

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA**

**Filed On  
6/5/07**

In the Matter of the Adoption  
of Local Bankruptcy Rules

Misc. Proceeding No. 05-60001  
GENERAL ORDER NO. 2007-1

**ORDER ADOPTING AMENDMENTS TO LOCAL BANKRUPTCY RULES  
AND ADOPTING NEW LOCAL BANKRUPTCY FORM 39**

In light of the Supreme Court's recent decision in *Marrama v. Citizens Bank of Massachusetts*, 549 U.S. \_\_\_, 127 S.Ct. 1105, an amendment to AK LBR 1017-1(a) regarding the procedure for an individual debtor to convert a case from chapter 7 to 13 has become necessary. A new notice, AK LBR 39, will be adopted to assist in the implementation of this new procedure. Additionally, certain "housekeeping" amendments have been made to AK LBRs 1001-1, 1007-1 and 5005-4 to clarify our local procedure. The housekeeping amendments are not substantive, so no public comment period is needed before they can be adopted.

The amendments are summarized as follows:

Rule	Amendment
1001-1	New subsection (g) added, which specifies that the "official" version of the LBRs is the one maintained by the Clerk and posted on the court's website. In the event of discrepancies, the official rules will control over any version published commercially.
1007-1	Amendments made to subsection (b), "Sequential Order of Documents," to clarify that a matrix may be attached to a petition when filed, and delete the Statement of Social Security Number (OF 21) from the sequential order. New subsection (i) added to clarify that the OF 21 must be submitted with the petition, but is not to be filed (docketed) or attached to the petition.
1017-1	New subsection (a)(3) added to provide that a debtor must give 20 days notice of a motion to convert a case under 11 U.S.C. § 706(a). New AK LBF 39, "Notice of Debtor's Motion to Convert Case to a Case Under Chapter ___" adopted to implement this procedure.

5005-4	Subsection (g)(8) amended to clarify that when a petition is filed electronically, the Statement of Social Security Number (OF 21) must be submitted electronically immediately thereafter in the same manner that proposed orders are lodged with the court under subsection (d)(4).
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In accordance with Miscellaneous General Order No. 880 of the United States District Court which delegates authority to adopt amendments to the Local Bankruptcy Rules to this court,

**IT IS ORDERED:**

1) The attached Local Bankruptcy Rules 1001-1, 1007-1, 1017-1 and 5005-4 are adopted effective **June 15, 2007**. These rules amend and shall supersede the former Local Rules bearing the same number.

2) The attached Local Bankruptcy Form 39, which is a new form, is adopted effective **June 15, 2007**.

DATED: June 5, 2007.

BY THE COURT

/s/ Herb Ross  
HERB ROSS  
United States Bankruptcy Judge

/s/ Donald MacDonald IV  
DONALD MacDONALD IV  
Chief United States Bankruptcy Judge

Serve: W. Wolfe, Clerk of Court  
C. Davidson, Librarian  
T. Yerbich, Esq., Court Rules Attorney

06/05/07

## **Rule 1001-1 Scope and Applicability of Local Rules**

### **(a) Scope**

(1) These rules govern practice and procedure in the United States Bankruptcy Court for the District of Alaska.

(2) The court, on its own motion or the motion of any party, may modify or dispense with any of these rules in a particular case.

(b) **Applicability.** Unless otherwise indicated, these rules apply to all cases commenced under chapters 7, 9, 11, 12 and 13 of the Bankruptcy Code as amended, Title 11 of the United States Code ("Code").

(c) **Conflicts.** In the event of a conflict between these Rules and the Federal Rules of Bankruptcy Procedure, the Federal Rules of Bankruptcy Procedure prevail.

(d) **Forms.** Local Forms contained in the Appendix to these Local Rules may be cited as "AK LBF\_\_."

(e) **Citation.** These rules may be cited as "AK LBR\_\_."

### **(f) Local District Rules Adopted**

(1) District of Alaska Local Rules 1.3, 5.1, 16.2, 39.3, 39.5, 40.2, 43.1, 54.1, 54.3, 58.2, 67.1, 68.3, and 80.1 apply to all matters, actions and proceedings before the Bankruptcy Court.

