b>BKLR 9073-1 Related Local Form:</b>
--

- |  |
|--|
| <ul style="list-style-type: none"><li>• Notice of Hearing [GUB 9073-1]</li></ul> |
|--|

GUB 1005-1 (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 15

**DECLARATION REGARDING TRADE NAMES USED BY DEBTOR**

The petition filed in this case identifies the following trade name(s) used by the Debtor and/or Joint Debtor in the last eight (8) years:

Debtor:

Joint Debtor:

Each name above was used as a trade name but does not identify a legal entity that would be required to file a separate bankruptcy petition.

The undersigned declares under penalty of perjury that the foregoing is true and correct.

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

/s/ \_\_\_\_\_  
Joint Debtor

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

[Note: Unless this declaration is filed with the court, any trade name listed in the petition that appears as a corporation, limited liability company, or other legal entity, will not be included in the court's case information and notices sent by the clerk.]

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 15

### DEBTOR'S MOTION TO EXTEND TIME TO FILE CASE OPENING DOCUMENTS

*[Note: If the court grants an extension, the deadline to file the initial documents required in a case, including Form 22A, 22B, or 22C, generally will not extend beyond one day before the meeting of creditors is scheduled. Do not use this form to extend the time to obtain the credit counseling required under 11 U.S.C. § 109(h)(1). If the debtor did not obtain credit counseling before filing the petition, any request for an extension of time to satisfy that requirement must be made with a certification of exigent circumstances explaining the reason(s) for such a request.]*

The undersigned requests an extension of time under Fed. R. Bankr. P. 1007(c) to file the following:

- |  |   |
|--|---|
| <input type="checkbox"/> One or more schedules (A-J)                                 | <input type="checkbox"/> Chapter 13 Plan                        |
| <input type="checkbox"/> Statement of Financial Affairs                              | <input type="checkbox"/> Chapter 13 Rights and Responsibilities |
| <input type="checkbox"/> Statement of Current Monthly Income<br>(B22A – B22B – B22C) | <input type="checkbox"/> Other                                  |

Date Petition filed:

Date of meeting of creditors:

Debtor requests extension to:

Reason(s) for extension:

Debtor acknowledges that failure to file the required documents by any extended deadline will result in dismissal of the case with a bar to refiling a subsequent bankruptcy petition for 180 days following the entry of the dismissal order, under 11 U.S.C. § 109(g)(1).

/s/ \_\_\_\_\_  
Debtor/Attorney

/s/ \_\_\_\_\_  
Joint Debtor/Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

No Objection: \_\_\_\_\_  
Trustee

**DISTRICT COURT OF GUAM, BANKRUPTCY DIVISION**

Name of Debtor or Joint Debtor (Complete for each individual):

Case No.:  
(if known)

Chapter: 15

**DEBTOR'S STATEMENT REGARDING PAYMENT ADVICES,  
TAX RETURNS, AND DOMESTIC SUPPORT OBLIGATIONS***Do not file this with the court. Complete and mail to trustee at least 7 days before your meeting with creditors.*

- ☐ **Payment Advices** (wage statements, pay stubs, etc.) are being submitted to trustee.
- ☐ I am **not** submitting payment advices received from my employer during the 60 days before the date of filing of my bankruptcy petition because:
- ☐ I was not employed during these dates: from: \_\_\_\_\_ to: \_\_\_\_\_.
- ☐ I was employed but have not received any payment advices or other evidence of payment from my employer during the 60-day period before filing my petition.
- ☐ I am self-employed and do not receive any evidence of payment from an employer.
- ☐ Other reason [*Attach explanation if more space needed*]:

- ☐ **Most Recent Federal Income Tax Return or Transcript** is being submitted to trustee.
- ☐ I am **not** submitting my federal income tax return or transcript for the most recent tax year ending immediately before the date of filing of my bankruptcy petition because:
- ☐ I had insufficient gross income to require the filing of a federal tax return for tax year: \_\_\_\_\_ . My income for that tax year was: \$ \_\_\_\_\_ .
- ☐ Other reason [*Attach explanation if more space needed*]:

**Chapter 13 Only:** ☐ I have filed all returns for federal, state, and local taxes due for the 4 years before this case.

- ☐ I have **Domestic Support Obligations** (child support, alimony, divorce obligations, etc.).  
*Provide the name and address of each individual or government payee here:*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor/Joint Debtor

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 15

### TRUSTEE'S MOTION TO DISMISS UNDER 11 U.S.C. SECTION 521(i)(2)

Pursuant to 11 U.S.C. § 521(i)(2), Trustee hereby requests an order dismissing this case based on the failure of the debtor(s) to provide all of the information required under § 521(a)(1) within 45 days after the date of filing the petition.

☐ If checked, dismissal is requested for only one of two joint debtors, namely:

### DECLARATION

Under penalty of perjury, the undersigned declares the following facts to be true:

Although the following debtor appears to have been employed as of the date of the filing of the petition, the debtor has not provided copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition from any employer of the debtor. Thus Trustee believes that not all the information required under 11 U.S.C. § 521(a)(1) has been provided. Trustee has received only the following from the Debtor/Joint Debtor:

☐ Payment advices for only the following periods:

☐ No payment advices or evidence of payment from an employer.

Other pertinent facts:

Dated: \_\_\_\_\_

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

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 15

### DEBTOR'S MOTION TO RECONSIDER ORDER DISMISSING CASE

The undersigned moves for relief under Fed. R. Bankr P. 9024 based on the reason(s) stated below, and requests that the court vacate the order dismissing this case, entered on \_\_\_\_\_.

☐ The case was dismissed for failure to file required documents (schedules, statement of financial affairs, statement of current monthly income, plan, etc.). These documents have now been filed with the court.

☐ The case was dismissed for failure to pay the filing fee in full. The fee has now been paid in full.

☐ The case was dismissed for the following reason(s):

**Explain why the court should make a finding of excusable neglect or other legal basis to reinstate the case:**

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
Debtor/Attorney (Print name also if original signature)



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 15

### DEBTOR'S VERIFICATION OF CREDITOR MATRIX

The undersigned debtor certifies under penalty of perjury that all entities included or to be included in schedules D, E, F, G and H have been listed in the creditor list submitted with this verification. This includes all my creditors, parties to leases and executory contracts, and co-debtors.

I also certify that the names and addresses of the listed entities are true and correct to the best of my knowledge.

I understand that I must file an amended creditor list and pay an amendment fee if there are creditors or parties listed in my schedules who have not been included in this list.

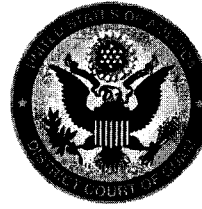
/s/ \_\_\_\_\_

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

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 15

## COVER SHEET FOR AMENDMENTS

Check all of the following that are being amended.

Schedules: ☐ A ☐ B ☐ C ☐ G ☐ H ☐ I ☐ JSchedules: ☐ D ☐ E ☐ F (\$30.00 fee for 1 or more)

- ☐ List of Creditors/Mailing Matrix  
☐ \$30.00 fee unless (i) only updating an address, or (ii) only adding a creditor's attorney, or (iii) uploading creditors in ECF without amending schedules

☐ Statement of Financial Affairs☐ List of Equity Security Holders☐ Statement of Intention☐ List of 20 Largest Unsecured Creditors☐ Statement of Monthly Income (Ch 7 – With Means Test / Ch 13 – with Disposable Income Calculation)

## DECLARATION BY DEBTOR(S)

I declare under penalty of perjury that the attached amendments are correct to the best of my knowledge, information, and belief. *[If filing electronically through ECF, a Declaration re: Electronic Filing with original signatures must be submitted on paper not later than 5 days after filing the amendments.]*

/s/ \_\_\_\_\_ /s/ \_\_\_\_\_  
 Debtor Joint Debtor

Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

## CERTIFICATE OF SERVICE

The undersigned certifies:

- ☐ Notice of the amendments has been served on all creditors and parties in interest on the attached service list.  
 (If exemptions or exemption amounts have been amended, a copy of Schedule C has been served on all creditors and parties in interest.)
- ☐ A copy of the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines has been served on the additional creditors and parties in interest identified on the attached service list.

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_

**Attach amended schedules or statements to cover sheet. Attach a service list with names and addresses where notice was sent.**

## GUB Form B21 (Aug 2013)

Name, Address, Phone, Fax, Email of Person Submitting Form:

CONFIDENTIAL

Debtor:

Case No.:

Joint Debtor (if any):

Chapter:

STATEMENT OF SOCIAL SECURITY NUMBER (SSN) OR  
INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN)☐ Amended

## 1. Name of Debtor (Last, First, Middle):

☐ Debtor has a Social Security Number and it is: \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
(If more than one, state all)☐ Debtor does not have a Social Security Number but has an  
Individual Taxpayer Identification Number (ITIN) and it is: \_\_\_\_\_☐ Debtor does not have either a Social Security Number or an Individual Taxpayer Identification Number.

## 2. Name of Joint Debtor (Last, First, Middle):

☐ Joint Debtor has a Social Security Number and it is: \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
(If more than one, state all)☐ Joint Debtor does not have a Social Security Number but has an  
Individual Taxpayer Identification Number (ITIN) and it is: \_\_\_\_\_☐ Joint Debtor does not have either a Social Security Number or an Individual Taxpayer Identification Number.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ \_\_\_\_\_  
Debtor/s/ \_\_\_\_\_  
Joint Debtor

\*Joint debtors must provide information for both spouses.

Penalty for making a false statement: Fine of up to \$250,000.00 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 &amp; 3751.

**\*\*SEND TO CREDITORS – DO NOT FILE WITH THE COURT\*\***

GUB 1009-2b (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 15

**NOTICE OF CORRECTED SOCIAL SECURITY NUMBER**

[Instructions to debtor(s): If the Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) provided to the court with your petition was incorrect, you must submit an amended B21 – Statement of SSN or ITIN. You must also send this notice to all creditors and parties in interest, the trustee, the Office of the United States Trustee, and the credit reporting agencies listed at the bottom of this form. **DO NOT FILE this document with the court** – file only a certificate of service showing the names and addresses of parties served this notice.]

NOTICE IS HEREBY GIVEN:

The Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) of the Debtor or the Joint Debtor originally provided to the court for giving notice of the bankruptcy case, meeting of creditors, and certain deadlines was incorrect. The correct information is stated below.

Name of Debtor/Joint Debtor	Full (9-digit) SSN/Full ITIN

The undersigned declares under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor/Joint Debtor

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

Notice must be sent to the following credit reporting agencies:

EQUIFAX  
Dispute Department  
P.O. Box 740243  
Atlanta, GA 30374

TRANSUNION  
Customer Relations  
P.O. Box 2000  
Chester, PA 19022

EXPERIAN  
Profile Maintenance  
P.O. Box 9558  
Allen, TX 75013

**CONFIDENTIAL – DO NOT FILE IN CM/ECF**

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 15

**CERTIFICATE OF SERVICE RE:  
NOTICE OF CORRECTED SOCIAL SECURITY NUMBER**

[Instructions to debtor(s): After sending a Notice of Corrected Social Security Number, file this certificate to show service on all creditors and parties in interest, the trustee, the Office of the United States Trustee, and the credit reporting agencies listed on the notice form. Attach a list of names and addresses where the notice was sent.]

The undersigned declares under penalty of perjury that an amended Statement of Social Security Number or Individual Taxpayer Identification Number (Official Form B21) was submitted to the court and that a Notice of Corrected Social Security Number was sent to the following:

Office of the United States Trustee  
1132 Bishop Street, Suite 602  
Honolulu, HI 96813

Trustee:  
Address:

Attach a list of names and addresses of all entities sent the Notice of Corrected Social Security Number.

Dated: \_\_\_\_\_

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

Signature

(Print Name if original signature)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 7

Related Docket No.:

**CHAPTER 7 DEBTOR'S MOTION AND NOTICE  
FOR CONVERSION OF CASE TO ANOTHER CHAPTER**

*[Use this form only if this case was not converted from another chapter.]*

This case has not been converted previously under 11 U.S.C. § 1112, 1208, or 1307. The debtor moves under 11 U.S.C. § 706(a) to convert this case to one under chapter: ☐ 11 ☐ 12 ☐ 13

**NOTICE IS HEREBY GIVEN:** Your rights may be affected. You should read this motion and any accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to convert this case, then you or your attorney must file an objection and request for a hearing not later than:

Enter a date at least 14 days after the date the motion is filed

Any objection must be filed with the court at the address noted at the top of this form. If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline above. If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought and may enter an order granting the motion.

/s/ \_\_\_\_\_  
Debtor/Attorney

/s/ \_\_\_\_\_  
Joint Debtor/Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

[If this is a joint case, both spouses must sign.]

