

## Rule 1002-1 Petitions

(a) **General.** *[Abrogated]*

(b) **Joint Petitions.** A husband and wife commencing a joint case may file a single petition and pay a single filing fee.

(c) **Acceptance of Petition.** Acceptance of a petition for filing does not operate as a waiver of any of the provisions of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure.

(d) **Tender of Rent Deposit.** A rent deposit as required by §362(l) tendered with the original petition must be:

(1) in the form of a bank certified or cashier's check or money order made payable to the lessor (not the Clerk) and;

(2) delivered to the Clerk of the Court not later than the business day next immediately following the day the petition is filed.

### Related Provisions:

11 U.S.C. § 109	Who May Be a Debtor
11 U.S.C. § 301	Voluntary Cases
11 U.S.C. § 302	Joint Cases
11 U.S.C. § 362	Automatic Stay
11 U.S.C. § 1116	Duties of Trustee or Debtor in Possession in Small Business Cases
28 U.S.C. § 1930	Bankruptcy fees
FRBP 1002	Commencement of Case
FRBP 1006	Filing Fee
FRBP 1007(a)	List of Creditors and Equity Security Holders
FRBP 1007(d)	List of 20 Largest Creditors in Chapter 9 Municipality Case or Chapter 11 Reorganization Case
FRBP 1008	Verification of Papers
FRBP 1015	Consolidation or Joint Administration
AK LBR 1004-1	Petition Filed by a Corporation or Partnership
AK LBR 1007-2	Matrix
AK LBR 1015-1	Joint Administration and Substantive Consolidation
AK LBR 4001-1	Motions for Relief From Stay
AK LBR 5005-1	Place of Filing
AK LBR 5005-2	Electronic Filing
AK LBR 9070-1	Number of Copies
Official Form 1	Voluntary Petition
Official Form 3A	Application to Pay Filing Fee in Installments
Official Form 3B	Application for Waiver of Chapter 7 Filing Fee
Official Form 4	List of Creditors Holding 20 Largest Unsecured Claims

## 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)
- ▶ 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, **not** attached to petition
  - ▶ 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
  - ▶ Statement of Social Security Number (Form 21) **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
  - ▶ 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, **not** attached to petition
  - ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
  - ▶ Statement of Social Security Number (Form 21) **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)
  - ▶ Schedules (Form 6)
  - ▶ Statement of Financial Affairs (Form 7)
  - ▶ Disclosure of Compensation
  - ▶ Payment Advices (Pay Stubs)
  - ▶ Matrix in original form, **not** attached to petition
  - ▶ 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
  - ▶ Statement of Social Security Number (Form 21) **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)
  - ▶ 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, **not** attached to petition
  - ▶ 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

- ▶ Statement of Social Security Number (Form 21) **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.

**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
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 22A	Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
Official Form 22B	Statement of Current Monthly Income (Chapter 11)
Official Form 22C	Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13)
AK LBR 1002-1	Petitions
AK LBR 1007-2	Matrix
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 5005-1	Place of Filing
AK LBR 5005-2	Electronic Filing
AK LBR 9070-1	Number of Copies

## **Rule 1007-2 Matrix**

### **(a) Format.**

(1) The list of entities filed as required by Rule 1007(a), Federal Rules of Bankruptcy Procedure, as thereafter updated by the clerk's office, is referred to as the "Master Mailing List" or "Matrix."

(2) The format of the matrix filed under Rule 1007(a) must be as follows:

[A] Type Style — 10 point or 10 pitch type size only (Courier 10 Pitch, Prestige Elite, and Letter Gothic are preferable, avoid dot-matrix printing or proportionally-spaced fonts);

[B] 1 inch margins at the top, bottom and sides of the page—

(i) if the matrix is filed conventionally with the petition, submitted on 8½ by 11 inch white, bond paper and,

(ii) if possible, also submitted in ASCII text on a 3.5" floppy disk;

[C] Addresses—

(i) in a single column, single spaced, using upper and lower case letters, and

(ii) double spaced between addresses;

[D] Names and addresses left justified, flush against the left margin;

[E] Names—

(i) individuals are to be listed last name first, followed by first name and middle name or initial (*e.g.*, Jones, Mary J), or

(ii) entities that are not individuals are to be listed using the complete true name provided by the entity to receive notice (*e.g.*, First National Bank of Alaska, not First National Bank or FNBA, or GMAC Mortgage not GMAC);

[F] Each address to—

(i) consist of no more than five (5) total lines, with

(ii) each line containing forty (40) characters or less (including blank spaces);

[G] Attention lines or account numbers may be placed only on the second line of the name/address entry;

[H] City, state and ZIP code on the last line, with the ZIP code the last entry on the last line for each creditor address;

[I] use two-letter abbreviations for states;

[J] use a hyphen between the two groups of digits in nine-digit ZIP codes (ZIP+4);

[K] omit punctuation (periods after middle initials, PO Boxes, USA, *etc*);

[L] exclude page numbers, headers or footers;

[M] exclude the debtor, debtor's attorney or panel trustee;

[N] If a paper matrix is conventionally filed, on the reverse side of each page must appear—

(i) the debtor's name, and

(ii) page \_\_\_\_ of \_\_\_\_ pages (with appropriate numbers).

(b) **Amendments.** [*Abrogated*]

(c) **Accuracy of Matrix.** The debtor is responsible for ensuring that the matrix accurately reflects the names and addresses of the debtor, debtor's attorney, and those entities listed on Schedules D, E, F, G, and H of Official Bankruptcy Form 6.

(d) **Government Entity as Creditor.** Whenever a governmental unit (federal, state, local government entity or political subdivision of the state, or any agency thereof) is scheduled as a creditor or as having a claim against the estate or the debtor, both the governmental unit and, as a separate entry, its legal department, must be included on the mailing matrix and schedules. [*E.g., United States Attorney, Alaska Department of Law, Municipal Attorney.*]

**Related Provisions:**

11 U.S.C. § 342	Notice
11 U.S.C. § 521(1)	Debtor's Duties
11 U.S.C. § 1116	Duties of trustee or debtor in possession in small business cases
FRBP 1007	Lists, Schedules and Statements; Time Limits
FRBP 2002(j)	Notices to the United States
AK LBR 1002-1	Petitions
AK LBR 1007-1	Form of Schedules and Statements
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 5005-1	Place of Filing
AK LBR 5005-4	Electronic Filing
AK LBR 9070-1	Number of Copies
Official Form 1	Voluntary Petition
Official Form 4	List of Creditors Holding 20 Largest Unsecured Claims
Official Form 6D	Creditors Holding Secured Claims
Official Form 6E	Creditors Holding Unsecured Priority Claims
Official Form 6F	Creditors Holding Unsecured Nonpriority Claims
Official Form 6G	Executory Contracts and Expired Leases
Official Form 6H	Co-Debtors

**Rule 1009-1 Amendment of Schedules and Matrix**

(a) **Schedule of Debts**

(1) *Requirements for Amendment.* Amended schedules must be filed in the same number of copies as required for the original schedules and accompanied by:

[A] if amended to include additional creditors or equity security holders, an amended mailing matrix as provided in subsection (c);

[B] an amended summary of schedules; and

[C] the statutory filing fee, if required.

(2) *Notice.*

[A] Notice of the amendment must be given to—

(i) any creditor or equity security holder added,

(ii) the trustee,

(iii) any entity affected by it, and

(iv) the United States trustee.

[B] In addition to the notice required by Rule 1009, Federal Rules of Bankruptcy Procedure, the amending party must mail a copy of the notice issued by the court under Rule 2003, Federal Rules of Bankruptcy Procedure to all creditors or equity security holders added by the amendment.

(b) **Schedule of Property Claimed as Exempt.** Upon filing, copies of any amendment of Schedule of Property Claimed as Exempt must be:

- (1) transmitted to the United States trustee; and
- (2) served on—

[A] the trustee,

[B] any entity holding or claiming an interest in the property, and

[C] any attorney or party who has filed an appearance or demand for notice.

(c) **Amendments to the Master Mailing Matrix**

(1) All amendments to the matrix (additions and deletions) should be in pleading format and have attached a matrix including only the additions or deletions to the matrix, in the format specified in LBR 1007-2(a)(2).

(2) The amended matrix must:

[A] contain an unsworn declaration of the debtors in accordance with Rule 1008, Federal Rules of Bankruptcy Procedure; and

[B] be accompanied by the appropriate filing fee.

(3) A new master mailing list may not be substituted for an existing master mailing list unless approved by the clerk or the court.

(4) The party amending the matrix must give notice as provided in paragraph (a)(2).

**Related Provisions:**

28 U.S.C. § 1930(b) Statutory Fees

11 U.S.C. § 523(a)(3) Effect of Not Listing or Scheduling a Creditor

FRBP 1009 Amendments of Voluntary Petitions, Lists, Schedules and Statements

FRBP 1019 Conversion of Cases

FRBP 2003 Meeting of Creditors or Equity Security Holders

FRBP 4003 Exemptions

**Rule 1020-1 Chapter 11 Small Business Cases**

(a) **Documents to Accompany Petition.** Unless otherwise ordered by the court, in any case that has been designated as a small business case in the petition, the debtor must comply with the provisions of §1116(1) of the Code.

(b) **Objections to Claims, Valuation and Claims Estimation.** In small business cases:

(1) [A] Objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure must be filed not later than thirty-five (35) days after the claims bar date.

[B] Absent good cause shown, objections to claims must be scheduled for hearing at or before the confirmation hearing.

(2) Requests for valuation of security under Rule 3012, Federal Rules of Bankruptcy Procedure and estimation of contingent and unliquidated claims under §502(c) of the Code must:

[A] be served and filed not less than thirty-five (35) days prior to the confirmation hearing; and

[B] unless otherwise ordered by the court, heard concurrently with the confirmation hearing.

(c) **Caption.** In a small business case, the caption should include in parenthesis after the chapter number the letters “SB”; e.g. Chapter 11(SB).

**Related Provisions:**

11 U.S.C. § 101(51C) “small business case”

11 U.S.C. § 101(51D) “small business debtor”

11 U.S.C. § 502(c) Contingent and Unliquidated Claims

11 U.S.C. § 1102 Creditors' and Equity Security Holders' Committees

11 U.S.C. § 1116	Duties of trustee or debtor in possession in small business cases
11 U.S.C. § 1121	Who May File a Plan
11 U.S.C. § 1125	Postpetition Disclosure and Solicitation
FRBP 1007	Lists, Schedules, Statements, and Other Documents; Time Limits
FRBP 1017	Dismissal or Conversion of Case; Suspension
FRBP 1020	Small Business Reorganization Case
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security
FRBP 9014	Contested Matters
AK LBR 2071-1	Creditors' Committees
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3016-2	Chapter 11 Plans

## **Rule 2002-1 Notices**

### **(a) Party to Give**

(1) Unless otherwise ordered by the court, or as specifically provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these Rules, notices will be served on the parties entitled to notice as follows:

(2) The Clerk of the Court will serve:

[A] in all cases under chapters 7, 9, 11, 12, and 13, the notices specified in Rules 2002(a)(1), (f)(1) and (f)(4)-(6), Federal Rules of Bankruptcy Procedure;

[B] in all cases under chapters 7 and 13, the notices specified in Rule 2002(f)(2)-(3) and 4004(g), Federal Rules of Bankruptcy Procedure; and

[C] in all other instances where notice is authorized or directed by the Administrative Office of the United States Courts to be given through the Bankruptcy Noticing Center.

(3) The case trustee will serve the notices specified in Rules 2002(a)(4) and (f)(8), Federal Rules of Bankruptcy Procedure.

(4) All other notices will be served by the party requesting an order or other act.

### **(b) Content of Notices**

(1) Unless otherwise ordered by the court, or provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorize any act, or authorize the court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice must state in the notice:

[A] that the act may be performed or the court may enter an order without an actual hearing unless a party in interest serves and files an objection in writing within a specified time; or

[B] that the court has entered the order or authorized the act to be done without a hearing.

(2) Notice of any Application, Motion, Stipulation or other matter that requires notice be given by the initiating party and, unless otherwise elsewhere specified by statute, Federal Rules of Bankruptcy Procedure or Local Rule, must include:

[A] a summary, fairly summarizing the relief requested, which must include—

(i) an accurate legal description of any real property involved,

(ii) list of any personal property or intangibles involved,

(iii) amounts of money and from whom claimed, to whom to be paid or delivered, and

(iv) the basis for seeking the relief;

[B] date by which a response is due;

[C] place or addresses upon which any response is to be made;

[D] if a hearing is required, the date and time of the hearing as set by the court after the submission of a Bankruptcy Court Calendar Request (LBF 7) by the moving party; and

[E] unless contained in the information required by subparagraph (2)[A], an accurate, complete description of any real property, personal property or intangibles involved.

(3) Double-sided copying may be used to reduce costs of notice.

**(c) To Whom Given**

(1) Except as otherwise specifically provided by the rules or ordered by the court, "Notice," as used in these rules means notice by first class mail or electronically to:

- [A] all creditors,
- [B] equity security holders,
- [C] indenture trustee,
- [D] the debtor,
- [E] the debtor's attorney,
- [F] the attorney or chair of any committee appointed in the case, and
- [G] any other parties in interest, and any other person or entity known to have or claim a legal or equitable interest in the subject matter of the noticed matter.

(2) [A] The addresses utilized in notices to creditors, equity security holders or indenture trustees is governed by Rule 2002(g), Federal Rules of Bankruptcy Procedure.

[B] A master mailing list of names and addresses, filed under Local Rule and updated in accordance with Rule 2002(g) may be obtained from the clerk.

[C] Notice required to be given to all creditors is presumed to be appropriate if mailed or sent electronically to all entries on a master mailing list:

- (i) certified updated by the clerk within twenty (20) days of the date notice is sent; or
- (ii) if obtained electronically, bearing a computer generated date within twenty (20) days of the date notice is sent.

(3) Whenever less inclusive notice is provided for by the rules or order of the court, as an alternative, service may be made on the master mailing list.

(d) **Telephonic Notice of Emergency Motions and Hearings.** Notwithstanding the provisions of subsections (b) and (c), the court may allow telephonic notice of emergency motions and hearings for cause shown.

**(e) Certificate of Service**

(1) After giving notice, unless otherwise ordered, not less than five (5) days prior to the date objections or responses are to be filed, the noticing party must file:

- [A] the notice; and
- [B] an affidavit of mailing with a list of persons, and their addresses, to whom the notice was sent.

(2) If notice to all creditors is required, the court will enter an order based on that notice only if the list of persons to whom the notice was sent is a copy of the master mailing list described in subparagraph (c)(2)[C].

(f) **Certificate of No Objections.** A party that has complied with the requirements of this Rule and received no objection to the request, may:

- (1) file a certificate of no objections, signed under penalty of perjury, that substantially conforms to AK LBF 4; and
- (2) lodge a proposed order.

**Related Provisions:**

FRBP 2002	Notices to Creditors, Equity Security Holders, United States, and United States Trustee
FRBP 9007	Authority to Regulate Notices
FRBP 9014	Contested Matters
FRBP 9019	Compromise and Settlement
FRBP 9034	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee
FRBP 9036	Notice by Electronic Transmission
AK LBR 1007-1	Matrix
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2081-1(b)	Status Conferences in Chapter 11 Cases
AK LBR 5005-4	Electronic Case Filing
AK LBR 5075-1(b)	Delegation of Ministerial Orders and Notices
AK LBR 7016-1(e)	Pretrial Procedures
AK LBR 9021-1(c), (e)	Orders, Findings, Conclusions, Judgments

AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBR 9075-1	Hearings; Trials
AK LBF 4	Certificate of No Objections
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 11	Notice of Application for Order
AK LBF 17	Notice of Application for Approval of Stipulation or Settlement Agreement
AK LBF 18	Notice of Application for Order of Dismissal or Conversion of Case

**Rule 2003-1 Meeting of Creditors and Security Holders**

(a) **Failure to Attend or File Schedules.** *Abrogated*

(b) **Continuances.** Requests for a continuance must be made in writing to the Office of the United States trustee, unless an adjournment is granted by the presiding officer on the record at the regularly scheduled meeting of creditors.