(2) The list contained in paragraph (f)(1) is not exclusive, other District of Alaska Local Rules are adopted in particular matters, including, but not limited to, **the District of Alaska Local Rules listed in AK LBR 2090-1, 7001-1, and 9015-1.**

**(g) Official Rules.** **The rules maintained by the Clerk of the Court and posted on the court's website are the official rules of this court. In the event of any difference between the official rules maintained by the Clerk of the Court as posted on the Court's Website and the rules published by any commercial publisher, the official rules will control.**

### **Related Provisions:**

FRBP 9029	Power to Promulgate
D.AK LR 1.3	Sanctions
D.Ak LR 5.1	Filing and Proof of Service When Service is Required by Rule 5, Federal Rules of Civil Procedure
D.AK LR 16.2	Alternative Dispute Resolution
D.AK LR 39.3	Exhibits
D.AK LR 39.5	Courtroom Conduct
D.AK LR 40.2	Notice of Related Case
D.AK LR 43.1	Examination of Witnesses
D.AK LR 54.1	Taxation of Costs
D.AK LR 54.3	Award of Attorney's Fees
D.AK LR 58.2	Satisfaction of Judgments
D.AK LR 67.1	Deposits in Court
D.AK LR 68.3	Settlements and Judgments in Favor of a Minor
D.AK LR 80.1	Record of Proceedings
D.AK LR 83.3	Photographs, Video or Audio Recorders, Broadcasts Prohibited
AK LBR 2090-1	Admission & Practice of Attorneys
AK LBR 7001-1	Adversary Proceedings
AK LBR 9009-1	Local Forms
AK LBR 9015-1	Jury Trials

## **Rule 1007-1 Form of Schedules and Statements**

(a) **Format.** Each schedule, statement and list must:

(1) be legible;

(2) be a separate document that contains all required information without reference to or incorporation of another schedule, document or list provided, however, that there may be appended thereto a separate list of items or information that—

[A] contains items or information relating to a single question or item on the schedule, statement or list to which the separate list is attached, and

[B] clearly identifies the question or item to which the attached list pertains; and

(3) contains all information required by the official form and this rule.

(b) **Sequential Order of Documents.** Complete packages of schedules, statements and lists must be filed in the following order. When fewer than all documents in the following list are filed at any one time, the documents actually filed must be in the same order as well.

(1) Chapter 7

- ▶ Voluntary Petition (Form 1) with Exhibit “D” for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Statement of Current Monthly Income and Means Test Calculation (Chapter 7) (Form 22A)
- ▶ Chapter 7 Individual Debtor's Statement of Intention (Form 8)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form
- ▶ Application to Pay Filing Fee in Installments (Form 3A) or Application for Waiver of Chapter 7 Filing Fee (Form 3B) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(2) Chapter 11

- ▶ Voluntary Petition (Form 1) with Exhibit "A" for Corporate Debtors and Exhibit “D” for individual debtors
- ▶ In a small business case, the statement required by §1116(1) of the Code
- ▶ List of Creditors Holding 20 Largest Unsecured Claims (Form 4)
- ▶ Schedules (Form 6)
- ▶ Statement of Current Monthly Income (Chapter 11) (Form 22B)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(3) Chapter 12

- ▶ Voluntary Petition (Form 1) with Exhibit “D” for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form
- ▶ Chapter 12 Plan, **not** attached to the petition or any other document
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document

- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(4) Chapter 13

- ▶ Voluntary Petition (Form 1) with Exhibit "D" for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13) (Form 22C)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form
- ▶ Chapter 13 Plan (AK LBF 5), **not** attached to the petition or any other document
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(c) **Describing Property on Schedule A.** Each individual parcel of real property must be shown on Schedule A (Real Property) and, to the extent applicable, contain the following information:

(1) A complete legal description followed by its physical location (e.g., common or street address);

(2) description of all improvements on the property;

(3) municipal or borough tax assessment valuation;

(4) information from any appraisal of the property performed within the two (2) years preceding the petition filing date, including—

[A] value,

[B] identification of appraiser, and

[C] purpose of appraisal; and

(5) Any unusual or extraordinary items of condition that materially affect value or marketability of the property.

(d) **Describing Property on Schedule B.** Descriptions of property listed on Schedule B (Personal Property) must, to the extent applicable, comply with the requirements of this subsection.

(1) *General.*

[A] All items of personal property must contain:

(i) sufficient identifying information to permit any interested party to readily identify the item upon sight and independently assess its value, including information concerning the item's condition, suitability for its intended use, or marketability; and

(ii) its value or amount as of the date the petition is filed.

[B] For any item of property that is not in the physical possession of the debtor, its location and the name and address of the custodian must be provided.

(2) *Aggregating Items.* Except as otherwise specifically provided in paragraphs (d)(3), (d)(4), (d)(9), (d)(11), (d)(12), (d)(13), (d)(15), (d)(17), (d)(18), (d)(19), (d)(20), and (d)(21), items of the same general character having a value of less than the amount specified in § 522(d)(3) per individual item and an aggregate value of \$2,500.00, or less, should be generally identified and included as a single entry.