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:	
Debtor:	Case No.:
Joint Debtor (if any)	Chapter: 12
<b>TRUSTEE'S NOTICE OF MOTION AND MOTION TO DISMISS FOR NON-APPEARANCE AT MEETING OF CREDITORS;</b> <b>4<sup>th</sup> Floor Courtroom, 520 West Soledad Avenue</b> <b>Hagatna, Guam 96910</b>	<b>Hearing Date:</b> <b>Time:</b>
	<b>Objections Due:</b> <b>(14 days from filing of motion)</b>
<p>The undersigned hereby declares under penalty of the perjury that the Debtor and/or Joint Debtor failed to appear at the meeting of creditors scheduled in this case, as described below. The undersigned therefore moves for an order dismissing this case based on unreasonable delay by debtor(s), prejudicial to creditors.</p> <p><input type="checkbox"/> If checked, this motion concerns only the following debtor in a joint case:</p>	
Debtor failed to appear at the following meeting(s) held on:	
Joint Debtor failed to appear at the following meeting(s) held on:	
<p>NOTICE IS HEREBY GIVEN that a hearing on this motion has been scheduled for the date and time above.</p> <p><b><u>Your rights may be affected.</u></b> You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. If you do not have an attorney, you may wish to consult one.</p> <p>If you do not want the court to dismiss the case, or if you want the court to consider your views on the motion, then you or your attorney must file a statement explaining your position <b><u>not later than 14 days after the filing of this motion.</u></b> Responses must be filed with the court at: <b>United States District Court, Bankruptcy Division, 4<sup>th</sup> Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagatna, GU 96910</b>, and sent to the moving party at the address in the upper left corner of this document. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated above.</p> <p>If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may cancel the hearing.</p>	
<p>Dated: _____ /s/ _____</p> <p style="text-align: center;">Trustee/U.S. Trustee (Print name also if original signature)</p>	

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 7

**MOTION FOR RULE 2004 EXAMINATION**

Moving Party:

Examinee:

Examination Date  
and Time:

Examination  
Location:

Type of  
Examination:

☐ Attendance at deposition☐ Production of Documents*[Additional details may be described in attachment – generally not necessary]*

The undersigned hereby moves under Fed. R. Bankr. P. 2004(a) for an order authorizing the examination of the above-named entity and issuance of a subpoena in accordance with Fed. R. Bankr. P. 9016 to compel attendance or production of documents at the date, time, and location described above. In support of the motion, the undersigned declares that, prior to filing this motion, the moving party has made all reasonable efforts to arrange a mutually convenient date, time, and place of examination and:

- ☐ The proposed date, time, and place of examination have been agreed upon by all concerned.
- ☐ The parties did not agree to a date, time, and place of examination after all reasonable efforts were made, but the date of the examination stated above is 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 includes a request for production of documents or electronically stored information.

The undersigned declares that the requested examination does not involve pending litigation in which discovery is available under Fed. R. Bankr. P. 7026, Fed. R. Civ. P. 26, or other authority.

Dated: \_\_\_\_\_

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

Movant

(Print name also if original signature)

**This motion may be granted upon compliance with BKLR 2004-1. An examinee objecting to the examination may file a motion for protective order or, if a subpoena has been served, a motion to quash the subpoena.**



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 7

**APPLICATION TO EMPLOY PROFESSIONAL**

[The professional's verification of disinterestedness must be attached.  
Attach supplemental statements about other items as necessary.]

Name of Professional:

Type of Professional:

To be employed by:

☐ Trustee ☐ Debtor in Possession ☐ Committee: \_\_\_\_\_

Briefly state need for  
employment and  
describe the services to  
be rendered:

This professional is needed to carry out the undersigned's duties related to the following:

☐ If checked, employment is for specified special purpose only under 11 U.S.C. §327(e).

Briefly state reason for  
selection:

Terms and conditions  
of employment:

The undersigned hereby applies for an order approving the employment of the above-named professional as described above. To the best of the applicant's knowledge: *[Check all that apply]*

- ☐ This professional does not hold or represent an interest adverse to the estate, and has no connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, except to the extent described in any statement attached to this application.
- ☐ Employment is for a special purpose only; the attorney does not represent or hold any interest adverse to the debtor(s) or to the estate with respect to the matter on which the attorney is to be employed.
- ☐ Employment is by a committee; the professional does not represent any other entity having an adverse interest in connection with the case.

Date

/s/

Applicant

**VERIFIED STATEMENT BY PROFESSIONAL**

[Attach this statement to the Application to Employ Professional. If filed separately, attach a cover sheet with case caption]

The undersigned hereby declares under penalty of perjury: [*Check all that apply*]

- ☐ I have no connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, except to the extent that I may be employed by a trustee in unrelated bankruptcy cases or proceedings.
- ☐ I am being employed for a special purpose only and do not represent or hold any interest adverse to the debtor(s) or to the estate with respect to the matter in which I am to be employed.
- ☐ I am being employed by a committee and do not represent any other entity having an adverse interest in connection with the case.
- ☐ The following disclosure is made regarding disinterestedness:

\_\_\_\_\_/s/\_\_\_\_\_  
Date Professional

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 7

**TRUSTEE'S INTERIM REPORT**

The undersigned Trustee hereby submits the following interim report.

1. Reporting Period:

2. Status of Case:

3. Total hours spent on administration of case during above time period:  
(as shown in attached time records)

Hours

4. UST Forms: ☐ Form 1 – Individual Estate Property Record and Report attached.  
☐ Form 2 – Cash Receipts and Disbursements Record attached.

I declare under penalty of perjury that the information in this report is true and correct to the best of my knowledge.

Dated: \_\_\_\_\_

/s/

\_\_\_\_\_  
Trustee

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 9

**COMPENSATION SUMMARY SHEET**
☐ Interim  
☐ Final
(1<sup>st</sup>, 2<sup>nd</sup>, etc.)

**Related Docket No.:**  
 (if application filed separately):

Applicant:

Capacity:

Date of order authorizing employment:

Period for this request (e.g. 1/1/09 – 12/31/09):

Amount rec'd prepetition:

Client trust acct balance:

Previous amounts awarded by court:

Fees:

Expenses:

Previous amounts received:

Fees:

Expenses:

Amount of this request (inclusive of any excise taxes):

Fees:

Expenses:

Availability of funds – Applicant believes that there are sufficient funds to pay  
 this request and all other accrued and anticipated administrative expenses:

☐ Yes    ☒ No

Name of Professional	Position	Hourly rate	Hours	Fees

[Attach additional sheets as needed.]

Dated: \_\_\_\_\_

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

Applicant

Print name if original signature

### CHAPTER 13 ATTORNEY FEE GUIDELINES

1. **Scope.** Under BKLR 2016-1(a), the Court may issue guidelines to determine presumptively reasonable fees for normal and customary services performed by attorneys for Chapter 13 debtors. (Any reference in these guidelines to “fees” or “compensation” includes the expenses and any general excise tax related to the services for which compensation is sought.) An attorney eligible under these guidelines may seek the initial allowance of compensation for legal services in connection with the bankruptcy case as part of plan confirmation without filing an application. The attorney may also seek the allowance of additional compensation for certain post-confirmation services through expedited procedures. Nothing in these guidelines limits the authority of the court to review any request for compensation on its own motion or the motion of any party in interest. These guidelines govern the allowance of fees; payment of the compensation is governed by BLKR 3070-2, unless the court orders otherwise.

2. **Eligibility.** An attorney for a Chapter 13 debtor may use the procedures under these guidelines if:

a. the attorney has timely filed the disclosure of compensation required under 11 U.S.C. § 329(a) and Fed. R. Bankr. P. 2016(b) (“Rule 2016(b) Disclosure Statement”);

b. the attorney and the debtor have executed and filed, prior to entry of a plan confirmation order, a copy of the Rights and Responsibilities of Chapter 13 Debtors and Attorneys (“Rights and Responsibilities Agreement”) adopted in the District of Guam;

c. the description of legal services to be rendered and the amount of attorney fees in the Rule 2016(b) Disclosure Statement are consistent with the legal services and fee amounts set forth in the Rights and Responsibilities Agreement;

d. the fees being requested do not exceed the amounts stated in the appendix to these guidelines; and

e. no objection to the requested fees has been filed.

3. **Presumptively Reasonable Fees for Normal and Customary Services.** The court has determined, in accordance with 11 U.S.C. § 330(a)(4)(B), that the amounts stated in the Appendix are presumptively reasonable for normal and customary legal services rendered by an attorney representing the interests of the debtor in connection with a Chapter 13 bankruptcy case. These fee amounts may be allowed through the expedited procedures described in paragraphs 4 and 5.

4. **Allowance of Attorney Fees as Part of Plan Confirmation.** The court has determined the presumptively reasonable fees that may be charged for the normal and customary services associated with the first year of a typical Chapter 13 case. These services and fee amounts for the initial application are itemized in Part I of the Appendix to these guidelines. An attorney eligible under these guidelines may request the allowance of compensation by including in the plan the

amount of fees specified in the Rights and Responsibilities Agreement. Absent an objection, the plan confirmation order will provide for allowance of the fees requested.

**5. Allowance of Attorney Fees for Subsequent Services.** The court has determined the presumptively reasonable fees that may be charged for the normal and customary post-confirmation services. These services and fee amounts are itemized in Part II of the Appendix to these guidelines. An attorney eligible under these guidelines may request the allowance of attorney fees in addition to the amount authorized in the plan confirmation order using the following procedures.

a. **Fees Not Exceeding Amounts in Guidelines.** No application for additional compensation under BKLR 2016-1 is required if the fee amounts do not exceed the amounts specified in these guidelines, and:

- i. no later than 14 days after payment (including a disbursement from proceeds in a sale of assets or a refinancing of a loan) 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 amounts in these guidelines; or
- ii. 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 amounts in these guidelines.

b. **Fees Exceeding Amounts in Guidelines.** If the fees being requested exceed the amounts in these guidelines, or if the particular services are not addressed by these guidelines, the attorney may request the allowance of compensation in addition to the amount authorized in the plan confirmation order 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). Postpetition, the attorney may not accept any payment for additional legal services directly from the debtor or any other party, except to the extent that funds are deposited into a client trust account and are not drawn upon until the entry of an order allowing the compensation and authorizing payment.

**APPENDIX TO CHAPTER 13 ATTORNEY FEE GUIDELINES**


**Part 1: Fee Schedule – Initial Application**

- a. **Basic Case:** Services related to all the prepetition and postpetition responsibilities of the debtor's attorney listed in the Rights and Responsibilities Agreement, except for the specific types of services treated separately under these guidelines.  
**Amount: \$3,200 or, if the plan is confirmed without a continuance of the initially scheduled confirmation hearing, \$3,500. (Adjustment made in confirmation order.)**
- b. **Distressed Real Property:** Services related to real property in foreclosure or anticipated to be the subject of foreclosure which the debtor is or will be opposing, and related to negotiating or resolving disputes with secured creditors regarding relief from stay and adequate protection. This fee component includes all services of this type performed prior to the one (1) year anniversary of the date the petition is filed or the case is converted to Chapter 13, whichever is later.  
**Amount: \$600.**
- c. **Vehicle Repossession/Garnishment:** Services related to enforcing the debtor's rights with respect to repossession of a vehicle or other personal property, or a wage garnishment.  
**Amount: \$400.**
- d. **Motions to Avoid Liens or Value Collateral (Personal Property):** Services related to preparing and filing plan-related motions to avoid a judicial or nonpossessory, non-purchase money lien under 11 U.S.C. § 522(f), or plan-related motions to value collateral under 11 U.S.C. § 506(a) with respect to personal property.  
**Amount: \$150 per motion; Aggregate Limit: \$350.**
- e. **Motions to Avoid Liens or Value Collateral (Real Property):** Services related to preparing and filing plan-related motions to avoid a judicial lien on real property under 11 U.S.C. § 522(f), or plan-related motions to value collateral under 11 U.S.C. § 506(a) with respect to real property.  
**Amount: \$250 per motion; Aggregate Limit: \$600.**
- f. **Motions to Extend or Impose Stay:** Services related to filing a motion to extend or impose the stay following dismissal(s) of a case during the prior year.  
**Amount: \$400 per motion.**
- g. **Operation of Business:** Services related to the debtor's operation of a business.  
**Amount: \$1,500.00**

**Part 2: Fee Schedule – Post-Confirmation Services**

- a. **Motions to Modify Confirmed Plan:** Services related to preparing and filing a motion to modify a confirmed plan. Fees are limited to motions filed *more than one (1) year after the date the petition is filed or the case is converted, whichever is later*. Motions to modify plan filed before that deadline are included in the initial fees allowed.  
**Amount: \$250.**
- b. **Motions to Sell Property.** Services related to preparing and filing a motion to sell real or personal property.  
**Amount: \$500 per motion.**
- c. **Motions to Obtain Credit or Incur Debt.** Services related to preparing and filing a motion to obtain credit or incur debt.  
**Amount: \$500 per motion.**
- d. **Opposition to Relief from Stay Motions:** Services for preparing and filing an opposition to a motion for relief from the automatic or co-debtor stay filed *more than one (1) year after the date the petition is filed or the case is converted, whichever is later*. Services performed prior to that deadline are included in the initial fees allowed.  
**Amount: \$600.**
- e. **Opposition to Motions to Dismiss or Convert:** Services related to preparing and filing an opposition to a motion to dismiss or convert the case, other than motions by the Trustee to dismiss for failure to make plan payments.  
**Amount: \$400.**
- f. **Annual Filing of Statements of Income and Expenditures or Tax Returns:** Services related to the annual preparing and filing of statements of income and expenditures or tax returns, but only if the Trustee or another party has made a written request under 11 U.S.C. § 521(f) that these documents be filed with the court.  
**Amount: \$300.**
- g. **Unfiled Tax Returns.** Services rendered before and after confirmation with respect to unfiled federal or state tax returns. If knowledge of unfiled tax returns exists when petition is filed, attorney may include additional fee in initial application.  
**Amount: \$200.**



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:	 District Court of Guam 520 W Soledad Ave Fl 4 Hagåtña, Guam 96910
Debtor:	Case No.: 7
Joint Debtor (if any):	Chapter: 13

### **RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS AND ATTORNEYS**

A debtor in a Chapter 13 bankruptcy case must understand the debtor's rights and responsibilities. The debtor must also know and understand his or her attorney's responsibilities and the importance of communicating with the attorney to make the case successful. In order to assure a mutual understanding of these rights and responsibilities in the bankruptcy process, the debtor and the attorney agree as stated below. Reference to a debtor includes a joint debtor, if any.