(c) **Telephonic Appearances**

(1) A request for a telephonic appearance by the debtor(s), *i.e.*, request for waiver of personal appearance, must be:

[A] made in writing to the Office of the United States trustee; and

[B] be supported by an affidavit or declaration under penalty of perjury of the requestor attached to the request.

(2) The United States trustee may adopt additional written guidelines for the regulation of meetings of creditors.

(d) **Waiver of Personal Appearance.**

(1) The court may grant a waiver of personal appearance, other than a request for telephonic appearance, on the motion of the debtor(s) for good cause shown after notice given to all interested parties and hearing.

(2) Motions for waiver of personal appearance must:

[A] be supported by affidavit or declaration under penalty of perjury setting forth in particular the facts that preclude personal appearance;

[B] set forth any alternative means reasonably available by which the trustee or any interested party may examine the debtor and obtain responses under oath, including, but not necessarily limited to, methods prescribed by Rules 26-36, Federal Rules of Civil Procedure; and

[C] be served on the trustee and transmitted to the United States trustee.

(3) [A] The court may, in its discretion, order the debtor to provide responses to any matter subject to inquiry by the trustee or any interested party by deposition upon written questions under Rule 31, Federal Rules of Civil Procedure.

[B] For the purposes of this paragraph, only the trustee, the United States trustee, and those interested parties actually appearing at the meeting of creditors will be considered a "party" within the scope of Rule 31.

(e) **Individual Debtors in Chapters 7, 11, and 13.** An individual debtor in a case filed under chapter 7, 11 or 13 of the Code must be prepared to explain:

(1) how the current monthly income listed on the Official Form 22 was calculated;

(2) how the tax expense was calculated; and

(3) the basis for any Additional Expense Claims.

**Related Provisions:**

11 U.S.C. § 341	Meetings of Creditors and Equity Security Holders
11 U.S.C. § 343	Examination of the Debtor
FRBP 1007	Lists, Schedules, and Statements; Time Limits
FRBP 2003	Meeting of Creditors or Equity Security Holders
FRBP 4002	Duties of Debtor
Official Form 22A	Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
Official Form 22B	Statement of Current Monthly Income (Chapter 11)

**Rule 2015-1 Trustees – General**

**(a) Funds of the Estate**

(1) Funds of a chapter 7, 11, 12 or 13 estate must be deposited in an account authorized by § 345 of the Code.

(2) If at any time the total amount deposited exceeds the FDIC insurance limits, the funds must be deposited with an entity posting a bond approved by the United States trustee.

**(b) Return of Documents.**

(1) Except to the extent otherwise provided by law, or order of the court, the trustee:

[A] if return of the document has not been requested, may destroy the document; or

[B] if return is requested in writing, must return the document to the person who provided the document within a reasonable time after the case is closed.

(2) The trustee may require any person who has requested the return of a document or paper to provide the trustee with a stamped, self-addressed return envelope or otherwise bear all expenses incurred for the return.

**Related Provisions:**

11 U.S.C. § 112	Prohibition on the disclosure of name of minor children
11 U.S.C. § 345	Money of Estates
11 U.S.C. § 521	Debtor's Duties
11 U.S.C. § 704	Duties of Trustee
11 U.S.C. § 1106	Duties of Trustee and Examiner
11 U.S.C. § 1202	Trustee
11 U.S.C. § 1302	Trustee
FRBP 2015	Duty to Keep Records, Make Reports, and Give Notice of Case
FRBP 6002	Accounting by Prior Custodian of Property of the Estate
Privacy Policy, Judicial Conference of the United States	
AK LBR 4002-1	Debtor – Duties

**Rule 2016-1 Compensation of Trustees and Professional Fees**

**(a) General.** Except as otherwise specifically provided in this rule, requests for compensation and reimbursement under § 330 of the Code must comply with the guidelines promulgated by the Office of the United States Trustee.

**(b) Trustee.**

(1) Applications for compensation for services as trustee must state the maximum amount payable to the trustee as compensation under § 326(a) of the Code.

(2) [A] In each Chapter 13 case that is dismissed prior to confirmation of a plan, the standing trustee may deduct, after payment of court fees and costs and other § 503(b) administrative expenses, the sum of \$400.00 and an additional amount of \$80.00 for each hearing or meeting of creditors beyond the initial meeting that the trustee attended, from funds available for return to the debtors.

[B] The award under this paragraph may not exceed the amount specified in Rule 2002(a)(6), Federal Rules of Bankruptcy Procedure, without a separate application.

[C] The debtor may object to an award under this paragraph within ten (10) days of the entry of the order dismissing the case.

**(c) Attorney or Accountant for Trustee, Debtor in Possession, Debtor, Creditors' Committee, or Professional Under 11 U.S.C. § 503(b)(4).**

(1) [A] Applications for compensation and reimbursement under § 330(a) of the Code must be preceded by an order authorizing the employment of the professional.

[B] Unless otherwise specifically authorized by statute, rule or order of the court, an application for allowance of professional fees must be filed before payment of professional

fees, including cases where employment of a professional on a contingency fee or percentage basis has been authorized by the court.

[C] Fees are not recoverable:

- (i) for services rendered in preparing the trustee's application to authorize employment of a professional; or
- (ii) in the absence of exigent circumstances, for services performed prior to the date employment is authorized by the court.

(2) Requests for compensation and reimbursement under §§ 330(a) and 503(b)(4) of the Code must contain a statement that the compensation sought will not be shared with another person except as provided in § 504 of the Code.

(3) Applications for compensation for services as attorney, accountant or other professional for the trustee, debtor in possession, debtor, creditors' committee, or under § 503(a)(4) of the Code must include the following detail:

[A] a statement that all services for which compensation is requested were performed for or on behalf of the trustee, debtor in possession, debtor, or creditors' committee, and not on behalf of a creditor or any other entity, except in the case of a professional seeking compensation under § 503(b)(4) of the Code;

[B] a separate itemization of each service rendered, including—

- (i) the date for each item,
- (ii) the actual time spent on each item, and
- (iii) the charge for the item;

[C] each item of service must be sufficiently descriptive to enable the court to determine whether the service was reasonable—

- (i) an entry such as "research" or "telephone call" will not be sufficient, and
- (ii) items should not be aggregated, the time spent and the description of individual tasks should be distinctly identified;

[D] use of minimum time increments no larger than 1/10 of an hour;

[E] a statement of the hourly billing rate of each professional person, legal assistant or employee for whom compensation is sought;

[F] an itemization of costs by category and method of computation; and

[G] identify any board certifications in the bankruptcy field held by the applicant.

(4) [A] Applications by an attorney or accountant for a debtor must in addition show that all services performed were in connection with the performance by the debtor of the duties prescribed by the Code, were otherwise beneficial to the debtor's estate or were rendered under an order of the court.

[B] Services on behalf of the debtor in discharge and dischargeability actions are not compensable from the estate.

(5) Except as provided in paragraph (h)(2) of this Rule, applications for fees and expenses must:

[A] be categorized to group identifiable projects separately;

[B] include a narrative description of major projects; and

[C] include a description of the bill attributable to all categories. For example, representation of a party in an adversary proceeding, a major contested matter, or plan formulation, are categories that are to be separately reported on the fee application.

(6) [A] Except as otherwise ordered by the court or provided by rule, applications must be noticed by the applicant in accordance with AK LBR 2002-1(a).

[B] Applicants must keep themselves informed as to the progress of administration of the estate so that notice may be included in the notice of the final accounting, or so that notice can be sent within the time allowed after confirmation of a plan in a case under chapter 9 or 11.

(7) The court may, in its discretion, order a hearing even if no objection is filed.

**(d) Interim Fees**

(1) No interim fees or expenses for attorneys or accountants will be paid in a chapter 7 proceeding unless the trustee certifies or the applicant can clearly demonstrate that interim payment would not prejudice any party having a higher or equal priority or claim to the funds.

(2) [A] The court may, on its own motion or at the request of a party in interest, order that a percentage of the fees requested in an interim application that are found to be reasonable will not be disbursed at the time of approval of the interim application but will instead be held back pending the court's action on a final fee application.

[B] The amounts held back —

(i) may be applied for as part of the final fee application, but

(ii) may not be placed in escrow.

[C] Any payment allowed as part of the final fee award will depend, among other factors, upon the assets available for payment at that time.

**(e) Pre-Petition Retainers**

(1) In all cases in which court approval of the payment of professional fees is required, a pre-petition retainer is considered property of the estate being administered, and:

[A] must be segregated in a separate trust account; and

[B] may not be applied to fees or costs incurred after the filing of the petition without an order of the court.

(2) A professional holding a pre-petition retainer must, in conjunction with the fee application, give notice that the professional intends to apply the retainer to post-petition fees and disbursements.

[A] A retainer may not be applied without a court order approving an application for interim or final compensation.

[B] The court may review the amount and circumstances of any retainer and may order a refund to the estate or other action as appropriate.

**(f) Objections.**

(1) A written objection to the allowance of fees must be filed with the court within the time set forth in the notice.

(2) A copy of the objection is to be transmitted to the United States trustee; and

(3) served on—

[A] the applicant,

[B] trustee,

[C] debtor, and

[D] any committee appointed under the Code.

**(g) Time of Payment.** Unless otherwise ordered by the court, all administrative expenses allowed by the court will be paid by the trustee with the final distribution, or upon confirmation of a plan in a case under chapters 9, 11 or 12.

**(h) Applications in Chapter 12 and 13 Cases.**

(1) [A] Except as provided in paragraph (h)(2), attorney's fees must be applied for before allowance.

[B] The trustee may, without any personal liability to debtor or debtor's attorney, pay creditors and trustee's fees in advance of paying the administrative expense for debtor's attorney's compensation claim, if the debtor's attorney claiming compensation has not filed an application for compensation.

[C] When the trustee is served with notice of debtor's attorney's compensation application, the trustee must defer paying a lower priority creditor under § 1226(b)(1) or § 1326(b)(1) of the Code until the court has ruled on the fee application.

[D] Attorney's fees for a chapter 12 or 13 debtor will not be allowed in excess of the amount designated in the chapter 12 or 13 plan absent a showing of extreme or unusual circumstances by the applicant.

(2) In a case under chapter 13, no application for allowance of attorney's fees need be filed and allowance of fees and expenses is deemed approved on confirmation of the plan, provided:

[A] if requested by the trustee, United States trustee, or ordered by the court, counsel has filed an itemized statement of fees and costs conforming to subparagraphs (c)(3)[B], [C], [D], and [E], with a copy —

(i) served on the chapter 13 trustee, and

(ii) transmitted to the United States trustee;

[B] the fees and costs sought do not exceed the sum set forth in paragraph 2(c) of AK LBF 5 and the plan analysis attached to AK LBF 5; and

[C] in consumer (non-business) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed \$2,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed \$250.00; or

[D] in business (non-consumer) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed \$3,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed \$350.00.

[E] (i) The provisions of this paragraph notwithstanding, if the proposed chapter 13 plan does not provide for payment of allowed claims in full, any party in interest, including the United States trustee, may, at any time prior to confirmation of the plan, object to allowance of fees under this paragraph by filing a written objection, serving a copy thereof on the debtor, counsel for the debtor and the trustee, with transmittal to the United States trustee.

(ii) In the event an objection is filed and served, an application for allowance of fees must be filed, noticed and approved before any payment thereof is made.

**(i) Applications in Chapter 7 Cases.**

(1) Final applications for professional fees in chapter 7 cases must be filed and transmitted to the United States trustee not later than seven (7) days after the Trustee's Final Report Before Distribution is transmitted to the United States trustee.

(2) The provisions of paragraph (c)(3) notwithstanding, the final application may include an estimate for services to be rendered by the professional in connection with closing out the estate; provided, however, that:

[A] the applicant must file with the court, serve on the trustee, and transmit to the United States trustee, a statement of the actual fees incurred; and

[B] no allowance for fees for professional services rendered after the date the final application is filed in excess of \$500.00 will be allowed without substantiation as provided in paragraph (c)(3).

(3) Notwithstanding any other provision in these rules, in the event of an objection to the Trustee's Final Report Before Distribution, other than an objection to the fee application, the court may allow payment of fees in an amount greater than the amount set forth in the Trustee's Final Report Before Distribution.

**Related Provisions:**

11 U.S.C. § 326	Limitation on Compensation of Trustee
11 U.S.C. § 327	Employment of Professional Persons
11 U.S.C. § 328	Limitation on Compensation of Professional Persons
11 U.S.C. § 329	Debtor's Transactions with Attorneys
11 U.S.C. § 330	Compensation of Officers
11 U.S.C. § 331	Interim Compensation
FRBP 1006(b)(3)	Filing Fee — Postponement of Attorney's Fees
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
FRBP 2013	Public Record of Compensation of Trustees, Examiners, and Professionals
FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9034	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee
AK LBR 2002-1	Notices
AK LBR 2016-2	Compensation of Debtor, Officers, Directors, Shareholders, Partners, Managers and Members
AK LBR 2016-3	General Administrative Expenses
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 15	Notice of Time for Filing Objection to Application for Fees
AK LBF 16	Notice of Application to Employ Creditor Attorney/Accountant by Debtor in Possession

## **Rule 2071-1 Creditors' Committees**

### **(a) Appointment in Small Business Cases.**

(1) Unless otherwise ordered by the court, the United States trustee will not appoint a committee under §1102 of the Code in any case in which the debtor has designated the case as a small business case in the petition.

(2) In the event the court sustains an objection to the debtor's designation as a small business case, the United States trustee will appoint a committee of not less than three (3) members or file a notice of non-appointment as soon as practicable.

### **(b) Request to be Added to Committee.**

(1) A request by a party in interest to be added to a committee under §1102(a)(4) of the Code must be in the form of a motion, which motion must:

[A] briefly state the reason the moving party believes that the party's interests are not adequately represented by the committee as currently composed;

[B] be transmitted to the United States trustee; and

[C] be served on the committee.

(2) A motion filed under this subsection will be treated as a motion under Rule 9013, Federal Rules of Bankruptcy Procedure.

### **Related Provisions:**

11 U.S.C. § 101(51C) "small business case"

11 U.S.C. § 101(51D) "small business debtor"

11 U.S.C. § 1102 Creditors' and equity security holders' committees

28 U.S.C. § 586 Duties; supervision by Attorney General

FRBP 1020 Small Business Chapter 11 Reorganization Cases

FRBP 2003 Meeting of Creditors or Equity Security Holders

FRBP 5005 Filing and Transmittal of Papers

FRBP 9006 Time — Computation

FRBP 9013 Motions

AK LBR 1020-1 Chapter 11 Small Business Cases

AK LBF 7 Bankruptcy Court Calendar Request

## **Rule 2081-2 Chapter 11 Small Business Cases [Abrogated. See AK LBR 1020-1.]**

## **Rule 2082-1 Chapter 12 Cases**

### **(a) Plan.**

(1) Unless otherwise ordered by the court, a chapter 12 plan should substantially conform to AK LBF 5 and include the plan and liquidation analyses attached to AK LBF 5.

(2) [A] The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).

[B] Paragraph (2)(e) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1222(b)(1) of the Bankruptcy Code.

[C] The following matters may not be accomplished simply by inclusion in a chapter 12 plan:

(i) lien avoidance;

(ii) objections to claims;

(iii) determination of the dischargeability of debts; and

(iv) valuation of collateral.

(3) The plan must be signed by the debtor and, if represented by counsel, debtor's attorney, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

### **(b) Reporting Income/Expenses.**

(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.

(2) Expenses incident to the production of any non-wage income must be accurately set forth.

