

Order Guidelines for the Bar

Case Caption: The case caption must include the correct court division (Indianapolis, New Albany, Terre Haute, Evansville) the complete and correct debtor or plaintiff and defendant name(s), the complete case number including the assigned judge's initials and the Chapter and/or the complete adversary case number.

Title: The title of the proposed order should contain the disposition of the motion, contain the name of the movant and should completely match the title of the related motion:

Examples:

- Order Granting ABC Bank's Motion for Relief from Stay (Doc. 51)
- Order Sustaining Trustee's Objection to Claim (Doc. 95)
- Orders must contain a disposition such as: Granted, Denied, Granted in Part or Denied in Part, unless otherwise directed by the Court.

Format:

- Double-space the text of the Order.
- Include a four- inch margin at the top to permit the addition of the judge's signature and the court seal, and include a one inch margin on all other sides.
- Use the same font type and size throughout the document (preferably 12 pt. font).
- Ensure that the correct judge's initials appear after the case number within the caption.
- Ensure that the Chapter is correctly stated in the caption.
- Place three numeric symbols, centered in the page, on the line immediately after the last line of the text to signify the end of the order, and place nothing after the numeric symbols (as shown below):

#

Disposition: The correct disposition terminology should be used:

- Motions and applications are granted or denied
- Objections are sustained or overruled
- Claims are allowed or disallowed (in whole or in part)
- Agreed entries are approved.

Body: The opening paragraph of the proposed order should contain the document name of the motion or document to which the order is related. (You are also encouraged to include in the paragraph the document number of the pleading to which the order is related, and/or a hyperlink to that document.)

Example:

- “This matter came before the Court on Creditor ABC Bank’s Motion to Dismiss Case (Doc. 51) ...”

OR

- “This matter came before the Court on a Motion to Dismiss Case filed by _____ on _____(date) (Document No.: ____) (“defined term”)...”

- ❖ Do **not** include (in the order itself) “submitted by” information
- ❖ Do **not** include any internal document identifier or number generated by a software program.
- ❖ Do **not** include a distribution list.
- ❖ Do **not** include factual findings in the Order UNLESS otherwise directed by the Court.
- ❖ Do **not** include any language regarding adequacy of findings referencing service of the Motion.
- ❖ Do **not** award relief in the Order that was not requested in the Motion.
- ❖ Do **not** provide a history of the case.

Specific Language:

- Orders Granting Motions to Avoid Judicial Liens
 - ✓ The legal description of the real estate must be listed in the Order.
- Orders Granting Motions to Avoid Non-Purchase Money Security Interest in Household Goods
 - ✓ Should contain language similar to the following:

“The lien of the XYZ Company, with respect to the following property _____ is declared void pursuant to 11 U.S.C. §522 (f). [No timely opposition was filed pursuant to S.D.Ind. B-9013-1(d)] [Any objection raised was withdrawn or overruled by the Court at the scheduled hearing.]

IT IS ORDERED that the lien of the XYZ Company relative to the property described above is VOID.”

- Orders Granting Relief from Automatic Stay

- ✓ Should contain language similar to the following:

“The Secured Creditor, XYZ Company, has moved for relief from the automatic stay pursuant to 11 U.S.C. §362(d) with respect to the following collateral _____. [No timely opposition was filed pursuant to S.D.Ind. B-9013-1(d)] [Any objection raised was withdrawn or overruled by the Court at the scheduled hearing.]

IT IS ORDERED that the automatic stay pursuant to 11 U.S.C. §362(a) is terminated with respect to the secured creditor and the affected collateral.

Also if the Motion specifically asks for this relief the Order may contain the following:

IT IS FURTHER ORDERED that the stay in Fed. R. Bankr.P. 4001(a)(3) does not apply.“

- Orders Granting Relief from Automatic Stay and Abandonment

- ✓ Should contain language similar to the following:

“The Secured Creditor, XYZ Company, has moved for relief from the automatic stay and abandonment pursuant to 11 U.S.C. §362(d) and §554 with respect to the following collateral _____. [No timely opposition was filed pursuant to S.D.Ind. B- 9013-1(d)] [Any objection raised was withdrawn or overruled by the Court at the scheduled hearing.]

IT IS ORDERED that the automatic stay pursuant to 11 U.S.C. §362(a) is terminated with respect to the secured creditor and the affected collateral, and that the Trustee is ordered to abandon the affected collateral as burdensome or of inconsequential value to the estate pursuant to 11 U.S.C. §554 and L.B.R. 6007.

Also if the Motion specifically asks for this relief the Order may contain the following:

IT IS FURTHER ORDERED that the stay in Fed. R. Bankr.P. 4001(a)(3) does not apply.“

Amended Wage Assignment Orders: Amended Wage Assignment Orders MUST reflect what part or parts of the Order have been Amended. This can be accomplished through either high lighting (in yellow) the portions that are amended, italics, boldface type or by a footnote explaining why the original order is being amended.

Referenced Documents: Proposed orders which contain references to Proofs of Claim or items on the docket such as responses, amendments, etc., should contain the name(s) and docket or claim number(s) of those items as shown in the examples above.

Example:

- Order Sustaining Objection to Proof of Claim No.: __ (Doc. 51/Document No.: 51)

Exhibits to Orders: Exhibits to Orders may be uploaded attached to the Order document itself or uploaded as “Attachments” to the Order and should be in PDF format.

Objections to Claims: Orders sustaining objections to claims should clearly indicate the claim number and state “claim is disallowed in its entirety” or “claim is allowed in part and disallowed in part” and in the latter case should use specific amounts to be allowed and disallowed.

Submitting Orders: Proposed Orders should be submitted in PDF format and uploaded through the Order Upload function of CMECF. In some cases, the Court may request that a Proposed Order be submitted to chambers staff in Word format to allow the Court to make changes or additions to the Proposed Order.

Agreed Orders: Are not allowed.