[A] The values of the individual items within the group need not be shown;

[B] the value to be inserted in the "value" column is the aggregate value of all items within the group; and

[C] aggregating items constitutes a certification that no individual item within the group has a value in excess of the amount specified in § 522(d)(3).

(3) *Bank or Financial Accounts.* For each account held by a financial institution, provide:

[A] account number;

- [B] type of account; and
- [C] name and location of financial institution.
- (4) *IRAs, Pension and Profit Sharing Plans.* For each separate account or plan, provide:
  - [A] type of account or plan;
  - [B] plan, account, or other identifying number; and
  - [C] name and location of institution holding or trustee administering the account or plan.
- (5) *Major Appliances.* Major appliances, e.g., washer, dryer, freezer, refrigerator, if not a fixture, should be identified by make.
- (6) *Automobiles.* All motor vehicles, including off-road, recreational, all-terrain, and snow machines, must be separately itemized, and include:
  - [A] make (manufacturer);
  - [B] year of manufacture;
  - [C] model;
  - [D] type;
  - [E] if 4-wheel or all-wheel drive; and
  - [F] current license, registration, vehicle identification or serial number.
- (7) *Animals/Pets.*
  - [A] Species/breed; and
  - [B] if show or registered animal provide relevant information.
- (8) *Furniture.* Each article, item or set of furniture should include, where applicable and if reasonably available:
  - [A] manufacturer or brand name;
  - [B] year of manufacture or age;
  - [C] if a set, what it consists of; and
  - [D] if more than one identical item, the number of items.
- (9) *Firearms.* Each firearm must be separately itemized and include:
  - [A] manufacturer;
  - [B] model;
  - [C] caliber; and
  - [D] year of manufacture.
- (10) *Cameras/Hobby Equipment.* Cameras and other hobby equipment should include:
  - [A] manufacturer; and
  - [B] model.
- (11) *Musical Instruments.* Musical instruments should be separately itemized and include:
  - [A] type;
  - [B] manufacturer; and
  - [C] model
- (12) *Clothing.*
  - [A] Subject to paragraph (d)(2), ordinary clothing items should be scheduled by a generic name and quantity of each item grouped by category (e.g., men's clothes, women's clothes).
  - [B] Furs should be separately itemized.
- (13) *Jewelry.* Jewelry, other than costume jewelry, must be separately itemized and include:
  - [A] number and size/weight of precious stones;
  - [B] material of the setting; and
  - [C] the source of valuation.
- (14) *Household Items.* Subject to paragraph (d)(2), ordinary household items, e.g., small appliances, cookware, serving ware, dishware, and silverware, should be scheduled by generic name and quantity and grouped as a single entry.
- (15) *Books/Pictures/Records/Knick-Knacks.*
  - [A] Subject to paragraph (d)(2), the following items should be generally grouped and described by class and quantity:
    - (i) books, other than collector's editions;

- (ii) CDs, DVDs, tapes, and records;
  - (iii) pictures or artwork of a general “decor” nature; and
  - (iv) knick-knacks and similar items of decor.
- [B] Antiques (items over 100 years old) must be separately itemized and include:
- (i) detailed description;
  - (ii) age; and
  - (iii) source of valuation.
- [C] Collections and other collectibles, including “collector editions” of books, must be separately itemized and include:
- (i) detailed description; and
  - (ii) source of valuation.
- [D] “Collector prints” must be separately itemized and include:
- (i) title;
  - (ii) name of artist;
  - (iii) number of print and number in series; and
  - (iv) source of valuation.
- (16) *Electronics/Computers*. Electronic items, including entertainment equipment and computers, should include:
- [A] manufacturer or brand name; and
  - [B] model number.
- (17) *Insurance policies*: To the extent applicable, for each insurance policy in which the debtor has an ownership interest, provide:
- [A] Name of issuer;
  - [B] policy number;
  - [C] face amount;
  - [D] cash surrender value;
  - [E] loan value; and
  - [F] current balance of any loan made against the policy.
- (18) *Stocks, Bonds, Annuities, Negotiable Instruments*. Stocks, bonds, annuities, securities, negotiable or non-negotiable instruments, and similar investment instruments, must be separately itemized and for each include, to the extent applicable, the:
- [A] name of issuer;
  - [B] type of instrument or class; and
  - [C] face amount or number of shares/units;
- (19) *Partnership Interests and Interests in Limited Liability Companies and Unincorporated Associations*. Interests in partnerships, limited liability companies, investment clubs, unincorporated associations and similar entities, must be separately itemized and include:
- [A] name of entity;
  - [B] type of entity;
  - [C] debtor’s ownership interest in entity; and
  - [D] name and address of person having custody of the books and records of the entity.
- (20) *Receivables and Debts Owed to Debtor*. Accounts receivable, promissory notes, and other debts owed to the debtor, must be separately itemized and include:
- [A] name and address of obligor;
  - [B] face or original amount;
  - [C] date incurred or aging report;
  - [D] amount owed; and
  - [E] whether the obligor is current or delinquent.
- (21) *Licenses, franchises*. Licenses, franchises, and similar rights held by the debtor, must be separately itemized and include:
- [A] name and address of licensor/licensee or franchiser/franchisee;
  - [B] brief description of license or franchise; and