(c) **Motions to Value Collateral.** Motions to value collateral under Rule 3012, Federal Rules of Bankruptcy Procedure, must be filed not later than the later of:

- (1) 20 days after the conclusion of the meeting of creditors held under § 341 of the Code; or
- (2) 60 days after the petition is filed.

(d) **Scheduling Hearings.** The debtor should, to the extent practicable, move, notice and submit a calendar request for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, valuations of collateral under Rule 3012, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with a chapter 12 case, so that the hearings on all motions are set for the same time, date and place.

**Related Provisions.**

11 U.S.C. § 341	Meetings of creditors and equity security holders
11 U.S.C. § 506	Determination of secured status
11 U.S.C. § 1221	Filing of plan
11 U.S.C. § 1222	Contents of plan
11 U.S.C. § 1224	Confirmation hearing
11 U.S.C. § 1225	Confirmation of plan

**Rule 2083-1 Chapter 13 Cases**

(a) **Scheduling Hearings.** The parties should, to the extent practicable, move, notice and submit a calendar request for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with a chapter 13 case, so that the hearings on all motions are set for the same time, date and place.

(b) **Motions to Value Collateral.** Unless otherwise ordered by the court:

(1) a motion to value collateral under Rule 3012, Federal Rules Of Bankruptcy Procedure must be served and filed not later than the time the Plan and Notice of Confirmation Hearing Date is served; and

(2) the hearing thereon will be held at the same time as the hearing on confirmation of the plan.

(c) **Payments to Secured Creditors.** Unless otherwise ordered by the court, all payments required to be made under 11 U.S.C. § 1326(a)(1)(C) on debts paid through the plan must be made to the trustee concurrently with the payment required by 11 U.S.C. § 1326(a)(1)(A).

(d) **Reporting Requirements for Payments Made Directly to Creditors.**

(1) As a separate attachment to the plan, the debtor must provide a written schedule of all existing payment obligations as defined in § 1326(a)(1) (B) or (C) of the Code and all domestic support payments coming due after the date the petition was filed.

(2) On or before the third business day of each month, the debtor must provide the trustee with a certification of payments made directly by the debtor(s) during the preceding month:

[A] in the form substantially similar to LBF 5B; and

[B] having attached a copy of the receipt received from the creditor or, if no receipt was received, a photocopy of the check or other instrument used to make the payment.

**Related Provisions:**

11 U.S.C. § 521	Debtor's duties
11 U.S.C. § 341	Meeting of Creditors
11 U.S.C. § 343	Examination of Debtor
11 U.S.C. § 1307	Conversion or dismissal
11 U.S.C. § 1326	Payments
FRBP 2015(c)	Chapter 13 Trustee and Debtor
FRBP 3007	Objections to Claims
FRBP 3102	Valuation of Security
AK LBR 2003-1	Meeting of Creditors
AK LBR 2015-2	Monthly Financial Reporting Requirements
AK LBR 3012-1	Valuation of Collateral

AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBR 3070-1	Payments by Chapter 13 Trustee
AK LBF 5B	Certification of Payments Made Directly to Creditors/Lessors

### **Rule 3002-1 Claims**

(a) **Place of Conventional Filing.** Proofs of claim or interest filed conventionally must be filed with the Clerk of the Bankruptcy Court, Room 138, 605 West Fourth Avenue, Anchorage, Alaska 99501-2296 or at the Office of the Deputy Clerk of the United States District Court, 101 12th Avenue, Room 370, Box 1, Fairbanks, Alaska 99701.

(b) **Copies to be Filed.** *[Abrogated]*

(c) **Conformed Copies of Filed Claims.** *[Abrogated. See Official Form 10]*

(d) **Claims Arising from Rejection of Executory Contracts.**

(1) Claims arising from the rejection of executory contracts must be filed on or before the last date for filing proof of claims or thirty (30) days after entry of the order authorizing rejection, whichever date is later.

(2) Notice of the 30-day bar date must be provided by the debtor or the trustee, as appropriate, within five (5) days of the order rejecting the executory contract.

(e) **Claims in Chapter 7 Cases That Supersede Chapter 11 and Chapter 13 Cases.**

*[Abrogated. See Rule 1019, Federal Rules of Bankruptcy Procedure.]*

(f) **Service of Proofs of Claim on Debtors/Trustees.**

(1) In all cases, a creditor filing a proof of claim must serve a legible, complete paper copy of the claim, including a copy of all supporting documentation, by first class mail on the debtor's attorney, or the debtor if appearing without counsel, and the trustee, if appointed.

(2) If the claim is a claim for wages, salary or other compensation, the creditor must include the creditor's full social security number on the copy served on the trustee, if one has been appointed.

(3) Notwithstanding the provisions of AK LBR 5005-4(e)(2), if a proof of claim is filed electronically, the creditor filing the claim must serve a paper copy of its claim, by first class mail, on the persons listed in paragraph (f)(1).

(g) **Section 506(b) Claims in Chapter 13 Cases.**

(1) A secured creditor having a claim for post-petition fees, costs or charges under § 506(b) of the Code, which claim is to be paid by the trustee under the terms of the plan, must, not later than thirty (30) days after entry of the order confirming the plan:

[A] file with the court an application for allowance of the claim, setting forth the amount of the post-petition fees, costs and charges claimed to be due; and

[B] transmit the application to the United States trustee; and

[C] serve it on—

(i) the debtor,

(ii) trustee,

(iii) the five (5) largest unsecured creditors, and

(iv) any creditor having or claiming to have an interest in the property securing the claim.

(2) A party objecting to the application for allowance of post-petition fees, costs and charges may serve and file an objection within fifteen (15) days after service of the application.

(3) If no objection is filed as specified in paragraph (g) (2), the application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.

### **Related Provisions:**

11 U.S.C. § 501	Filing Proofs of Claim
11 U.S.C. § 502	Allowance of Claims
11 U.S.C. § 506	Determination of Secured Status
11 U.S.C. § 507	Priorities
11 U.S.C. § 509	Claims of Co-debtors
FRBP 1019(2), (3)	Conversion, New Filing Periods, Claims Filed in Superseded Cases
FRBP 3001	Proof of Claim, General Requirements

FRBP 3002	Filing Proof of Claim or Interest
FRBP 3003	Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases
FRBP 3004	Filing of Claims by Debtor or Trustee
FRBP 3005	Filing of Claim by Co-debtor
FRBP 3006	Withdrawal of Claims
FRBP 3007	Objections to Claims
FRBP 3008	Reconsideration of Claims
FRBP 5005	Filing and Transmittal of Papers
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 3003-1	Filing Proofs of Claim in Chapter 9 and 11 Cases
AK LBR 3004-1	Filing Proofs of Claim by Debtor or Trustee
AK LBR 5005-1	Place of Filing
AK LBR 5005-4	Electronic Filing
Official Bankruptcy Form 10	— Proof of Claim General Form
AK LBF 13	Notice of Objection to Claim and Notice of Hearing Thereon

### Rule 3012-1 Valuation of Collateral

(a) **How Raised.** The value of collateral for a secured claim may be bought before the court for determination by separate motion or as part of an objection to claim filed under Rule 3007, Federal Rules of Civil Procedure.

(b) **Motion/Objection to Proof of Claim.** A motion to value collateral or an objection to a proof of claim that raises the issue of valuation must:

(1) state—

- [A] value of the collateral,
- [B] method of determining the value,
- [C] amount of the claim, if any, that is secured,
- [D] the date by which the opposition must be filed, and
- [E] in case filed under chapter 13, the hearing date on the motion or objection; and

(2) be served on—

- [A] each creditor having or claiming a security interest in the collateral,
- [B] the trustee, and
- [C] if represented by counsel, counsel for each.

(c) **Opposition to Motion or Objection to Proof of Claim.**

(1) A secured creditor who disagrees with the valuation of the collateral securing the creditor's claim may:

[A] File an objection to the valuation, which objection must state the—

- (i) creditor's opinion of the value of the collateral,
- (ii) method of determining the value, and
- (iii) amount of the claim that is secured; and

[B] serve the objection on—

- (i) the debtor,
- (ii) any other creditor having or claiming to have a security interest in the collateral,
- (iii) the trustee, and
- (iv) if represented by counsel, counsel for each.

(2) The objection to the motion must be filed and served not later than twenty (20) days after the motion is served.

(3) Upon receipt of the objection, if requested by the creditor, the debtor must make the collateral available for examination and appraisal.

(4) Not later than five (5) days after an objection to valuation has been served, the debtor must:

[A] File a reply either—

- (i) accepting the creditor's valuation, or
- (ii) controverting the creditor's objection; and

[B] serve the reply on—

- (i) the objecting creditor,

- (ii) any other creditor having or claiming to have a security interest in the collateral,
- (iii) the trustee, and
- (iv) if represented by counsel, counsel for each.

(5) Failure of the debtor to file a timely controverting reply under paragraph (4) will be deemed an acceptance of the creditor's valuation.

(d) **Hearing.** Except as otherwise provided by these rules, any party desiring a hearing on the motion and any opposition thereto must request a hearing by submitting a Calendar Request.

(e) **Mandatory Discovery Exchange.**

(1) Unless otherwise ordered by the court or as provided by rule, in any case in which the valuation of collateral is placed at issue the parties must exchange all valuation data and appraisals not later than:

[A] In cases under chapter 13 of the Code, seven (7) days before the hearing; and

[B] in all other cases, ten (10) days before the hearing.

(2) Any party refusing or failing to comply with paragraph (1) may be subjected to such sanctions as the court may deem appropriate under the circumstances, including the assessment of costs and attorney's fees and/or the exclusion of the evidentiary materials not produced.

**Related Provisions:**

11 U.S.C. § 506	Determination of secured status
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security
FRBP 9014	Contested Matters
AK LBF 2081-2	Chapter 11 Small Business Cases
AK LBF 2082-1	Chapter 12 Cases
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 6A	Notice of Hearing on Confirmation of Chapter 13 Plan and Time to File Written Objections
AK LBF 7	Calendar Request

**Rule 3015-1 Chapter 13 Plans**

(a) **Format.** Unless otherwise ordered by the court, a chapter 13 plan must conform to AK LBF 5 and include the plan, disposable income, and liquidation analyses, and schedule of direct payments to creditors attached to AK LBF 5.

(b) **Contents**

(1) The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).

(2) Payments to all secured creditors whose claims are not modified and provided for in paragraph 2(e) of AK LBF 5, other than payments to the holders of residential mortgages, must be included in paragraph 2(f) of AK LBF 5.

(3) Paragraph (2)(h) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1322(b)(1) of the Code.

(4) The following matters may not be accomplished through a chapter 13 plan:

[A] lien avoidance;

[B] objections to claims;

[C] determination of the dischargeability of debts; and

[D] valuation of collateral.

(c) **Dismissal/Conversion.** [**Abrogated**]

(d) **Service of Plan.** [**Abrogated**]

(e) **Payroll Deduction.** Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments will be by payroll deduction.

(f) **Reporting Income/Expenses.**

(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.

(2) Expenses incident to the production of any non-wage income must be accurately set forth.  
(g) **Certification.** The plan must be signed by the debtor and debtor's attorney, if represented by counsel, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

**Related Provisions:**

11 U.S.C. § 1322	Contents of Plan
11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
11 U.S.C. § 1326	Payments
FRBP 1007(b)	Lists, Schedules and Statements; Time Limits — Schedules and Statements Required
FRBP 2002	Notices
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
AK LBR 2003-1	Meeting of Creditors
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-2	Confirmation of Chapter 13 Plans
AK LBR 3015-3	Objections to Valuation
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 19	Notice of Time for Filing Objections to Application for Extension of Time to File Chapter 13 (11) Plan

**Rule 3015-2 Amendment of Chapter 13 Plans**

(1) The proposed plan may be amended:

[A] as a matter of course without leave of court at any time prior to the first date set for the confirmation hearing; or

[B] with leave of court, at or after the first confirmation hearing if the plan is not confirmed.

(2) Any amendment prior to confirmation must be in the form of an amended plan.

(3) [A] Where the amendment does not adversely affect any other party in interest, the court may confirm the plan as amended without further notice or a hearing to those unaffected parties.

[B] Where the amendment would adversely affect another party in interest, the plan as amended must be mailed to each adversely affected party with a notice providing twenty-five (25) days to object to the amendment.

**Related Provisions:**

11 U.S.C. § 1323	Modification of plan before confirmation
11 U.S.C. § 1329	Modification of plan after confirmation
FRBP 2002	Notices to Creditors, Equity Security Holders, United States, and United States Trustees
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 6B	Notice of Date to File Objections to Amended Plan

**Rule 3015-3 Confirmation of Chapter 13 Plans**

(a) **Applicability of Rule.** Unless otherwise ordered by the court, in all chapter 13 cases the plan confirmation process will conform to this rule.

**(b) Service of the Plan and Notice.**

(1) The debtor must mail the chapter 13 plan, plan analysis, Notice of Date to File Objections, and Notice of Confirmation Hearing Date to creditors not later than twenty-five (25) days after:

[A] the date the petition is filed in a case commenced as a case under chapter 13 of the Code; or

[B] the date of the order converting the case in a case converted to chapter 13 from another chapter of the Code.

(2) The trustee may lodge a dismissal order if the plan is not timely noticed to creditors.

**(c) Objections to Confirmation.**

(1) Any objection to the confirmation of the plan must be:

[A] in writing;

[B] filed not later than twenty-one (21) days after—

(i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code; or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code;

[C] transmitted to the U.S. trustee; and

[D] served on—

[i] the trustee,

[ii] debtor, and

[iii] debtor's attorney.

(2) [A] An objection to confirmation must set forth with specificity the grounds for objection, identifying those provisions of §§ 1322 or 1325 of the Code with which the plan does not comply.

[B] An objection that does not comply with the requirements of subparagraph (2)[A] may be disregarded by the court.

(3) If a party filing an objection to confirmation does not appear at the confirmation hearing, the court may deem the objection as having been withdrawn.

**(d) Trustee's Recommendation.** The trustee must file a recommendation on plan confirmation:

(1) not later than twenty-eight (28) days after—

[A](i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code, or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code;

(2) serve the recommendation on—

[A] the debtor,

[B] debtor's counsel,

[C] the holder of any domestic support obligation, and

[D] any party having filed an objection; and

(3) if the trustee recommends confirmation and no objection has been timely filed, the trustee must lodge a proposed order confirming the plan.

**(e) Response to Objection to Plan or Trustee's Recommendation.**

(1) In the event that an objection to the plan is timely filed under subsection (c) or the trustee files a recommendation that the plan not be confirmed, not later than thirty-five (35) days after the first date set for the meeting of creditors, the debtor must:

[A] (i) file an amended plan, and

(ii) serve the amended plan, together with notice of the time to object, on the trustee and all objecting parties; or

[B] (i) file a response to the objection or trustee's recommendation, and

(ii) serve the response on the trustee and all objecting parties;

[C] not later than thirty-five days after—

(i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code; or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code.

(2) The trustee may lodge a dismissal order if the debtor does not timely file an amended plan or response as provided in paragraph (e)(1).

**(f) Domestic Support Obligation Certification.**

(1) In the event that no objection to confirmation is timely served and filed and the trustee recommends that the plan be confirmed, not later than five (5) days after the trustee's recommendation is served and filed, the debtor must:

[A] file a certification under penalty of perjury that—

(i) all domestic support payments coming due since the date the petition was filed have been paid, and

(ii) if any domestic support payment will come due within the next immediately following fifteen (15) days, that debtor expects to have sufficient funds and will make that payment on or before its due date;

[B] transmit the certification to the U.S. trustee; and

[C] serve the certification on—

(i) the trustee, and

(ii) the holder(s) of any domestic support claim(s).

(2) If the debtor fails to serve and file the certification as provided in paragraph (1), the debtor must:

[A] at the confirmation hearing provide evidence that all domestic support payments coming due since the petition was filed have been paid; or

[B] show cause why the case should not be dismissed.

**(g) Confirmation Hearing.**

(1) Unless otherwise ordered by the court, the confirmation hearing will be set automatically by the court without request.