#### **BEFORE THE PETITION IS FILED**

##### **Debtor agrees to:**

1. Discuss with the attorney the debtor's objectives in filing the bankruptcy case.
2. Inform the attorney of any and all prior bankruptcy cases filed by the debtor.
3. Timely provide the attorney with accurate, complete information about the debtor's financial situation, including assets and debts, income and expenses, domestic support obligations such as alimony, child support, and divorce agreements, and the status of tax returns and payments.
4. For the pre-bankruptcy period specified by the attorney, timely provide copies of:
  - a. Pay stubs or other evidence of payment received from an employer;
  - b. All federal tax returns or transcripts of the returns; and
  - c. All bills, notices, statements, or communications from creditors.

##### **Attorney agrees to:**

1. Personally meet with the debtor to review the debtor's financial information.
2. Personally counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor as well as non-bankruptcy options, and answer the debtor's questions.
3. Personally explain to the debtor the requirement for obtaining budget and credit counseling from an approved agency prior to filing the bankruptcy petition and the need to file a certificate issued by the agency.
4. Personally explain to the debtor the requirement to complete a personal financial management course before a discharge may be granted.
5. Personally explain to the debtor the matters in which the attorney will represent the debtor.
6. Personally review with the debtor and obtain the debtor's signature on the completed petition, schedules, statements, and plan, or Declaration re: Electronic Filing if the documents are filed via ECF. (Clerical or paralegal staff may prepare the documents, but the attorney must perform the review.)

7. Timely prepare and file on the debtor's behalf the completed petition, schedules, statements (including the Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income), plan with related motions to value collateral or to avoid liens, and any amendments before or after the petition is filed.
8. Personally advise the debtor that, unless an extension is granted, a failure to file the schedules, statements and plan by certain deadlines may result in dismissal of the bankruptcy case with a 180-day bar to refiling.
9. Personally explain which payments will be made directly by the debtor and which payments will be made through the plan, with particular attention to mortgage and vehicle loan or lease payments, as well as any other claims which accrue interest.
10. Personally explain to the debtor how, when, and where to make the Chapter 13 plan payments, and discuss the availability of a wage order as a means to ensure payments to the Trustee.
11. Personally explain to the debtor that the plan payment must be made to the Trustee monthly beginning 30 days after the petition is filed.
12. Personally explain to the debtor how the attorney's fees and the Trustee's fees are paid and provide an executed copy of this document to the Debtor.
13. Personally advise the Debtor of the requirement to attend the § 341 meeting of creditors, and instruct the Debtor as to the date, time and place of the meeting and other information which will be sent by the court in the notice of the commencement of the case.
14. Personally advise the Debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases, and appropriate insurance if the case involves a business.
15. Personally advise the Debtor that failure to file current and delinquent tax returns will prohibit confirmation of a plan, delay the case, and may result in dismissal of the case.
16. Personally advise the Debtor of the requirement to provide the Trustee with a copy of each federal tax return, or transcript of the return, for each tax year during the bankruptcy case.
17. Personally advise the Debtor that a failure to be current on domestic support obligations will prohibit confirmation of the plan and delay the case.
18. Personally advise the Debtor that court approval is required for post-confirmation sales of real or personal property and incurring new debt that exceeds \$1,000.

#### **AFTER THE PETITION IS FILED**

##### **Debtor agrees to:**

1. Appear punctually at the § 341 meeting of creditors with recent proof of income, a photo identification card, proof of Social Security number, and any financial documentation as requested by the attorney or the Trustee.
2. Timely make the required payments to the Trustee and to any creditors being paid directly.
3. Timely pay any domestic support obligations, such as alimony and child support.
4. Promptly inform the attorney if the Debtor loses his or her job or has other financial problems, including missing payments to the Trustee, on a mortgage or other secured debt, or domestic support obligation.
5. Provide the Trustee annually with copies of the most recent federal tax return and updated schedules "I" and "J" for income and expenses, and a statement of monthly income that shows how income, expenditures, and monthly income are calculated.
6. Keep the Trustee and the attorney informed of the Debtor's current address and telephone number.

7. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
8. Inform the attorney if the Debtor is sued or wishes to file a lawsuit during the case.
9. Contact the attorney before buying, refinancing, or selling real property and before entering into any long-term loan agreements to find out what approvals are required.
10. Maintain liability, collision and comprehensive insurance on vehicles securing loans or leases, and appropriate insurance if the case involves a business.
11. Complete a personal financial management course from an approved agency prior to making the last payment due under the plan.
12. At the time of the last plan payment, certify that all domestic support obligations have been paid.

**Attorney agrees to:**

1. Appear at the § 341 meeting of creditors with the Debtor or, in an emergency, arrange at no cost to the Debtor for another attorney to appear on behalf of the Debtor.
2. Prepare, file, and serve necessary amended statements and schedules, and notice of any change in the Debtor's address, in accordance with information provided by the Debtor.
3. Respond to objections to plan confirmation, and where necessary, prepare an amended plan.
4. Prepare, file, and serve necessary modifications to the plan in the best interest of the Debtor which may include suspending, lowering, or increasing plan payments or duration.
5. Prepare, file, and serve necessary motions to buy, sell, or refinance real property when appropriate.
6. Object to improper or invalid claims, if necessary, and file a claim on behalf of the Debtor when failure to do so will adversely affect the Debtor's case or its successful completion and discharge or such failure will adversely affect the Debtor after case completion and discharge.
7. Represent the Debtor in motions for relief from stay and motions to dismiss.
8. Where appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.
9. Prepare and submit the proposed order confirming plan, if not prepared by the Trustee.
10. Provide such other legal services as are necessary for the administration of the present case through plan confirmation, except that representation or non-representation in an adversary proceeding may be the subject of a separate agreement of the Debtor and the attorney.
11. Promptly respond to the Debtor's questions and inquiries during the pendency of the case.

**ATTORNEY FEES**

Fixing the attorney fees for a Chapter 13 case is a two-step process. First, the attorney and the client must agree upon an amount. Second, the court must decide whether that amount is reasonable.

Normally, in order to obtain the court's approval of attorney fees, the attorney must file a detailed application listing specific work done on specific dates. However, the court will approve Chapter 13 attorney fees without a detailed application in order to make routine cases faster and less expensive. The total amount of attorney fees will be approved as part of plan confirmation so long as the amounts being charged are not greater than certain amounts presumed by the court to be reasonable for particular services. The total amount of fees that will be approved will depend on the number and complexity of the issues in the case. Issues that make a case more difficult and more expensive usually involve an ongoing foreclosure, repossession, or garnishment; delinquent tax returns or payments; alimony, child support, and other domestic obligations that are past due; asking the court to value property that secures a mortgage or loan; and requesting the court to make a lien or security interest void.

The court has decided the following amounts are reasonable for services that an attorney normally performs before a plan is confirmed. These amounts include associated costs.

- For basic services, the attorney may charge **\$3,200**. If the plan is confirmed without a continuance of the initially scheduled confirmation hearing, the attorney may charge **\$3,500**.
- If the Debtor owns real property which is involved in a foreclosure or which is likely to be the subject of a dispute, for services performed prior to the one (1) year anniversary of the date the petition is filed or the case is converted to Chapter 13, whichever is later, the attorney may charge an additional **\$600**.
- If the Debtor is involved in an ongoing repossession of a vehicle or other personal property, or if the Debtor is the subject of a wage garnishment, the attorney may charge an additional **\$400**.
- If the Debtor wishes to file a plan-related motion to avoid a lien on personal property or a plan-related motion to value collateral with respect to personal property, the attorney may charge an additional **\$150 per motion**. (The total additional charge, however, for these types of motions may not exceed **\$350**.)
- If the Debtor wishes to file a plan-related motion to avoid a lien on real property or a plan-related motion to value collateral with respect to real property, the attorney may charge an additional **\$250 per motion**. (The total additional charge, however, for these types of motions may not exceed **\$600**.)
- If the Debtor wishes to extend or impose the automatic stay in a case filed after dismissal of one (1) or more prior cases during the previous year, the attorney may charge **\$400**.
- If there are unfiled tax returns due, the attorney may charge an additional **\$200**.
- If the Debtor operates a business, the attorney may charge an additional **\$1,500**.

The fee amounts above are amounts that the court will approve as part of plan confirmation. In some cases, the above amounts may be more or less than what is needed to fairly compensate the attorney. The attorney and the client may agree to lesser amounts. But if the attorney and the client agree upon higher amounts, the attorney must file a detailed application and obtain the court's approval. The court always has the power to increase or decrease the amount to which the attorney and the client have agreed.

The Debtor may pre-pay all or part of the attorney fees before the petition is filed, but the attorney may not accept more than the amounts stated above. The Chapter 13 Trustee will pay any fees which the court approves and which the Debtor did not pre-pay.

In some cases, the attorney has to do more work than expected after the plan is confirmed. If this occurs, the attorney may ask the court to approve additional fees. The Chapter 13 Attorney Fee Guidelines include fee amounts for certain post-confirmation services. If the court approves additional fees, the Chapter 13 Trustee ordinarily will pay them, unless the court orders otherwise. After the bankruptcy petition is filed, the attorney may not receive any fees directly from the Debtor or from anyone else on the Debtor's behalf unless the court gives permission; the attorney may, however, request and receive a

retainer from the Debtor or another party and deposit it in the attorney's trust account, but the attorney may not draw on the retainer without the court's approval.

If the Debtor and the attorney do not agree on the amount of additional fees to be charged for services that were not expected, the attorney may ask the court for permission to withdraw from the case. However, the attorney must continue to provide legal services until the court approves the attorney's withdrawal.

***Debtor(s) and Attorney agree that this case involves the following services and fee amounts:***

Basic services (not more than \$3,200) + additional \$300 if confirmed without a continuance of the initially scheduled confirmation hearing	\$
Real property foreclosure or dispute (not more than \$600)	\$
Repossession or garnishment (not more than \$400)	\$
Avoidance of lien(s)/valuation of collateral (personal property) - not more than \$150/motion (\$350 maximum)	\$
Avoidance of lien(s)/valuation of collateral (real property) - not more than \$250/motion (\$600 maximum)	\$
Extension or Imposition of Automatic Stay - not more than \$400	\$
Unfiled tax returns (not more than \$200)	\$
Operation of Business (not more than \$1,500)	\$
Total of fee components being charged in this case:	\$
Amount Debtor paid before the petition was filed (filing fee not included):	\$
Balance of attorney fees and costs to be paid through the plan:	\$

**THIS AGREEMENT SUPERSEDES ANY OTHER AGREEMENT BETWEEN THE DEBTOR(S) AND THE ATTORNEY REGARDING SERVICES TO BE PERFORMED IN CONNECTION WITH THIS BANKRUPTCY CASE.**

/s/ \_\_\_\_\_ /s/ \_\_\_\_\_ /s/ \_\_\_\_\_  
 Attorney for Debtor(s) Debtor Joint Debtor

Dated: \_\_\_\_\_ Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

GUB 2016-1c1 (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor:  
(if any)

Chapter: 13

**SUPPLEMENTAL DISCLOSURE OF COMPENSATION  
BY ATTORNEY FOR CHAPTER 13 DEBTOR**

*Use this form for compensation paid directly by Debtor or another source. If being paid by the Trustee through the plan, complete and file a Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case [GUB 3070-2a2].*

Pursuant to 11 U.S.C. § 329(a), Fed. R. Bankr. P. 2016(b), and BKLR 2016-1(c), I make this supplemental disclosure of compensation paid to me as the attorney for the above-named Debtor(s). The initial amount of compensation was allowed in accordance with the Chapter 13 Attorney Fee Guidelines ("Guidelines") of this court. As authorized by the Guidelines, I have received or have agreed to accept directly from the Debtor(s) or another party additional compensation for certain post-confirmation services. The payment does not exceed the amounts specified in the Guidelines.

Amount of compensation being disclosed: \$

The source of the compensation paid or to be paid to me is: ☐ Debtor(s)

☐ Other: \_\_\_\_\_

In return for the above-disclosed compensation, I have agreed to render the following legal services:

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the Debtor(s) not previously disclosed in this case.