[C] whether payments are current or delinquent.

(22) *Aircraft*. For each aircraft, provide:

[A] manufacturer;

[B] year of manufacture;

[C] model number;

[D] power plant type and horsepower;

[E] make and model of all installed avionics;

[F] if equipped with floats, the—

(i) manufacturer,

(ii) model, and

(iii) year of manufacture or model year;

[G] Federal Aviation Administration hull number; and

[H] source of valuation information.

(23) *Boats*. For each vessel, personal water craft, boat, canoe, or similar water-borne vehicle, to the extent applicable, include:

[A] year of manufacture;

[B] make (manufacturer);

[C] serial or other manufacturer's identifying number;

[D] length, beam and, if applicable, displacement;

[E] model and/or type;

[F] description of power plant;

[G] make and model of all installed or associated electronics (navigation and communications);

[H] gear, tackle, rigging, and other appurtenances installed or associated with the vessel;

[I] state or federal registration number; and

[J] source of valuation information.

(24) *Tools*.

[A] Subject to paragraph (d)(2), hand tools, including small, hand-held power tools, should be aggregated as single entry.

[B] Large tools should include, to the extent applicable, the information specified in paragraph (d)(25).

(25) *Business & Farming Equipment and Implements*. Each item must, to the extent applicable, include:

[A] make, manufacturer, or brand;

[B] model number or type;

[C] license, registration, serial or other identifying number; and

[D] source of valuation.

**(e) Describing Property on Schedule C.**

(1) The description provided for property items listed on Schedule C (Property Claimed as Exempt) must be identical to the description used to describe that item on Schedule A in the case of real property or Schedule B in the case of personal property.

(2) The schedule of exemptions must not incorporate by reference any other schedule, statement, or list.

**(f) Income and Expenses on Schedules I and J.** Items of income (Schedule I) and expenses (Schedule J) must be reported using the following guidelines.

(1) *Income*.

[A] Gross income from wages or salary per month is the average income per month for the six-month period, or such shorter period if received for less than six (6) months, immediately preceding the date the petition is filed.

[B] Payroll deductions for taxes are to be determined using the applicable amounts specified by Internal Revenue Service Circular E using the appropriate number of exemptions that may be properly claimed by the debtor.

[C] Other income received on a recurring basis during the year, if received other than on a monthly basis, e.g., Alaska Permanent Fund or stock dividends (including dividends received from Alaska Native Corporations), is to be pro-rated as though received in equal monthly installments.

[2] *Expenses.*

[A] Variable regular monthly expenses, e.g., utilities, are to be computed as an average over a period of one (1) year (twelve (12) months).

[B] Expenses paid on a regular basis other than monthly, e.g., insurance or estimated income taxes, are to be pro-rated as though paid in equal monthly installments.

[C] Unusual, extraordinary, one-time expenses that are not reasonably expected to recur, e.g., medical expenses resulting from an accident, are not to be included.

(g) **Married Individuals.** A husband and wife filing jointly must file a single set of schedules and statement of financial affairs.

(h) **No Blank Items.** The word "none" or the words "not applicable," as appropriate, must be entered for each item in the schedules and statements of affairs not otherwise completed.

(i) **Statement of Social Security Number.** The Statement of Social Security Number (Form 21) is to be submitted with the petition to the Clerk of the Court, but is **not** to be filed or attached to the petition or any other document. Participants in the ECF System shall, immediately after the electronic filing of a petition, submit the Statement of Social Security Number (Form 21) electronically, in the same manner as provided in AK LBR 5005-4(d)(4) for proposed orders.

