

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA

In the Matter of the Adoption of
Amendments to Local Bankruptcy Rules,

Misc. Proceeding No. 05-60001-GS

GENERAL ORDER NO. 2023-2

ORDER ADOPTING AMENDMENTS TO LOCAL BANKRUPTCY RULES

For the reasons set forth in the document appended hereto as exhibit A, under the authority granted by 28 U.S.C. § 2071(e), Federal Rule of Bankruptcy Procedure 9029, and United States District Court Miscellaneous General Order No. 880 dated March 18, 2003,

IT IS ORDERED that the amendments to the Local Bankruptcy Rules appended hereto are hereby ADOPTED, effective December 1, 2023.

DATED: November 29, 2023

/s/ Gary Spraker
GARY SPRAKER
United States Bankruptcy Judge

Serve: Janet Stafford, Clerk of Court
Anna Russell, Librarian

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA

LOCAL BANKRUPTCY RULES
[AS AMENDED THROUGH DECEMBER 1, 2023]

SUMMARY OF 2023 AMENDMENTS

The restyled Federal Rules of Bankruptcy Procedure will go into effect on December 1, 2024. References in the AK LBR to those Rules have been revised as necessary to reflect the upcoming amendments.

The AK LBR have been updated to reflect the closing of the court's location in Fairbanks.

AK LBR 1017-1(d) has been added consistent with the Ninth Circuit Court of Appeals' decision in *Nichols v. Marana Stockyard & Livestock Market, Inc. (In re Nichols)*, 10 F.4th 956 (9th Cir. 2021).

AK LBR 5005-2 has been deleted. The court no longer requires hard copies of lengthy pleadings.

AK LBR 8015-1(b), 8018-1, 8018-2, 8019-1, 8025-1 and 8026-1 governing procedures for bankruptcy appeals have been removed in favor of appellants consulting the Local Rules (Civil) of the United States District Court for the District of Alaska for guidance on appellate procedure before that court.

New AK LBR 8015-1(b) has been added to clarify that a request to waive the appellate filing fee must be made by separate motion filed with the bankruptcy court, even if the movant has previously obtained an order waiving the bankruptcy case filing fee.

AK LBR 9019-1 has been added to require that motions seeking approval of settlement agreements attach the agreement in question as an exhibit to the motion.

Finally, AK LBR 9076-1 has been revised to reflect changes to the court's remote appearance procedures.

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PART I

COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

Rule 1001-1 Scope and Applicability of Local Rules

(a) Scope.

- (1) These Rules govern practice and procedure in the United States Bankruptcy Court for the District of Alaska.
- (2) The court, on its own motion or the motion of any party, may modify or dispense with any of these Rules in a particular case.

(b) Applicability. Unless otherwise indicated, these Rules apply to all cases commenced under chapters 7, 9, 11, 12, 13, and 15 of the Bankruptcy Code as amended, Title 11 of the United States Code (“Code”).

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

(d) Forms. Local Forms (available at www.akb.uscourts.gov) may be cited as “AK LBF ___.”

(e) Citation. These Rules may be cited as “AK LBR.”

(f) Local District Civil Rules Adopted. In addition to those United States District Court of Alaska Local Civil Rules specifically adopted herein, Local Civil Rules 1.1(c), 5.1, 7.3(e)-(g), 11.1, 16.1(e), 16.2, 39.3, 54.1, 54.2, 58.2, 67.1, 68.1, 80.1, and 83.3 apply to all matters, actions and proceedings before the Bankruptcy Court.

(g) Official Rules. The rules maintained by the Clerk of Court and posted on the court’s website (www.akb.uscourts.gov) are the official rules of the Bankruptcy Court. In the event of any difference between the official rules maintained by the Clerk of Court as posted on the court’s website and the rules published by any commercial publisher, the official rules will control.

(h) Failure to Comply. The failure of any party or its counsel to comply with these Rules, any Federal rules, or an order of the court may subject the noncomplying party or its counsel to the imposition of sanctions under applicable law and/or the court’s inherent sanctioning authority.

Rule 1001-2 Application of Amended Rules

New or amended rules govern all existing, open proceedings from and after the effective date of the adoption of the new or amended rules to the extent that the new or amended rule does not unreasonably prejudice the rights of any party.

Rule 1002-1 Petitions

(a) Joint Petitions. Spouses commencing a joint case may file a single petition and pay a single filing fee.

(b) 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.

Rule 1002-2 Tender of Rent Deposit Under § 362(l)

(a) A rent deposit as required by § 362(l)(1)(B) tendered with the original petition must be in the form of a bank certified or cashier’s check or money order made payable to the lessor (not the Clerk).

(b) Where the petition and Initial Statement About an Eviction Judgment Against You (Official Form 101A) are filed electronically, the rent deposit required under § 362(l)(1)(B) must be

delivered to the Clerk of Court not later than one (1) business day following the day the petition is filed.

- (c) If the petition and Initial Statement About an Eviction Judgment Against You (Official Form 101A) are filed conventionally, the rent deposit required under § 362(l)(1)(B) must be delivered to the Clerk of Court at the time the petition is filed.

Rule 1003-1 Involuntary Petitions

- (a) An involuntary petition for relief must be accompanied by the filing fee and a Summons to Debtor, completed except for the signature of the Clerk.
- (b) The Clerk will complete the summons and return it to the petitioner for service.

Rule 1004-1 Petition Filed by a Corporation, Partnership, or Limited Liability Company

- (a) **Signature.** A voluntary petition filed by a corporation, partnership, or limited liability company must be verified by a corporate officer, general partner of a partnership, or manager of a limited liability company as required by the appropriate official form.
- (b) **Representation by Counsel.** A debtor who is a corporation, partnership, or limited liability company must be represented by an attorney and the attorney must sign the petition.
- (c) **Individual with Business Entity.** An individual having an ownership interest in a corporation, LLC, or partnership must file a separate petition for the corporation, LLC, or partnership entity if bankruptcy relief is desired for that entity.

Rule 1005-1 Caption of Petition

- (a) **Individual.** The name of the debtor set forth in the caption must include his or her first name, middle initial, and last name, for example, "Robin A. Smith."
- (b) **Joint.** The names of joint debtors must be set forth in the caption to include their first names, middle initials, and last name, for example, "John B. Smith and Mary C. Smith, spouses."
- (c) **Partnership.**
 - (1) If the debtor is a general partnership, the words "a general partnership" must follow the name.
 - (2) If the debtor is a limited partnership, the words "a limited partnership" must follow the name.
- (d) **Limited Liability Company.** If the debtor is a limited liability company, the words "a limited liability company" or "LLC" must follow the name.
- (e) **Corporation.** If the debtor is a corporation, the words "a corporation" must follow the name and the state of incorporation indicated, for example, "ABC, Inc., an Alaska corporation."

Rule 1006-1 Petition Filing Fee

In the event of nonpayment of the bankruptcy petition filing fee, the bankruptcy case may be dismissed by the court after a hearing on shortened time of not less than seven (7) days' notice to the debtor and his or her attorney, if any.

Rule 1007-1 Form and Content 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) **Married Individuals.** Spouses filing jointly must file a single set of schedules and statement of financial affairs.
- (c) **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.
- (d) **Statement of Social Security Number.** Your Statement About Your Social Security Numbers (Official Form 121) is to be submitted with the petition to the Clerk of Court, but is **not** to be filed or attached to the petition or any other document. Participants in the Case Management/Electronic Case Filing (CM/ECF) System shall, immediately after the electronic filing of a petition, submit Your Statement About Your Social Security Numbers (Official Form 121) electronically, in the same manner as provided in AK LBR 9021-1(b) for proposed orders.
- (e) **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 in the schedules (e.g., United States Attorney, Alaska Department of Law, Municipal Attorney, Internal Revenue Service).

Rule 1007-2 Matrix

- (a) **Format.** The list (Matrix) containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H of Official Forms 106D-106H filed under Rule 1007(a)(1), Federal Rules of Bankruptcy Procedure, must be in the form of a single spaced list with one blank space between the name and complete mailing address of each entity included.
- (b) **Verification.** The Matrix must be accompanied by a completed Verification of Creditor Mailing Matrix (AK LBF 40) bearing the signatures of the debtor(s).
- (1) The signature(s) of the debtor(s) on the Verification of Creditor Mailing Matrix must comply with AK LBR 9011-1(a)(2), if the debtor is represented by a participant in the CM/ECF System. A Verification of Creditor Mailing Matrix filed conventionally must bear the original (holographic/wet) signature(s) of the debtor(s).
- (c) **Accuracy of Matrix.** The debtor is responsible for ensuring that the Matrix accurately reflects the names and addresses of the debtor(s), debtor’s attorney, and those entities listed on Schedules D, E/F, G, and H of Official Forms 106D-106H.
- (d) **Government Entity as Creditor.** As provided in AK LBR 1007-1(e), both the governmental unit and its legal department must be included on the Matrix.

Rule 1009-1 Amendment of Schedules and Matrix

- (a) **Schedule of Debts.**
- (1) *Requirements for Amendment.* Amended schedules must be accompanied by:

- [A] an amended A Summary of Your Assets and Liabilities and Certain Statistical Information (Official Form 106 Summary);
 - [B] a Declaration About an Individual Debtor's Schedules (Official Form 106 Declaration); and
 - [C] the statutory filing fee, if required.
 - [D] If the amended schedules include additional creditors or equity security holders (*i.e.*, amendments to schedules D and E/F), an amended Matrix complying with paragraph (c) below must also be filed.
- (2) *Notice.*
- [A] Notice of the amendment(s) must be given to:
 - (i) any creditor or equity security holder added;
 - (ii) the trustee;
 - (iii) any other entity(ies) affected by the amendment(s); and
 - (iv) the United States trustee.
 - [B] In addition to the notice required by¹, 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(ies) 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 Matrix.**
- (1) All amendments to the Matrix (additions and deletions) must include:
 - [A] the Verification of Creditor Matrix (AK LBF 40); and
 - [B] a revised Matrix reflecting the additions or deletions.
 - (i) Additions and deletions to and from the Matrix should be reflected by a statement requesting the addition or removal of the names and addresses to be added or deleted, followed by a list of those names and addresses.
 - (2) The amended Matrix must be accompanied by the appropriate filing fee.
 - (3) An entirely new Matrix may not be substituted for an existing Matrix unless approved by the Clerk or the court.
 - (4) The party amending the Matrix must give notice as provided in paragraph (a)(2) of this section.