Dated: \_\_\_\_\_

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

Debtor's Attorney



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:		
Debtor:	Case No.:	
Joint Debtor (if any):	Chapter 13	
<b>APPLICATION FOR ADDITIONAL FEES IN CHAPTER 13 CASE; NOTICE OF HEARING</b> 4 <sup>th</sup> Floor Courtroom, 520 West Soledad Avenue Hagatna, Guam 96910	Hearing Date & Time:	
	Objections Due: (14 days from filing of motion)	
The undersigned hereby requests under BKLR 2016-1 an order allowing compensation and reimbursement for expenses in the amounts below. The compensation allowed under the plan confirmation order and any additional allowed fees and expenses are insufficient to compensate the Applicant for the actual legal services performed in this case. After exercising billing judgment, Applicant believes that the total hours expended in this case and the total fees and expenses are reasonable. <u>Detailed time records for the services covered by this application are attached.</u>		
Amounts requested in this application: (over and above those previously allowed)	Fees:	Expenses:
Amounts previously allowed:	Fees:	Expenses:
Total fees and expenses if approved:	Fees:	Expenses:
Applicant performed these additional services:		
Effect of the allowance of the additional fees and expenses on the plan and payments to creditors:		
[Attach additional explanation as necessary, in addition to billing records.]		

NOTICE IS HEREBY GIVEN that a hearing on this application has been scheduled for the date and time above.

**Your rights may be affected.** You should read the motion or application and any accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to approve the application or if you want the court to consider your views on the application, then you or your attorney must file a statement explaining your position **not later than 14 days from the filing of this Application.** Responses must be filed with the court at the Clerk's Office, District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910, and sent to the moving party at the address in the upper left corner of this document.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline stated above.

If you or your attorney do not take these steps, the court may decide that you do not oppose the application and may cancel the hearing.

Dated: \_\_\_\_\_

/s/

\_\_\_\_\_  
Debtor's Attorney



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 13

**DEBTOR'S NOTICE OF CONVERSION OF CASE TO CHAPTER 7**  
[See Fee Schedule for Applicable Filing Fee]

Pursuant to 11 U.S.C. § 1307(a) and Fed. R. Bankr. P. 1017(f)(3), the undersigned requests an order converting this chapter 13 case to one under chapter 7.

As required by Fed.R.Bankr. P. 1019, the Debtor(s) will file separately:

1. A statement of intention (Official Form B8), not later than 30 days after entry of the order of conversion or before the first date set for the meeting of creditors, whichever is earlier;
2. A schedule, including the name and address of each creditor, of unpaid debts incurred after the filing of the petition and before conversion, not later than 14 days after conversion of the case;
3. If this case commenced on or after October 17, 2005, a Statement of Current Monthly Income and Means Test Calculation (Official Form B22A); and
4. If a plan has been confirmed,
  - a. a schedule of unpaid debts incurred after confirmation but before conversion and that are not listed in the Trustee's final report, not later than 14 days after the filing of the Trustee's final report; and
  - b. a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the petition but before conversion.

/s/ \_\_\_\_\_  
Debtor/Attorney

/s/ \_\_\_\_\_  
Joint Debtor/Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

GUB 2083-1b (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 13

**DEBTOR'S MOTION TO DISMISS CHAPTER 13 CASE**

**[Use this form only if the bankruptcy petition was filed originally under Chapter 13. Do not use this form if the case has been converted from Chapter 7, 11 or 12.]**

Whereas this case has not been converted to a Chapter 13 case under 11 U.S.C. § 706, 1112, or 1208, the undersigned hereby requests an order dismissing this case.

/s/

Debtor/Attorney

/s/

Joint Debtor/Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 13

**DEBTOR'S MOTION TO  
APPROVE SALE IN CHAPTER 13 CASE**  
[Set for hearing and give notice in accordance with BKLR 9013-1(e)]

**Hearing Date:****Time:****Objections Due:**

If checked motion includes: ☐ Use of sale proceeds to pay compensation and expenses of Debtor's attorney  
☐ Approval of sales commission or other compensation for sales agent/auctioneer  
☐ Modification of confirmed plan to accelerate payments (lump sum distribution)

Subject Property (address or description)

Purchase Price:

The undersigned hereby requests an order approving the sale of the above-described property and, if applicable, approving the request for compensation and plan modification. The undersigned alleges as follows:

1. Property of the Estate ☐ The subject property is property of the estate, or  
☐ The subject property is property that revested in the debtor(s) upon plan confirmation or otherwise is not property of the estate.
2. Use of Sale Proceeds ☐ The proceeds of the sale will be sufficient to complete all remaining plan payments (lump sum distribution as a plan modification), or  
☐ Debtor(s) will continue to make payments in accordance with the plan.
3. Sales Agent Fees Name: \_\_\_\_\_  
☐ Employment approved by court order on:  
☐ Court approval of employment not required – property not property of estate.
4. Attorney Fees \_\_\_\_\_  
☐ Estimated fees and costs related to this motion are requested to be paid from sale proceeds, or  
☐ No request is made concerning attorney fees and costs in this motion.



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 13

**DEBTOR'S MOTION TO INCUR DEBT****[Further notice and hearing not required in Chapter 13 case if all conditions below are satisfied]**

Collateral (address or description):

Loan amount:

The undersigned hereby requests an order authorizing the Debtor(s) to incur new debt for the purpose of completing the remaining payments due under the Chapter 13 plan and to modify the plan to provide for an accelerated lump sum distribution. The undersigned alleges as follows:

1. The new debt being incurred is secured by property that revested in the debtor(s) upon plan confirmation or otherwise is not property of the estate.
2. The loan proceeds being obtained will be sufficient to pay all remaining payments to the Trustee under the Chapter 13 plan, as shown on page 2 of this motion.
3. Any loan proceeds designated to pay compensation and expenses to the attorney for the Debtor(s) shall be subject to court approval of a separate application with detailed billing time records. Pending approval, loan proceeds may be deposited into a client trust account.
4. The Chapter 13 Trustee has no objection to this request, as shown on page 2.

**MOTION TO INCUR DEBT – WORKSHEET**  
 (All figures entered are good faith estimates.)

1. Loan Amount		
2. Existing liens to be paid from proceeds		
a) _____		
b) _____		
c) _____		
3. Loan costs and other items payable at closing (except for Debtor's attorney fees and costs)		
4. Add amounts in line 2 and line 3		
5. Subtract line 4 from line 1		
6. Total remaining payments due under plan (as of estimated date of closing)		
7. Debtor's attorney fees and costs to be paid from proceeds		
8. Add line 6 and line 7		
9. Subtract line 8 from line 5 (surplus to debtor(s))		
[Attach additional information as necessary.]		
<div style="display: flex; justify-content: space-between;"> <div> /s/ _____  Debtor/Attorney </div> <div> /s/ _____  Joint Debtor/Attorney </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> Dated: _____ Dated: _____ </div>		
No Objection: _____ Chapter 13 Trustee		
Dated: _____		

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:

Howard M.S. Hu, Chapter 13 Trustee  
 1132 Bishop Street, Suite 301  
 Honolulu, HI 96813  
 Phone: (808) 526-3083 Fax: (808) 531-8844



District Court of Guam  
 520 W Soledad Ave Fl 4  
 Hagåtña, Guam 96910

Debtor:	Case No.:
Joint Debtor (if any):	Chapter: 13
<b>TRUSTEE'S MOTION TO DISMISS FOR LACK OF FEASIBILITY; NOTICE OF DEADLINE</b>	Deadline to Respond:

**MOTION**

The Trustee hereby moves for an order under 11 U.S.C. § 1307(c)(8) dismissing this case for lack of feasibility. Based on the proofs of claim filed in this case, the Trustee has determined that the Debtor's confirmed plan is not feasible because there will be insufficient funds to pay in full all administrative expenses, secured claims, priority unsecured claims, and any claims placed in a special class for full payment.

**NOTICE**

**Your rights may be affected. You should read the motion and any accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to dismiss this case, then you or your attorney must file and schedule for hearing an objection to claim which, if sustained, will ensure feasibility of the confirmed plan, or a motion to modify the confirmed plan, no later than 28 days after the date of filing of this notice. The objection to claim or motion to modify must be filed with the court at Clerk's Office, District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, GU 96910.

If you mail your objection or motion to the court for filing, you must mail it early enough so the court will receive it on or before the date noted above. **If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order dismissing the case.**

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
 Trustee

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this motion was served by first class mail on the following parties at the address and on the date indicated below.

Debtor/Joint Debtor:	Attorney for Debtor(s):
Date served:	Date served:
Dated: _____ /s/ _____	

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:

Howard M.S. Hu Chapter 13 Trustee  
 1132 Bishop Street, Suite 301  
 Honolulu, HI 96813  
 Telephone: (808) 526-3083 Fax: (808) 531-8844



District Court of Guam  
 520 W Soledad Ave Fl 4  
 Hagåtña, Guam 96910

Debtor:	Case No.:
Joint Debtor (if any):	Chapter 13
<b>TRUSTEE'S MOTION TO DISMISS CASE; NOTICE OF HEARING; CERTIFICATE OF SERVICE</b>	<b>Hearing Date: Time:</b>

**MOTION**

The Trustee hereby moves for an order dismissing this case for the following reason(s).

- ☐ Unreasonable delay by the Debtor(s) that is prejudicial to creditors, including failure to provide information requested by Trustee.
- ☐ Other:

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that the motion to dismiss is scheduled to be heard on the date and time above.

**Your rights may be affected.** You should read the motion and any accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to dismiss this case, then you or your attorney must attend the hearing.

If you or your attorney do not attend the hearing, the court may decide that you do not oppose the motion and may enter an order dismissing your case.

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
 Trustee

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this motion was served by first class mail on the following parties on the date indicated below.

Debtor/Joint Debtor:	Attorney for Debtor(s):
Date served: _____	Date served: _____
Dated: _____ /s/ _____	





## REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE

Note: Use this form to request payment of an administrative expense arising after commencement of the case pursuant to 11 U.S.C. § 503(a). \*For a prepetition claim, use Official Form B10 – Proof of Claim.

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 7

Name of Creditor:

Amount requested: \$ \_\_\_\_\_

☐ Check this box to indicate that this request amends a previously filed request

Claim Register No. \_\_\_\_\_ Filed on: \_\_\_\_\_  
 (if known)

Address for notices:

Address for payment (if different from address for notices):

Phone:

Last 4 digits of account number by which creditor identifies debtor, or if creditor is employee, last 4 digits of employee's Social Security number.

xxx-xx-

Type of expense and brief description of basis for claim:

Date or period  
 expense incurred:

**Credits and Setoffs.** The amount of all payments on this administrative claim has been credited for making this request. The creditor making this request has deducted all amounts, if any, that the creditor owes to the debtor.

**Supporting Documents.** Attach redacted (showing only last 4 digits of any Social Security, Tax ID, or financial account number) copies of any documents that support this request, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, and security agreements. Copies of documents must be 8.5 x 11 inches in size; smaller or larger documents will not be accepted for filing. If documents are voluminous, attach a summary. **DO NOT SEND ORIGINAL DOCUMENTS – THEY MAY BE DESTROYED AFTER RECORDING IN THE COURT'S FILING SYSTEM.**

Date:

**Signature:** The person filing this request must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

/s/

Signature

Title

(if original signature, print name above)

**\*Do not use this form for requesting compensation** or reimbursement of expenses for attorneys, accountants, and other professionals under 11 U.S.C. § 330(a) – an application for compensation must be filed (see BKLR 2016- 1). To request payment of debtor's attorney fees governed by the Chapter 13 Attorney Fee Guidelines, use local form GUB 3070-2a2 – Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case.

**Note: File this request in the claims register of this case.** No hearing will be set and there may be no action regarding the allowance and payment of the expense until such time as the trustee seeks approval of a final distribution of estate assets or distributions are made under a confirmed plan in a Chapter 11 case. If immediate allowance and payment is sought, a motion to compel payment of an administrative expense must be filed and a hearing date obtained (see BLKR 9013-1(e)).

GUB 3004-1 (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave Fl 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 7

**NOTICE OF CLAIM FILED ON BEHALF OF CREDITOR**

*[Attach a copy of the proof of claim to this notice and serve on creditor.]*

TO: [Name and address of creditor]:

NOTICE IS HEREBY GIVEN that a proof of claim on your behalf has been filed by the debtor or the Trustee in this case.

**Under BKLR 3004-1, you may file an amended proof of claim which supersedes the amount, type of claim, or other information stated in the proof of claim filed on your behalf. Such an amended proof of claim must be filed no later than 30 days after the date of service of this notice.**

Deadline to File  
Amended Proof of Claim:

An amended proof of claim may be filed with the court at the address below and should also be mailed to the name and address in the upper left corner of this document.

District Court of Guam  
Bankruptcy Division  
4<sup>th</sup> Floor, U.S. Courthouse  
520 West Soledad Avenue  
Hagatna, GU 96910

If you mail an amended proof of claim to the court for filing, you must mail it early enough so the court will **receive** it on or before the date noted above.

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
Debtor/Attorney/Trustee

GUB 3007-1 (08/2013)



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:	
Debtor:	Case No.:
Joint Debtor (if any):	Chapter: 7
<b>OBJECTION TO CLAIM; NOTICE OF HEARING</b> <b>4<sup>th</sup> Floor Courtroom – 520 W. Soledad Avenue Hagatna, Guam 96910</b> <i>[Note: Fed. R. Bankr. P. 3007(b) provides that an objection to claim may not include a demand for relief of the kind specified in Fed. R. Bankr. P. 7001. Such relief must be sought by filing a complaint to commence an adversary proceeding.]</i>	<b>Hearing Date:</b> <b>Time:</b>
	<b>Response Due:</b> <b>(14 days from filing of the Objection)</b>

The party below hereby objects under Fed. R. Bankr. P. 3007 to the claim below as follows.