**Related Provisions:**

11 U.S.C. § 101(51C)	"small business case"
11 U.S.C. § 101(51D)	"small business debtor"
11 U.S.C. § 109	Who may be a debtor
11 USC § 111	Nonprofit budget and credit counseling agencies; financial management instructional courses
11 U.S.C. § 521	Debtor's duties
11 U.S.C. § 522	Exemptions
11 U.S.C. § 727	Discharge
11 U.S.C. § 1116	Duties of trustee or debtor in possession in small business cases
11 U.S.C. § 1129	Confirmation of plan
11 U.S.C. § 1325	Confirmation of plan
11 U.S.C. § 1328	Discharge
FRBP 1007	Lists, Schedules and Statements; Time Limits
FRBP 1008	Verification of Petitions and Accompanying Papers
FRBP 2015(a)	Duty to Keep Records, Make Reports, and Give Notice of Case — Trustee or Debtor in Possession
FRBP 9004	General Requirements of Form
FRBP 9009	Forms
Official Form 1	Voluntary Petition (and Exhibits A, B, C, and D thereto)
Official Form 3A	Application to Pay Filing Fee in Installments
Official Form 3B	Application for Waiver of Chapter 7 Filing Fee
Official Form 6	Schedule of Assets and Liabilities
Official Form 7	Statement of Financial Affairs
Official Form 8	Statement of Intentions
Official Form 21	Statement of Social Security Number
Official Form 22A	Statement of Current Monthly Income and Means Test Calculation (Chapter 7)

Official Form 22B  
Official Form 22C

AK LBR 1002-1  
AK LBR 1007-2  
AK LBR 1009-1  
AK LBR 5001-2  
AK LBR 5005-2  
AK LBR 5005-4

Statement of Current Monthly Income (Chapter 11)  
Statement of Current Monthly Income and Disposable Income  
Calculation (Chapter 13)  
Petitions  
Matrix  
Amendment of Schedules and Matrix  
Clerk's Office Location and Hours  
Number of Copies  
Electronic Filing

**Rule 1017-1 Conversion of Cases**

(a) **Conversion Under 11 U.S.C. § 706(a)**. A motion by the debtor under § 706(a) of the Code to convert the case from a case under chapter 7 of the Code to a case under chapter 11, 12, or 13 of the Code:

(1) is governed by AK LBR 9013-2(a);

(2) must be—

[A] transmitted to the United States trustee, and

[B] served on the trustee; and

(3) 20 days notice of the motion must be given to the master mailing matrix in substantially the form as provided in LBF 39.

(b) **Conversion Under 11 U.S.C. § 1112(a)**. A motion by the debtor under § 1112(a) of the Code to convert the case from a case under chapter 11 of the Code to a case under Chapter 7 of the Code:

(1) is governed by AK LBR 9013-2(a); and

(2) must be:

[A] transmitted to the United States trustee; and

(B) served on—

(i) any committee appointed in the case, and

(ii) the holders of secured claims.

**Related Provisions:**

11 U.S.C. § 706	Conversion
11 U.S.C. § 1112	Conversion or Dismissal
FRBP 1017	Conversion or Dismissal
FRBP 9013	Motions; Form and Service
AK LBR 2002-1	Notice
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9013-2	Motion Practice
AK LBF 39	Notice of Debtor's Motion to Convert Case to a Case Under Chapter ____

## **Rule 5005-4 Electronic Case Filing**

### **(a) Procedures.**

(1) The filing of documents in electronic format will be in accordance with this rule and the electronic filing procedures promulgated by the Clerk of the Court.

(2) Participants in the Case Management/Electronic Case Filing ("CM/ECF") System are responsible for ensuring that current filing procedures are followed.

### **(b) Registration.**

#### **(1) Password.**

[A] (i) Each attorney admitted to practice under AK LBR 2090-1(a) or appearing under AK LBR 2090-1(b)(2), who files pleadings, documents, or papers in the court, must obtain a CM/ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

(ii) Exceptions to the requirements of subparagraph (1)[A](i) will be granted only upon motion for good cause shown.

(iii) Attorneys in outlying areas of the state that do not have access to high speed (256 kbs, or higher) internet access may be exempted from the requirements of subparagraph (1)[A](i) until such time as high speed (256 kbs, or higher) internet access becomes available in the area in which the attorney practices. Any request for exception under this provision must be accompanied by an affidavit showing the availability and cost of internet access in the area.

[B] Every trustee appointed in cases before this court must obtain a CM/ECF System password to permit the trustee to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[C] Attorneys admitted to practice under AK LBR 2090-1(b)(1) and any individual who is a creditor or interested party, or the duly authorized officer or agent of a creditor or interested party that is not an individual, may be entitled to one CM/ECF System password to permit the individual to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[D] (i) An individual may become registered to participate in the CM/ECF System upon completion of training and submission of a Certification for CM/ECF form to the court.