Rule 1015-1 Joint Administration and Substantive Consolidation

- (a) **Motion.** Except as specifically provided for in this Rule for joint cases, all motions for joint administration or substantive consolidation under Rule 1015, Federal Rules of Bankruptcy Procedure, must be:
- (1) filed in each affected case;
 - (2) transmitted to the United States trustee; and
 - (3) served on the—
 - [A] debtors,
 - [B] trustees, and

- [C] any committee(s) appointed in the cases.
- (b) **Notice.** Except as specifically provided for in this Rule for joint cases, twenty-one (21) days' notice of a Motion for Substantive Consolidation conforming to AK LBF 27 or AK LBF 28, as appropriate, must be mailed to the Matrix in each affected case.
- (c) **Substantive Consolidation of Joint Cases Commenced Under 11 U.S.C. § 302.**
- (1) The filing of a joint petition by spouses constitutes a motion by the debtors that the separate estates of the debtors be substantively consolidated.
- (2) Any party in interest, the debtors, trustee or the United States trustee may file an objection to substantive consolidation of the separate estates.
- [A] An objection to substantive consolidation must be filed not later than the date set for filing a proof of claim under Rule 3002(c), Federal Rules of Bankruptcy Procedure, and—
- (i) transmitted to the United States trustee, and
- (ii) served on the debtors and the trustee.
- [B] The party objecting to substantive consolidation must:
- (i) submit a Calendar Request (AK LBF 7) requesting a hearing on substantive consolidation contemporaneously with the filing of an objection to substantive consolidation; and
- (ii) give not less than fourteen (14) days' notice of the hearing to all parties on the Matrix.
- (3) If no objection to substantive consolidation is served and filed by the time specified in paragraph (d)(2), the estates will be substantively consolidated without further order of the court.

Rule 1017-1 Conversion or Dismissal of Cases

- (a) **Conversion Under 11 U.S.C. § 706(a).** A motion by the debtor seeking to convert a chapter 7 case under § 706(a) to a case under chapter 11, 12, or 13 of the Code:
- (1) is governed by AK LBR 9013-1(g); and
- (2) must be—
- [A] transmitted to the United States trustee, and
- [B] served on the trustee; and
- (3) Twenty-one (21) days' notice of the motion must be given to the Matrix.
- (b) **Conversion Under 11 U.S.C. § 1112(a).** A motion by the debtor under § 1112(a) of the Code to convert the case from a case under chapter 11 of the Code to a case under chapter 7 of the Code:
- (1) is governed by AK LBR 9013-1(g); and
- (2) must be:
- [A] transmitted to the United States trustee; and
- [B] served on—
- (i) any committee appointed in the case, and
- (ii) the holders of secured claims.
- (c) **Conversion in Response to 11 U.S.C. § 707(b) Motion.** No separate or additional notice of conversion of a chapter 7 case to a case under chapter 11 or 13 of the Code need be given if:
- (1) the debtor requests such conversion in response to a motion to dismiss brought by the United States trustee under § 707(b); and
- (2) the United States trustee consents to the conversion.

- (d) **Dismissal Under 11 U.S.C. § 1307(b).** The motion requirement established by Federal Rule of Bankruptcy Procedure 1017(f)(2) for a debtor's voluntary motion to dismiss under § 1307(b) is satisfied by the filing of an ex parte notice of dismissal by a qualified Chapter 13 debtor without further notice or hearing.

Rule 1019-1 Post-Conversion Schedule of Unpaid Debts

- (a) Post-conversion schedules required under Rules 1019(e)(1)(A), (2)(A), or (3)(A) through (C), Federal Rules of Bankruptcy Procedure, must be verified by the debtor(s).
- (b) The "/s/" signature designation may be used for a debtor on post-conversion schedules only if an AK LBF 37A, Declaration re: Electronic Filing (Individuals), has previously been filed in that debtor's bankruptcy case.

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) **Creditors' Committees 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 two (2) members or file a notice of non-appointment as soon as practicable.
- (c) **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.
- (d) **Individuals as Small Business Debtors.** The court may, in appropriate circumstances, order that an individual chapter 11 debtor be treated as a small business debtor.

PART II
**OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;
EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

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:
- [A] The Clerk of Court will serve:
- (i) in all cases under chapters 7, 9, 11, 12, 13, and 15, the notices specified in Rules 2002(a)(1); (f)(1)(A)-(H) and (J)-(L); and 4004(g), Federal Rules of Bankruptcy Procedure;
 - (ii) 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.
- [B] The case trustee will serve the notice specified in Rule 2002(f)(1)(I), Federal Rules of Bankruptcy Procedure.
- [C] 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.
- [C] This subsection does not apply to matters for which the Code or Rules require an actual hearing, *i.e.*, “notice of the hearing,” or “notice by mail of the hearing,” including, without limitation:
- (i) conversions and dismissals under Rules 1017 and 2002(a)(4);
 - (ii) sales free and clear under § 363(f), Rule 6004(c), and AK LBR 6004-1(b);
 - (iii) approval of disclosure statements and confirmation of plans under §§ 1125 and 1129 and Rule 2002(b); and
 - (iv) objections to claims under Rule 3007.
- (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 of the relief requested, which must contain at minimum—
- (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 legal basis for seeking the relief;
- [B] date by which a response is due;
- [C] name(s) and addresses upon whom any response must be served;

- [D] if a hearing is required, the date, place, and time of the hearing as set by the court after the submission of a 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] case trustee, if any,
 - [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 case trustees are governed by Rule 2002(g), Federal Rules of Bankruptcy Procedure.
 - [B] A Matrix of names and addresses, filed under AK LBR 1007-2 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 entities on a Matrix:
 - (i) certified updated by the Clerk of Court within fourteen (14) days of the date notice is sent; or
 - (ii) if obtained electronically, bearing a computer-generated date within fourteen (14) 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 Matrix.
- (d) **Telephonic or Email Notice of Emergency Motions and Hearings.** Notwithstanding the provisions of subsections (b) and (c), the court may allow telephonic or email notice of emergency motions and hearings for cause shown.
- (e) **Certificate of Service.**
- (1) After giving notice, unless otherwise ordered, not less than seven (7) 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 Matrix 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.

Rule 2003-1 Meeting of Creditors and Security Holders

(a) Telephonic Appearances.

- (1) A request for a telephonic appearance by the debtor(s), in any judicial district in the state in which the trustee conducts face to face creditor meetings, where the debtor(s) resides more than 150 air miles from the court in which such meeting is to be conducted, may be made by giving the trustee notice of such telephonic attendance; however, the trustee may continue the meeting and require the debtor(s) to appear in person.
- (2) If the trustee requires the personal appearance of the debtor(s), the court may grant a waiver of personal appearance at the creditors meeting on the motion of the debtor(s) for good cause shown after a hearing on notice given to all interested parties. Any motion to excuse attendance shall be supported by an affidavit from the debtor(s).
- (3) Attorneys or creditors may, at the trustee's discretion, attend a meeting by telephone.

(b) Continuances. Requests for a continuance must be made in writing to the trustee assigned to the case. Upon granting a request for continuance, the trustee shall note such continuance on the Court's docket.

(c) 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 a hearing on notice given to all interested parties.
- (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.

Rule 2004-1 Rule 2004 Examinations

- (a) **Request for Examination.** All requests for orders under Rule 2004, Federal Rules of Bankruptcy Procedure must be made by motion in a form substantially similar to AK LBF 8 and must be accompanied by a proposed order substantially similar to AK LBF 9. The motion must contain a certification that counsel for the applicant conferred with counsel, if known, for the party whose examination is being sought. If the application contains such a certification the application may be presented *ex parte*. If the application does not contain such a certification, the matter may be heard on no fewer than two business days' notice unless the Court orders otherwise.
- (b) **Clerk's Authority to Sign Order.** The clerk may only sign orders for examination if the date set for examination is more than fourteen (14) days from the date the motion is filed. If examination is requested on less than fourteen (14) days' notice, the clerk may not sign. The motion must state whether the examination date has been agreed on, or if there is no

- agreement, why examination on less than fourteen (14) days' notice is requested.
- (c) **Production of Documents Must be Obtained by Subpoena.** Production of documents may not be obtained via an order under Rule 2004, Federal Rules of Bankruptcy Procedure. Production of documents may, however, be obtained via subpoena as provided by Rule 45(a)(1)(C), Federal Rules of Civil Procedure, as adopted by Rule 9016, Federal Rules of Bankruptcy Procedure.
 - (d) **Attendance of Witness or Production of Documents.** Securing the attendance of a witness or the production of documents must be done in accordance with Rule 9016, Federal Rules of Bankruptcy Procedure.

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 or NCUA insurance limits, the funds must be deposited with an entity posting a bond or collateral 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.

Rule 2015-2 United States Trustee Periodic Reporting Requirements

(a) Cooperation with United States Trustee.

- (1) The trustee or debtor in possession in chapter 11 and chapter 11 subchapter V cases, debtors in business chapter 13 cases, and debtors in chapter 12 cases are required to cooperate with the United States trustee by furnishing all information the United States trustee requires to supervise the administration of the estate.
- (2) All debtors in possession and trustees must use forms substantially complying with the forms for financial reporting established by the United States trustee, unless the United States trustee authorizes modifications in a particular case.

Rule 2016-1 Compensation of Trustees and Professionals

(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, available at www.justice.gov/ust.

(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 \$450.00 and an additional amount of

\$90.00 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 fourteen (14) 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 by a general counsel for an estate in preparing the trustee's application to authorize employment of such general counsel; or

(ii) in the absence of exigent circumstances, for services performed prior to the date the applicant filed an application seeking approval of employment 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] 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.
 - [B] 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.
 - (2) [A] In chapter 12 cases, notwithstanding a provision for allowance of administrative claims in any confirmed chapter 13 plan, debtor's attorney's fees must be applied for before allowance.
 - [B] Attorney's fees for a chapter 12 debtor will not be allowed in excess of the amount designated in the chapter 12 plan absent a showing of extreme or unusual circumstances.
 - (3) In a case under chapter 13, the fees and expenses set forth in paragraph 3(c) of AK LBF 5 (the chapter 13 plan) are deemed approved on confirmation, and no separate application for allowance is required, provided:
 - [A] in consumer (non-business) cases, the total fees and costs to be paid, including the application of any prepetition retainer paid and the chapter 13 filing fee, do not exceed \$5,000.00; or
 - [B] in business (non-consumer) cases, the total fees and costs to be paid, including the application of any prepetition retainer paid and the chapter 13 filing fee, do not exceed \$6,500.00; and
 - [C] (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.
 - [D] Attorneys compensated under the terms of this paragraph are not obligated to represent the debtor in any adversary proceeding arising in the case unless otherwise agreed to by the debtor and the attorney.
 - [E] An attorney seeking payment of fees and costs in excess of those approved by confirmation of the chapter 13 plan must file a supplemental fee application containing an itemized statement of fees and costs.