(2) Upon the request of the debtor, U.S. trustee, trustee, or a creditor who has filed an objection to the plan or amended plan, for good cause shown, the court may continue the confirmation hearing for a period of not more than thirty (30) days.

(3) Matters ancillary to confirmation are to be filed, served, scheduled and noticed as provided in AK LBR 2083-1.

**(h) Confirmation Without a Hearing.** The chapter 13 plan or amended plan may be confirmed without a hearing if:

(1) [A] no objection to the plan or amended plan is timely filed,

[B] the trustee recommends confirmation, and

[C] the debtor files the certification provided in paragraph (f)(1);

(2) [A] any timely filed objection to the plan or amended plan is withdrawn, and

[B] the trustee recommends confirmation; or

(3) upon the stipulation of the debtor, trustee and any interested party who has filed an objection to the plan or amended plan.

**Related Provisions:**

11 U.S.C. § 506	Determination of secured status
11 U.S.C. § 1307	Conversion or dismissal
11 U.S.C. § 1321	Filing of plan
11 U.S.C. § 1322	Contents of plan
11 U.S.C. § 1324	Confirmation hearing
11 U.S.C. § 1325	Confirmation of plan
11 U.S.C. § 1330	Revocation of an order of confirmation
FRBP 2002	Notices
FRBP 3002	Filing Proof of Claim or Interest
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security

FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 9014	Contested Matters
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3012-1	Valuation of Collateral
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-2	Amendment of Chapter 13 Plans
AK LBR 3070-1	Payments by Chapter 13 Trustee
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 6A	Notice of Hearing on Confirmation of Chapter 13 Plan and Time to File Written Objections
AK LBF 7	Calendar Request

### **Rule 3016-1 Chapter 11 Disclosure Statement**

(a) **Filing.** [*Abrogated*] [Superceded by FED. R. BANK. P. 3016(b)]

(b) **Table of Contents.** Unless otherwise ordered by the court, a disclosure statement must contain a table of contents, with appropriate page numbers, that fully lists the headings and subheadings set forth in subsection (c).

(c) **Content.** Unless otherwise ordered by the court or as provided in AK LBR 3017-2, the disclosure statement must include information covering the following topics, when applicable:

(1) Short history of the business activities of the debtor covering the five-year period preceding the petition filing date, or such shorter period as the debtor has been operating its business.

(2) General nature of the business transacted and to be transacted by the debtor.

(3) A complete description of equity interests, including:

[A] authorized and outstanding stock;

[B] number and classes of shares;

[C] par value thereof;

[D] description of the voting rights and other properties or attributes of the stock; and

[E] any outstanding options.

(4) Names and addresses of all persons owning more than ten percent (10%) of any equity interest and the percentage so held.

(5) [A] For corporations, a listing of—

(i) parent,

(ii) subsidiary, and

(iii) "brother-sister" corporations.

[B] For partnerships and limited liability companies, a listing of—

(i) all corporations, partnerships and limited liability companies in which the partnership or limited liability company holds more than ten percent (10%) of any interest therein, and

(ii) all partnerships in which any general partner or manager of a limited liability company or combination of general partners or managers of the debtor hold(s) twenty-five percent (25%), or more, interest as a general partner or manager, or

(iii) any other related entity.

(6) Complete description of the business, including:

[A] competitive conditions in the industry and debtor's competitive condition;

[B] dependence upon one or more customers for more than ten percent (10%) of debtor's annual gross revenue;

[C] principal product(s) and/or services;

[D] method(s) of marketing of product(s) and/or services;

[E] current backlog of business (*e.g.* current orders for products or services or current uncompleted contracts to provide products or services) and comparable figures for the same time during each of the two (2) years preceding the date the plan is filed;

[F] (i) if a manufacturing or fabricating business, source and availability of raw materials, or

- (ii) if a retail or wholesale business, source and availability of goods or product sold in the ordinary course of business;
- [G] existence and significance of any patents, trademarks, licenses, franchises and concessions;
- [H] nature, scope and importance of any research and development activities;
- [I] number of persons employed by category (e.g., executive officers, supervisory personnel, production personnel, sales personnel);
- [J] seasonal nature of business;
- [K] description of any foreign operations; and
- [L] governmental regulatory agencies having jurisdiction over debtor's operations, including the nature of the regulatory supervision and any problems encountered or anticipated.
- (7) Description of any pending and anticipated legal or administrative proceedings.
- (8) Description of securities to be issued, if any, and consideration to be received in connection with the issuance.
- (9) Information regarding officers and directors of a corporation, general partners of a partnership, or managers of a limited liability company to be continued in office upon confirmation of the plan, including:
  - [A] name and position held;
  - [B] familial relationship, if any, to—
    - (i) other officers,
    - (ii) directors,
    - (iii) general partners, or
    - (iv) managers;
  - [C] complete disclosure of all remuneration, including salaries, bonuses, fringe benefits, and stock options; and
  - [D] whether or not each individual is an "insider."
- (10) Financial information that accurately sets forth:
  - [A] summaries of tax returns for the three (3) tax years preceding the date the plan is filed;
  - [B] current balance sheet, including all appropriate footnotes and assumptions;
  - [C] projected balance sheet applicable upon confirmation of the plan, including all appropriate footnotes and assumptions;
  - [D] income statements accurately reflecting debtor's income and expenses since the fiscal year of the debtor's last tax return until two (2) months prior to the filing of the disclosure statement;
  - [E] income/expense and cash flow projections of operations over the term of the payment to unsecured creditors or five (5) years, whichever is less, including all assumptions underlying those projections;
  - [F] a schedule of payments to be made towards obligations undertaken by the debtor as part of the plan;
  - [G] a description of the debtor's working capital position and any changes thereto expected to occur within the first twelve (12) months of the plan;
  - [H] brief explanation of the tax consequences, if any, of plan confirmation;
  - [I] if applicable, income and expense information for each profit center, line of business and class of similar products or services;
  - [J] attorney and professional fees for debtor and all payments made or expected to be made for services in connection with the case or plan;
  - [K] if the plan calls for the liquidation of real or personal property in conjunction with the plan, current values of the property to be liquidated;
  - [L] source of financial information in paragraphs [A]–[K] hereof and the qualifications of the source;
  - [M] a list, by the classes established in the plan and alphabetically within each class, of all claims and interests for which proofs of claim have been filed or deemed filed in the case that are allowed or deemed allowed, that includes—
    - (i) the name of the holder of each claim or interest, and
    - (ii) the claimed or deemed allowed amount of each claim or interest;

[N] a list of all disputed, contingent and unliquidated claims for which the claimants have filed proofs of claim and a discussion of the impact, if any, the allowance of these claims will have on the plan, debtor and other parties in interest; and

[O] a liquidation analysis with a specific description of all assumptions underlying the analysis.

(11) Description of the plan, how it is to be implemented and its effect on all classes of creditors and equity interests.

(12) Description of management to be retained and compensation to be paid, including as a minimum:

[A] for corporations—

- (i) the chief executive officer,
- (ii) chief operating officer,
- (iii) chief financial officer, and
- (iv) general managers of any facility, division or department;

[B] for limited partnerships—

- (i) the general partners, and
- (ii) any general manager of any facility, division or department;

[C] for general partnerships—

- (i) the managing partner or members of any management committee, and
- (ii) general managers of any facility, division or department;

[D] for limited liability companies, any manager or member; and

[E] for individuals the debtor and any person holding a position comparable to the chief executive officer, chief operating officer, chief financial officer or general manager of a corporate entity.

(13) Any dividends, draws or other payments, other than as compensation as set forth in paragraph (c)(12) or reimbursement of expenses incurred in the ordinary course of debtor's business, contemplated to be made to, or for the benefit of, equity security holders, partners, members, or individual debtors.

(14) Transactions with insiders and potential conflicts of interest involving each member of management for which disclosure is made under paragraph (b)(12), and of every shareholder, partner or member holding more than a ten percent (10%) equity or profits interest in debtor, including:

[A] full particulars of the nature and extent of the interest of those persons in any property acquired other than in the ordinary course of business of the debtor within two years preceding the filing of the petition;

[B] description of management contracts and any contracts made other than in the ordinary course of business with those persons;

[C] loans made to or obligations incurred by such persons;

[D] any guarantees of indebtedness by or for those persons; and

[E] transactions with those persons that are necessary to, or contemplated by, the plan.

(15) Information concerning changes occurring within the twelve (12) months preceding the disclosure statement affecting revenue and expenses, including:

[A] product mix;

[B] added, discontinued or significantly modified operations;

[C] advertising, research, development, product introduction or deletion, or other discretionary costs;

[D] acquisition or disposition of any material asset other than in the ordinary course of business;

[E] material extraordinary charges or gains, including charges associated with any discontinuation of operations; and

[F] material changes in assumed investment return.

(16) Information concerning changes expected to occur within the first twelve (12) months of the plan affecting revenue and/or expenses, including any closing of a facility, branch or other material interruption, completion of a material contract, or any event that will materially reduce or increase revenues in subsequent periods (as used herein, "materially" means a change of ten (10) or more percentage points).

(17) Other information, including:

[A] extraordinary risk factors;

[B] nondischargeable debts (individuals only);

[C] effect of plan on retiree benefits, if any;

[D] brief explanation of the cause of debtor's financial difficulties and the reason(s) those difficulties are not expected to recur during the life of the plan;

[E] vote required for acceptance of the plan; and

[F] disposition of equity interests in corporate, partnership, or limited liability company debtors.

(d) **Individual Debtor.** In a case in which the debtor is an individual, in addition to information required by subsection (c), the debtor must provide a computation of debtor's disposable income determined as provided in §1325(b)(2) of the Code, itemized to show how the amount is calculated.

(e) **Consultation with United States Trustee.** Unless waived by the United States trustee, not less than seven (7) days before the plan and disclosure statement are filed, counsel for the proponent or the proponent will consult with the United States trustee regarding the proper formulation of a plan and disclosure statement.

**Related Provisions:**

11 U.S.C. § 1123	Contents of plan
11 U.S.C. § 1125	Postpetition disclosure and solicitation
11 U.S.C. § 1325	Confirmation of plan
FRBP 2002	Notices
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017.1	Court Consideration of Disclosure Statement in a Small Business Case
AK LBR 3016-2	Chapter 11 Plans
AK LBR 3017-1	Hearing on Chapter 11 Disclosure Statement
AK LBR 3017-2	Disclosure Statements in Small Business Cases
AK LBR 5005-1	Place of Filing
AK LBR 9001-1	Meaning of Words and Phrases
AK LBR 9070-1	Number of Copies

**Rule 3017-1 Hearing on Chapter 11 Disclosure Statement**

(a) **Request for Hearing.** Unless otherwise ordered by the court or as provided in AK LBR 3017-2, the proponent of the proposed plan must:

(1) within five (5) business days after filing the proposed plan and disclosure statement file a calendar request with the court requesting a hearing date on the disclosure statement; and

(2) when a hearing date has been set by the court, forthwith prepare and submit to the court for signature an Order and Notice for Hearing on Disclosure Statement complying with the appropriate Official Form.

(b) **Notice of Hearing.** The proponent of the proposed plan must:

(1) serve a copy of the Order and Notice for Hearing on Disclosure Statement (using the appropriate Official Form) on the master mailing list in the time ordered by the court, but in any event, not less than twenty-five (25) days prior to the last day to object to approval of the disclosure statement; and

(2) file an affidavit of service of the Order and Notice for Hearing on Disclosure Statement.

(c) **Objections to Disclosure Statement.**

(1) Objections to the disclosure statement must be filed and served on (to be received by) the proponent of the disclosure statement and transmitted to the United States trustee not less than five (5) business days prior to the hearing on approval of the statement.

(2) Grounds for objection must be:

[A] addressed to the adequacy of the disclosure statement only; and

[B] stated with specificity.

**Related Provisions:**

11 U.S.C. § 1125	Postpetition Disclosure and Solicitation
FRBP 2002(b)	Twenty-five Day Notices to Parties in Interest
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017.1	Court Consideration of Disclosure Statement in a Small Business Case
FRBP 5005	Filing and Transmittal of Papers
FRBP 9006(a)	Time — Computation
FRBP 9013	Motions: Form and Service
AK LBR 2081-2	Chapter 11 Small Business Cases
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3017-2	Disclosure Statements in Small Business Cases
AK LBR 3020-1	Chapter 11 Confirmation Hearing
AK LBR 5005-1	Place of Filing
AK LBR 5005-4	Electronic Filing
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request

**Rule 3017-2 Disclosure Statements in Small Business Cases**

(a) **Content.** In a case that is a “small business case” as defined in §101(51C) of the Code, the following provisions of AK LBR 3016-1 apply to the disclosure statement or, in a case to which subsection (d) applies, the plan:

(1) paragraphs (1), (2), (3),(6)[C], (6)[E], (6)[I], (6)[J], (7), (9), (10), (11), (12), (13), (14), and (17) of subsection (c);

(2) subsection (d); and

(3) subsection (e).

(b) **Transmittal to U.S. Trustee.** Concurrent with the filing, except as provided in subsection (d), the proponent of a plan must transmit a copy of the proposed disclosure statement and plan to the U.S. trustee.

(c) **Conditional Approval by the Court.**

(1) Within ten (10) business days after the disclosure statement is filed and transmitted, the United States trustee must file with the court and serve on the party filing the disclosure statement a statement signifying that the United States trustee has:

[A] reviewed the disclosure statement; and

[B] finds that the disclosure statement either—

(i) provides adequate information as required by §1125 of the Code, or

(ii) does not contain adequate information as required by §1125, briefly delineating those areas that, in the opinion of the United States trustee, are deficient.

(2) If the United States trustee objects to the adequacy of the disclosure statement or the court finds the disclosure statement inadequate, the court will schedule a hearing on the disclosure statement with counsel for the proponent and the United States trustee to discuss the perceived deficiencies.

(3) If the United States trustee signifies that the disclosure statement provides adequate information, the court may conditionally approve the disclosure statement without further hearing.

(d) **Objections to Conditionally Approved Disclosures Statements.**

(1) Unless otherwise ordered by the court, objections to a conditionally approved disclosure statement must be filed and served on (to be received by) the proponent of the disclosure statement and transmitted to the United States trustee not less than five (5) business days prior to the hearing on the confirmation of the plan.

(2) Grounds for objection must be:

[A] addressed to the adequacy of the disclosure statement only; and

[B] stated with specificity.

(3) If no timely objection is filed to the conditionally approved disclosure statement, the conditional approval is final.

(4) Any objections to the conditionally approved disclosure statement will be heard at the time and date set for the hearing on the confirmation of the plan immediately prior to the confirmation hearing.

(e) **Waiver of Disclosure Statement.** A determination that a plan provides sufficient information and a separate disclosure statement is not required will be made upon written motion under Rule 9013, Federal Rules of Bankruptcy Procedure.

(1) The proponent of the plan must transmit the motion and a copy of the proposed plan to the United States trustee.

(2) Unless otherwise ordered by the court:

[A] subsection (c) applies to motions to waive a separate disclosure statement; and

[B] subsection (d) applies to a plan to which the motion to waive a separate disclosure statement has been granted and the court has conditionally approved the disclosures made as adequate.