<b>Objecting Party</b>				
<b>Claim No.</b>	<b>Claimant Name and Address</b>	<b>Amount (as filed by claimant)</b>		
		<b>Secured</b>	<b>General Unsecured</b>	<b>Priority Unsecured</b>
				<b>Unclassified</b>

The objecting party asserts the claim should be treated as explained below and in the attached memorandum.

☐ Disallowed in entirety    ☐ Reclassified    ☐ Amount modified    ☐ Other

NOTICE IS HEREBY GIVEN that a hearing on this objection has been scheduled for the date and time above.

**Your rights may be affected.** You should read the objection and any accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. If you do not have an attorney, you may wish to consult one.

If you do not want the court to sustain the objection, or if you want the court to consider your views, then you or your attorney must file a statement explaining your position **no later than 14 days from the filing of this Objection.** Responses must be filed with the court at: District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, GU 96910, and sent to the objecting party at the address in the upper left corner of this document.

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated above.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection and may cancel the hearing. If the hearing is cancelled, the court may reduce, modify or eliminate your claim.

For the reason stated below, the claim should be:

☐ Reclassified/modified in the following amount(s):

**Secured**

## General Unsecured

**Priority Unsecured**

[Explain the grounds for the objection. Attach additional pages, declarations, or exhibits as necessary.]

DISTRICT COURT OF GUAM – BANKRUPTCY DIVISION			
Debtor:	Social Security Number: XXX-XX-_____	(for court use only)	
Joint Debtor (if any):	Social Security Number: XXX-XX-_____		
ADDRESS:		Chapter 13 Case No.:	
<b>CHAPTER 13 PLAN</b>		Dated:	<input type="checkbox"/> Amended Plan
<p style="text-align: center;"><b>NOTICE</b></p> <p>This plan may significantly affect the rights of creditors. If you wish to oppose confirmation of the plan or any related motion to value collateral or to avoid a lien ("plan motion"), you must file a timely written objection. Creditors will receive separate notice of the deadline for objections and the date of the confirmation hearing. If you do not file a timely objection, you will have accepted the treatment proposed in the plan. If no one files a timely objection, the court may cancel the confirmation hearing, confirm this plan, and grant any plan motions.</p>			
<b>SECTION 1 – PLAN SUMMARY</b>			
<b>1.01</b> Monthly payment	\$	<b>1.06</b> Estimated payment of unsecured claims (%)	
<b>1.02</b> Duration (months)		Under plan  0.00%	Chapter 7 liquidation  0.00%
<b>1.03</b> Total monthly payments (1.01 x 1.02)	\$		
<b>1.04</b> Additional funding described in Section 8 (if any)	\$	<b>1.07</b> <input type="checkbox"/> If checked, there are plan motions to value collateral or to avoid lien(s).	
<b>1.05</b> Total plan funding before tax refunds (1.03 + 1.04)	\$		

## SECTION 2 – PAYMENTS TO TRUSTEE

**2.01 Commencement of Payments.** Debtor shall make the first monthly payment stated in Section 1 to Trustee no later than 30 days after the filing of (a) the petition or (b) the order converting the case from another chapter.

**2.02 Completion of Payments.** Unless Section 8 provides otherwise, payments under the plan will be complete upon payment of the amount stated in Section 1.05 plus contribution of any tax refunds as provided in Section 2.03.

**2.03 Tax Refunds.** In addition to the plan payments set forth in Sections 1.03 and 1.04, Debtor shall turn over to Trustee all tax refunds attributable to prepetition periods and all tax refunds attributable to postpetition periods ending before the full amount stated in Section 1.05 has been paid, except to the extent that a refund is (a) exempt, (b) received on account of a child tax credit or earned income credit, (c) subject by law to setoff, recoupment, or similar disposition, or (d) otherwise provided for in Section 8.

**2.04 Funds Other than Disposable Income.** Any additional funding listed in Section 1.04 must be described in Section 8, including the source, amount, and date when such funds or assets will be available.

**2.05 Payment of Debtor's Attorney Fees.** Trustee shall pay Debtor's attorney fees and costs out of the plan funding.

	Total Fees	Paid prepetition	To be paid via plan
Unless stated otherwise in Section 8, Debtor's attorney elects the award and allowance of fees through plan confirmation, to be determined under the Chapter 13 Attorney Fee Guidelines. (Amount of fees may be adjusted at time of confirmation in accordance with the Guidelines.)	\$	\$	\$ +\$300 if plan confirmed without continuing hearing

**2.06 Pre-Confirmation Adequate Protection Payments and Payments to Lessors.**

☐ If checked, Trustee shall make adequate protection or lease payments under 11 U.S.C. § 1326(a)(1) (B) or (C) to the parties listed below. Trustee shall make the payments below as soon as practicable after the creditor or lessor files a proof of claim. After confirmation, Trustee shall make distributions as provided elsewhere in this plan. The adequate protection payment amount shall be as indicated below. If no payment amount is indicated below, the adequate protection payment amount shall be two percent (2%) of the estimated value of the collateral, unless Section 8 provides otherwise.

Creditor/Lessor	Property description (& est. value if adequate protection)	Mo. Pmt.

[continue in Section 8 or on continuation sheet as necessary]

☐ If checked, Debtor shall make adequate protection / lease payments directly to the payee and provide evidence of payment to Trustee.

### SECTION 3 – CLAIMS

**3.01 Proofs of Claim.** All creditors, including secured creditors, must file a proof of claim in order to receive payments from Trustee, even if this plan mentions their claim. Unless the court orders otherwise, Trustee shall make distributions only on timely filed proofs of claim. Trustee may rely on the face of the proof of claim despite any other information contained in any attachments thereto.

**3.02 Determination of Claims.** The proof of claim (and any court order disposing of a plan motion or any objection to the claim), not this plan or the schedules, shall determine the amount, classification, and priority of each claim. The information about claims in this plan (other than the classification of claims in Class 6) is provided for informational purposes only and is not binding on any party.

**3.03 Secured Claims – Limited Stay Relief.** Notwithstanding 11 U.S.C. § 362, any secured creditor may transmit to the Debtor payment coupon books, notices of payment changes or interest rate changes, escrow account statements, and other statements, and may continue any Electronic Funds Transfer (“EFT”) payment arrangements that Debtor validly authorized prepetition, on the condition that such creditor promptly files with the court all such notices and statements (in accordance with any rules for privacy protection).

### SECTION 4 – CLASSIFICATION OF CLAIMS

**4.01 Class 1 consists of secured claims where (a) Debtor was in default on the petition date and (b) the claimant’s rights are not modified by the plan, except for the curing of the default.** A holder of a Class 1 claim will retain its lien until the underlying debt is paid in full under nonbankruptcy law. This plan does not modify the holder’s rights other than by curing the default by paying the prepetition arrearage, i.e. the regular installments of principal, accrued and unpaid interest and other charges, such as attorney fees and collection costs that became due before the petition date.

**4.01-1 Cure Payments by Trustee.** Unless the claim holder agrees to different treatment, Trustee shall make distributions to cure the prepetition arrearage on each Class 1 claim by making monthly payments that include the interest on the prepetition arrearage at the standard interest rate described in Section 7.03, unless a different rate is stated in the table below. Each Class 1 claimant shall apply such payments only to the prepetition arrearage. The amount of any prepetition arrearage is the amount stated in the claimant’s proof of claim, unless the court orders otherwise. Trustee shall make no payment on a Class 1 claim to a claimant whose proof of claim states that the arrearage is \$0.00, none, or the like, or if the arrearage amount is left blank. Treatment of a prepetition arrearage under an unexpired lease or executory contract is provided for in Section 4.08. Trustee’s payment of the full amount of the arrearage stated on the claimant’s proof of claim will bar the claimant from asserting that the prepetition default has not been cured.

**4.01-2 Maintenance Payments by Debtor.** Except for any Class 1 claimants identified by a checked box in the table below, Debtor shall pay directly to the Class 1 claimants (or their agents) each payment first becoming due without acceleration after the petition date (“postpetition installments”) as and when due under the applicable agreement and applicable law.

**4.01-3 Maintenance Payments by Trustee.** From the plan funding, Trustee shall pay all postpetition installments due to Class 1 claimants identified by a checked box in the table below, as and when due under the applicable agreement and applicable law, and Trustee shall promptly remit the same to the Class 1 claimant.

**4.01-4 Application and Calculation of Postpetition Installments.** Class 1 claimants shall apply payments under paragraph 4.01-2 and 4.01-3 only to the postpetition installments. The amount of the postpetition installments shall be determined as if the claim was not in default on the petition date.

Class 1 Creditor / Collateral	Maturity date	Est. arrearage	Interest rate	Est. mo pmt.
<b>Principal Residence:</b> <input type="checkbox"/>			0.00%	
<b>Other Property:</b> <input type="checkbox"/>			0.00%	
If box checked above, Trustee makes payment under Section 4.01-3 [Continue in Section 8 or on continuation sheet as necessary.]				

**4.02 Class 2 consists of secured claims where the rights of the holder of a secured claim are modified by the plan under 11 U.S.C. § 1322(b)(2) or (c)(2).** A holder of a Class 2 claim will retain its lien until the earlier of (a) full payment of the underlying debt under nonbankruptcy law or, (b) if the court enters an order determining the value of collateral securing a claim, full payment of the secured portion of the claim amount and entry of the Debtor's discharge under 11 U.S.C. § 1328. Unless the claim holder agrees to different treatment, Trustee shall make distributions to pay a Class 2 claim in a monthly amount that includes interest on the claim at the standard interest rate described in Section 7.03, unless a different rate is stated in the table below. If Debtor believes that the value of a creditor's collateral is less than the amount of the claim, Debtor must file a **Motion to Value Collateral** in connection with this plan. If the total amount of the claim exceeds the value of the collateral as determined by the court, the deficiency will be treated as a Class 7 general unsecured claim (or a Class 5 claim if the claim is entitled to priority).

Class 2 Creditor / Collateral	§506(a) applies?	Maturity Date	Est. claim amt.	Interest rate	Est. mo. pmt.
[continue in Section 8 or on continuation sheet as necessary.]					

**4.03 Class 3 consists of secured claims that are satisfied by surrender of collateral.** Trustee shall make no distributions on a Class 3 claim if the debtor files a declaration, with proof of service on the creditor, within 14 days after the entry of an order confirming this plan, that the real or personal property described below has been surrendered or offered for surrender to the creditor. A secured creditor listed in Class 3 wishing to refuse Debtor's surrender of collateral in full or partial satisfaction of its claim must file a written objection to this plan. If the total amount of the claim exceeds the value of collateral, as indicated in the creditor's timely filed proof of claim or a court order, the deficiency will be treated as a Class 7 general unsecured claim (or a Class 5 claim if the claim is entitled to priority). If the creditor does not complete the space for the value of the collateral on the face of the proof of claim, the creditor will have no deficiency claim. Entry of the order confirming this plan will terminate the automatic stay under 11 U.S.C. § 362(a) and the codebtor stay under 11 U.S.C. § 1301(a) as to the Debtor, codebtor(s), and the bankruptcy estate, to permit the creditor whose collateral is being surrendered to receive, repossess, or foreclose upon that collateral and to exercise its rights and remedies as to its collateral under applicable nonbankruptcy law.

Class 3 Creditor / Collateral to be surrendered	Claim amount	Est. deficiency
[Continue in Section 8 or on continuation sheet as necessary.]		

**4.04 Class 4 consists of secured claims where (a) Debtor was not in default on the petition date and (b) the rights of the holder are not modified by this plan.** A holder of a Class 4 claim will retain its lien until the underlying debt is paid in full under nonbankruptcy law. Debtor shall make all regularly scheduled contractual payments coming due postpetition. In the event that a creditor files a timely proof of claim stating that there was an arrearage on the petition



date for a claim identified below, the claim shall be treated as a Class 1 claim unless the court determines that there was no arrearage. If the proof of claim states that the arrearage amount is \$0.00, none, or the like, or if the arrearage amount is left blank, such claim shall be treated as a Class 4 claim and Trustee shall make no distribution on the claim.

Class 4 Creditor / Collateral	Contractual payment	Maturity date
[Continue in Section 8 or on continuation sheet as necessary.]		

**4.05 Class 5 consists of unsecured claims entitled to priority under 11 U.S.C. § 507, such as domestic support obligations and certain types of taxes.** Class 5 claims shall be paid in full unless 11 U.S.C. § 1322(a)(4) applies or the claim holder agrees to accept less than full payment. If the Debtor proposes less than full payment of a priority claim, Section 8 must identify the claim holder and describe the proposed treatment. Debtor shall pay directly to the creditor any domestic support obligations that become due on and after the date of filing the petition.

Class 5 Creditor	Type of priority	Est. claim amount
[Continue in Section 8 or on continuation sheet as necessary.]		

**4.06 Class 6 consists of special unsecured claims.** The claims listed below, such as co-signed unsecured debts, shall be paid in full, with interest if so indicated, for the reason(s) stated even though other unsecured claims may not be paid in full.

Class 6 Creditor	Reason for special treatment	Interest	Est. claim amt.
[Continue in Section 8 or on continuation sheet as necessary.]			