- (i) The supplemental fee application need be served only on the debtor and the chapter 13 trustee when the fees and/or costs sought, when combined with the fees and/or costs approved under the plan, exceed the amounts set forth in (h)(3)[A] and [B] by no more than \$1,000.00.
 - (ii) Supplemental applications for fees and/or costs which, when combined with the fees and/or costs approved under the plan, exceed the amounts set forth in (h)(3)[A] and [B] by more than \$1,000.00 must be served on the debtor, the chapter 13 trustee and the Matrix in accordance with Rule 2002(a)(6), Federal Rules of Bankruptcy Procedure.
- (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.

Rule 2016-2 Compensation of Debtor, Officers, Directors, Shareholders, Partners

- (a) **General.** Unless otherwise ordered by the court, except in accordance with the provisions of this rule, if the trustee or debtor-in-possession is operating a business, no compensation may be paid by the debtor or by any entity owned or controlled by the debtor, to any of the following from the date of the order of relief until the confirmation of the plan:
- (1) the debtor, if the debtor is an individual;
 - (2) a partner, if the debtor is a partnership;
 - (3) an officer, stockholder, or director, if the debtor is a corporation;
 - (4) a manager or member, if the debtor is a limited liability company; or
 - (5) an individual who is—
 - [A] an insider of an individual debtor,
 - [B] an insider of a partner of a partnership debtor, or
 - [C] an insider of an officer, stockholder, or director of a corporate debtor.
- (b) **Notice of Intent to Pay Compensation.** The trustee or debtor-in-possession must give notice conforming to AK LBF 26 to:
- (1) United States trustee;
 - (2) any committee appointed under the Code, or if no committee appointed, the five largest unsecured creditors;
 - (3) all secured creditors with claims in excess of \$50,000.00; and
 - (4) parties requesting notice.

(c) **Commencement of Compensation.**

- (1) Compensation may commence no sooner than seven (7) days after notice is given.
- (2) If an objection is filed, the trustee or debtor-in-possession may continue compensation at the average monthly salary for the year preceding bankruptcy pending a hearing.
- (3) The court will ordinarily schedule a hearing within fourteen (14) days of a request.
- (4) Objections to compensation may be filed at any time.

- (d) **Limitation on Compensation.** The trustee or debtor-in-possession may not pay compensation in excess of that contained in the notice, unless an amended notice is filed and served in accordance with this rule.

Rule 2016-3 General Administrative Expenses

(a) **General.**

- (1) Any entity having unpaid administrative expenses under § 503 of the Code, other than as provided in AK LBR 2016-1 or AK LBR 2016-2, may file an application for the payment of unpaid expenses.

- (2) Applications for reimbursement of administrative expenses must:

[A] itemize the amounts sought and describe the goods, services, or benefits provided the estate; and

[B] should have copies of all invoices or statements attached to the application.

- (b) **Chapter 7 Cases.** In a case under chapter 7 of the Code, applications for payment of administrative expenses may be filed at any time before completion of administration of the estate, but in any event not later than the last day set for filing objections to the Trustee's Final Report Before Distribution

- (c) **Chapter 9 and 11 Cases.** Unless otherwise provided in the Plan of Reorganization confirmed by the court or the order of confirmation, in a case under chapter 9 or 11 of the Code:

- (1) all applications for unpaid administrative expenses must be filed and served not later than sixty (60) days after the effective date of the plan; and

- (2) not less than thirty (30) days before the deadline for filing applications for payment of administrative expenses, the debtor in possession (or trustee, if one is appointed) must give notice to all known administrative expense claimants of the deadline for filing and application for payment in form substantially conforming to AK LBF 33.

- (d) **Chapter 12 and 13 Cases.** In a case under chapter 12 or 13 of the Code, applications for administrative expenses may be filed and served at any time before completion of the plan, provided that the request is filed and served within a reasonable time after the costs were incurred, goods provided or services performed.

- (e) **Service.** All applications for payment of administrative expenses must be:

- (1) served on—

[A] the trustee, if one has been appointed,

[B] the debtor or debtor in possession, and

[C] any committee appointed under the Code; and

- (2) transmitted to the United States trustee.

- (f) **Notice.**

- (1) Applications for payment must be noticed by the applicant in accordance with AK LBR 2002-1(a).

- (2) Applicants must keep themselves informed of the progress of administration of the estate so that:

- [A] notice may be included in the notice of the final accounting; or
- [B] notice can be sent within the time allowed after confirmation of a plan in a case under chapter 9 or 11.

PART III

CLAIMS AND DISTRIBUTIONS TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

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, Suite 138, 605 West Fourth Avenue, Anchorage, Alaska 99501-2296.
- (b) **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 included in the order approving rejection of an executory contract.
- (c) **Service of Proofs of Claim on Debtors.** In all cases in which the debtor is appearing without counsel, 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.
- (d) **11 U.S.C. § 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 fourteen (14) days after service of the application.
 - (3) If no objection is filed as specified in paragraph (d)(2), the application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.

Rule 3003-1 Proofs of Claim in Chapter 9 and 11 Cases, Including Small Business Debtors Filing Under Subchapter V of Chapter 11

- (a) **Deadline for Filing.**
- (1) *Chapter 9 and Chapter 11.* The deadline for filing proofs of claim in a chapter 9 or chapter 11 case, excluding those chapter 11 cases filed as small business debtors under subchapter V, is ninety (90) days from the date of the order for relief.
 - (2) *Chapter 11- Subchapter V Small Business Debtor.* The deadline for filing proofs of claim in a chapter 11 case filed as a small business debtor under subchapter V is seventy (70) days from the date of the order for relief.

- (3) *Governmental Units*. The deadlines set forth in subsections (1) and (2) above are not applicable to governmental units filing proofs of claim, which claims remain due 180 days from the order for relief as governed by 11 U.S.C. § 502(b)(9).
- (b) **Notice to Unscheduled Claimants or Claimants Scheduled as Disputed, Contingent, or Unliquidated**. Notice of the claims bar date applicable to creditors or equity security holders whose claims or interests are scheduled as disputed, contingent, or unliquidated, shall be included in the Notice of Chapter 11 Bankruptcy Case. The Clerk shall cause a copy of this Notice, which includes instructions for obtaining a proof of claim form, to be served at the inception of the case on all parties on the Matrix, through the Bankruptcy Noticing Center.
- (c) **Claims in Chapter 9 and Chapter 11 Cases after Schedules Have Been Amended**.
- (1) A debtor who amends the schedules to add a claim or interest shall provide notice of such addition to the claimant or interest holder. If an amendment is filed in a case to show an existing claim or interest as disputed, contingent, unliquidated, or reduced in amount, the debtor must provide notice of such amendment to the holder of the claim.
- (2) The supplemental notice must be a separate document and inform the claim holder:
- [A] of the need to file a proof of claim or interest if that claimant disagrees with the treatment of the claim in the amended schedule; and
- [B] that if a proof of claim is not filed by the time set forth in the supplemental notice, the claimant may lose the right to participate in the case and to participate in any distribution.
- (3) A creditor or equity security holder affected by an amendment to the schedules may file a proof of claim or interest within forty-five (45) days from the date notice of the amendment to the schedules is served on that party or the claims bar date specified in subparagraph (a) above, whichever is later.
- (4) If necessary, any confirmation hearing will be continued for the purpose of allowing balloting by the creditors and equity security holders affected by the amendment.
- (d) **11 U.S.C. § 506(b) Claims in Chapter 9 and 11 Cases**.
- (1) An agreement between the debtor and a secured creditor having a claim under § 506(b) of the Code for the allowance of post-petition interest, fees, costs and expenses must be evidenced by a stipulation filed with the court setting forth the agreed amount to be allowed as post-petition interest, fees, costs and expenses.
- (2) [A] In the absence of an agreement between the debtor and the secured creditor, a secured creditor having a claim under § 506(b) of the Code must file an application for allowance of the claim including post-petition interest, fees, costs and expenses.
- [B] Unless otherwise ordered by the court, the application must be filed not later than sixty (60) days after notice of entry of the order confirming the plan of reorganization.
- (3) The stipulation or application for allowance of post-petition interest, fees, costs and expenses must be:
- [A] transmitted to the United States trustee; and
- [B] served on—
- (i) the debtor or trustee, if one has been appointed,
- (ii) any committee appointed in the case, and
- (iii) any creditor having or claiming to have an interest in the property securing the claim.
- (4) A party objecting to the stipulation or application for allowance of post-petition interest, fees, costs and expenses may serve and file a written objection thereto within fourteen (14) days after service of the stipulation or application for allowance.

- (5) If no objection is filed as specified in paragraph (d)(4), the stipulation or application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.

Rule 3004-1 Claim by Debtor or Trustee

- (a) A proof of claim or interest filed by a debtor under § 501 of the Code must be served on the trustee and the creditor on whose behalf the proof of claim was filed.
- (b) A proof of claim or interest filed by a trustee under § 501 of the Code must be served on the debtor and the creditor on whose behalf the proof of claim was filed.

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 Bankruptcy 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-one (21) 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 seven (7) 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 seven (7) days before the hearing; and
 - (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.
- (f) **Chapter 13 Cases.** 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.

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 attach the plan analysis, disposable income analysis, and liquidation analysis, and schedule of direct payments to creditors.
- (b) **Contents.**
 - (1) The Alaska Permanent Fund Dividend is to be included in accordance with paragraph 2(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 2(a).
 - (2) Payments to all secured creditors whose claims are not modified and provided for in paragraph 3(e) of AK LBF 5, other than payments to the holders of residential mortgages, must be included in paragraph 3(f) of AK LBF 5.
 - (3) Paragraph (3)(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;
 - [D] valuation of collateral; and
 - [E] reduction of interest rates.
- (c) **Payroll Deduction.** Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments will be by payroll deduction.

(d) **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.

(e) **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.

Rule 3015-2 Amendment of Chapter 13 Plans

(a) The proposed plan may be amended:

- (1) as a matter of course without leave of court at any time prior to the first date set for the confirmation hearing; or
- (2) at or after the first confirmation hearing if the plan is not confirmed.

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

- (1) [A] If 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] If 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-eight (28) days to object to the amendment.