**Related Provisions:**

11 U.S.C. § 101(51C) “small business case”

11 U.S.C. § 101(51D) “small business debtor”

11 U.S.C. § 1125 Postpetition Disclosure and Solicitation

FRBP 2002(b) Twenty-five Day Notices to Parties in Interest

FRBP 3016 Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases

FRBP 3017 Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases

FRBP 3017.1 Court Consideration of Disclosure Statement in a Small Business Case

FRBP 5005 Filing and Transmittal of Papers

FRBP 9006(a) Time — Computation

FRBP 9013 Motions: Form and Service

AK LBR 2081-2 Chapter 11 Small Business Cases

AK LBR 3016-1 Chapter 11 Disclosure Statement

AK LBR 3020-1 Chapter 11 Confirmation Hearing

AK LBR 5005-1 Place of Filing

AK LBR 5005-4 Electronic Filing

AK LBR 9013-1 Briefs; Memoranda

AK LBR 9075-1 Hearings; Trials

AK LBF 7 Bankruptcy Court Calendar Request

**Rule 3019-1 Modification of Chapter 11 Plan**

**(a) Amendment/Modification Before Confirmation.**

(1) *Before Approval of Disclosure Statement.* The proponent of an amendment or modification to a proposed plan or disclosure statement before the disclosure statement has been approved must, concurrently with filing the amended or modified plan or disclosure statement:

[A] transmit a copy to the United States trustee; and

[B] serve a copy on—

(i) the debtor,

(ii) the trustee (if one has been appointed),

(iii) any committee appointed in the case, and

(iv) any other interested party previously provided a copy of the proposed plan and disclosure statement being amended or modified, or who has filed an objection to the proposed disclosure statement being amended or modified.

(2) *After Approval of Disclosure Statement.* The proponent of an amendment or modification to a proposed plan or disclosure statement after the disclosure statement has been approved must, concurrently with filing the amended or modified plan or disclosure statement:

[A] transmit a copy to the United States trustee; and

[B] serve a copy on—

- (i) the debtor,
- (ii) the trustee (if one has been appointed),
- (iii) any committee appointed in the case, and
- (iv) any other party in interest whose treatment under the proposed plan has been amended, modified or otherwise affected by the proposed amendment or modification to the proposed plan.

(3) *Redlined Copy.*

[A] The proponent of an amendment or modification to a proposed chapter 11 plan or disclosure statement must, concurrently with filing the amended or modified plan or disclosure statement with the court, provide a redlined, highlighted or marked up paper "chambers" copy of the amendment or modification to the law clerk to the presiding judge.

[B] The redlined copy must indicate all changes, amendments and modifications made to the proposed plan or disclosure statement.

(b) **Modification After Confirmation.**

(1) The proponent of a modification of a confirmed plan must comply with the requirements of AK LBR 3016-1, 3016-2, 3017-1, 3017-2, 3020-1, and paragraph (a)(3) of this rule, except that the notice required by AK LBR 3020-1 will specify that the holder of a claim or interest who has accepted or rejected the plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless the holder changes the holder's previous acceptance or rejection in writing prior to the date of the confirmation hearing on the modified plan.

(2) Compliance with AK LBR 3016-1, 3017-1, 3017-2, or 3020-1, will not be required if the court finds, after hearing on notice to the debtor, trustee (if one has been appointed), United States trustee, any committee appointed under the Code and any other entity designated by the court, that the proposed modification does not adversely change the treatment of any creditor or the interest of any equity security holder who has not accepted, in writing, the modification, in which case it will be deemed accepted by all creditors and equity security holders who have previously accepted the plan.

**Related Provisions:**

11 U.S.C. § 1126	Acceptance of Plan
11 U.S.C. § 1127	Modification of Plan
FRBP 3018	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 3019	Modification of Accepted Plan Before Confirmation
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3016-2	Chapter 11 Plans
AK LBR 3017-1	Hearing on Chapter 11 Disclosure Statement
AK LBR 3017-2	Disclosure Statements in Small Business Cases
AK LBR 3020-1	Chapter 11 Confirmation Hearing

**Rule 3020-1 Chapter 11 Confirmation Hearing**

(a) **Hearing Date.**

(1) If no hearing date is set by the court at the hearing approving a disclosure statement, the proponent of the chapter 11 plan must submit a calendar request to obtain a date for the confirmation hearing promptly after entry of the order approving the disclosure statement.

(2) Upon receiving a date for the hearing, the proponent of the plan must prepare and submit to the court for signature an order complying with the appropriate Official Form.

(b) **Service of Notice.** The proponent of the plan must:

(1) serve a copy of the order on all parties on the master mailing list within the time specified in Rule 2002(b), Federal Rules of Bankruptcy Procedure, together with—

- [A] the plan or a summary of the plan as approved by the court,
- [B] the disclosure statement approved by the court, and
- [C] a ballot conforming to the appropriate Official Form; and

(2) file a certificate of service of the order and other required documents.

**Related Provisions:**

11 U.S.C. § 1128	Confirmation Hearing
11 U.S.C. § 1129	Confirmation of Plan
FRBP 2002(b)	Twenty-five Day Notices to Parties in Interest
FRBP 3020	Confirmation of Plan
AK LBR 3018-1	Report of Balloting
AK LBR 3018-2	Acceptance or Rejection and Objections to Chapter 11 Confirmation
AK LBF 7	Bankruptcy Court Calendar Request

**Rule 3070-1 Payments by Chapter 13 Trustee.**

**(a) Payments by Trustee.**

(1) Unless otherwise ordered by the court, upon notice and hearing, for good cause shown, or as otherwise provided by rule, the trustee will commence payments under the plan not later than the last business day of the month following the later of the entry of the order confirming the plan or the last day for filing a proof of claim by a governmental unit.

(2) Unless otherwise provided in the plan or the order confirming the plan, the trustee will make distributions under the confirmed plan not later than the last business day of each month.

(3) Prior to confirmation of the plan, the trustee will disburse any payment as defined in 11 U.S.C. § 1326(a)(1)(B) or (C) to the creditor entitled to such payment not later than the last business day of each month.

**(b) Effect of Payments.**

(1) Notwithstanding any other provision in the contract between the debtor and any creditor, payments by the debtor that are made timely to the trustee as provided in the plan or by otherwise applicable law or rule and timely distributed by the trustee are conclusively presumed to have been made timely for all purposes.

(2) If the debtor timely pays the amount of the allowed claim for any arrearage as provided in Paragraph 2(d) of the plan, while making all required postpetition payments, the mortgage or secured loan agreement will be reinstated according to its original terms, extinguishing any right of the lender to recover any amount alleged to have arisen prior to the filing of the petition.

**Related Provisions:**

11 U.S.C. § 1326	Payments
AK LBR 2083-1	Chapter 13 Cases

**Rule 4001-1 Motions for Relief From Stay**

**(a) Motion.**

(1) Motions for relief from stay under §§362(d), 1201(c), or 1301(c) of the Code, must:

- [A] be so titled;
- [B] not be combined with any other motion;
- [C] conform to AK LBF 1, if appropriate; and
- [D] be accompanied by the filing fee.

(2) All applications or requests for relief under any other provision of §362 of the Code, must be in the form of a motion and:

- [A] contain in the title the subsection under which relief is sought;
- [B] not be combined with any other motion; and
- [C] be accompanied by any required filing fee.

**(b) Notice**

(1) For cases involving termination of a stay under § 362(d) of the Code, notice of the motion must:

- [A] state the date on or before which written objection must be filed and served, which date must not be less than fifteen (15) days following the date of service by mail of the notice;
- [B] conform to AK LBF 2, if appropriate; and
- [C] on or before the date the motion is filed, be transmitted to the United States trustee and served on:

- [i] all entities upon whom the motion was served, and
  - [ii] all persons who have filed an appearance or request for notice.
- (2) In cases involving termination of the codebtor stay under §§ 1201 and 1301 of the Code, notice of the motion must:
- [A] state the date on or before which written objection must be filed and served, which date must not be less than fifteen (15) days following the date of service by mail, nor more than twenty (20) days after the motion is filed;
  - [B] conform to AK LBF 3, if appropriate; and
  - [C] be transmitted to the United States trustee and served on:
    - [i] all entities upon whom the motion was served,
    - [ii] all individuals who are liable on the debt with the debtor, and
    - [iii] all persons who have filed an appearance or request for notice.
- (3) If the moving party serves the parties listed in paragraph (1) or (2) instead of serving the master mailing list, the moving party must identify, in any certification of mailing, each party served by name, address and classification in accordance with paragraph (1) or (2), as appropriate.
- (c) Service of the Motion.** In addition to the entities identified in Rule 4001, Federal Rules of Bankruptcy Procedure, a motion brought under §§ 362, 1201, or 1301 of the Code must be:
- (1) transmitted to the United States trustee; and
  - (2) served on—
    - [A] in a case under chapter 7, 12 or 13, of the Code, both the trustee and the debtor(s),
    - [B] if the motion seeks relief from stay as to an act against property, to all entities who hold or claim an interest in the subject property, and
    - [C] if known, counsel for each entity served.
- (d) Uncontested Motion.** After expiration of the applicable time, if any, within which to object or otherwise respond, if no objection or other appropriate response has been filed, the moving party may:
- (1) file a certificate of mailing conforming to AK LBF 4; and
  - (2) lodge a proposed order granting the relief requested.
- (e) Contested Motion Under §§ 362(d), 1201, or 1301.**
- (1) For motions brought under §362(d) of the Code, if an objection is timely filed and served:
    - [A] either party may request a hearing, which request must include the date the motion for relief was filed;
    - [B] the court will schedule a preliminary hearing and advise the requesting party of the hearing date; and
    - [C] the requesting party must give notice of the date and time set for the hearing within 24 hours, both telephonically and in writing to:
      - (i) the adverse party,
      - (ii) trustee,
      - (iii) debtor, and
      - (iv) counsel for each.
  - (2) For motions brought under §362(d) of the Code:
    - [A] (i) if no hearing is held within thirty (30) days after the motion is filed, the automatic stay may be terminated or modified as requested without order of the court, consistent with § 362(e) of the Code; and
    - (ii) although any party may request a hearing on an objection to a motion for relief from stay, the party desiring the stay to remain in effect must request a hearing and be certain that a hearing is timely scheduled.
    - [B] (i) If desired, an order may be lodged *ex parte* thirty (30) days after filing of the motion.
    - (ii) The moving party must file an affidavit of mailing.
- (3) In cases involving termination of the codebtor stay under §§ 1201 and 1301 of the Code, any party may request a hearing by submitting a calendar request form (AK LBF 7).
- (f) Preliminary Hearing.**
- (1) Parties may present testimony at the preliminary hearing only on the request of a party and approval by the court.
  - (2) A request to present testimony at the preliminary hearing must be by motion:
    - [A] served and filed not less than three (3) days before the hearing; and

[B] set forth—

- (i) the name and address of the witness,
- (ii) a concise statement of the testimony to be offered, and
- (iii) a concise statement of the necessity for the testimony.

(g) **Objection to Motion.** The objection to the motion brought under §§ 362(d), 1201, or 1301 of the Code must fairly and completely state the grounds for the objection, including:

- (1) if value is placed at issue, the value placed on the property by the objecting party;
- (2) if the amount claimed due by the moving party is disputed, the amount that the objecting party contends is due the moving party;
- (3) if the objecting party contends the property is necessary to an effective reorganization, a concise statement of the nature of the necessity and when the expected reorganization will become effective; and
- (4) if the existence of equity or an equity cushion is placed at issue, an analysis of all liens and encumbrances on the property, including—

[A] the nature and amount of each lien, and

[B] whether the lien is senior or junior to the lien of the moving party.

(h) **Motions under §362(c).**

(1) A motion to continue the stay under §362(c)(3) or to impose a stay under §362(c)(4) of the Code must:

[A] clearly state—

- (i) the date, case number, and date of dismissal of all previous bankruptcy filings within the year prior to the filing of the current proceeding,
- (ii) the reasons for dismissal of each previous case(s);
- (iii) the date of the filing of the current case;
- (iv) a statement as to why the present case is being filed in good faith, including all facts offered to rebut the presumption that the filing was made in bad faith,
- (v) the identity of all creditors to whom the stay is requested to be continued, and
- (vi) any other facts or circumstances that should be considered by the Court;

[B] be served on

- (i) all parties to be affected by the motion,
- (ii) the trustee, and
- (iii) counsel for the above; and

[C] be transmitted to the United States trustee.

(2) Any objection to the motion must be filed not later than fifteen (15) days after the motion is served.

(3) Although any party may request a hearing on an objection to a motion under §362(c)(3), the party desiring the stay to remain in effect must request a hearing and be certain that a hearing is timely scheduled.

(4) If the motion is timely contested, the debtor must appear at the hearing of the matter and be available to be examined, under oath, by any affected party.

(5) Any objection will be considered a contested matter under Rule 9014, Federal Rules of Bankruptcy Procedure.

(i) **Procedures Under §362(l).**

(1) Unless otherwise ordered by the court, the Clerk of the Court will forward to the lessor the rental deposit made by the debtor as provided in AK LBR 1002-1(d) no later than five (5) days after the deposit is received by the clerk.

(2) If the debtor files the second Certificate, as required in §362(l)(2), the deposit may be considered as part of any paid post-petition rent (not pre-petition rent), for purposes determining whether the monetary default has been cured, or whether the lease is current.

(j) **Mandatory Discovery Exchange.**

(1) Unless the court orders otherwise, not later than five (5) days after service of any objection or response to a motion or application brought under §§362, 1201, or 1301 of the Code, which motion is governed by Rule 9014, Federal Rules of Bankruptcy Procedure, the moving party and each objecting party must, to the extent relevant to the issues fairly raised by the motion and objection or objections thereto, comply with the requirements of Rule 26(a)(1) and (2), Federal Rules of Civil Procedure.

(2) The parties may stipulate, in writing, subject to approval by the court, for different times to comply with this subdivision.

(3) Any party refusing or failing to comply with this subdivision may be subjected to such sanctions as the court may deem appropriate under the circumstances, including the assessment of costs and attorney's fees or the exclusion of the evidentiary materials not produced.

**Related Provisions:**

11 U.S.C. § 361	Adequate Protection
11 U.S.C. § 362	Automatic Stay
11 U.S.C. § 1201	Stay of Action Against Codebtor
11 U.S.C. § 1301	Stay of Action Against Codebtor
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
FRBP 4001	Relief from Automatic Stay; Use of Cash Collateral; Obtaining Credit; Agreements
FRBP 7001(2)	Scope of Rules of Part VII
FRBP 9014	Contested Matters
AK LBR 1002-1	Petitions
AK LBR 7026-1	Discovery and Depositions
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 1	Motion for Relief From Stay
AK LBF 2	Notice of Motion for Relief From Stay
AK LBF 3	Notice of Motion for Relief From Stay (Codebtor)
AK LBF 4	Certificate of No Objections
AK LBF 7	Bankruptcy Court Calendar Request

**Rule 4002-1 Debtor – Duties**

**(a) Property in Need of Attention or Protection**

(1) The debtor must promptly notify the trustee, or the United States trustee if a trustee has not yet been appointed, and any creditor having a security interest in the property telephonically and in writing if any property of the bankruptcy estate is:

[A] in an account not authorized by §345 of the Code or that exceeds the FDIC insured amount for funds on deposit;

[B] in jeopardy due to perishability, exposure to loss, damage or theft;

[C] is located in a place that requires that the property be moved promptly; or

[D] is otherwise in need of immediate attention.

(2) If the trustee cannot be reached telephonically, the debtor must telephonically advise the United States Trustee's Office in Anchorage.

(3) Certification of notice must be filed by the debtor with the court.

**(b) Domestic Support Obligations.** In all cases in which the debtor is an individual obligated to make payments on a domestic support obligation, subject to the provisions of AK LBR 2015-1(b), the debtor must, to the extent applicable:

(1) Within fifteen (15) days of filing the petition in all cases except chapter 11 and within seven (7) days of the appointment of a trustee in a case under chapter 11, provide the trustee with—

[A] the name, address, and telephone number of any person holding a domestic support obligation,

[B] the amount of domestic support payments required to be made and the dates of the month that any payments comes due,

[C] the amount of any domestic support payments that were due and unpaid at the time the petition was filed,

[D] a copy of the court decree, settlement agreement, or order of a governmental agency establishing the domestic support obligation,

[E] if the holder of the claim resides outside the State of Alaska, the name, address, and telephone number of the applicable child support agency in the state in which the holder of the claim resides, and

- [F] the name, address, and telephone number of the debtor's employer;
- (2) Within five (5) days of making any domestic support payment first coming due after the petition is filed, provide the trustee with evidence that the payment has been made;
- (3) Within ten (10) days of receiving notice of a change of address or telephone number of a holder of a domestic support obligation, provide the trustee with—
- [A] the new address and/or telephone number of the holder of the domestic support obligation, and
- [B] if applicable, the information required by subparagraph (1)[E];
- (4) Within ten (10) days of the date of any change in employment, provide the trustee with the name, address, and telephone number of the debtor's new employer; and
- (5) Within five (5) days of the execution of any reaffirmation agreement, provide the trustee with a copy of the reaffirmation agreement.