**4.07 Class 7 consists of claims that are not secured and that are not entitled to priority or special treatment.** Class 7 claims shall be paid pro rata to the extent funds are available after payment of all other claims. Debtor must file a separate **Motion to Avoid Lien** if classification of a claim as a general unsecured claim is based on avoidance of a judicial lien or nonpossessory, non-purchase money security interest under 11 U.S.C. § 522(f).

**4.08 Executory Contracts and Unexpired Leases.** Upon confirmation, Debtor assumes the executory contracts and unexpired leases listed below. Any prepetition arrearage under a contract or lease identified below in an amount stated in a timely filed proof of claim shall be treated as a claim in Class 1, Class 6, or as provided in Section 8. Any other executory contract or unexpired lease is rejected. Entry of the confirmation order modifies the automatic stay to allow the nondebtor party to a rejected unexpired lease to obtain possession of the leased property.

Creditor under contract or lease	Est. prepetition arrearage	Treatment: Class 1 or 6 or other
[continue in Section 8 or on continuation sheet as necessary.]		

## SECTION 5 – DISTRIBUTIONS

**5.01 Order of Distributions.** As soon as practicable after plan confirmation, Trustee will distribute funds monthly in the following order: (a) the percentage fee to Trustee under 28 U.S.C. § 586(e); (b) any maintenance payments due on Class 1 claims under Section 4.01-3; (c) administrative expenses, including Debtor's attorney fees allowed under applicable rules and guidelines; (d) cure payments for prepetition arrearages on Class 1 claims, Class 2 claims of secured creditors under 11 U.S.C. § 1325(a)(5), claims under executory contracts and unexpired leases if designated as Class 1 claims, and compensation for a chapter 7 trustee under 11 U.S.C. § 1326(b)(3); (e) Class 5 priority unsecured claims; (f) Class 6 special unsecured claims, including claims under executory contracts and unexpired leases designated as Class 6 claims; and (g) Class 7 general unsecured claims. Within each level of distribution, claims shall be paid on a pro rata basis.

## SECTION 6 -- LIQUIDATION ANALYSIS

**6.01 Liquidation.** The value, as of the date the petition was filed, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate were liquidated on such date under chapter 7 of the Bankruptcy Code. Debtor estimates, in good faith, that liquidation would be as follows.

1. Real property – Schedule A	\$	5. Exemptions – Schedule C	\$
2. Personal property – Schedule B	\$	6. Secured claims (less unsecured portions, if any) – Schedule D	\$
3. Property recoverable by avoiding powers	\$	7. Priority Claims – Schedule E	\$
4. Total assets – Add boxes 1, 2 and 3	\$	8. Estimated Chapter 7 administrative expenses	\$
*intentionally left blank*		9. Total adjustments – Add boxes 5, 6, 7 and 8	\$
10. Amount available to pay general unsecured claims in liquidation – Subtract box 9 from box 4			
11. Total amount of general unsecured debt from Schedule F + unsecured portions from Schedule D, if any			
12. Estimated distribution on general unsecured claims in liquidation – Divide box 10 by box 11			0.0% %
13. Estimated distribution on general unsecured claims through this plan			0.0% %

## SECTION 7 -- MISCELLANEOUS PROVISIONS

**7.01 Joint Debtor.** Any reference to the Debtor in this plan includes the Joint Debtor, if any.

**7.02 Debtor's Duties.** Debtor acknowledges that Debtor must: (a) make timely plan payments and carry out this plan; (b) comply with Debtor's obligations under the Bankruptcy Code and Rules, the Local Bankruptcy Rules, and any applicable local orders and guidelines; (c) file all postpetition federal, state, and local tax returns, and pay all postpetition taxes as they come due, including, if applicable, any requisite estimated income taxes and/or federal tax deposits for payroll taxes; (d) submit to Trustee a copy of each tax return or amendment thereof required for each tax year ending while the case is pending under chapter 13, immediately after filing such returns with the taxing authority; (e) file, if requested, updated schedules I and J or other statement made under penalty of perjury showing monthly income of Debtor, and how income, expenditures, and monthly income are calculated, on each anniversary of plan confirmation; (f) provide any financial information requested by Trustee, including that regarding a business; (g) maintain insurance as required by any law, contract, or security agreement on all vehicles and real or personal property subject to a security interest in the amount of the outstanding claim of the creditor or value of the collateral, whichever is less, unless the court orders otherwise; (h) if Debtor operates a business, maintain liability and other insurance as requested by Trustee; (i) pay timely to the court-ordered recipient all domestic support obligations that come due after commencement of the case; (j) obtain court approval before encumbering, selling, or otherwise disposing of any personal or real property other than in the ordinary course of Debtor's business; and (k) obtain written approval from Trustee or court approval before incurring any new debt exceeding \$1,000. **Debtor understands that failure to comply with any of these obligations may justify dismissal of this case, conversion to another chapter, or other relief.**

**7.03 Interest Rate.** The standard interest rate on certain claims is calculated periodically as the national prime rate of interest plus 1.5% and is posted at the court's website. The interest rate with respect to a tax claim or an administrative expense tax is governed by 11 U.S.C. § 511.

**7.04 Vesting and Possession of Property.** Except to the extent necessary to fund this plan, property of the estate shall revert in Debtor upon entry of the confirmation order. If the case is converted to a case under another chapter, or is dismissed, the property of the estate shall vest in accordance with applicable law.

**7.05 Cure Payments for Prepetition Arrearages.** For all purposes, including but not limited to 11 U.S.C. § 2601 et seq., and Reg. X ("Regulation X"), 24 C.F.R. § 3500.17(i)(2), all claims shall be deemed reinstated and current upon the entry of an order confirming this plan. No creditor shall be excused from any obligation imposed by law or contract to provide notices of payment changes, interest rate changes, escrow account statements, other account statements, or similar information to the Debtor. All creditors shall promptly file copies of such notices and statements with the court.

**7.06 Postpetition Obligations Paid Directly by Debtor.** If this plan provides that Debtor will directly pay any postpetition obligations to a creditor, any postpetition fees, expenses, or charges, including those alleged to be due under Bankruptcy Rule 3002.1(a), (c), or (e), are the personal responsibility of Debtor and, unless the court orders otherwise, these postpetition fees, expenses, or charges shall not be paid by Trustee or through the plan.

**7.07 Effect of Relief from Stay.** As soon as practicable after Trustee receives notice of an order unconditionally permitting a secured creditor to foreclose on or repossess its collateral, Trustee shall cease making distributions on all claims secured by such collateral except for funds then being held by Trustee for distribution, unless the court orders otherwise. This does not affect the number or amount of periodic payments due from Debtor under the plan.

**7.08 Lack of Feasibility Based on Claims Actually Filed.** Trustee may file a motion to dismiss if Trustee determines that, based on the timely filed proofs of claim, the plan funding will be insufficient to pay in full, within 60 months from confirmation, administrative expenses, the prepetition arrearages on Class 1 claims, and the full amount of Class 2, Class 5, and Class 6 claims, and the amount of Class 7 claims required to satisfy 11 U.S.C. § 1325(a)(4). The court may dismiss the case without further notice if Debtor fails to file, within 30 days after the date of notice of such motion, an objection to claim or a motion to modify the confirmed plan which will cure the problem.

**7.09 Conversion or Dismissal.** Debtor agrees that, if this case is converted to another chapter, Debtor shall promptly file a new schedule C – Property Claimed as Exempt. Trustee shall distribute any plan payments held by Trustee at the time of conversion or dismissal of the case to holders of allowed claims in accordance with the order of distribution under this plan.

**7.10 Student Loan Debt.** A debt of the kind specified in 11 U.S.C. § 523(a)(8) will not be discharged upon completion of the plan unless the debtor has obtained a determination by the court that paying the debt in full would impose an undue hardship on the debtor and the debtor's dependent.

**7.11 Certification.** Debtor declares, under penalty of perjury, that this plan has been proposed in good faith, that the information provided in this plan is true and correct to the best of Debtor's knowledge, information, and belief, and that Debtor will be able to make all plan payments and otherwise comply with all plan provisions.

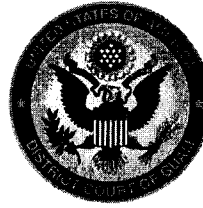
## SECTION 8 -- ADDITIONAL PROVISIONS

Debtor may not alter the language of this form (other than by completing blanks and tables). Debtor may propose additional or different plan provisions only by setting the same out in this Section. This Section must also include information concerning additional creditors or claims, irregular plan payments, additional sources of plan funding, special treatment of prepetition arrearages under an executory contract or unexpired lease, and any other special provisions. (Attach additional pages as necessary.)

/s/ _____ Attorney for Debtor(s)	/s/ _____ Debtor	/s/ _____ Joint Debtor (if any)
Dated:	Dated:	Dated:

GUB 3015-lavd (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

SSN (last 4 digits):

Case No.:

Joint Debtor (if any):

SSN (last 4 digits):

Chapter 13

**CHAPTER 13 PLAN MOTION TO AVOID LIEN; NOTICE OF DEADLINE TO OBJECT**
☐ Judicial Lien, or ☐ Nonpossessory, non-purchase money security interest

Secured Creditor (name and address):

Account No. [at least last 4 digits]:

Collateral (if real property, state address or tax map key; if vehicle, state vehicle I.D. no., year, make, model, mileage):

Debtor's valuation: \$

Value based on:

Upon avoidance, claim will be treated as secured to the following extent (\$0.00 if avoided in entirety), with the balance of the claim to be treated as a general unsecured claim.

\$

Pursuant to 11 U.S.C. § 522(f) and Fed. R. Bankr. P. 4003(d), Debtor moves to avoid the fixing of a lien on Debtor's interest in the above-described property to the extent that such lien impairs an exemption to which Debtor would have been entitled. Based on the allegations stated here and in any supplemental documents, Debtor requests that the above-named creditor's claim be treated as indicated above, and that it supersede any amount asserted as secured in the creditor's proof of claim.

1. Amount of lien being avoided:

2. Amount of other liens on property (see 11 U.S.C. § 522(f)(2)(B):

3. Amount of exemption under \_\_\_\_\_ if no liens:

4. Total of lines 1, 2, and 3:

5. Value of Debtor's interest in property in absence of any liens:

6. Extent of impairment under 11 U.S.C. § 522(f)(2)(A) – line 4 less line 5:

7. Amount, if any, by which line 1 exceeds line 6 (amount to be treated as secured):

### NOTICE OF DEADLINE TO OBJECT

NOTICE IS HEREBY GIVEN that this motion filed by the Debtor(s) concerns your interest in the above-described property and is related to the Chapter 13 Plan being proposed by the Debtor(s), a copy of which should have been sent to you separately.

**Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)**

**If you do not want the court to avoid your lien in the subject property, or if you want the court to consider your views on the motion, then you or your attorney must file an Objection to Confirmation of Chapter 13 Plan not later than 14 days before the confirmation hearing date, or 21 days after the filing of this motion, whichever is later.** Your objection will be considered at the confirmation hearing.

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated above. Responses must be filed with the court at: **District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910**, and sent to the moving party at the address in the upper left corner of this document.

If you or your attorney do not file a timely objection, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief requested by the Debtor(s). The determination made in such an order will supersede any security interest stated in a proof of claim that you have filed or will file.

### ADDITIONAL NOTICE OF PROVISION ARGUABLY CONTRARY TO BANKRUPTCY CODE

☐ IF CHECKED, FURTHER NOTICE IS GIVEN that one or more provisions in the proposed Chapter 13 Plan may arguably be contrary to the Bankruptcy Code. If so, the court may grant the motion to avoid lien and confirm the plan **only** if you accept the treatment of your claim under the plan. **If you do not want to accept the plan, you must file a timely objection to this motion and the plan.** If you do not file a timely objection, you will have accepted the plan. If the court enters a confirmation order, the plan's provisions will be binding on you and the Debtor(s).

☐ The plan provides that you will NOT retain your lien in the subject property until paid in full under nonbankruptcy law or until a discharge is issued to the Debtor(s).

☐ The plan provides for the avoidance of a lien in household goods that are not included in the definition of "household goods" in 11 U.S.C. § 522(f)(4).

☐ Other *[explain]*:

Dated: \_\_\_\_\_

/s/ \_\_\_\_\_  
Signature (print name if original signature)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

SSN (last 4 digits):

Case No.:

Joint Debtor (if any):

SSN (last 4 digits):

Chapter 13

**CHAPTER 13 PLAN MOTION TO VALUE COLLATERAL; NOTICE OF DEADLINE TO OBJECT**  
*[Do not include more than one creditor or one item of collateral per motion]*

Name and address of creditor whose security interest is being modified ("stripped"):

Collateral *(if real property, state address or tax map key; if vehicle, state vehicle I.D. no., year, make, model, mileage):*

Date debt incurred:

☐ If checked, subject property is debtor's principal residence.

Debtor's valuation: \$

Value based on:

Chapter 13 Plan proposes treating this claim as secured to the extent of:  
 (Balance of claim to be treated as general unsecured claim unless plan states otherwise.)

\$

☐ If checked, valuation may arguably be contrary to the Bankruptcy Code under 11 U.S.C. § 1325(a).