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-eight (28) 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, 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;
 - (2) The debtor must serve and file the amended plan or response not later than thirty-five (35) days after—
 - [A] 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
 - [B] 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.
 - (3) 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 seven (7) 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 fourteen (14) 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 so as to be heard at the same time and date as confirmation.
- (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) above;
 - (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.

Rule 3015-4 Payments by Chapter 13 Debtor

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

Rule 3015-5 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 § 1326(a)(1)(B) or (C) of the Bankruptcy Code 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.

Rule 3015-6 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 accordance with paragraph 2(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 2(a).
[B] Paragraph (3)(h) 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) Twenty-one (21) days after the conclusion of the meeting of creditors held under § 341 of the Code; or
 - (2) Sixty (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.

Rule 3016-1 Status Conferences in Chapter 11 Cases

(a) **Scheduling.**

- (1) [A] The court may, upon its own motion or upon request by a party in interest, set a case for a status and scheduling conference.
[B] Unless set by the court on its own motion or requested by the debtor, the status conference will ordinarily not be scheduled less than forty-five (45) days after the order for relief is entered.
- (2) Any party in interest or the United States trustee may request the court set a status and scheduling conference by submitting a Calendar Request (AK LBF 7).

(b) **Notice.**

- (1) Notice of the status and scheduling conference hearing must be given to all parties in interest not less than fourteen (14) days prior to the conference date.
- (2) Unless otherwise ordered by the court:
[A] if the status and scheduling conference is made at the request of a party in interest, the party requesting the status and scheduling conference must provide the required notice; and
[B] status and scheduling conferences set by the court on its own motion will be noticed by the debtor in possession (or trustee, if one has been appointed).

(c) **Conference Statement.**

- (1) Not less than seven (7) days before the date set for the status and scheduling conference, the debtor in possession (or trustee, if one is appointed) must file with the court a statement of the status of the case, including:
[A] any pending proceedings and the impact, if any, on the formulation of the plan;
[B] any proceedings contemplated to be initiated by the debtor in possession, including any actions to avoid preferential or fraudulent transfers, recover property of the estate, or any other proceeding materially affecting the reorganization or rehabilitation of the debtor, providing—
 - (i) brief description of the proceedings,
 - (ii) date by which the debtor intends to initiate the action,
 - (iii) date by which it is anticipated the proceedings will be concluded, excluding any appeal time,
 - (iv) the impact of the proceedings on the formulation of a plan;
[C] any unusual or extraordinary administration problems known to or anticipated by the debtor in possession;

- [D] the date by which the debtor in possession anticipates filing a plan and its accompanying disclosure statement;
 - [E] recommendation by the debtor in possession concerning scheduling and whether combining the hearing on approval of the disclosure statement with the plan confirmation hearing is appropriate; and
 - [F] such other information as the debtor in possession may deem appropriate and necessary to setting a schedule for matters to be brought before the court.
- (2) The status report must be transmitted to the United States trustee and served on any committee appointed under the Code.
 - (3) Not less than three (3) business days before the date scheduled for the status and scheduling conference, any party in interest, including the United States trustee, may file with the court and serve on the debtor in possession (or trustee, if one has been appointed) and transmit to the United States trustee, a written statement covering those matters provided for in paragraph (c)(1).
- (d) **Conference.** At the status and scheduling conference, the court may:
- (1) set the date by which the debtor (or trustee, if one has been appointed) must accept or reject an executory contract or unexpired lease;
 - (2) set the date by which the debtor (or trustee, if one has been appointed) must file a plan and disclosure statement;
 - (3) set the date by which a party in interest, other than the debtor, may file a plan and disclosure statement;
 - (4) set the date by which the debtor (or trustee, if one has been appointed) will solicit acceptances of the plan;
 - (5) fix the notice to be provided regarding the hearing on approval of the disclosure statement;
 - (6) provide that the hearing on approval of the disclosure statement may be combined with the hearing on confirmation of the plan;
 - (7) direct that a particular format of plan or disclosure statement must be used or provide for any deviation from the requirements of the Federal or Local Rules;
 - (8) set the claims bar date;
 - (9) set the date by which the debtor (or trustee, if one has been appointed) and/or any interested party must file objections to claims filed;
 - (10) set the date by which the debtor (or trustee, if one has been appointed) must file any actions to avoid transfers or recover property of the estate; or
 - (11) enter any other order relating to the efficient, economical and expeditious administration of the bankruptcy estate as the court may deem necessary or appropriate in the case.

Rule 3016-2 Chapter 11 Disclosure Statement

- (a) **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 (b).
- (b) **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] number and classes of shares;
 - [B] description of the voting rights and other properties or attributes of the stock; and
 - [C] any outstanding options.
- (4) Names and addresses of all persons owning more than five percent (5%) of any equity interest and the percentage so held.
- (5) For all debtors, a listing of affiliate entities and their relationships to the debtor.
- (6) Complete description of the business, including:
 - [A] competitive conditions in the industry and debtor's competitive condition;
 - [B] principal product(s) and/or services;
 - [C] 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;
 - [D] (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;
 - [E] existence and significance of any patents, trademarks, licenses, franchises and concessions;
 - [F] nature, scope and importance of any research and development activities;
 - [G] number of persons employed by category (e.g., executive officers, supervisory personnel, production personnel, sales personnel);
 - [H] seasonal nature of business;
 - [I] description of any foreign operations; and
 - [J] 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 (b)(9) 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 often (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.

- (c) **Individual Debtor.** In a case in which the debtor is an individual, in addition to information required by subsection (b), 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.
- (d) **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.

Rule 3016-3 Chapter 11 Plan

- (a) **Table of Contents.** A plan must contain a table of contents that appropriately lists the headings and subheadings of the plan with page numbers.
- (b) **Substantial Consummation.** A chapter 11 plan of reorganization must clearly set forth what events or acts the plan proponent considers constitutes substantial consummation of the plan, as defined in § 1101(2) of the Code.
- (c) **Liquidating Plans.** If the plan provides for liquidation of property of the estate, it must:
 - (1) set forth the date certain by which liquidation must occur and provide for an alternative if liquidation does not occur by the date so set; and
 - (2) if the debtor is an individual, indicate whether the debtor will engage in business after consummation of the plan.
- (d) **Notes.** If the plan calls for definite payments to unsecured creditors over time, contain a provision calling for the issuance of promissory notes or individualized statements memorializing the amount of the claims and the payments due over the life of the plan.

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 seven (7) 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 (Official Form 312).
- (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 (Official Form 312) on the Matrix in the time ordered by the court, but in any event, not less than twenty-eight (28) 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 the proponent of the disclosure statement and transmitted to the United States trustee not less than seven (7) 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.

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 3016-2 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 (b);
 - (2) subsection (c); and
 - (3) subsection (d).
- (b) **Transmittal to United States Trustee.** Concurrent with the filing, except as provided in subsection (e), the proponent of a plan must transmit a copy of the proposed disclosure statement and plan to the United States trustee.
- (c) **Conditional Approval by the Court.**
- (1) Within fourteen (14) 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 the proponent of the disclosure statement and transmitted to the United States trustee not less than seven (7) 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.
- (f) **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.

Rule 3018-1 Report of Balloting

- (a) The chapter 11 plan proponent must certify to the court, the results of the balloting at least two (2) business days prior to the confirmation hearing.
- (b) The certification must state, for each class:
 - (1) whether the class is impaired or unimpaired;
 - (2) the number of holders of claims voting;
 - (3) the dollar amount of the claims voted;
 - (4) number and percentage of holders of claims accepting and rejecting; and
 - (5) the dollar amount and percentage of the claims accepting and rejecting.
- (c) The original ballots must be filed with the certification.
- (d) The certification must be transmitted to the United States trustee and served on any committee appointed under the Code.

Rule 3018-2 Acceptance or Rejection and Objections to Chapter 11 Confirmation

- (a) **Ballots.** Unless otherwise ordered, ballots accepting or rejecting the chapter 11 plan must be delivered to the plan proponent, not filed with the court, at least seven (7) days prior to the confirmation hearing.
- (b) **Objections.**
 - (1) Not less than seven (7) days prior to the confirmation hearing, objections to confirmation must be:
 - [A] filed with the court;
 - [B] transmitted to the United States trustee; and
 - [C] served on—
 - (i) the proponent of the plan,
 - (ii) debtor, and
 - (iii) any committee appointed under the Code.
 - (2) Grounds for objection to the plan must be stated with specificity, and identify those provisions of the Code with which the objecting party contends the plan does not comply.

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, separately file a redlined, highlighted or marked up copy of the amendment or modification.
 - [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, 3016-2, 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.

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 (AK LBF 7) 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 Official Form 313.

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

- (1) serve a copy of the order on all parties on the Matrix 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 Official Form 314; and
- (2) file a certificate of service of the order and other required documents.

Rule 3022-1 Postconfirmation Reports/Closing of the Case

(a) Postconfirmation Reports.

- (1) Unless the court orders otherwise, not later than thirty (30) days after the end of the calendar quarter in which the confirmation order is entered and not later than thirty (30) days after the end of each calendar quarter thereafter until entry of the final decree, unless a motion for final decree has been filed as provided in subsection (b), the proponent of the plan must file and transmit to the United States trustee a progress report on the action taken, progress made toward completion of administration of the estate, and disbursements made under the confirmed plan during the reporting period.
- (2) Each report will substantially conform to AK LBF 29.

(b) Motion for Entry of Final Decree.

- (1) Notwithstanding that the plan may not have been substantially consummated, the proponent of the plan will move the court for entry of a final decree when:
 - [A] the order of confirmation has become final;
 - [B] all fees required to be paid under 28 U.S.C. § 1930 have been paid; and
 - [C] all contested matters, adversary actions or other proceedings requiring action by the court are completed.
 - (2) The motion for entry of the final decree should conform substantially to AK LBF 30.
- (c) **Notice.** The moving party must give twenty-one (21) days' notice of the motion for entry of final decree in the form substantially conforming to AK LBF 31 to all persons on the Matrix.

PART IV
THE DEBTOR: DUTIES AND BENEFITS

Rule 4001-1 Stay of 11 U.S.C. § 362 and Codebtor Stay of 11 U.S.C. §§ 1201 and 1301

(a) Motion for Relief from the Automatic Stay.

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

[A] conform substantially to AK LBF 1;

[B] not be combined with any other motion or request for relief;

[C] attach copies of:

(i) all security agreements, financing statements, titles and other perfection documents necessary to prove the validity of the movant's security interest or lien; and

(ii) all writings that evidence the underlying debt, including any writing necessary to prove that the movant is the current holder of the debt, or is otherwise entitled to enforce the debt, such as a promissory note; and

[D] be accompanied by the requisite filing fee.