(ii) An individual who is the representative of a creditor or interested party that is not an individual must submit satisfactory evidence that the individual is duly authorized to act for and on behalf of the represented party.

(2) *Consent to Electronic Notice and Service.* Participation in the CM/ECF System by receipt of a password from the court, constitutes:

[A] a request for service of notice electronically under Rule 9036, Federal Rules of Bankruptcy Procedure; and

[B] consent to receive notice and service by electronic means in each case in which a formal entry of appearance as a party or attorney for a party has been made.

#### **(3) Unauthorized Use of Passwords.**

[A] No registered participant may knowingly permit or cause to permit the participant's password to be utilized by anyone other than an authorized employee of the participant or the participant's firm.

[B] No person may knowingly utilize or cause another person to utilize the password of a registered participant unless the person is an authorized employee of the participant or the participant's firm.

#### **(4) Compromised Password.**

[A] Each registered participant in the CM/ECF System is responsible for maintaining the integrity of the participant's password.

[B] In the event a registered participant has reason to believe that the password issued to the participant has been compromised or otherwise may be subject to use by an unauthorized person, the participant must immediately:

- (i) cancel the existing password and issue a new password; and
- (ii) notify the Clerk of the Court in writing of the change.

(5) *Withdrawal.*

[A] (i) A registered participant may withdraw from participation in the CM/ECF System by providing the Clerk of Court with written notice of withdrawal.

(ii) A registered participant who is the representative of a creditor or interested party that is not an individual must, immediately upon termination of the individual's authority to act for or on behalf of the represented party, withdraw from participation and notify the Clerk of the Court with written notice of the withdrawal.

[B] Upon receipt of a written notice of withdrawal, the Office of the Clerk will immediately cancel the participant's password and delete the participant from any applicable electronic service list.

(c) **Signatures.**

(1) *Registered Participant.* The electronic filing of a petition, pleading, motion or other paper by a registered participant in the CM/ECF System constitutes the signature of that participant under Rule 9011, Federal Rules of Bankruptcy Procedure.

(2) *Debtors.*

[A] For all petitions, lists, schedules and statements requiring the signature of the debtor(s) that are filed electronically, a Declaration Re: Electronic Filing, AK LBF 37A or 37B, as applicable, must be prepared by the participant, bearing the original signatures of the debtor(s) and the attorney for debtor(s).

[B] The declaration constitutes the debtor(s) original signatures for filing purposes.

[C] The original declaration must be:

- (i) signed before the petition is filed; and
- (ii) filed conventionally with the Bankruptcy Court within fifteen (15) days of the date the petition is electronically filed.

(3) *Verified Documents.*

[A] Verified documents (affidavits or declarations under penalty of perjury as provided in 28 U.S.C. § 1746) are to be filed electronically.

[B] Except for documents covered by paragraphs (c)(1) and (c)(2), the signature page of the verified document filed electronically must be an imaged (scanned) document bearing a digital copy of the original signature.

(4) *Other Documents.* For documents not otherwise governed by this subsection, unless the pleading or paper being electronically filed is an imaged (scanned) document bearing a digital copy of the original signature, it must indicate that it has been signed by means of a signature designation: e.g., "/s/ Jane Doe."

(d) **Electronic Filing.**

(1) *Mandatory Electronic Filing.*

[A] Except as expressly otherwise provided in this Rule or in exceptional circumstances that prevent a participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the CM/ECF System must be electronically filed by participants in the CM/ECF System.

[B] Parties and attorneys who are not participants in the CM/ECF System will continue to file all pleadings and papers conventionally.

(2) *Related Documents.* All documents must be filed separately, except that exhibits to a document must be filed as attachments to that document under the same docket number.

[A] Where documents related to a motion or other pleading are being filed concurrently with the motion or other pleading, e.g., a motion, memorandum of law and a supporting

affidavit, the related documents must be filed separately and shown as being a document related to the motion or other pleading.

[B] If documents being submitted electronically have lengthy exhibits, the filing of relevant excerpts of the exhibits is preferred and permitted without prejudice to the right of any party to file additional excerpts or the complete exhibit with the court at any time.

(3) *Emergency Motions.*

[A] Emergency motions, supporting pleadings and objections are to be filed electronically as provided in this rule.

[B] The party filing the motion must promptly advise the judge's law clerk or secretary of the filing telephonically.

(4) *Proposed Orders, Findings and Judgments.* Unless otherwise ordered by the court, participants in the CM/ECF System must submit all proposed orders, findings of fact and conclusions of law and judgments electronically, in accordance with the CM/ECF Administrative Procedures Guide.

