

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:)
ORDER AMENDING) GENERAL ORDER 16-0001
LOCAL BANKRUPTCY RULES)
)

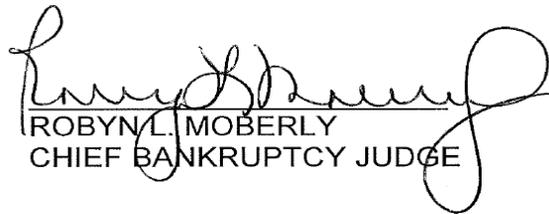
ORDER

Notice of proposed amendments to the local rules of this Court was given to the bar and the public on January 26, 2016. The last date for submitting comments concerning the proposed amendment was February 16, 2016. In response to a comment, the Court made minor edits to proposed B-4001-4, concerning the contents of a motion to modify a mortgage. The Court received two other comments, but decided against making further changes.

The suggested form for providing notice to a state court or other tribunal about a bankruptcy filing, mentioned in amended B-4002-1, is now posted on the Court's website, under Local Forms>Miscellaneous, and is called "Notice of Bankruptcy (State Court)."

Effective February 29, 2016, the local rules are amended as shown in the attached document.

Date: February 22, 2016


ROBYN L. MOBERLY
CHIEF BANKRUPTCY JUDGE

ATTACHMENT TO GENERAL ORDER 16-0001

B-1000-1. ABBREVIATIONS AND DEFINITIONS

(b) Definitions Applicable to All Rules

- (1) Debtor: Includes both debtors in a joint case and a debtor-in-possession in a Chapter 11 case. ~~Except as to official forms which must be signed by the debtor (or debtor's representative in a non-individual case), a~~ **A** requirement imposed upon the "Debtor" by these rules shall be performed by counsel for the debtor, if any, **except as follows:**
- (i) **Official Forms must be signed by the debtor (or the debtor's representative in a non individual case); and**
 - (ii) **if counsel for the Debtor in the bankruptcy case has not entered an appearance in the matter pending before a state court or other tribunal, then the notices required by B-4002-1(a) shall be signed by the debtor or any attorney who has entered an appearance for the Debtor in the non-bankruptcy matter.**

B-1007-1. LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS

(a) Additional Requirements

- (6) **list a state court or administrative agency only if that entity is the actual creditor and not just the tribunal of a claim, debt or lawsuit.**

B-1007-5. RESTRICTED ACCESS TO PAY ADVICES

The Clerk shall restrict access to documents required by 11 U.S.C. §521(a)(1)(B)(iv), filed either on paper (when permitted) or using the "Pay Advices/Statement in Lieu" event in the Court's electronic filing system, in the same manner as access is restricted to the Statement of Social Security Number. Any party in interest who wants to receive a copy of the documents to which access has been restricted by this rule may request same from the Debtor.

B-2014-1. EMPLOYMENT OF PROFESSIONAL PERSONS AND TREATMENT OF RETAINERS IN CHAPTER 11 CASES

(b) Employment Applications in Chapter 11 Cases

(5) Other Periodic Payment Procedure

The Court may approve procedures for periodic payment, other than from a retainer, upon separate application and notice. **A proposal for periodic payments based on actual fees incurred should limit payment to 80% of the billed amount of fees, but may provide for payment of 100% of incurred expenses.**

B-4001-4. MOTIONS TO MODIFY MORTGAGES

Any motion to modify a mortgage shall include in the body of the motion the following information as to the loan both immediately before and after the proposed modification: the principal loan balance, the rate of interest, the amount of the monthly escrow for taxes and insurance, the monthly payment, and the maturity date of the proposed modified note.

B-4002-1. DEBTOR'S DUTIES

(a) Notice to Other Tribunals

~~Immediately upon the entry of an order for relief, the Debtor shall give written notice to any Court or tribunal where an action is pending against the Debtor and to the parties and counsel involved in that action. If an action is commenced subsequent to the date of the order for relief, the Debtor shall give similar written notice to the Court or tribunal and to all parties and counsel involved.~~

(1) Notice in Matters Pending at Time Bankruptcy Case Filed

Upon the entry of an order for relief in the bankruptcy case, the Debtor shall file written notice in any action in which the Debtor is a party that is pending in another tribunal. That notice shall contain:

- (i) the caption and case number of the non-bankruptcy action;**
- (ii) the name and case number of the bankruptcy case; and**
- (iii) the name and contact information of any attorney for the debtor in the bankruptcy case, if other than the attorney filing the notice.**

(2) Notice in Matters Commenced After Bankruptcy Case Filing

If an action is commenced subsequent to the date of the order for relief, the Debtor shall file a written notice with that tribunal that contains the information required in subparagraph (a)(1) of this rule.

(3) Notice to Other Parties

The Debtor shall deliver a copy of the notice filed with the tribunal to the parties and counsel involved in that action.

(4) Sample Form Available

A sample notice is available on the Court's website at www.insb.uscourts.gov.