[E] A movant who has filed a proof of claim which includes the documentation described in section (a)(1)[C] above may satisfy that subsection by reference in the motion to its proof of claim.

(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 or request for relief; and

[C] be accompanied by any required filing fee.

(b) 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;

(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.

(c) Notice.

(1) In cases involving termination of a stay under § 362(d) of the Code, notice of the motion must conform substantially to AK LBF 2, which provides, among other things, that written objections to the motion must be filed and served within fourteen (14) days following the date of service by mail of the notice.

[A] On or before the date the motion is filed, notice of the motion involving termination of a stay under § 362(d) of the Code must be served in accordance with AK LBR 4001-1(b), and on all persons who have filed an appearance or request for notice in the bankruptcy case.

(2) In cases involving termination of the codebtor stay under §§ 1201 or 1301 of the Code, notice of the motion must conform substantially to AK LBF 3, which provides, among other things, that written objections to the motion must be filed and served within twenty (20) days after the motion is filed.

- [A] On or before the date the motion is filed, notice of the motion involving termination of the codebtor stay under §§ 1201 or 1301 of the Code must be served in accordance with AK LBR 4001-1(b), and on:
- (i) all individuals who are liable on the debt with the debtor; and
 - (ii) all persons who have filed an appearance or request for notice in the bankruptcy case.
- (3) The moving party must identify, in the certificate of mailing attached to a motion involving relief from stay under §§ 362(d), 1201 or 1301, each entity served by name, address and classification in accordance with AK LBR 4001-1(c)(1) or (2).
- (4) Alternatively, the moving party may serve a motion involving relief from stay under §§ 362(d), 1201 or 1301 on the Matrix, provided such list encompasses the entities specified in AK LBR 4001-1(c)(1) or (2), as applicable.
- (d) **Uncontested Motion.** After expiration of the response periods set forth in AK LBR 4001-1(c)(1) and (2), if no objection or other response to the motion has been filed, the moving party must:
- (1) file a certificate of no objections conforming to AK LBF 4; and
 - (2) lodge a proposed order granting the relief requested.
- (e) **Objection to Motion.**
- (1) An objection to a motion brought under §§ 362(d), 1201, or 1301 of the Code must be filed and served within the time limits set forth in AK LBR 4001-1(c)(1) and (2).
 - (2) The objection must fairly and completely state the grounds for the objection, including, to the extent relevant:
 - [A] the objecting party's alleged value of the property;
 - [B] the amount that the objecting party contends is owed to the moving party;
 - [C] in arguing 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
 - [D] where equity or an equity cushion is placed at issue, an analysis of all liens and encumbrances on the property, including—
 - (i) the nature and amount of each encumbrance, and
 - (ii) whether the encumbrance is senior or junior to the moving party's encumbrance.
 - (3) On or before the date the objection is filed, it must be served on:
 - [A] the trustee;
 - [B] the moving party;
 - [C] the debtor (if the objecting party is not the debtor); and
 - [D] counsel for each, if any.
- (f) **Hearing on Contested Motion Under 11 U.S.C. §§ 362(d), 1201, or 1301.**
- (1) *Calendar of Hearing on Contested Motion.* When an objection to a motion brought under §§ 362(d), 1201, or 1301 of the Code is timely filed and served:
 - [A] within 24 hours of filing an objection, the objecting party must submit a request for hearing on the motion by completing and submitting to the court a Calendar Request (AK LBR 7) in accordance with the court's posted Calendar Request procedures, available at www.akb.uscourts.gov;
 - [B] upon receipt of a properly submitted Calendar Request, the court will schedule a preliminary hearing and advise the objecting party of the hearing date;

- [C] within 24 hours of the court's communication regarding the preliminary hearing date, the objecting party must provide notice of the hearing date and time, both telephonically and in writing, to:
- (i) the trustee;
 - (ii) the debtor; and
 - (iii) counsel for each, if any; and
- [D] the objecting party must file with the court a copy of the written notice of hearing.
- (2) *Preliminary Hearing.*
- [A] Absent court order, the initial hearing on a contested motion for relief from the automatic stay will be a preliminary hearing only, with a subsequent final evidentiary hearing to be set as necessary.
- [B] Parties may present live testimony at a preliminary hearing on a motion for relief from stay only with the prior written approval of the court.
- (i) A motion to present live testimony at a preliminary hearing must:
 - (I) be filed not less than five (5) days before the hearing, and served on the parties set forth under AK LBR 4001-1(e)(3);
 - (II) set forth—
 - (a) the name and address of the witness[es] to be called;
 - (b) a concise statement of the testimony to be offered;
 - (c) a concise statement of the necessity for the testimony; and
 - (III) be accompanied by a proposed order lodged with the court.
- (g) **Termination of the Automatic Stay Under 11 U.S.C. § 362(e).** Notwithstanding the automatic operation of the provisions of § 362(e) of the Code, unless otherwise ordered by the court, any movant who has filed a motion for relief from the automatic stay must submit to the court a proposed order on the motion, even if that order serves only to memorialize termination of the stay by operation of § 362(e).
- (h) **Motions under 11 U.S.C. § 362(c).**
- (1) A motion to continue the automatic 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 any 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] on or before the date the motion is filed, be served on
 - (i) all parties to be affected by the motion;
 - (ii) the trustee; and
 - (iii) counsel for the above, if any; and
 - [C] be transmitted to the United States trustee.
 - (2) Any objection to the motion must be filed not later than fourteen (14) days after the motion is served.
 - [A] On or before the date the objection is filed, the objection must be served on:
 - (i) the debtor;

- (ii) the trustee; and
 - (iii) counsel for the above, if any.
- (3) When an objection to a motion brought under § 362(c) of the Code is timely filed and served:
 - [A] within 24 hours of filing an objection, submit a request for hearing on the motion by completing and submitting to the court a Calendar Request (AK LBR 7) in accordance with the court's posted Calendar Request procedures, available at www.akb.uscourts.gov;
 - [B] upon receipt of a properly submitted Calendar Request, the court will schedule a preliminary hearing and advise the objecting party of the hearing date;
 - [C] within 24 hours of the court's communication regarding the hearing date, the objecting party must provide notice of the hearing date and time, both telephonically and in writing, to:
 - (i) the debtor;
 - (ii) the trustee; and
 - (iii) counsel for each, if any; and
 - [D] appear at the hearing on the matter and be available to be examined, under oath, by any affected party.
- (i) **Certificate of Service.** All motions and notices to be served under this rule must be accompanied by a separately-filed certificate of service which substantially conforms to AK LBR 12 and demonstrates compliance with the service requirements established hereby.
- (j) **Procedures Under 11 U.S.C. § 362(l).**
 - (1) Unless otherwise ordered by the court, the Clerk of Court will forward to the lessor the rental deposit made by the debtor as provided in AK LBR 1002-2(a) no later than seven (7) days after the deposit is received by the Clerk.
 - (2) If the debtor files the second certificate described in § 362(l)(2) of the Code, the deposit may be considered as part of any paid post-petition rent (not pre-petition rent), for purposes of determining whether the monetary default has been cured, or whether the lease is current.
- (k) **Contested Matters Under Rule 9014.** Any objection to a motion filed under this section will be considered a contested matter under Rule 9014, Federal Rules of Bankruptcy Procedure.
- (l) **Mandatory Discovery Exchange.**
 - (1) Unless the court orders otherwise, not later than seven (7) 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, to shorten or extend the deadlines set forth under Rule 26(a)(1) and (2), Federal Rules of Civil Procedure.
 - (3) Any party refusing or failing to comply with this subdivision may be subject 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.

Rule 4001-2 Use of Cash Collateral and Obtaining Postpetition Credit

- (a) **Motions to Use Cash Collateral.** Motions by the debtor in possession or trustee for authorization to use cash collateral must, in addition to the information enumerated in Rule 4001(b)(1)(B), Federal Rules of Bankruptcy Procedure, contain:
- (1) the relationship to the debtor, if any, of the creditor whose cash collateral is to be utilized;
 - (2) the nature or source of the cash collateral;
 - (3) the estimated amount of cash collateral to be used;
 - (4) a 90-day cash flow projection segregating cash receipts from cash collateral from all other sources of cash receipts;
 - (5) the balance owed to the creditor, as of the date the petition was filed, including any accrued, unpaid interest, cost or fees as provided in the agreement;
 - (6) an estimate of the amounts of any postpetition interest, costs and fees the creditor would be entitled to recover under § 506(b) of the Code;
 - (7) if the cash collateral is rent, the amount of the gross and net rent realized each month, and the fair market value of the property from which the rent emanates;
 - (8) if the collateral is receivables, an accounts receivable aging statement;
 - (9) if the collateral is inventory, current book or market value, whichever is lower, of the inventory;
 - (10) for any other collateral, the fair market value of the collateral;
 - (11) the method or means by which the interests of the creditor are to be adequately protected; and
 - (12) a statement of whether or not the debtor proposes to grant any provision contained in paragraph (f) below and, if so, identify the provision.
- (b) **Cash Collateral Utilization Agreements.** Motions or applications for the approval of an agreement for use of cash collateral must, in addition to complying with Rule 4001(b), Federal Rules of Bankruptcy Procedure, set forth in the body of the motion or application the information required by subsections (a)(1) through (a)(10) above, and whether or not the agreement contains any provision(s) contained in subsection (f) below and, if so, identify the provision(s).
- (c) **Postpetition Financing.** Motions by the debtor in possession or trustee for authorization to obtain postpetition credit or for approval of a postpetition financing agreement must contain, as a minimum:
- (1) identity of the lender and relationship, if any, of the lender to the debtor;
 - (2) the amount of credit to be obtained or, in the case of line of credit financing, the maximum amount the lender is to advance;
 - (3) if funding is to be incremental, timing of funding or method by which funding is to be determined;
 - (4) a 90-day cash flow projection showing all sources of cash receipts other than the amounts to be borrowed;
 - (5) if the lender is a prepetition creditor the following information—
 - [A] the balance owed to the creditor, as of the date the petition was filed, including any accrued, unpaid interest, cost or fees as provided in the agreement,
 - [B] if the lender is secured by receivables, an accounts receivable aging statement,
 - [C] if the lender is secured by inventory, current book or market value, whichever is lower, of the inventory,