(5) *Calendar Requests.* Unless otherwise ordered by the court, participants in the CM/ECF System must submit all Bankruptcy Court Calendar Requests, AK LBF 7, electronically, in accordance with the CM/ECF Administrative Procedures Guide.

(e) **Service.**

(1) The filing party must serve the pleading or other paper being electronically filed upon all persons entitled to notice or service in accordance with otherwise applicable rules.

(2) Except as otherwise provided by these rules, if a person entitled to notice or service is a registered participant in the CM/ECF System in the case in which the pleading or other paper is being filed, service by electronic means of the Notice of Electronic Filing is deemed the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

(3) Notwithstanding the foregoing, service of a summons and complaint in an adversary proceeding or an involuntary bankruptcy proceeding and a motion under Rule 9014 must continue to be made under Rule 7004, Federal Rules of Bankruptcy Procedure.

(f) **Docketing.**

(1) *Entry on Docket.* The electronic filing of a pleading or other paper in accordance with CM/ECF System Procedures constitutes entry of that pleading or other paper on the docket kept by the clerk under Rule 5003, Federal Rules of Bankruptcy Procedure.

(2) *Notice to Filing Party.* Whenever a pleading or other paper is filed electronically in accordance with CM/ECF System Procedures, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.

(3) *Entry of Orders and Judgments.*

[A] The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the court in accordance with CM/ECF System Procedures, which constitutes entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Rule 9021, Federal Rules of Bankruptcy Procedure.

[B] On all orders submitted electronically, the Office of the Clerk will place the notation "**FILED ON \_\_\_\_\_**" on the first page of the order, and will insert the date that the order is entered on the docket. The date so inserted will be the equivalent of the conventional "date filed" stamp for all purposes.

(4) *Titles.* The person electronically filing a pleading or other document is responsible for designating a title for the document by using one of the categories contained in the CM/ECF System.

(g) **Special Filing Requirements.** Electronic or conventional filing of the following documents is governed by the provisions of this subsection:

(1) *Documents to be Filed under Seal.*

[A] A motion to file document(s) under seal must be filed electronically, and a proposed order authorizing filing under seal must be submitted to the court in accordance with this rule.

[B] After the entry of an order authorizing documents to be filed under seal, the documents to be filed under seal must also be filed electronically, in accordance with the CM/ECF Administrative Procedures Guide.

(2) *Exhibits to Pleadings.*

[A] Wherever possible, documents being filed as exhibits, including but not limited to leases, notes, and the like, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the exhibit using Portable Document Format (pdf).

[B] Exhibits that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the exhibit(s) relate.

(3) *Proofs of Claim.* [Abrogated]

(4) *Summons to be Issued by the Clerk.* Summonses to be issued by the Clerk may be submitted electronically, in the same manner as specified in subsection (d)(4) for proposed orders, findings and judgments, or may be submitted conventionally.

(5) *Trial and Hearing Exhibits.*

[A] Exhibit lists, to the extent that the filing thereof is otherwise required by applicable rules of bankruptcy procedure, are to be filed electronically.

[B] The actual exhibits are to be submitted conventionally as provided by otherwise applicable rules of bankruptcy procedure.

(6) *Transcripts.*

[A] Whenever possible, transcripts, or the relevant portions thereof, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the transcript using Portable Document Format (pdf).

[B] Transcripts that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the transcript(s) relate.

(7) *Report of Balloting.* [Abrogated]

(8) *Statement of Social Security Number.* The Statement of Social Security Number submitted in accordance with Rule 1007(f), Federal Rules of Bankruptcy Procedure, is to be submitted immediately after the electronic filing of a petition, in the same manner as specified in (d)(4) for proposed orders.

(9) *Service of Conventionally Filed Documents.* Pleadings or other documents filed conventionally under this subsection must be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

(h) **Fees.**

(1) Any required fee may be paid by authorized credit card as provided in the CM/ECF Administrative Procedures Guide.

(2) Unless other arrangements are made with the Clerk of Court, any required fee for a document filed electronically not paid as provided in paragraph (1) must be mailed to the Clerk of the Court not later than the next business day or hand delivered to the Clerk of the Court not later than the second business day next immediately following the filing.

(i) **Copies and Certified Copies.** Conventional copies and certified copies of electronically filed documents may be obtained at the Office of the Clerk, 605 West Fourth Avenue, Room 138, Anchorage, Alaska 99501-2296. A fee for copying and certification will be charged and collected in accordance with 28 U.S.C. § 1930.