**Related Provisions:**

11 U.S.C. § 101(14A)	“domestic support obligation”
11 U.S.C. § 112	Prohibition on disclosure of name of minor children
11 U.S.C. § 521	Debtor's Duties
11 U.S.C. § 704	Duties of trustee
11 U.S.C. § 707	Dismissal of a case or conversion to a case under chapter 11 or 13
11 U.S.C. § 1106	Duties of trustee and examiner
11 U.S.C. § 1202	Trustee
11 U.S.C. § 1302	Trustee
FRBP 1008	Verification of Petitions and Accompanying Papers
FRBP 4002	Duties of Debtor
AK LBR 2015-1	Trustee – General
AK LBF 38	Statement Under Penalty of Perjury Concerning Payment Advices Due Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)

**Rule 4008-1 Reaffirmation Hearing**

**(a) General**

- (1) Reaffirmation agreements must follow the format of Procedural Form B240, “Reaffirmation Agreement,” and all applicable parts of the agreement must be must be completed in their entirety.
- (2) Except in a case in which the presumption of undue hardship arises or the court otherwise orders, a reaffirmation hearing will not be required in individual chapter 7 cases where the debtor(s) is(are) represented by counsel.
- (3) [A] The court will enter a discharge as soon as appropriate without regard to whether reaffirmation agreements have been entered into in accordance with §521(a)(2) of the Code.
- [B] It is the duty of counsel for the debtor, the debtor, and the creditor whose obligation is to be reaffirmed to assure compliance with the requirements of §524(c) of the Code.

**(b) Delay of Entry of Discharge.**

- (1) Entry of discharge may be delayed to accommodate entry into a reaffirmation agreement for a period not to exceed thirty (30) days upon *ex parte* motion filed by the debtor.
- (2) On *ex parte* motion of the debtor within the 30-day period, the court may defer entry of discharge to a date certain.

**(c) Service of Reaffirmation Agreement.**

- (1) If a reaffirmation agreement is filed conventionally, the party filing the reaffirmation agreement must serve a conformed copy of the agreement (showing the date filed stamp) on the other party or party's counsel.
- (2) If a reaffirmation agreement is filed electronically, unless the other party or counsel for the other party is served electronically, the party filing the reaffirmation agreement must serve a true and correct copy of the agreement, together with a copy of the Notice of Electronic Filing generated by the CM/ECF System for the agreement, on the other party or party's counsel.

**Related Provisions:**

11 U.S.C. § 521	Debtor's duties
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11 U.S.C. § 524	Effects of discharge
FRBP 4004	Grant or Denial of Discharge
FRBP 4008	Reaffirmation and Discharge Hearing
FRBP 9013	Motions; Form and Service
Official Form 6, Schedule I	“Current Income of Individual Debtor(s)”
Official Form 6, Schedule J	“Current Expenses of Individual Debtor(s)”
Procedural Form B240,	“Reaffirmation Agreement”
AK LBR 5005-2	Electronic Case Filing
AK LBR 9075-1	Hearings; Trials

**Rule 5001-2 Clerk’s Office Locations and Hours**

(a) **Petitions.** Petitions and documents filed with the initial petition may be filed conventionally at the following locations:

Office of the Clerk, Bankruptcy Court  
605 West Fourth Avenue, Room 138  
Anchorage, AK 99501-2296

Clerk of the State Court  
Federal Building, 113 Front St., Room 229  
Nome, AK 99762

Office of the Clerk, District Court  
Federal Building & U.S. Courthouse  
101 12th Avenue, Room 370, Box 1  
Fairbanks, AK 99701-6237

Office of the Clerk, District Court  
648 Mission Street  
Ketchikan, AK 99901-6534  
(Hours 8:00 to 11:00 a.m.)

Office of the Clerk, District Court  
709 West Ninth Street, Room 979  
Box 020349  
Juneau, AK 99802-0349

(b) **Subsequent Documents.** All subsequent documents may be filed conventionally only at the Anchorage or Fairbanks locations.

(c) **Filing by Mail or Special Delivery.** All documents filed by delivery utilizing the U.S. Postal Service, Fed-Ex, UPS, DHL, or similar services, are to be filed in the Anchorage office only.

(d) **Disposition of Conventionally Filed Documents.** Once digitally imaged (“scanned”) into the CM/ECF system, the Clerk of the Court will retain, distribute, or otherwise dispose of the original of all conventionally filed pleadings, papers, and documents as may be otherwise provided by statute or court rule.

(e) **Business Hours.**

(1) Except as noted in subsection (a), regular business hours are from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday, except federal holidays, and days designated as holidays by the Chief Judge of the United States District Court or the Administrative Office of the United States Courts.

(2) Office locations and business hours may be adjusted or changed, with or without prior notice, as staffing and budgetary conditions dictate.

(f) **Replacing Papers Lost or Withheld.** If an original paper or pleading, other than a paper or pleading that has been electronically imaged (“scanned”) and filed in the CM/ECF system, is lost or withheld by any person, the court may order a verified copy to be filed and used in lieu of the original.

**Related Provisions:**

28 U.S.C. § 152(b), (c), (d)	Place of Holding Court
FRBP 5005	Filing of Papers
AK LBR 5003-2	Court Records
AK LBR 5005-2	Number of Copies

**Rule 5003-1 Court Records** [*Abrogated*] Replaced by AK LBR 5003-2]

**Rule 5003-2 Court Records**

(a) **Official Record.** The Case Management/Electronic Case Filing System constitutes the official record of the court.

(b) **Records — Custody of the Clerk.**

(1) All records of the court will remain in the custody of the Clerk.

(2) [A] The record for any open case and any case in the Case Management/Electronic Case Filing System will be available for inspection by the public during regular business hours at the Office of the Clerk, 605 West Fourth Avenue, Room 138, Anchorage, Alaska without charge.

[B] The record for any case in the Case Management/Electronic Case Filing System will be available for inspection by the public during regular business hours at the Office of the Clerk in any satellite location without charge.

(3) Permission of the Clerk of the Court is required for removal of any record.

(c) **Research by Court Personnel.** Requests for research of any record by court personnel must be in writing and accompanied by the statutory fee.

**Related Provisions:**

11 U.S.C. § 107	Public Access to Papers
11 U.S.C. § 505	Determination of tax liability
28 U.S.C. § 1930(b)	Bankruptcy Fees
FRCP 77(c)	Clerk's Office and Orders by Clerk
FRBP 9006	Time
FRBP 5001	Courts and Clerks' Offices
FRBP 5003	Records Kept By the Clerk
AK LBR 5001-2	Clerk's Office Location and Hours

**Rule 5005-2 Number of Copies**

(a) **Petitions, Schedules and Statements.**

(1) In cases filed under chapter 7, 12 or 13 of the Code, one (1) paper copy of each original petition, schedule, statement of financial affairs, and any amendments, supplements or addendum thereto, whether filed conventionally or electronically, must be submitted to the clerk.

(2) [A] In cases filed under chapter 9 or 11 of the Code, two (2) paper copies of each original petition, schedule, statement of financial affairs, and any amendments, supplements or addendum thereto, whether filed conventionally or electronically, must be submitted to the clerk.

[B] In chapter 11 cases, if the debtor is a publicly traded entity, each petition, schedule, statement of financial affairs and any amendments, supplements or addendums thereto, whether filed conventionally or electronically, must be accompanied by one copy in addition to the copies required under subparagraph (2)[A].

(3) [A] If the original documents are filed conventionally, the paper copy or copies required by paragraphs (1) and (2) must accompany the originals.

[B] If the original documents are filed electronically, the paper copy or copies required by paragraphs (1) and (2) must be hand delivered or placed in the mail to the clerk within one (1) business day of the date the originals are filed.

(b) **Chapters 9, 11, 12 and 13 Plans.** In addition to the original, each plan in cases under chapters 9, 11, 12 and 13 and the chapter 11 disclosure statement and any amendments, supplements or addendum thereto, must be accompanied by the same number of copies as is provided in subdivision (a) for petitions, schedules, and statements of affairs for the applicable chapter.

(c) **Lengthy Pleadings.**

(1) Any pleading, motion, paper or other document filed with the court, conventionally or electronically, that exceeds twenty-five (25) pages in length, including all attachments and exhibits thereto, must be accompanied by one (1) paper copy for use by the court.

(2) Copies must be complete, including any attachments or exhibits made a part of the original pleading, motion, paper or document being filed.

(3) The paper copy must be submitted to the court as provided in subparagraph (a)(3).

Related Provisions:

AK LBR 5001-1 Place of Filing

**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 in accordance with the CM/ECF Administrative Procedures Guide.

(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 5003-1(d), 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)

**Rule 6004-1 Sale of Estate Property**

**(a) Notice of Sale.**

(1) Other than a sale free and clear of interests, a sale under § 363(b) of the Code is initiated by notice under Rules 2002(a)(2) and 6004, Federal Rules of Bankruptcy Procedure.

(2) The notice must include:

[A] the terms of the sale;

[B] name of the purchaser;

[C] relationship, if any, of the purchaser to the debtor;

[D] the fair market value of the property;

[E] the anticipated professional fees and expenses related to the sale;

[F] indicate whether the sale includes personally identifying data; and

[F] in a chapter 11 case, whether or not the assets proposed to be sold comprise a major part of debtor's estate or if their sale will affect debtor's ability to continue operating as a going concern.

**(b) Sale Free and Clear of Interests .**

(1) A motion for authority to sell property free and clear of liens or other interests is governed by Rule 9014, Federal Rules of Bankruptcy Procedure and must be served on the parties who have liens or other interests in the property to be sold.

(2) A hearing must be held before a sale free and clear of liens or encumbrances may be held, even if no objections are filed in response to the notice.

(3) In addition to the information required under subdivision (a), the notice must include:

[A] the date of the hearing on the motion;

[B] the time within which objections may be filed;

[C] notice that the property is to be sold free and clear of liens or encumbrances;

[D] the amount of each lien or encumbrance claimed against the property;

[E] the sub-paragraph of § 363(f) of the Code under which the sale is authorized; and

[F] if the proceeds of the sale appear to be insufficient to pay all the liens and encumbrances claimed against the property, then the notice must further state—

(i) the liens and encumbrances that may not be paid from the sale proceeds, and

(ii) the necessity for the sale.

(4) Unless otherwise provided in the notice, all interests in property sold free and clear of liens and encumbrances attach to the proceeds of sale.

(c) **Mandatory Discovery Exchange.** Not later than ten (10) days after service of any objection to the sale of property, the parties must comply with the requirements of Rule 26(a), Federal Rules of Civil Procedure.

(d) **Handling Proceeds.**

(1) Unless the liquidation proceeds are remitted to the case trustee, if one is appointed, at the time of the sale, the auctioneer must deposit all liquidation proceeds in a trust account at a depository approved by the United States trustee.

(2) All liquidation proceeds must be remitted to the case trustee within fifteen (15) days after the sale.

(e) **Report of Sale.** Within thirty (30) days after a sale, auctioneers must submit a report of sale required by Rule 6004, Federal Rules of Bankruptcy Procedure to the trustee. The report of sale must include:

(1) the date of the sale;

(2) the price obtained for each item sold together with:

[A] the name and address of each purchaser in the case of an auction; or

[B] cash register tapes or appropriate documentation in the case of other types of sales;

(3) the total amount of funds received and the amount transferred to the trustee;

(4) the compensation and expenses sought by the auctioneer [expense requests must be documented by appropriate receipts or explanation];

(5) a statement that the auctioneer or insider did not directly or indirectly acquire an interest in any of the estate property sold; and

(6) an explanation and sample of advertising efforts.

(f) **Bond.** An auctioneer must file a bond with the United States trustee that meets the requirements of the United States trustee.

(g) **Section 506(b) Claims.**

(1) Unless the claim was previously noticed to the parties in interest in connection with the notice of the proposed sale of the property, a creditor having or claiming to have an interest in the property to be sold who claims post-petition fees, costs or charges under §506(b) of the Code, must, not later than thirty (30) days after the order approving the sale is entered:

[A] file with the court an application for allowance of the claim, setting forth the amount of post-petition fees, costs, and charges claimed to be due;

[B] transmit the application to the United States trustee, and

[C] serve it on—

(i) the debtor or trustee, if one has been appointed,

(ii) any committee appointed in the case or, if no committee has been appointed, the five

(5) largest unsecured creditors, and

(iii) any party having or claiming to have an interest in the property being sold.

(2) A party objecting to the application for allowance of post-petition fees, costs and charges may serve and file an objection, in writing, not later than fifteen (15) days after service of the application.

(3) If no objection is filed as specified in paragraph (g) (2), the application for allowance will be deemed allowed or approved without further order of the court.

**Related Provisions:**

11 U.S.C. § 332	Consumer privacy ombudsman
11 U.S.C. § 345	Money of estates
11 U.S.C. § 363	Use, sale or lease of property
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 6004	Use, Sale or Lease of Property
FRBP 9014	Contested Matters
AK LBR 2015-1	Funds of the Estate
AK LBR 4002-1	Property in Need of Attention or Protection
AK LBR 7026-1	Discovery and Depositions
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9014-1	Contested Matters
AK LBR 9075-1	Hearings; Trials
AK LBF 22	Notice of Proposed Sale of Property
AK LBF 23	Notice of Proposed Sale, Use or Lease of Property

**Rule 9001-1 Meaning of Words and Phrases**

(a) **General.** The definition and construction of words and phrases in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure govern the use of those words and phrases in these rules.

(b) **"Business Days" and "Manager."**

(1) "Business days" means days that the clerk's office is normally open.

(2) "Manager" when used in conjunction with a limited liability company includes any member of a member managed limited liability company.

(c) **"Conventional Filing."** As used in these rules, the term "conventional filing" means the physical filing of the paper original of a pleading or other document by delivery to the Clerk of the Court.

(d) **"CM/ECF System."** As used in these rules, the term "CM/ECF System" means the Case Management and Electronic Case Management System established and maintained by the Clerk of the Court.

**Related Provisions:**

11 U.S.C. § 101	Definitions
11 U.S.C. § 102	Rules of Construction
11 U.S.C. § 1101	Chapter 11 Definitions
11 U.S.C. § 741	Definitions of Stockbroker Liquidation
FRBP 1001	Scope of Rules
FRBP 9001	General Definitions
FRBP 9002	Meaning of Words in Federal Rules of Bankruptcy Procedure
FRBP 9006	Time
AK LBR 5003-2	Court Records
AK LBR 5005-4	Electronic Case Filing

**Rule 9004-1 Form of Pleadings and Other Papers**

(a) **Form in General.** Except as otherwise provided in these rules, all documents, including exhibits, other than forms prescribed elsewhere, presented for filing with the clerk or intended for use of the judge must:

(1) be upon letter size (8½ inches X 11 inches) white paper of good quality, reasonably opaque and not onionskin;

(2) have a margin of not less than one inch (1") on all four sides of each page;

(3) if filed conventionally, be two-hole punched at the center of the top of each page;

(4) be either in original clear and legible typewriting, or in clear and legible printing;

(5) be in either double-spaced or one-and-one-half-spaced typewriting or printing, except that quotations exceeding fifty (50) words are to be single-spaced and indented;

(6) if consisting of more than one page, have each consecutive page numbered at the bottom of each page;

(7) be printed or written upon only one side of the paper;

(8) utilize twelve (12) point or ten (10) pitch type; and

(9) each pleading filed as a separate document and, if filed conventionally, all pages of each document securely clipped but not stapled together.