Pursuant to 11 U.S.C. § 506(a) and Fed. R. Bankr. P. 3012, Debtor moves to value the above-described property and to modify the rights of the above-named creditor under 11 U.S.C. § 1322(b)(2). Based on the allegations stated below and in any supplemental documents, Debtor requests that the court make the valuation stated above. Debtor further requests that the valuation supersede any amount asserted as secured in the creditor's proof of claim. **ALL SECURITY INTERESTS IN THE SUBJECT PROPERTY ARE LISTED BELOW BY SENIORITY. ANY INTEREST BEING MODIFIED IS CHECKED.**

Being modified?	Creditor name (List all, including interests not being modified)	Account no. (last 4 digits)	Balance due (good faith estimate)
<input type="checkbox"/>			\$
<input type="checkbox"/>			\$
<input type="checkbox"/>			\$
<input type="checkbox"/>			\$

**NOTICE**

NOTICE IS HEREBY GIVEN that this motion filed by the Debtor(s) concerns your interest in the above-described Property and is related to the Chapter 13 Plan being proposed by the Debtor(s), a copy of which should have been sent to you separately.

**Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. If you do not have an attorney, you may wish to consult one.**

**If you do not want the court to approve the proposed treatment of your claim, or if you want the court to consider your views on the motion, then you or your attorney must file an Objection to Confirmation of Chapter 13 Plan no later than 14 days before the confirmation hearing date, or 21 days after the filing of this motion, whichever is later.** Your objection will be considered at the confirmation hearing.

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated above. Responses must be filed with the court at: District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910, and sent to the moving party at the address in the upper left corner of this document.

If you or your attorney do not file a timely objection, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief requested by the Debtor(s). The determination made in such an order will supersede any security interest stated in a proof of claim that you have filed or will file.

**ADDITIONAL NOTICE OF PROVISION ARGUABLY CONTRARY TO BANKRUPTCY CODE**

- ☐ IF CHECKED, FURTHER NOTICE IS GIVEN that one or more provisions in the proposed Chapter 13 Plan may arguably be contrary to the Bankruptcy Code. If so, the court may grant the motion to value collateral and confirm the plan **only** if you accept the treatment of your claim under the plan. **If you do not want to accept the plan, you must file a timely objection to this motion and the plan.** If you do not file a timely objection, you will have accepted the plan. If the court enters a confirmation order, the plan's provisions will be binding on you and the Debtor(s).
- ☐ The plan provides that you will NOT retain your lien in the subject property until paid in full under nonbankruptcy law or until a discharge is issued to the Debtor(s).
- ☐ The plan provides for less than full payment of a debt that (1) is secured by a purchase money security interest in the motor vehicle described above and (2) was incurred within 910 days preceding the date of the filing of the bankruptcy petition.
- ☐ The plan provides for less than full payment of a debt that (1) is secured by a purchase money security interest in the property described above and (2) was incurred within 1 year preceding the date of the filing of the bankruptcy petition.

Dated: \_\_\_\_\_

/s/ \_\_\_\_\_  
Signature (print name if original signature)



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

SSN (last 4 digits): Case No.:

Joint Debtor (if any):

SSN (last 4 digits): Chapter 13

**DEBTOR'S MOTION TO MODIFY CONFIRMED PLAN;  
NOTICE OF HEARING**

**4<sup>th</sup> Floor Courtroom, 520 West Soledad Avenue,  
Hagatna, Guam**

**Hearing Date:  
Time:**

**Objections Due:  
14 days before hearing**

**MOTION**

The undersigned hereby moves under 11 U.S.C. § 1329(a) for modification of the plan previously confirmed in this case. The specific changes are described on page 2 for the reasons stated on page 3. **All terms of the confirmed plan, including those of any plan motions regarding the valuation of collateral and the avoidance of liens, remain in effect except for the specific changes described in the attached pages.**

**NOTICE**

**NOTICE IS HEREBY GIVEN** that this motion is scheduled to be heard on the date and time noted above.

**Your rights may be affected.** You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the motion, or if you want the court to consider your views, then you or your attorney must file a statement explaining your position **no later than 14 days prior to the scheduled hearing**. Responses must be filed with the court at: District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910 and sent to the moving party at the address in the upper left corner of this document.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline stated above. If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may cancel the hearing and grant the motion to modify the plan without further notice. The provisions of the modified plan will bind the debtor(s) and each creditor.

<b>PROPOSED MODIFICATION – PLAN PAYMENTS AND DURATION</b>			
	Monthly payment amount	Duration (months)	Projected total distribution upon plan completion*
Current Plan			\$ _____
Proposed Modification  starting _____ date			\$ _____
*Not including any contributions from tax refunds.	Net Increase/(Decrease) in Projected Total Distribution:		\$ _____
Further details (e.g., plan being extended 6 months due to missed payments):			

<b>PROPOSED MODIFICATION – TREATMENT OF CLASS OR SPECIFIC CLAIM</b>	
Current Plan	
Proposed Treatment	

<b>PROPOSED MODIFICATION – OTHER</b>
Description:

**MEMORANDUM**

[State relevant facts and legal arguments in support of the modification(s) being proposed – attach additional pages as necessary.]

/s/ \_\_\_\_\_  
Debtor / Attorney

Dated: \_\_\_\_\_

/s/ \_\_\_\_\_  
Joint Debtor/Attorney

Dated: \_\_\_\_\_

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

SSN (last 4 digits):

Case No.:

Joint Debtor (if any):

SSN (last 4 digits):

Chapter 13

**TRUSTEE'S MOTION TO EXTEND PLAN;  
NOTICE OF HEARING**

**4<sup>th</sup> Floor Courtroom, 520 West Soledad Avenue, Hagatna,  
Guam**

**Hearing Date:  
Time:**

**Objections Due:  
(fourteen days before hearing)** \_\_\_\_\_

**MOTION**

The Trustee hereby moves for an order under 11 U.S.C. § 1329(a)(2) extending the duration of the plan previously confirmed in this case so as to pay, in full, administrative expenses, secured claims, priority claims, and any claims placed in a special class for full payment. The Trustee requests an extension requiring the Debtor(s) to pay the monthly plan payment amount for a total of \_\_\_\_\_ months.

**NOTICE**

**NOTICE IS HEREBY GIVEN that this motion is scheduled to be heard on the date and time noted above.**

**Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to extend the duration of the plan, or if you want the court to consider your views, then you or your attorney must file a statement explaining your position **no later than 14 days prior to the scheduled hearing**. Responses must be filed with the court at: **District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910** and sent to the moving party at the address in the upper left corner of this document.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline stated above.

If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may cancel the hearing and grant the motion to modify the plan without further notice. The provisions of the modified plan will bind the debtor(s) and each creditor.

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_  
Trustee

GUB 3015-3Obj (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Chapter 13 Case No.:

Joint Debtor (if any):

Related Docket No. of Plan/Motion:

**OBJECTION TO CHAPTER 13 PLAN OR MODIFICATION**

The undersigned objects to plan confirmation or a related plan motion because:

Dated: \_\_\_\_\_

/s/

Signature

(Print name also if original signature)

[Attach additional memoranda, declarations, etc., as necessary.]

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Chapter 13 Case No.:

Joint Debtor (if any):

Plan – Docket No.:

**ORDER CONFIRMING CHAPTER 13 PLAN**

The court finding that the requirements of 11 U.S.C. § 1325 have been satisfied,

IT IS HEREBY ORDERED:

The Plan, attached as Exhibit A, is **CONFIRMED** as filed.

IT IS FURTHER ORDERED that the court allows and awards compensation and reimbursement for expenses to the attorney for the debtor(s) as follows:

Attorney:

Total award:

Amount to be paid through plan:

☐ If checked, amount includes \$300 in accordance with Part 1.a. of Appendix to Chapter 13 Attorney Fee Guidelines

GUB 3015-3avd (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Chapter 13 Case No.:

Joint Debtor (if any):

Related Docket No.:

### ORDER GRANTING PLAN MOTION TO AVOID LIEN

A motion has been filed to avoid the fixing of a lien on an interest of the Debtor(s) in property to the extent that such lien impairs an exemption in which the Debtor(s) would have been entitled. Due notice having been given and there being no objection or the court overruling any objection,

IT IS HEREBY ORDERED that the judicial or nonpossessory, non-purchase money lien described below will be treated as follows.

The lien of:	
in this property:	
shall be treated as secured in the amount of:	\$ (\$0.00 if lien voided in entirety)

IT IS FURTHER ORDERED that the above lien in the exempt property is extinguished and shall not survive bankruptcy or affix to or remain enforceable against the subject property, notwithstanding any proof of claim filed by the creditor.

IT IS FURTHER ORDERED that the subject lien shall be reinstated upon the entry of an order dismissing this bankruptcy case.

GUB 3015-3val (08/2013)

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Chapter 13 Case No.:

Joint Debtor (if any):

Related Docket No.:

**ORDER GRANTING PLAN MOTION TO VALUE COLLATERAL**

The Debtor(s) requested an order determining the value of the property described below and to modify the rights of the creditor(s) holding a security interest in the subject property. Due notice having been given and there being no objection or the court overruling any objection,

IT IS HEREBY ORDERED that the claim(s) of the creditor(s) named below will be treated as less than the secured amount(s) claimed. The value of the subject property and the amount of the creditor's secured claim is determined to be as stated below, unless the case is dismissed or converted to a case under another chapter. The difference between the value of the property and the total amount of the creditor's claim is allowed as a general unsecured claim, subject to a determination of any objection to the total amount of the claim.

Creditor(s):	
Subject property:	
Value:	\$
Amount of secured claim:	\$



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Chapter 11 Case No.:

Joint Debtor (if any):

Related Docket No.:

**NOTICE OF HEARING ON DISCLOSURE STATEMENT**

*[File this notice promptly after filing the disclosure statement and plan, and at least 28 days prior to the hearing date.]*

**NOTICE IS HEREBY GIVEN:**

1. A disclosure statement and a plan under chapter 11 of the Bankruptcy Code were filed on:

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

By: \_\_\_\_\_

2. The hearing to consider approval of the disclosure statement shall be held at:

District Court of Guam  
Bankruptcy Division  
4<sup>th</sup> Floor U.S. Courthouse  
520 West Soledad Avenue  
Hagatna, Guam 96910

Date:

Time:

3. The deadline for filing a written objection to the disclosure statement (14 days before the hearing date):

Objections must specify which portions of the disclosure statement are incomplete, misleading, erroneous, or otherwise objectionable.

4. Persons with a PACER account may view the proposed disclosure statement and proposed plan online at <http://ecf.gud.uscourts.gov>. Requests for copies of these documents may be made to the plan proponent at the address in the upper left corner of this notice. (If the disclosure statement is approved by the court and unless the court orders otherwise, the disclosure statement, plan, and notice of the deadline to accept or reject the plan will be sent to all creditors and equity security holders.)

Dated: \_\_\_\_\_

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

For Plan Proponent

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 13

**REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE:  
COMPENSATION FOR DEBTOR'S ATTORNEY IN CHAPTER 13 CASE**

*Instructions: Complete Part A for all requests, then either Part B, C, or D. Complete Part B for payment of initial fees to be paid through plan. Complete Part C for additional fees authorized under Chapter 13 Attorney Fee Guidelines. Complete Part D for fees awarded by order of the court, outside of Chapter 13 Attorney Fee Guidelines.*

A. The undersigned hereby requests payment through the plan for compensation and reimbursement for expenses under 11 U.S.C. § 503(b)(2) in the following amount based on the information below:

\$

B. Allowance authorized under Chapter 13 Attorney Fee Guidelines and plan confirmation order.

1. Amount agreed to by debtor(s) stated in Rights and Responsibilities of Chapter 13 Debtors and Attorneys filed in this case:

\$

2. Less amount earned prepetition and paid to attorney prior to filing petition:

\$

3. Less balance in client trust account, payable upon entry of confirmation order:

\$

4. Balance to be paid through plan distributions following entry of confirmation order:

\$

C. Allowance of additional fees authorized under Chapter 13 Attorney Fee Guidelines. The undersigned certifies that these additional fees do not exceed guideline amounts and may be paid through plan distributions without further order for the following services:

\$

D. Compensation and reimbursement of expenses allowed upon application and order under BKLR 2016-1(a).

1. Amount earned prepetition and paid to attorney prior to filing petition:

\$

2. Less balance in client trust account:

\$

3. Amount to be paid through plan (attach order on fee application as exhibit):

\$

Dated: \_\_\_\_\_

/s

\_\_\_\_\_  
Debtor's Attorney

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:		Case No.:
Joint Debtor (if any):		Chapter: 7
<p align="center"><b>NOTICE OF CHANGE OF ADDRESS (PROOF OF CLAIM)</b> [Use only for change of address. File an amended proof of claim (B10) or notice of transfer for changes.]</p>		
The undersigned, as the holder of the claim or agent thereof, hereby gives notice of the following for:		
Name of Creditor:		
Claim No.:		
The following information supersedes the address information stated on the proof of claim.		
<b>OLD</b> Address for Notices:	<b>OLD</b> Address for <b>Payment</b> of Claim:	
<b>NEW</b> Address for Notices:	<b>NEW</b> Address for <b>Payment</b> of Claim:	
<p>Dated: _____ /s/ _____ Signature                      Print name if original signature</p>		

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 11

**CHAPTER 11 INDIVIDUAL DEBTOR'S CERTIFICATION OF ELIGIBILITY FOR DISCHARGE; NOTICE OF DEADLINE TO OBJECT**

**CERTIFICATION**

The undersigned hereby requests entry of a discharge in this case based on the following certification. Pursuant to 11 U.S.C. § 1141(d)(3) and (5), the undersigned certifies under penalty of perjury that:

1. The conditions listed in 11 U.S.C. § 1141(d)(3) regarding (a) liquidation of all or substantially all of the property of the estate, (b) engaging in business after consummation of the plan, and (c) provisions under 11 U.S.C. § 727(a), do not prohibit the entry of a discharge.
2. All payments under the plan have been completed.
3. *[Check one of the following]*
  - ☐ The undersigned has not claimed an exemption pursuant to 11 U.S.C. § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$155,675\* in value in the aggregate.
  - ☐ I have claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$155,675\* in value in the aggregate.