- [D] if the lender is secured by real property, the current fair market value of the property and, if income producing, the gross and net rents produced by the property, and
 - [E] if the lender is secured by any other property, the fair market value of the property;
 - (6) a description of the collateral, if any, to secure the postpetition financing;
 - (7) the current fair market value of the collateral, if any, to secure the postpetition financing;
 - (8) if any other entity has, or claims, a security interest in the collateral to secure the postpetition financing, set forth—
 - [A] identity of the entity, including any relationship to the debtor,
 - [B] the balance owed that entity,
 - [C] whether the interest of that entity is to be subordinated to the postpetition financing and if so—
 - (i) whether the subordinated entity has consented, or
 - (ii) in the absence of consent, how the interest of that entity is to be adequately protected; and
 - (9) whether or not the financing agreement contains any provision(s) contained in subsection (f) below and, if so, identify the provision(s).
- (d) **Motions Heard on Shortened Time.**
- (1) Unless otherwise ordered by the court, emergency motions or applications for interim relief made under subsections (a), (b), and (c), above, may be heard upon twenty-four (24) hours' notice by telephonic, electronic, or personal delivery to the entities identified in the applicable provisions of Rule 4001, Federal Rules of Bankruptcy Procedure.
 - (2) All requests for hearings on shortened time, must set forth with specificity:
 - [A] the immediate and irreparable harm the estate will suffer if relief is not immediately granted;
 - [B] the extent of the relief required to prevent such immediate and irreparable harm to the estate; and
 - [C] contain as much of the information required by subsection (a), (b), or (c), as applicable, as may be necessary to establish the necessity to avoid immediate and irreparable harm to the estate pending a final hearing.
 - (3) The court may, at its discretion, hold emergency hearings telephonically.
- (e) **Interim Cash Collateral Orders.** Unless otherwise specifically ordered by the court, any interim order entered under this subsection will expire not later than twenty-one (21) days after the motion under subsection (a), (b), or (c) is filed.
- (f) **Provisions Normally Approved.** The court will normally approve inclusion of the following provisions in any order or agreement for the use of cash collateral or any postpetition financing agreement:
- (1) withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default or conversion to chapter 7;
 - (2) securing any postpetition diminution in the value of the secured party's collateral with a lien on postpetition collateral of the same type as the secured party had prepetition, if such lien is subordinated to the compensation and expense reimbursement allowed to any trustee thereafter appointed in the case;
 - (3) securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is subordinated to all the expenses of administration of a superseding chapter 7 case;
 - (4) reservation of rights under § 507(b) of the Code, unless the provision calls for modification of the Code's priorities in the event of conversion to chapter 7;

- (5) reasonable reporting requirements;
 - (6) reasonable budgets and use restrictions; and
 - (7) expiration date for the stipulation.
- (g) **Other Provisions.** Inclusion of any of the following provisions in any order or agreement for the use of cash collateral may be scrutinized by the court even in the absence of an objection by a party in interest:
- (1) cross-collateralization clauses that secure prepetition debt by postpetition assets in which the secured party would not otherwise have a security interest by virtue of its prepetition security agreement;
 - (2) provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured party's lien or debt;
 - (3) provisions or findings of fact that bind the estate or all parties in interest with respect to the relative priorities of the secured party's lien and liens held by persons who are not party to the agreement;
 - (4) clauses that prime the liens and/or security interests of secured creditors who are not parties to the agreement, unless consented to by the affected creditor;
 - (5) waivers of § 506(c) of the Code, except to the extent effective only during the period in which the debtor in possession or trustee is authorized to use cash collateral or borrow funds;
 - (6) provisions that preclude a future trustee with a duty to care for, preserve, and/or liquidate collateral from recovering the expenses of administration;
 - (7) provisions that characterize any postpetition payments as payments of interest, fees, or costs on prepetition obligations;
 - (8) provisions that operate specifically or as a practical matter to divest the debtor, or any other party in interest, of any discretion in the formulation of a plan or administration of the estate, or limit access to the court to seek any relief under applicable provisions of law;
 - (9) releases of liability for the creditor's prepetition torts, breaches of contract, or lender liability, as well as releases of prepetition or postpetition defenses and/or counterclaims;
 - (10) waivers of avoidance actions;
 - (11) provisions that would include the recovery from avoidance actions as adequate protection or part of the secured creditor's collateral;
 - (12) automatic relief from the automatic stay of § 362(a) of the Code upon default, conversion to chapter 7, or the appointment of a trustee;
 - (13) adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code;
 - (14) waivers of the right to move for a court order under § 363(c)(2)(B) of the Code authorizing the use of cash collateral in the absence of the secured party's consent;
 - (15) carve outs for administrative expenses that do not treat all professionals equally or on a pro rata basis;
 - (16) provisions that shorten the period of limitations any party in interest (including a successor trustee) for bringing claims or causes of action against the lender or secured creditor;
 - (17) a finding without testimony to the effect that in consenting to the use of cash collateral or postpetition financing, the secured creditor or lender is acting in good faith;

- (18) waivers of the procedural requirements for foreclosure or repossession mandated under applicable nonbankruptcy law;
 - (19) provisions applicable in the event of a dispute under the agreement that place venue in a foreign jurisdiction;
 - (20) provisions applicable in the event of a dispute or default under the agreement wherein the debtor waives—
 - [A] service of process,
 - [B] the doctrine of *forum non conveniens*,
 - [C] notice and hearing, or
 - [D] the right to a jury trial; and
 - (21) Findings of fact on matters extraneous to the approval process.
- (g) **Notice of Final Hearing.**
- (1) In addition to service on the persons specified in Rule 4001, Federal Rules of Bankruptcy Procedure, a motion for the use of cash collateral under subsections (a) or (b), or to obtain credit under subsection (c), must be transmitted to the United States trustee.
 - (2) In addition to the persons specified in rule 4001, Federal Rules of Bankruptcy Procedure, notice of the final hearing on a motion for the use of cash collateral under subsections (a) or (b), or to obtain credit under subsection (c), must be given in form substantially conforming to AK LBF 35 or AK LBF 36, as applicable, to:
 - [A] the United States trustee;
 - [B] any person having filed a request for special notice; and
 - [C] such other persons as the court may direct.

Rule 4002-1 Debtor – Duties

- (a) **Property in Need of Attention or Protection.**
- (1) The debtor must promptly notify, telephonically and in writing, the case trustee, or the United States trustee if a case trustee has not yet been appointed, and any creditor having a security interest in the property 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 case trustee cannot be reached telephonically, the debtor must telephonically advise the Office of the United States Trustee.
 - (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 the debtor must, to the extent applicable:
- (1) Within fourteen (14) 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 come 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 seven (7) 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 fourteen (14) 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 subsection (1)[E] above;
- (4) Within fourteen (14) 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 seven (7) days of the execution of any reaffirmation agreement, provide the trustee with a copy of the reaffirmation agreement.

Rule 4003-1 Objections to Claims of Exemption

The court will not determine an objection to a claim of exemption under Rule 4003(b), Federal Rules of Bankruptcy Procedure, unless a hearing is held. The court will schedule a hearing on submission of a Calendar Request (AK LBF 7). The party requesting the hearing must, within seven (7) days of receiving the hearing date from the court, give notice of the hearing date conforming to AK LBF 34 to the trustee and all parties on whom the objection to exemptions must be served in accordance with Rule 4003, Federal Rules of Bankruptcy Procedure.

Rule 4008-1 Reaffirmation Hearing

(a) General.

- (1) Reaffirmation agreements must follow the format of Directors Form B2400A, "Reaffirmation Agreement," and all applicable parts of the agreement must be completed in their entirety.
- (2) When a debtor is represented by counsel in the negotiation of a reaffirmation agreement, a hearing on the reaffirmation agreement will not be required in individual Chapter 7 cases unless the presumption of undue hardship arises or the court orders otherwise. When a debtor is not represented by counsel in the negotiation of a reaffirmation agreement, a hearing on a reaffirmation agreement is required.
- (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.

PART V
COURTS AND CLERKS

Rule 5001-1 Court and Clerk's Office Locations and Hours

(a) Clerk's Office.

(1) **Filing Petitions.** Petitions and documents filed with the initial petition may be filed in person at the court's physical location at the Old Federal Building, 605 West Fourth Avenue, Suite 138, Anchorage, Alaska 99501.

(2) **Filing by Mail or Special Delivery.** The court will accept documents filed by delivery utilizing the U.S. Postal Service, Fed-Ex, UPS, DHL, or similar services.

(3) **Business Hours.**

[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 either the United States District Court or the United States Bankruptcy Court for the District of Alaska or the Administrative Office of the United States Courts.

[B] Office locations and business hours may be adjusted or changed, with or without prior notice, as staffing and budgetary conditions dictate.

(b) **Places of Holding Court.** The Bankruptcy Court is located in Anchorage. Hearings and trials are scheduled as needed in Anchorage, Fairbanks and Juneau.

Rule 5003-1 Court Records

(a) **Official Record.** The CM/ECF System constitutes the official record of the court.

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

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

(2) The record for any case in the CM/ECF System is available for inspection by the public during regular business hours at the court in Anchorage.

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

Rule 5005-1 Electronic Case Filing

(a) Procedures.

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

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

(b) Registration.

(1) [A] All attorneys admitted to practice in this court who wish to file papers must obtain access to the court via the attorney's individual PACER account to permit the attorney to participate in electronic filing.

[B] Requests for exceptions to the requirements of subparagraph (1)[A] must be submitted via ex parte motion setting forth the reasons requiring an exception, supported by an affidavit.

(2) Every trustee appointed in cases before this court must obtain access to the court via the trustee's individual PACER account to permit the trustee to participate in electronic filing.

- (3) *Limited Filing Privileges.* Any duly authorized individual officer or agent of a non-individual creditor or interested party may be granted access to the court via the individual's PACER account to permit the individual to file certain designated documents on behalf of the creditor or interested party.
 - (4) *Other Designated Professionals.* Certain professionals whose employment has been approved by the court may obtain access to the court via the professional's PACER account to permit the professional to file electronically.
 - (5) *Consent to Electronic Notice and Service.* Participation in the CM/ECF System by attorneys, trustees and other designated professionals described above 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 an appearance as a party or attorney for a party has been made in accordance with AK LBR 9010-1(a)(1).
 - (6) *Failure to Maintain Valid Email Address with PACER.* An electronic filer's failure to maintain a valid email address with the filer's PACER account will result in termination of the filer's electronic filing permissions.
- (c) **Unauthorized Use of CM/ECF Passwords.**
- (1) 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 law firm.
 - (2) 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 law firm.
- (d) **Signatures.** See AK LBR 9011-1.
- (e) **Mandatory Electronic Filing.**
- (1) Except as otherwise provided in this Rule or in exceptional circumstances that prevent a participant from filing electronically (*i.e.*, technological failure, natural disaster, etc.) registered participants must electronically file documents with the court.
 - (2) Parties and attorneys who are not participants in the CM/ECF System may conventionally file documents in hard copy format, bearing original (holographic) signatures.
- (f) **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, Federal Rules of Bankruptcy Procedure must continue to be made under Rule 7004, Federal Rules of Bankruptcy Procedure.