**(b) Notices.**

(1) Notices served upon creditors and parties in interest may be doubled-sided and single-spaced to conserve paper.

(2) Original notices filed with the court must be single-sided.

**(c) Information to be Placed on First Page.** The first page of each document must be prepared as follows:

(1) [A] The name, address, telephone number and facsimile/telecopier number of the attorney appearing for a party to an action or proceeding and the name of the party, or of a person appearing without an attorney, typewritten or printed in the space to the left of center of the paper and beginning at least one inch (1") below the top edge.

[B] Following the name, address and telephone number, indicate the party represented, e.g., Attorney for Creditor John Doe, Attorney for Trustee, as appropriate.

(2) The title of the court is to be centered on the paper and commence not less than one-half (½) inch below the name, address and telephone number of the attorney or person appearing without an attorney.

(3) [A] A space not less than two (2) inches in length above the title of the court and to the right of center on the page to be reserved for the filing marks of the clerk.

[B] The file number of the action or proceeding is to be placed below this space.

[C] For a main case filing, the main case number only is placed in this space; for an adversary filing, the adversary number is placed in this space (see Official Form 16C).

(4) The title of the action or proceeding is inserted below the title of the court in the space to the left of the center of the paper.

(5) A brief designation of the nature of the document and the relief sought, if any, is to be placed below the title of the court and file number, and either centered or to the right of center of the page; and

(6) Names are to be typed or printed beneath signatures on all documents.

**(d) Reference to Other Parts of Pleading.**

(1)[A] In any action brought upon or any proceeding involving serial notes, bonds, coupons, or obligations for the payment of money that are of the same form, tenor and effect, and are issued under the same law, or by the same authority, and differing only in number, date of maturity or amount, it will be sufficient for the plaintiff to set forth, in one claim of the complaint, one note, bond, coupon, or obligation, either verbatim or according to legal effect.

[B] The remaining notes, bonds, coupons or obligations may be pleaded, in the same or another claim of the complaint, by a general reference or description sufficient to identify them with like effect as if they had been set forth verbatim.

(2)[A] A similar practice may be followed in any pleading where any two or more documents of similar form, tenor or effect are set forth.

[B] Any similar document referred to in any pleading may be set forth either in the body of the pleading or in an exhibit attached thereto.

**(e) Exclusion of Personal Identifying Data.** [Abrogated. See AK LBR 9037-1]

**Related Provisions:**

11 U.S.C. § 342

FRBP 1005

FRBP 1007

Notice

Caption of Petition

Lists, Schedules, and Statements; Time Limits

## **Rule 9010-1 Appearances**

### **(a) Appearances.**

(1) [A] The filing of any document in a bankruptcy case or adversary proceeding constitutes an appearance by the attorney who signs the document, but

[B] an attorney who wishes the appearance noted on the docket and the matrix must separately file an entry of appearance.

(2) Whenever a party is represented by counsel, the party may not appear or act on his, her, or its own behalf.

(3) When a party is not an individual:

[A] A debtor who is not an individual must be represented by an attorney; and

[B] A party, other than a debtor, that is not an individual will not be allowed to represent itself except:

(i) with respect to contested matters where its claim or interest does not exceed the jurisdictional limit on small claims actions brought in the Alaska Court System,

(ii) for the purpose of executing a proof of claim in a bankruptcy case, or

(iii) at the meeting of creditors held under § 341 of the Code.

(4) [A] In a case to which subparagraph (3)[B] applies, the corporation, partnership, limited liability company, or unincorporated association may appear through a corporate officer, general partner, manager of a limited liability company, association officer, or a designated employee.

[B] If the representative is not a corporate officer, general partner, manager of a limited liability company, or association officer, the designated employee representative must file with the court prior to participation written authorization signed by a corporate officer, general partner, manager of a limited liability company, or association officer designating such person as the representative and acknowledging that the corporation, partnership, limited liability company, or unincorporated association will be bound by the actions of the designated employee.

**(b) Limited Appearance By Counsel in Adversary Proceedings and Contested Matters.** A party in an adversary proceeding or contested matter may appear through an attorney for limited purposes during the course of an action, including, but not limited to, depositions, hearings, discovery, and motion practice, if the following conditions are satisfied:

(1) The attorney files and serves an entry of appearance with the court before or during the initial action or proceeding that expressly states that the appearance is limited, and all parties of record are served with the limited entry of appearance; and

(2) The entry of appearance specifically identifies the limitation by date, time period, or subject matter.

**(c) Limited Appearance by Debtor's Counsel in Individual Cases.**

(1) An attorney appearing for an individual debtor in a case under chapter 7 of the Code:

[A] is conclusively presumed to have entered an appearance as counsel for the debtor in all matters or proceedings in the case, except—

[i] adversary proceedings, whether or not initiated in connection with the case, and

[ii] those matters and proceedings specifically designated as excluded on the statement filed under § 329 of the Code and Rule 2016(b), Federal Rules of Bankruptcy Procedure; and

[B] the attorney filing the petition and/or the schedules may not exclude from representation appearance at the meeting of creditors held under § 341 of the Code and all continuances thereof until the meeting is concluded.

(2) An attorney who provides counsel or assistance to an individual debtor in the preparation of the schedules and statements required under § 521(a) of the Code and Rule 1007(b), Federal Rules of Bankruptcy Procedure, or a plan under § 1221 or § 1321 of the Code, must enter an appearance as counsel for the debtor and comply with § 329 of the Code and Rule 2016(b) before or at the time the schedules and statements, or plan, are filed by the debtor.

(3) Except as otherwise provided in this subsection, an attorney may provide limited representation of a debtor under subsection (b).

(d) **Withdrawal by Attorney.**

(1) Except as provided in paragraph (d)(5), an attorney who wishes to withdraw must file a motion, which motion must set forth:

[A] the reason(s) for the request;

[B] the names and last known addresses and telephone numbers of the persons represented by the withdrawing attorney; and

[C] any significant events that are set, *e.g.*, a trial or pretrial conference, hearings, *etc.*, and the date and time of the events.

(2) A notice of the motion to withdraw must be given, which must include:

[A] the names and last known addresses and telephone numbers of the persons represented by the withdrawing attorney;

[B] the date when the attorney intends to withdraw, not less than twenty (20) days after the service of the notice; and

(C) a statement that an order permitting the withdrawal may be entered unless an objection to the withdrawal is filed within the time set forth in the notice.

(3) Notice must be given to the following:

[A] In the case of an attorney for debtor, trustee, or debtor in possession—all those listed on the master mailing list.

[B] In the case of an attorney representing a party to an adversary proceeding or contested matter—

(i) the attorney's client, and

(ii) all other parties to the adversary proceeding or contested matter; and

[C] In the case of all other attorneys —

(i) the attorney's client,

(ii) the debtor or debtor in possession,

(iv) any trustee, and

(v) transmit a copy to the United States trustee.

[D] The client may be served at the client's last known address, but service upon the client is unnecessary if the client's written consent to withdraw has been filed.

(4)[A] If an attorney for a non-individual debtor withdraws, the debtor or debtor in possession must obtain new counsel in order to proceed with the case.

[B] The court may refuse to permit withdrawal of an attorney or may provide that the case will be dismissed if a new attorney does not appear within fifteen (15) days of the withdrawal.

(5) [A] An attorney may withdraw without further leave of court in accordance with the limitations set forth in any limited entry of appearance filed in accordance with subsection (b) or limitation enumerated as provided in subsection (c).

[B] Withdrawal under this paragraph is accomplished by filing a notice with the court, served as provided in paragraph (d)(3), stating that:

[i] the attorney's limited representation has concluded;

[ii] certifying that the attorney has taken all actions necessitated by the limited representation; and

[iii] providing a current service address and telephone number of the represented party.

[C] Upon the filing of the notice prescribed herein, the withdrawal will be effective without further court action or approval.

(e) **Substitution of Attorneys.** Substitution of attorneys is accomplished by the filing of a document that must include the effective date of substitution.

(1) The document must be:

[A] signed by both attorneys; or

[B] signed by the new attorney and the client with notice to the original attorney.

(2) Court approval of substitution of attorneys is required only where a provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure requires approval of the employment of an attorney in the first instance.

(3) Notice of substitution must be filed and served on the parties set forth in paragraph (d)(3).

(f) **New Attorneys.** If the original attorney dies, withdraws without substitution, or otherwise ceases to act, notice of the retention of a new attorney must be filed and served on the parties set forth in paragraph (d)(3).

**Related Provisions:**

11 U.S.C. § 105	Power of the Court
11 U.S.C. § 329	Debtor's Transactions with Attorneys
11 U.S.C. § 341	Meetings of Creditors and Equity Security Holders
11 U.S.C. § 526	Restrictions on debt relief agencies
11 U.S.C. § 527	Disclosures
11 U.S.C. § 707	Dismissal or conversion to a case under chapter 11 or 13
28 U.S.C. § 1927	Counsel's Liability for Excessive Costs
ARPC 1.2	Scope of Representation
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 9011	Signing and Verification of Papers
AK LBR 9011-3	Sanctions

**Rule 9011-3 Sanctions**

**(a) Motions under § 707(b)(4).**

(1) A motion brought under § 707(b)(4) of the Code must:

[A] be served and filed no later than fifteen (15) days after the order dismissing the case is entered, unless the court, for cause extends the time; and

[B] set forth with specificity and detail the basis for the motion.

(2) Any opposition to the motion is to be filed not later than ten (10) days after the motion is served.

(3) The moving party may file a reply five (5) days after the opposition to the motion is served and filed.

**(b) Motions under § 707(b)(5).**

(1) A motion brought under § 707(b)(5) of the Code must—

[A] be served and filed no later than twenty (20) days after the order denying the motion to dismiss is entered, unless the court extends the time for cause, and

[B] set forth with specificity and detail the basis for the motion.

(2) Any opposition to the motion is to be filed not later than fifteen (15) days after the motion is served.

(3) The moving party may file a reply five (5) days after the opposition to the motion is served and filed.

**Related Provisions:**

11 U.S.C. § 707	Dismissal of a case or conversion to a case under chapter 11 or 13
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers

**Rule 9013-3 Motions Under 11 U.S.C. § 110(i)**

**(a) Motion.**

(1) A matter brought by a debtor, trustee, or creditor against a bankruptcy petition preparer under 11 U.S.C. § 110(i) is commenced by filing a motion with the Clerk of the Bankruptcy Court.

(2) The motion must specify:

[A] Those provisions of § 110 alleged to have been violated;

[B] The acts alleged to be fraudulent, unfair, or deceptive; and

[C] The damages claimed.

(3) A motion brought under this rule is a contested matter governed by Rule 9014, Federal Rules of Bankruptcy Procedure.

(4) The motion filed with the Clerk of the Bankruptcy Court will be deemed filed in the district court for the award of the damages claimed upon certification as provided in subsection (d).

**(b) Response.** Unless otherwise ordered by the court, the bankruptcy petition preparer against whom the matter is brought must serve and file a response within twenty-five (25) days after the motion is served and filed.

(c) **Denial by Bankruptcy Court.**

- (1) The bankruptcy court must deny the motion if the bankruptcy court finds that:
  - [A] Section 110(i) is not applicable; or
  - [B] There is insufficient factual basis to support a finding that the bankruptcy petition preparer committed any act proscribed by § 110(i).
- (2) Denial of the motion under this subsection constitutes a final order.

**Related Provisions:**

11 U.S.C. § 110	Penalty for persons who negligently or fraudulently prepare bankruptcy petitions
FRBP 9014	Contested Matters
FRBP 9033	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings
D.Ak. LR 7.2	Hearings
D.Ak. LR 54.1	Award of Attorney's Fees
AK LBR 9013-2	Motion Practice

**Rule 9037-1 Privacy Protection For Filings Made with the Court.**

(a) **Limits on Information Disclosed in a Filing.** Unless the court orders otherwise, an electronic or paper filing made with the court that includes a social security number or tax identification number; a name of a person, other than the debtor, known to be and identified as a minor; a person's birth date; or a financial account number may include only:

- (1) the last four digits of the social security number and tax identification number;
- (2) the minor's initials;
- (3) the year of birth; and
- (4) the last four digits of the financial account number.

(b) **Exemptions from the Redaction Requirement.** The redaction requirement of subdivision (a) does not apply to the following:

- (1) the record of an administrative or agency proceeding unless filed with a proof of claim;
- (2) the record of a court or tribunal whose decision is being reviewed, if that record was not subject to the privacy policy of the Judicial Conference of the United States when originally filed;
- (3) filings covered by subdivision (c) of this rule;
- (4) filings that are subject to §110 of the Code.

(c) **Filings Made under Seal.** The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(d) **Protective Orders.** If necessary to protect private or sensitive information that is not otherwise protected by subdivision (a), a court may by order in a case under the Code:

- (1) require redaction of additional information; or
- (2) limit or prohibit remote electronic access by a nonparty to a document filed with the court.

(e) **Option for Additional Unredacted Filing under Seal.** A party making a redacted filing under subdivision (a) may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

(f) **Option for Filing a Reference List.** A filing that contains information redacted under subdivision (a) may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item of redacted information listed. The reference list must be filed under seal and may be amended as of right. Any references in the case to an identifier in the reference list will be construed to refer to the corresponding item of information.

(g) **Waiver of Protection of Identifiers.** A party waives the protection of subdivision (a) as to the party's own information to the extent that such information is filed by the party not under seal and without redaction.

(h) **Responsibility.** The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

**Related Provisions:**

E-Government Act of 2002, PL 107-347, § 205 “Federal courts”  
11 U.S.C. § 101(41A) “personally identifiable information”  
11 U.S.C. § 112 Prohibition on disclosure of name of minor children  
AK LBR 9004-1 Form of Pleadings and Other Papers

**Rule 9070-1 Number of Copies.** [*Abrogated*] Replaced by AK LBR 5005-2.

**Rule 9075-1 Hearings; Trials**

**(a) Places of Holding Court.**

(1) The Bankruptcy Court is located in Anchorage. Hearings and trials are scheduled as needed in Anchorage, Fairbanks, Juneau, Ketchikan, and Nome.

(2) Divisional offices are maintained in the United States District Court Office of the Clerk in Fairbanks and Ketchikan. Operation of these divisional offices is subject to budgetary constraints that may require their closure without notice.

**(b) No Hearing Required.**

(1) Absent objection, an actual hearing is not required for any "notice and hearing" matter except as otherwise required by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure.

(2) Among the matters that require actual hearing are motions:

[A] to obtain conversion or dismissal of a case where the Code requires a hearing;

[B] objections to claims; and

[C] motions to sell free and clear of liens.

(3) [A] The moving party must, *ex parte*—

(i) lodge a proposed order consistent with AK LBR 9021-1, and

(ii) file a certificate that no objections were made, conforming to AK LBF 4.

[B] If the court determines a hearing is necessary, the court will inform the moving party of the date of the hearing.

**(c) Hearings and Calendar Requests.**

(1) In a matter in which a hearing is required the moving party must request a hearing date from the court; in all other matters either party may request a hearing date be set.

[A] Hearing dates are obtained from the office of the judge by submitting a completed Bankruptcy Court Calendar Request Form (AK LBF 7) available from the clerk's office.

[B] [*Abrogated*]

[C] The matter may not be promptly scheduled unless a hearing date has been requested from the court in accordance with this paragraph.

(2) [A] Unless one of the parties files a calendar request or unless a hearing is required by a rule or order of the court, a matter is deemed submitted for the court's consideration five (5) days after the time for filing objections has passed.

[B] Once a matter is deemed submitted, it is the responsibility of the moving party to submit a proposed order to the court, consistent with AK LBR 9021-1.

(3) [A] Written notice of the hearing must be filed and served on the opposing party, trustee, debtor, or debtor's attorney no later than seven (7) days prior to the date of the hearing.

[B] The matter may not be heard, or may be decided adversely to the non-complying party if the notice is not filed and served.