*\*Amounts are subject to adjustment on 4/1/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

**NOTICE**

**NOTICE IS HEREBY GIVEN that any objection to entry of a discharge to the debtor(s) in this case must be filed within 30 days after the date of filing of this notice.** An objection must be filed with the court at: District Court of Guam, Bankruptcy Division, 4<sup>th</sup> Floor U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910.

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

Debtor

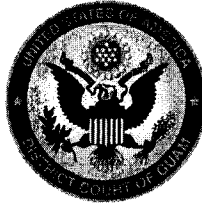
Dated: \_\_\_\_\_

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

Joint Debtor

Dated: \_\_\_\_\_

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:

Case No.:

Joint Debtor (if any):

Chapter: 7

**DEBTOR'S MOTION TO DEFER ENTRY OF DISCHARGE  
AND ENLARGE TIME TO FILE REAFFIRMATION AGREEMENT**

As provided by Fed. R. Bankr. P. 4004(c)(2) and 4008(a), the undersigned hereby requests an order deferring the entry of an order granting a discharge and enlarging time for filing a reaffirmation agreement to a date any time before the entry of the order granting a discharge.

The Debtor requests that entry of a discharge be deferred:

☐

For a 30-day period, or

☐

until \_\_\_\_\_  
(date)

If the court has granted a prior motion to defer entry of discharge in this case, explain why a further extension is warranted.

/s/ \_\_\_\_\_  
Debtor/Attorney

/s/ \_\_\_\_\_  
Joint Debtor/Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Type of Transaction:	<input type="checkbox"/> Public Sale <input type="checkbox"/> Private Sale <input type="checkbox"/> Other (described on next page) <input type="checkbox"/> Property will remain subject to any liens or interests, i.e. not paid from proceeds
List any Liens or Interests in the Property	
This Motion affects the Property Rights of:	
Proposed Buyer:	
Proposed Sale Price and Terms of Sale:	
Estimated Fair Market Value; Basis for Valuation:	
Overbid Provisions:	
Other Details:	
Complete this section if the motions seeks approval of a sale under 11 U.S.C. §363(f):	<p>This sale is to be free and clear of any interest in such property of an entity other than the estate on the following basis [check each statement that applies]:</p> <p> <input type="checkbox"/> (1) Applicable nonbankruptcy law permits sale of such property free and clear of such interest.  <input type="checkbox"/> (2) Such entity consents.  <input type="checkbox"/> (3) Such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property.  <input type="checkbox"/> (4) Such interest is in bona fide dispute.  <input type="checkbox"/> (5) Such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest. </p>
<input type="checkbox"/> If checked, an order is requested providing that there be no 14-day stay under Fed. R. Bank. P. 6004(h).	
Dated: _____ /s/ _____ Trustee/Debtor in Possession/Attorney	

**DISTRICT COURT OF GUAM, BANKRUPTCY DIVISION**

Debtor:

Case No.:

Joint Debtor:

Chapter: 15

**DECLARATION RE: ELECTRONIC FILING OF PETITION AND RELATED DOCUMENTS**  
*(Mail or Deliver to the Court with Original Signatures)*

Instructions: This form is required when certain documents are filed electronically by your attorney. Signing this form means that you are declaring, under penalty of perjury, that the information in the documents checked below is true and correct. Do not sign this declaration unless you have read the documents and they are complete and accurate. You or your attorney must mail or deliver this declaration to the court within 5 days after the documents are filed or the court may dismiss your case and/or sanction your attorney. You must also sign the original documents to be retained by your attorney.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Petition                       | <input type="checkbox"/> Statement of Currently Monthly Income<br>(B22A, B, C) | <input type="checkbox"/> Notice to Individual Debtor |
| <input type="checkbox"/> Creditor Matrix                | <input type="checkbox"/> Authorization to File (corp., LLC, partnership)       | <input type="checkbox"/> Chapter 13 Plan             |
| <input type="checkbox"/> Schedules A-J or _____         | <input type="checkbox"/> Chapter 7 Statement of Intention                      | <input type="checkbox"/> Amendment: _____            |
| <input type="checkbox"/> Statement of Financial Affairs | <input type="checkbox"/> List of 20 Largest Unsecured Creditors                | <input type="checkbox"/> Other: _____                |

*Check the applicable box (see reverse side if this is an involuntary or a Chapter 15 case):*

☐ **Declaration by Individual / Joint Debtor.** I declare under penalty of perjury that the information provided in the document(s) identified above is true and correct to the best of my knowledge, information, and belief. If the document is a petition and my debts are primarily consumer debts and I have chosen to file under chapter 7, I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in my electronically filed petition. If this filing includes a chapter 13 plan, I certify that the plan has been proposed in good faith, that the information provided in the plan is true and correct, and that I will be able to make all plan payments and otherwise comply with provisions of the plan. I declare under penalty of perjury that the Social Security Number or Individual Taxpayer Identification Number transmitted with my petition is true and correct.

☐ **Declaration by Corporation / Partnership Debtor.** I declare under penalty of perjury that the information provided in the document(s) noted above is true and correct to the best of my knowledge, information, and belief, and that I have been authorized to file the petition on behalf of the debtor. I request relief in accordance with the chapter of title 11, United States Code, specified in the electronically filed petition. *[When signing below, indicate position or relationship to Debtor.]*

Signature(s) of Debtor and Joint Debtor (if any) or Authorized Individual:

X \_\_\_\_\_  
 (Sign and print name)

X \_\_\_\_\_  
 (Sign and print name)

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

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

*Sign on reverse side if this is an involuntary or chapter 15 case.*

**DECLARATION RE: ELECTRONIC FILING  
OF PETITION AND RELATED DOCUMENTS**

*(Sign this side if this concerns an involuntary petition or Chapter 15 case)*

☐ **Involuntary Petition – Declaration of Petitioning Creditor(s):** I declare under penalty of perjury that the information in the electronically filed involuntary petition is true and correct according to the best of my knowledge, information, and belief. The undersigned requests that an order for relief be entered against the debtor under the chapter of Title 11, United States Code, specified in the petition.

☐ **Declaration of Foreign Representative.** I declare under penalty of perjury that the information in the electronically filed petition is true and correct according to the best of my knowledge, information, and belief, that I am the foreign representative of the debtor in a foreign proceeding, and that I am authorized to file the petition. I request relief in accordance with chapter 15, United States Code, or with the chapter of Title 11, United States Code, specified in the petition.

Sign and print name and title:

X \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

Debtor:	Case No.:	Chapter: 15
Joint Debtor (if any):	<b><u>Hearing will be Held only if requested.</u></b>  <b>Deadline to file a request:</b>  <b>Date:</b>	

### NOTICE OF PROPOSED USE, SALE, OR LEASE OF PROPERTY

NOTICE IS HEREBY GIVEN that the Trustee or Debtor in Possession is proposing a sale or other transaction involving property of the bankruptcy estate, that is not being made in the ordinary course of the Debtor's business.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to approve the use sale, or lease of property that is described below, or if you want the court to consider your views on this matter, then on or before 21 days after the filing date of this notice, you or your attorney must file with the court, at the address shown below, an objection or a written request for a hearing. You must also mail a copy to the address in the upper left corner of this notice. If you mail your objection or request to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated here.

District Court of Guam  
Bankruptcy Division  
4<sup>th</sup> Floor U.S. Courthouse  
520 West Soledad Avenue  
Hagatna, Guam 96910

Deadline to file an objection/request for hearing: (21 days after date notice is filed unless time shortened)

**Date:**

If the court schedules a hearing, you will receive a separate notice of the hearing date and time. If you or your attorney do not file an objection or a request for a hearing, the court may decide that you do not oppose the proposed use, sale or lease of the property and may enter an order approving the transaction.

Moving Party:	
Description of Property:	



District Court of Guam  
520 W Soledad Ave FL 4  
Hagåtña, Guam 96910

FILER'S NAME, ADDRESS, PHONE, FAX, EMAIL:		
Debtor:		Case No.:
Joint Debtor: (if any)		Chapter: 7
[If Adversary Proceeding, complete information below. Use "et al" if multiple parties.]  Plaintiff(s): vs. Defendant(s):		Adversary Proceeding No. (if applicable):
<b>NOTICE OF HEARING</b> <b>4<sup>th</sup> Floor Courtroom,</b> <b>520 West Soledad Avenue</b> <b>Hagatna, Guam 96910</b>		<b>Hearing Date:</b>
		<b>Time:</b>
		<b>Objections Due:</b>
Matter Being Heard:		Related Dkt No.:
Moving Party:		
<b>NOTICE IS HEREBY GIVEN</b> that this matter is set for hearing at the date and time above. The relief being requested consists of the following. [ <i>Briefly describe the relief sought, including pertinent details.</i> ]		

**Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then you or your attorney must file a statement explaining your position not later than the date below

Statements must be filed with the court at:

District Court of Guam  
Bankruptcy Division  
4<sup>th</sup> Floor, US Courthouse  
520 West Soledad Avenue  
Hagatna, GU 96910

If you mail your response to the court, you must mail it early enough so the court will **receive** it on or before the deadline stated above. The court may disregard any response filed untimely.

You must also mail or transmit a copy to the moving party at:

Responses to be sent to:

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or application and may enter an order granting that relief.

If no objection to the relief being sought is filed by the deadline stated above, the court may grant the requested relief AND cancel the hearing (although certain types of motions will remain on the court's calendar).

Dated: \_\_\_\_\_

/s/

for Movant

(Print name also if original signature)

## **MAILING MATRIX GUIDELINES**

**Requirement to File.** A bankruptcy petition must be accompanied by a list of the names and addresses of all creditors and other parties who are or will be included on bankruptcy schedules D, E, F, G, and H. It is important that this list, referred to as the mailing matrix, be complete because the court uses this list to give notice of the bankruptcy case and the automatic stay which prevents creditors from taking certain actions. If you do not know all the names and addresses of creditors at the time the petition is filed, you may file an amended creditor matrix later, but there will be a \$30 filing fee charged and you will be responsible for mailing the bankruptcy notices to the additional creditors.

**Electronic Format.** All debtors are required to provide the mailing matrix in a digital format that can be uploaded in the court's Case Management/Electronic Case Files (CM/ECF) system. Debtors who are not assisted by an attorney or a bankruptcy petition preparer are responsible for creating an electronic version of the matrix as a computer file with a ".txt" extension, and submitting it on a CD, USB drive, or other media. A paper copy of the mailing matrix must also be printed and submitted with the petition if the filing is made using paper. If the petition is being filed electronically by an attorney, a PDF of the mailing matrix must be attached to the petition in addition to uploading the .txt file.

**Verification.** The mailing matrix must be accompanied by the debtor's verification that all entities included on bankruptcy 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]).

**Format of Names and Address.** See attached formatting requirements and examples.

### FORMATING REQUIREMENTS

- Do not include the debtor and the debtor's attorney, U.S. Trustee, or case number.
- List blocks of names and addresses in a single column down the left margin.
- Separate each name and address block with at least one blank line.
- Each name and address block may not exceed 5 lines total.
- Each line must not exceed 40 characters, including spaces.
- Each line must begin with a letter, digit, or one of these characters: #, %, &, or @.
- Any "Attention" or "c/o" information should be placed on the second line.
- The last line must contain the City, State (2-letter abbreviation), and ZIP Code.
- But for foreign addresses, list the country name (in English) by itself on the last line.
- Do not include account numbers.
- The following entities shall be added to all mailing matrixes:

Internal Revenue Service Centralized Insolvency Operation P.O. Box 7346 Philadelphia, PA 19101-7346	Dept. Of Revenue and Taxation Government Of Guam P.O. Box 23607 GMF, GU 96921
Equifax Dispute Department P.O. Box 740243 Atlanta, GA 30374	Transunion Customer Relations P.O. Box 2000 Chester, PA 19022
Experian Profile Maintenance P.O. Box 9558 Allen, TX 75013	U.S. Small Business Administration First Hawaiian Bank Bldg. 400 Route 8, Ste. 302 Maite, GU 96910-2003

- See address examples below. Note the foreign address in the examples.

Alfonso Diaz Rio de Danubec y Rio Florido CD. Juarez, Chihuahua	John J. Jonson P.O. Box 1477 Hagatna, GU 96932
---	--

Mexico No. 1050	
Arthur Anderson and Associates Attn: Terri Brooks John Hancock Buloding, Suite 2600 8723 Michigan Avenue Chicago, IL 60604	

After creating the mailing matrix using a word processor, save as a “.txt” file.