(g) **Special Electronic Filing Requirements.**

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

[A] A request to file documents under seal must be made via motion. A motion to file document(s) under seal must be filed electronically, and a proposed order authorizing filing under seal must be lodged with the court via email at ecf_orders@akb.uscourts.gov.

[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.

(2) *Exhibits to Pleadings.*

[A] Documents filed as exhibits should be electronically imaged (*i.e.*, “scanned”) and filed as an attachment to the related document using Portable Document Format (.pdf).

[B] Exhibits that are not available in Portable Document Format (.pdf) 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) *Summons to be Issued by the Clerk of Court.* Summonses to be issued by the Clerk of Court must be submitted electronically, in the same manner as for proposed orders, findings and judgments.

(4) *Trial and Hearing Exhibits.*

[A] Exhibit lists, when required, must be filed electronically.

[B] The exhibits may be submitted conventionally when required by otherwise applicable Rules.

(5) *Statement of Social Security Number.* Your Statement About Your Social Security Numbers submitted in accordance with Rule 1007(f), Federal Rules of Bankruptcy Procedure, must be emailed immediately after the electronic filing of a petition, in the same manner for proposed orders. As provided in AK LBR 1007-1(d), Your Statement About Your Social Security Numbers is **not** to be filed on the case docket.

(h) **Fees.**

(1) Fees for documents filed electronically are due at the time of filing.

(2) Any required fee for a document filed electronically not paid as provided in paragraph (g)(1) must be received by the Clerk of Court within three (3) business days from the date the document was filed.

(i) **Technical Failures.** If a registered CM/ECF participant is unable to transmit a time-critical document for electronic filing, due to technical failure or unanticipated event (*i.e.*, medical emergency, natural disaster, etc.), the participant must promptly contact the Clerk of Court and make arrangements for filing the document.

(j) **Consequences for Noncompliance.**

(1) *Effect of Failure to Timely Execute or File Declaration Re: Electronic Filing.* In the event that a registered participant fails to obtain the signature on or timely file the Declaration Re: Electronic Filing, AK LBF 37A or AK LBF 37B, as applicable, the court may after a hearing on shortened time:

[A] dismiss the petition; and/or

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

(2) *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 electronic filing privileges and/or imposition of other sanctions as may be appropriate.

Rule 5011-1 Withdrawal of Reference to the Bankruptcy Court

- (a) **Filing.** A motion to withdraw the reference to the Bankruptcy Court must be filed with the Clerk of Court.
- (b) **Service and Notice.**
- (1) A party filing a motion to withdraw the reference of the case in its entirety must:
- [A] transmit the motion to the United States trustee;
 - [B] serve it on—
 - (i) the trustee;
 - (ii) debtor;
 - (iii) any committee appointed under the Code; and
 - (iv) any party having filed a request for special notice; and
 - [C] file and serve notice of the motion on all parties in interest.
- (2) A party filing a motion to withdraw the reference as to a proceeding, but not the entire case, must:
- [A] transmit the motion to the United States trustee; and
 - [B] serve it on—
 - (i) the trustee;
 - (ii) debtor; and
 - (iii) any other party to the proceeding.
- (c) **Objection to Withdrawal of Reference.**
- (1) Any objection to withdrawal of the reference must be in writing and filed not later than twenty-one (21) days after the date the motion is served or notice is mailed, whichever is later.
- (2) The objecting party must:
- [A] transmit the objection to the United States trustee; and
 - [B] serve it on the moving party and those entities upon whom the motion was served.

Rule 5074-1 Facsimile and Email Filing

- (a) **Acceptance of Facsimile or Email Documents.** A time-critical document may be accepted as timely filed by transmission to the court's facsimile machine or official email account if:
- (1) prior authorization for filing by facsimile or email is received from one of the following court personnel: law clerk, Clerk of Court, or chief deputy; and
- (2) within seven (7) days of facsimile or email authorization:
- [A] the original signed document is filed with the court; and
 - [B] any required fees are received by the Clerk of Court.

Rule 5075-1 Delegation of Ministerial Orders and Notices

The Clerk of Court and those deputies as the Clerk may designate are authorized to sign and enter without further direction such ministerial orders and notices as the Chief Judge may direct.

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

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(a), 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 or trustee;
 - [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
 - [G] 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) Unless waived by the court, a hearing must be held before a sale free and clear of liens or encumbrances is granted, 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 fourteen (14) 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 fourteen (14) days after the sale.

- (e) **Report of Sale.** Within thirty (30) days after a sale, auctioneers must submit to the trustee a report of sale required by Rule 6004(f), Federal Rules of Bankruptcy Procedure. 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) **11 U.S.C. § 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 fourteen (14) 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.

Rule 6006-1 Notice of Motion to Assume, Reject or Assign Executory Contracts or Unexpired Leases

(a) **Service of Notice.**

- (1) Twenty-one (21) days' notice of a motion by a party in interest requesting that the court direct the trustee or debtor in possession to assume or reject an executory contract or unexpired lease, or a notice of a motion by the trustee or debtor-in-possession to assume, reject or assign an executory contract or unexpired lease, must be served on:
 - [A] all parties to the lease or contract;
 - [B] all parties who hold or claim any interest in the lease or contract;
 - [C] the debtor;
 - [D] the trustee;
 - [E] any committee appointed under the Code;

- [F] any attorney or creditor who has filed an appearance or demand for notice; and
[G] transmitted to the United States trustee in chapter 11 cases.
- (2) If an insider has interests or obligations described in paragraph (b)(2), notice must be given to all parties on the Matrix.
- (b) **Contents of Notice.**
- (1) Notice of the motion must include a brief summary of the significant terms of the contract or lease, and assignment, if any.
- (2) Notice of the motion must disclose whether any insider—
[A] is a party to the lease or contract or has any other interest in the lease or contract;
[B] has any obligations arising under the lease or contract, whether contingent, liquidated or unliquidated, fixed, or otherwise; and
[C] the nature of the insider's interests and obligations.
- (3) If assumption is desired and the contract or lease is in default, the notice must specify:
[A] the manner in which the default will be cured;
[B] compensation for damages provided; and
[C] adequate assurance of future performance provided.
- (c) **Mandatory Discovery Exchange.** Not later than fourteen (14) days after any objection to the motion to assume, reject or assign an executory contract or unexpired lease is filed, the parties will comply with the requirements of Rule 26(a), Federal Rules of Civil Procedure.

Rule 6007-1 Abandonment of Property of the Estate

- (a) **Notice Period.** A motion to abandon specific property brought by a party in interest, or a notice of proposed abandonment brought by a trustee or debtor in possession, must provide a fourteen- (14-) day notice period and be served on all parties on the Matrix, unless the court orders otherwise.
- (b) **Content of Notice.** The notice must include:
- (1) A description of the property or interest involved;
(2) The fair market value of the property or interest; and
(3) A description of any encumbrances against the property or interest.
- (c) **Unscheduled Property.** Any property not scheduled under § 521(1) of the Code or otherwise administered at the time of the closing of a case is not abandoned to the debtor or administered for purposes of § 350 of the Code.

Rule 6008-1 Redemption of Property in Chapter 7 Cases

- (a) **General.** Approval of redemption agreements under § 722 of the Code is by motion filed by the debtor and governed by Rule 9013, Federal Rules of Bankruptcy Procedure.
- (b) **Motion.** A motion for approval of a redemption agreement must contain the following:
- (1) a complete description of the article to be redeemed;
(2) have attached—
[A] a copy of the security agreement, and
[B] evidence of perfection of the security interest, if perfection is required under otherwise applicable law;
(3) the redemption price;
(4) [A] fair market value of the property to be redeemed, and
[B] method by which the fair market value was determined; and

- (5) if the fair market value of the property exceeds the redemption price, a certification that the excess of the fair market value over the redemption price is exempt under § 522 of the Code.
- (c) **Service of the Motion.** The motion must be:
- (1) transmitted to the United States trustee; and
 - (2) served on—
 - [A] the trustee, and
 - [B] any creditor affected by the redemption.
- (d) **Objection.**
- (1) An objection to a motion to redeem property must be served and filed not later than twenty-one (21) days after the motion is transmitted and served as provided in subsection (c).
 - (2) If an objection is filed, either party may submit a Calendar Request (AK LBF 7) as provided in AK LBR 9075-1(b).
 - (3) Except as provided in subsection (e), if no objection is served and filed within the time provided in paragraph (1), the motion will be deemed approved without further order of the court.
- (e) **Hearing.**
- (1) *Represented Debtor.* Unless otherwise ordered by the court, if the debtor is represented by counsel, in the absence of an objection to the motion, no hearing on the motion is required.
 - (2) *Unrepresented Debtor.* In a case in which the debtor is not represented by counsel, the party filing the motion must, at the same time the motion is filed, submit a Calendar Request (AK LBF 7) as provided in AK LBR 9075-1(b).

PART VII
ADVERSARY PROCEEDINGS

Rule 7001-1 Local District Civil Rules Adopted in Adversary Proceedings

In addition to the Rules adopted in Rule 1001-1(f), United States District Court for the District of Alaska Local Civil Rules 7.1 [except 7.1(i), (j)], 15.1, and 41.1 apply to adversary proceedings under Rule 7001, Federal Rules of Bankruptcy Procedure.

Rule 7003-1 Commencement of Action

- (a) An adversary complaint must be accompanied by:
- (1) a completed summons for each named defendant; and
 - (2) the filing fee, if required.
- (b) Adversary complaints filed conventionally must also be accompanied by a completed Director's Form 1040, Adversary Proceeding Cover Sheet.

Rule 7004-1 Service on Debtor's Attorney

If a debtor is represented by an attorney in the main bankruptcy case, whenever service is made upon the debtor under Rule 7004, Federal Rules of Bankruptcy Procedure, service of the summons and complaint shall also be served upon the debtor's attorney by any means authorized by Rule 7005, Federal Rules of Bankruptcy Procedure.

Rule 7012-1 Consent to Entry of Final Order or Judgment

In an adversary proceeding before the Bankruptcy Court, the complaint, counterclaim, cross-claim, or third-party complaint and any responsive pleading thereto must contain a statement that the pleader does or does not consent to entry of final orders or judgment by the Bankruptcy Court.