(4) [A] Unless otherwise ordered by the court, in any matter requiring less than seven (7) days notice the initiating party must, in addition to written notice, give telephonic notice of the hearing on or before the same day as written notice is given, to the opposing party, debtor and trustee, or their attorneys, if they are represented.

[B] Telephonic notice is not required if the party upon whom it should otherwise be made has not provided and maintained a current telephone number in the appropriate manner in the official Bankruptcy Court file.

[C] An affidavit or declaration of telephonic notice must be filed with the court at the same time written notice of hearing is filed.

(d) **Nonappearance by Requesting Party.** Whenever a party who has requested a hearing does not appear in person or by attorney at the hearing, the court may award the opposing party attorney fees occasioned by the non-appearance.

(e) **Affidavits/Declarations, Witnesses, and Expected Testimony.**

(1) Unless otherwise ordered by the court, to the extent not earlier served and filed, not later than seven (7) business days before the hearing, each party must comply with the requirements of Rule 26(a)(3), Federal Rules of Civil Procedure, and serve and file with the court:

[A] all affidavits or declarations under penalty of perjury upon which the propounding party intends to rely; and

[B] a listing of all exhibits intended to be introduced into evidence.

[C] Objections as provided in Rule 26(a)(3), Federal Rules of Civil Procedure must be served and filed not less than three (3) business days before the hearing.

(2) Service under this subsection must be made by personal delivery or by other means that ensures that the recipient thereof receives the materials on or before the due date.

(3) Unless otherwise agreed to by stipulation of the parties or order of the court, no affidavit or declaration under penalty of perjury will be admitted unless the affiant or declarant is made available for cross-examination by the opposing party.

**Related Provisions:**

11 U.S.C. § 102(1)	Construction of "Notice and Hearing"
FRCP 26	General Provisions Governing Discovery; Duty of Disclosure
AK LBR 2002-1	Notices
AK LBR 5071-1	Continuances
AK LBR 9013-2	Motion Practice
AK LBR 9015-1	Jury Trials
AK LBR 9021-1	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBR 9076-1	Telephonic Participation by Parties in Interest
AK LBF 4	Certificate of No Objection
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 10	Notice of Hearing on Application for _____
AK LBF 12	Certificate of Mailing of Notice of Hearing
AK LBF 24	Notice of Hearing
AK LBF 32	Request for Notice by Electronic Transmission



(e) **Modified Secured Claims:** Distributions to secured creditors whose claims are duly filed and allowed, but are modified, estimated as follows:

<u>Creditor/Collateral</u>	<u>Value of Collateral</u>	<u>Number of Payments</u>	<u>Estimated Payment Amt</u>	<u>Interest Rate</u>
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[This paragraph 2(e) addresses the repayment terms of all secured claims that are not addressed under paragraph 2(d) above or under paragraphs 2(f) or 3 below. These "modified secured claims" are all those held by creditors whose rights are modified under applicable bankruptcy law. The allowed claims of each creditor listed in paragraph 2(e) will be allowed as a secured claim in the amount of the value of the security and paid in installments as shown until the balance, with interest as stated, has been paid. The remainder of the amount owing will be allowed as a general unsecured claim and paid under the provisions of paragraph 2(h) if a proof of claim is duly filed and allowed.]

(f) **Secured Claims Not Modified.** Distributions to secured creditors whose claims are duly filed and allowed, but are not modified and not paid directly by debtor under paragraph 3, in accordance with the contract terms as follows:

<u>Creditor/Collateral</u>	<u>Estimated Balance</u>	<u>Number of Payments</u>	<u>Payment</u>	<u>Interest Rate</u>
----------------------------	--------------------------	---------------------------	----------------	----------------------

(g) **Allowed Priority Unsecured Claims** in the order and in the amount prescribed by 11 U.S.C. § 507(a)(3) - (a)(9) including the following estimated tax claims:

<u>Tax Creditor</u>	<u>Type of Tax</u>	<u>Year</u>	<u>Amount</u>
---------------------	--------------------	-------------	---------------

Debtor(s) will check the following correct answer:

Yes, I/we have filed all required tax returns.  No, I/we have not filed all required tax returns.

(h) To **Unsecured Non-priority Claims** that are duly filed and allowed, the balance of the debtor's plan payments will be distributed pro-rata.

(i) **Alternate Payment Instructions to Trustee:**

Payments under paragraphs 2(b), (c), and (g) are to be made in equal installments over the commitment period.

Payments under paragraph 2(h) are to be made concurrently with payments made under paragraphs 2(a) – (f).

Other (specify) \_\_\_\_\_

3. **Secured Claims Not Modified:** The following creditors' claims are fully secured, are not modified, will be paid directly by the debtor(s) outside the Plan under the original contract terms, and will receive no distributions under Paragraph 2 (except distributions set out in paragraph 2(d) above):

(a) **Residential Mortgage:**

<u>Creditor/Collateral</u>	<u>Estimated Balance Owed</u>	<u>Present Monthly Payment</u>
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(b) **Other:** [See AK LBR 3015-1(b)(2)]

<u>Creditor/Collateral</u>	<u>Estimated Balance</u>	<u>Number of Payments</u>	<u>Payment</u>	<u>Due Date</u>
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4. **Secured Property Surrendered:** The secured property described below will be surrendered to the following named creditors, and any duly filed and allowed unsecured claim resulting from such surrender will be paid under Paragraph 2(g):

5. **Executory Contracts:** Except as provided above, the following executory contracts and unexpired leases of the debtor(s) are assumed or rejected as noted below. If rejected, the debtor(s) will surrender any collateral or leased property and any duly filed and allowed unsecured claim for damages will be paid under paragraph 2(g):

Contract/Lease

Assumed /Rejected

6. **Plan Analysis/Disposable Income Analysis/Liquidation Analysis/Schedule of Direct Payments:** The attached Plan Analysis, Disposable Income Analysis, Liquidation Analysis, and Schedule of Direct Payments to Creditors are accurate to the best of my (our) knowledge. If there are discrepancies between the Plan and the analyses, the provisions of the Plan, as confirmed, control.

7. **Retention of Security Interests and Revesting of Property:** Secured creditors will retain their liens until the claims as determined under applicable nonbankruptcy law have been paid in full or a discharge is entered under 11 U.S.C. § 1328 as provided by 11 U.S.C. § 1325(a)(5)(B). Except as provided in this plan or in the order confirming the plan, upon confirmation of this plan all of the property of the estate vests in the debtor(s) free and clear of any claim or interest of any creditor provided for by this plan under 11 U.S.C. § 1327.

8. **Orders Granting Relief From Stay.** If at any time during the life of this plan, an order terminating the automatic stay is entered, no distributions under this plan will be made to the creditor obtaining relief from stay until such time as the creditor files an amended proof of claim. The allowed claim for a deficiency will be treated as a general unsecured claim under paragraph 2(g).

9. **Plan Changes:** The court may after hearing, upon such notice as the court may designate, increase or reduce the amount or the time for payment where it appears that circumstances so warrant.

10. **Certification.** It is certified that the foregoing plan complies with the requirements of the applicable provisions of the Bankruptcy Code (title 11, United States Code), the Federal Rules of Bankruptcy Procedure, and the Alaska Local Bankruptcy Rules.

DATED \_\_\_\_\_, 20\_\_.

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

SIGNED UNDER PENALTY OF PERJURY.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor



**SCHEDULE OF DEBTOR'S LEASE PAYMENTS, PAYMENTS TO SECURED CREDITORS  
AND DOMESTIC SUPPORT OBLIGATIONS**

<u>Creditor/Nature of Claim</u>	<u>Estimated Balance</u>	<u>Number of Payments</u>	<u>Payment</u>	<u>Due Date</u>
---------------------------------	------------------------------	-------------------------------	----------------	---------------------

(Name of Attorney)  
(Name of Firm)  
(Address)  
(Telephone)  
(Facsimile)  
(e-mail)

AK LBR 5B

Attorney for \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA

*In re*

) **Case No.**  
) Chapter: 13  
)

Debtor(s).

) **Certification of Payments Made**  
) **Directly to Creditors/Lessors**  
) [11 U.S.C. §1326(a)]

I (We) \_\_\_\_\_ and \_\_\_\_\_, hereby declare under penalty of perjury that the I (we) have made all payments for the month of \_\_\_\_\_, 20\_\_\_\_ required to be made under § 1326(a)(1)(B) or (C) of the Bankruptcy Code and all domestic support payments as stated in the Schedule of Direct Payments to Creditors attached to the Chapter 13 Plan dated \_\_\_\_\_, 20\_\_\_\_ and filed herein.

Attached hereto are copies of the receipts/checks/money orders/other documentation evidencing to whom the payment was made, the date and amount of the payment made.

Dated:

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Co-Debtor

Unless otherwise ordered by the court, due not later than three (3) business after the end of the month in which the payments are made. [See AK LBR 2083-1(d)(2)]

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

AK LBF 6A

Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ALASKA**

*In re* ) Case No.  
) Chapter: 13  
(Debtors' Names) )  
) **NOTICE OF HEARING ON CONFIRMATION**  
) **OF CHAPTER 13 PLAN AND**  
Debtors ) **TIME TO FILE WRITTEN OBJECTIONS**  
)  
\_\_\_\_\_ )

**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.)*

**NOTICE** is given that the debtor(s) has(have) filed the enclosed plan and pursuant to order of the court, confirmation of the plan is governed by the following requirements:

1. A hearing on confirmation of plan will be held on \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m. in the Bankruptcy Court, Historic Courtroom, Old Federal Building, 605 West Fourth Avenue, Anchorage, Alaska. If you cannot attend the hearing in person, you may call the U.S. Bankruptcy Court In-Court Deputy Clerk at (907) 271-2655, ext. 2640, at least three (3) business days in advance of the hearing to request telephonic attendance.
2. Any objection to confirmation must be in writing, filed with the clerk at the below address and copies served on the following parties no later than (date):

Clerk, U.S. Bankruptcy Court  
605 W. Fourth Avenue, Rm 138  
Anchorage, AK 99501-2296

Trustee: Larry D. Compton  
400 D Street, Suite 210  
Anchorage, AK 99501-2342

(Debtor's Name)  
(Address)  
(City, State, Zip)

(Debtor's Attorney)  
(Address)  
(City, State, Zip).

**If you file a written objection and fail to attend the confirmation hearing in person or telephonically, the court may deem your objection withdrawn.**

3. If no objections are filed and the trustee recommends confirmation, the plan may be confirmed without a hearing.

4. The failure of a party in interest to timely file an objection to confirmation constitutes acceptance of the plan under 11 U.S.C. § 1325 (a)(5)(A).

Dated: \_\_\_\_\_, 200\_\_

(Name of Attorney Firm)

By  
(Attorney's Name)  
Attorney for Debtor(s)

\* Unless otherwise ordered, 21 days after the first date set for the meeting of creditors under §341.

(Name of Attorney)  
(Name of Firm)  
(Address)  
(Telephone)  
(Facsimile)  
(e-mail)

AK LBF 23

Attorney for \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA

<i>In re</i>	)	Case No.
	)	Chapter:
	)	
Debtor(s).	)	<b>NOTICE OF PROPOSED USE, SALE OR LEASE OF PROPERTY</b>
_____	)	

**NOTICE IS HEREBY GIVEN THAT** the undersigned has filed an application to use, sell or lease the following described property other than in the ordinary course of business and on the following terms and conditions:

Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type of Use:

(If public sale) Date & Time (\*): \_\_\_\_\_

Place: \_\_\_\_\_

(If other than public sale) Terms and Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Purchaser (if known): \_\_\_\_\_

- Does not include the sale of personally identifying information.
- To the extent the sale includes personally identifying information under §363(b)(1) of the Code, the sale is consistent with any applicable policy prohibiting the transfer of such information.

If you object to the proposed use, sale or lease as described above you must object in writing on or before \_\_\_\_\_, by filing your written objection with the Office of the Clerk of the above-entitled Court at 605 West Fourth Avenue, Room 138, Old Federal Building, Anchorage, Alaska 99501-2296 and serve a copy on the undersigned on or before said date.

The application is available for inspection at the Office of the Clerk, Old Federal Building, 605 West Fourth Avenue, Suite 138, Anchorage, Alaska or at the office of the undersigned.

**SHOULD YOU FAIL TO SO OBJECT BE FURTHER ADVISED THAT THE UNDERSIGNED WILL PROCEED WITH THE PROPOSED USE, SALE, OR LEASE DESCRIBED ABOVE WITHOUT FURTHER NOTICE TO YOU UNLESS A TIMELY OBJECTION IS SUSTAINED BY THE COURT.**

Dated:

(Name of Attorney Firm)

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

Attorney for: \_\_\_\_\_

\*Unless otherwise ordered, not less than 25 days after the mailing of the notice, and at least 5 days before the date of the of the proposed sale, use or lease.

Name of Attorney)  
(Name of Firm)  
(Address)  
(Telephone)  
(Telefax)  
(Attorney for \_\_\_\_\_)

AK LBF 37A

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA

In re:

Case No.  
Chapter

Debtors.

DECLARATION RE: ELECTRONIC FILING OF  
PETITION, SCHEDULES, STATEMENTS, OF 23,  
AND PLAN IF CHAPTER 12 OR 13 CASE  
[INDIVIDUALS]

PART I - DECLARATION OF PETITIONER(S)

I [We] \_\_\_\_\_ and \_\_\_\_\_, the undersigned debtor(s), **hereby declare under penalty of perjury** that the information given or to be given my [our] attorney and the information provided in the electronically filed petition, statements, schedules, matrix, OF 23 and in my [our] chapter 12 or 13 plan (if this is a case under such chapter) and any amendments thereto, is or will be true and correct. I [We] consent to my [our] attorney sending my [our] petition, statements and schedules (and plan, if applicable) and any amendments thereto, and our OF 23, to the United States Bankruptcy Court electronically. I [We] understand that this Declaration re: Electronic Filing is to be filed with the Clerk not later than 15 days following the date the petition is electronically filed. I [We] understand that failure to file the signed original of this Declaration will result in the dismissal of my [our] case after a hearing on shortened time of no less than five days notice.

If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7: I am [We are] aware that I [we] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I [We] request relief in accordance with the chapter specified in this petition.

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

Signed: \_\_\_\_\_  
(Applicant) (Joint Applicant)

PART II - DECLARATION OF ATTORNEY

I **declare under penalty of perjury** that the debtor(s) signed this form before I electronically submitted the petition, schedules, and statements (and chapter 12 or 13 plan, if applicable). Before filing, I will give the debtor(s) a copy of all documents to be filed with the United States Bankruptcy Court, and have followed all other requirements in the most recent ECF System Procedures. I further declare that I have examined or will examine the debtor's petition, schedules, and statements and any amendments thereto, as well as the debtor's OF 23, and, to the best of my knowledge and belief, they are or will be true, correct, and complete. I further declare that I have informed the petitioner(s) that [he or she or they] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge.

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

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

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

(Attorney for \_\_\_\_\_)

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

In re \_\_\_\_\_ )  
(Name of Debtor(s)) )  
Debtor(s). )  
\_\_\_\_\_ )

Case No.  
Chapter:

**STATEMENT UNDER PENALTY OF PERJURY  
CONCERNING PAYMENT ADVICES DUE  
PURSUANT TO 11 U.S.C. § 521(a)(1)(B)(iv)**

I, \_\_\_\_\_ (Debtor's name), state as follows:

I have not filed with the court copies of all payment advices or other evidence of payment received within 60 days prior to the filing of my petition from any employer because:

- I am self employed and did not receive any payments from an employer within the 60 day period before the filing of my petition;
- My only income during the 60 day period before the filing of my petition was from Social Security, pensions, or disability payments, or from rental or investment income.
- I was not employed during the 60 day period immediately preceding the filing of my petition.
- Other. Specify: \_\_\_\_\_

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: \_\_\_\_\_ (date).

BY: \_\_\_\_\_  
(signature of debtor)