(j) **Technical Failures.**

(1) If a participant in the CM/ECF System is unable to transmit a time-critical document for electronic filing, due to technical failure of either the CM/ECF System or the participant's system, or due to internet congestion or internet service provider problems, the participant must promptly contact the Clerk of the Court and make arrangements for conventional filing of the document.

(2) Unless exceptional circumstances exist that prevent the document from being transmitted during regular business hours, as defined in AK LBR 5003-2(e), the participant must make every effort to transmit any time-critical document during regular business hours on the date the document is due.

**(k) Consequences for Noncompliance.**

*(1) Effect of Failure to Make Payment.*

[A] In the event of nonpayment of the fee for filing a petition, the petition may be dismissed by the court after a hearing on shortened time of not less than five (5) days notice.

[B] In all other matters, if the required fee is not paid as provided in subsection (h), the motion or application for which the fee is required will be deemed withdrawn by the party making the motion or application and, except as may be otherwise ordered by the court for cause, no further proceedings on the motion or application will take place.

(i) Notice of the deemed withdrawal will be given electronically by the Clerk of the Court to all interested parties in the case who have requested notice by electronic means.

(ii) The party who filed the motion or application must, no later than two (2) business days thereafter, give notice of the deemed withdrawal to all parties in interest to whom notice of the motion or application was given.

*(2) Effect of Failure to Timely Execute or File Declaration Re: Electronic Filing.* In the event that a participant fails to obtain the signature on or timely file the Declaration Re: Electronic Filing, AK LBF 37A or AK LBF 37B, as applicable, as provided in paragraph (c)(2), the court may after a hearing on shortened time of not less than five (5) days notice:

[A] Dismiss the petition; and/or

[B] impose on the participant such other sanctions as may be appropriate in the circumstances.

*(3) Other Consequences.* In addition to the foregoing, any misuse of the CM/ECF System, or intentional noncompliance with its requirements, may result in revocation of the participant's login and password privileges and/or the imposition of sanctions as provided in District of Alaska Local Rule 1.3.

**Related Provisions:**

FRBP 1007	Lists, Schedules, and Statements; Time Limits
FRBP 5005	Filing and Transmittal of Papers
FRBP 7005	Service and Filing of Pleadings and Other Papers
AK LBR 1002-1	Petitions
AK LBR 1005-1	Caption of Petitions
AK LBR 1007-1	Matrix
AK LBR 1007-2	Form of Schedules and Statements
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2002-1	Notices
AK LBR 3002-1	Claims
AK LBR 5005-2	Number of Copies
AK LBR 7005-1	Electronic Service
AK LBR 9004-1	Form of Pleadings and Other Papers
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9021-1	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBF 37A	Declaration re: Electronic Filing (Individual)
AK LBF 37B	Declaration re: Electronic Filing (Corporation/Partnership/LLC)

(Name of Attorney)  
(Name of Firm)  
(Address)  
(Telephone)  
(Telefax)

AK LBF 39

(Attorney for Debtor)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ALASKA**

In re	)	Case No.
	)	Chapter: 7
(Debtors' Names)	)	
	)	<b>NOTICE OF DEBTOR'S MOTION TO CONVERT</b>
Debtors	)	<b>CASE TO A CASE UNDER CHAPTER ____</b>
_____	)	[11 U.S.C. § 706(a)]

NOTICE IS HEREBY GIVEN THAT Debtor (s) \_\_\_\_\_ has(have) filed a motion to convert this case to a case under Chapter \_\_ of the Code.

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

1. The basis for the motion is (summarize grounds for relief)  
\_\_\_\_\_  
\_\_\_\_\_

The motion or application may be examined at the Office of the Clerk of the Bankruptcy Court, Suite 138, Old Federal Building, 605 West Fourth Avenue, Anchorage, Alaska or at the office of the undersigned.

2. FURTHER TAKE NOTICE THAT if you OBJECT to the conversion of the case to a case under Chapter \_\_ of the Code you must file a written objection with the Clerk of the Bankruptcy Court at 605 West Fourth Avenue, Suite 138, Anchorage, Alaska 99501-2296 and serve a copy on the undersigned on or before \_\_\_\_\_.

3. SHOULD YOU FAIL TO SO OBJECT OR HAVING OBJECTED FAIL TO TIMELY REQUEST A HEARING, PLEASE BE ADVISED THAT THE COURT MAY ENTER AN ORDER GRANTING THE REQUESTED CONVERSION WITHOUT FURTHER NOTICE TO YOU.

Dated:

(Name of Attorney Firm)

By: \_\_\_\_\_  
Attorney for Debtor

\*Unless otherwise ordered, not less than 20 days after mailing notice.