Rule 7016-1 Pretrial Procedure

- (a) **Pretrial Conference.** A pretrial conference may be set by the court in a contested matter or adversary proceeding. At the pretrial conference the attorneys for the parties will be prepared to:
- (1) consider those matters specified in Rule 16, Federal Rules of Civil Procedure;
 - (2) determine the dates for—
 - [A] closing of witness lists,
 - [B] closing or limiting discovery,
 - [C] settlement conferences,
 - [D] exchanging and filing exhibits, and
 - [E] trial; and
 - (3) review any materials or reports ordered by the court to be filed in a pretrial or status conference order.
- (b) **Appearance by Responsible Attorney.** The attorneys who will be in charge of each party's case must:
- (1) attend personally, unless alternative appearance has been approved by the Court; and
 - (2) be prepared to discuss in detail and in good faith—
 - [A] the issues of fact and law remaining,
 - [B] the evidence to be presented, and
 - [C] the respective positions of the various parties.

(c) **Pretrial or Status Conference Report.**

- (1) If the court so orders, the parties will meet and in good faith attempt to file a report indicating the contested and uncontested facts and issues of law.
- (2) The parties must meet and discuss the case before the pretrial conference to eliminate the need to litigate uncontested matters.

(d) **Status and Settlement Conferences.**

- (1) At the request of any party or on its own motion, the court may order additional status conferences to be held with respect to any adversary proceeding or contested matter.
- (2) Settlement conferences may be scheduled when the parties or the court believes it would be productive.
- (3) A status or settlement conference may be requested by any party in interest by submitting a Calendar Request (AK LBF 7) as provided in AK LBR 9075-1(b).

(e) **Notice of Pretrial, Status or Settlement Conference.**

- (1) Notice of a pretrial, status or settlement conference must be given to all parties who have appeared in the adversary proceeding not less than fourteen (14) days prior to the conference date.
- (2) Notice of a status or settlement conference shall be made in the method ordered by the Court.

Rule 7026-1 Discovery Documents

Unless otherwise ordered by the court, disclosures under Rule 26(a), Federal Rules of Civil Procedure, depositions, interrogatories, requests for production, and requests for admission are not to be filed with the court until used in the proceeding.

Rule 7037-1 Failure to Make Discovery; Sanctions

(a) **Discovery Motions.**

- (1) If a matter arises under Rules 7026 through 7037, inclusive, Federal Rules of Bankruptcy Procedure, and if the matter is opposed, counsel must prepare and file a certificate that they have conferred with respect to the pending matter and enumerate therein the matters remaining for determination by the court.
 - [A] The court will not consider a motion, objection, order to show cause, petition or similar matter arising under the cited rules until the certificate of compliance is filed.
 - [B] Counsel for the moving party will arrange for such conferences.
 - [C] Should opposing counsel fail or refuse to confer with counsel for the moving party when requested to do so, this fact will be reported promptly in writing to the court.
- (2) If the motion or other matter is heard and the court finds the motion or opposition thereto to be without substantial justification, or that counsel for any party refused to meet and confer, or having met, refused or failed to confer in good faith, the court may assess costs, including attorney's fees, if appropriate, against the offending party.

- (b) **Local District Rules Adopted.** United States District Court for the District of Alaska Local Civil Rule 37.1 applies to discovery matters.

Rule 7041-1 Dismissal of Discharge Actions

- (a) **Required Information.** Unless it is contained in the stipulation or settlement agreement, a stipulation or request by the plaintiff to dismiss a complaint brought to bar discharge of a debtor must be accompanied by a separate statement, signed by counsel (or by the party if

not represented by counsel) for all parties to the stipulation or settlement agreement, setting forth:

- (1) any consideration, monetary or otherwise, to be received by the plaintiff;
- (2) the basis and source of that consideration; or
- (3) that the plaintiff is not to receive any consideration.

(b) **Notice.**

- (1) Notice of the stipulation or settlement must contain a clear and concise statement of the consideration, if any, to be received by the plaintiff.
- (2) In addition to the persons specified in Rule 7041, Federal Rules of Bankruptcy Procedure, notice of the stipulated dismissal must be given to:
 - [A] any party in interest having filed a special request for notice; and
 - [B] (i) any creditor having filed a proof of claim, or
 - (ii) in a case in which no claims are to be filed, the five (5) largest unsecured creditors other than those creditors whose claims are nondischargeable under § 523 of the Code.

(c) **Opposition.**

- (1) A party in interest opposing dismissal of the § 727 complaint may file a written opposition thereto within twenty-one (21) days of the date the notice is served and:
 - [A] serve a copy on—
 - (i) the parties to the adversary action, and
 - (ii) the case trustee; and
 - [B] transmit a copy to the United States trustee.
- (2) Any opposition to the dismissal must set forth:
 - [A] specifically the basis for the objection;
 - [B] any terms or conditions the objecting party requests be imposed on the dismissal; and
 - [C] a statement of whether or not the objecting party is agreeable to substituting as party plaintiff in the action.

(d) **Hearing.**

- (1) In any case in which the plaintiff is to receive consideration in any form in exchange for dismissal, unless the court, for cause, otherwise orders, a hearing must be held before a discharge action is dismissed by stipulation or agreement of the parties, even if no objection is filed in response to the notice.
- (2) [A] In any case where the plaintiff is not to receive consideration in any form in exchange for the dismissal, the court may deny, grant, or impose terms and conditions on dismissal of the action without a hearing.
 - [B] If an objection or opposition to dismissal is timely filed, ordinarily the court will not grant dismissal without a hearing.

- (e) **Dismissal for Lack of Prosecution.** Any proceeding that has been pending in this court for more than one (1) year without any activity of record may, after notice, be dismissed for want of prosecution on motion by any party, or by the court. In addition, in appropriate circumstances, the court may issue an order to show cause why a proceeding should not be dismissed regardless of how long it has been pending.

Rule 7056-1 Summary Judgment

- (a) **Opposition - Documents Required.** A party opposing a motion for summary judgment must serve and file simultaneously with the brief in opposition to the motion a statement of

genuine issues setting forth clearly, concisely, completely and candidly those issues of material fact that must be tried.

- (b) **Response Deadlines.** Unless the Court orders otherwise, the opposition must be served and filed within twenty-one (21) days of the service of the motion, and a reply, if any, must be served and filed within fourteen (14) days after service of the opposition.

PART VIII
APPEALS

Rule 8001-1 Appellate Procedure; Governing Rules

(a) Bankruptcy Appellate Panel.

(1) Unless otherwise provided by statute or the Federal Rules of Bankruptcy Procedure, appeals from the United States Bankruptcy Court for the District of Alaska will be heard by the Bankruptcy Appellate Panel of the Ninth Circuit (BAP).

(2) Appeals to the BAP are governed by the Federal Rules of Bankruptcy Procedure and the Rules of the Bankruptcy Appellate Panel of the Ninth Circuit.

(b) District Court. Appeals from the United States Bankruptcy Court for the District of Alaska to the United States District Court for the District of Alaska are governed by the Federal Rules of Bankruptcy Procedure 8001, *et seq.* and the Local Rules (Civil) of the United States District Court for the District of Alaska.

(c) Ninth Circuit Court of Appeals. Direct appeals to the Ninth Circuit Court of Appeals (see 28 U.S.C. § 158(d)(2)) are governed by Federal Rules of Bankruptcy Procedure 8004 and 8006 and the Rules of the Ninth Circuit.

Rule 8015-1 Commencement of Appeal

(a) Form of Briefs.

(1) Briefs must conform to Rule 8015, Federal Rules of Bankruptcy Procedure or United States District Court for the District of Alaska Local Civil Rule 10.1.

(2) References to the record on appeal must be made to:

[A] the docket entry number and page of the pleading; or

[B] the volume and page of the transcript of any oral proceedings.

(b) Filing Fee. Where a debtor has obtained a waiver of the bankruptcy case filing fee, any request to waive the filing fee for an appeal made in connection with the underlying bankruptcy case must be made by separate motion filed with the bankruptcy court. The waiver of the bankruptcy case filing fee does not effectuate a waiver of a filing fee due on commencement of an appeal.

PART IX
GENERAL PROVISIONS

Rule 9001-1 Definitions

- (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.”** The term “business days” means days that the Office of the Clerk is open for business, *i.e.*, Monday – Friday, excluding holidays.
- (c) **“Manager.”** The term “manager,” when used in conjunction with a limited liability company, includes any member of a member-managed limited liability company.
- (d) **“Conventional Filing.”** The term “conventional filing” means the physical filing of a paper original document with the Clerk of Court either in person at a court intake window or via delivery utilizing the U.S. Postal Service, Fed-Ex, UPS, DHL, or similar services.
- (e) **“CM/ECF System.”** The term “CM/ECF System” means the Case Management and Electronic Case Management System established and maintained by the Clerk of Court.
- (f) **“Matrix.”** The list of entities filed pursuant to Rule 1007(a), Federal Rules of Bankruptcy Procedure, is referred to as the “Matrix.”

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;
 - (2) have a margin of not less than one inch (1”) on all four sides of each page;
 - (3) be either in original clear and legible typewriting, or in clear and legible printing;
 - (4) 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;
 - (5) if consisting of more than one page, have each consecutive page numbered at the bottom of each page;
 - (6) be printed or written upon only one side of the paper;
 - (7) utilize twelve (12) point or ten (10) pitch type;
 - (8) each pleading filed as a separate document and, if filed conventionally, all pages of each document securely clipped but not stapled together; and
 - (9) names are to be typed or printed beneath signatures on all documents.
- (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) The first page of each document shall contain a case caption that conforms to either the Caption (Short Title), Official Form 416B, or the Caption for Use in Adversary Proceeding Other Than for a Complaint Filed by a Debtor, Official Form 416D, unless otherwise ordered by the court.
 - (2) The following information must be included in the top of the first page, preceding the case caption:

- [A] The name, address, telephone number and email address 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.

Rule 9006-1 Shortening Time

- (a) **Motion to Shorten Time.** A motion to shorten time must:
 - (1) include a description of the relief requested in the underlying motion and concisely state the reasons a hearing on shortened notice is necessary;
 - (2) be accompanied a sworn statement setting forth the following:
 - [A] the efforts to contact opposing counsel or other interested parties to obtain their consent to a hearing on shortened time;
 - [B] when that contact was made;
 - [C] the method of contact, or if counsel or the parties were not consulted, how the movant attempted to contact counsel or the parties; and
 - [D] whether such consent was obtained.
 - (3) In addition to filing the motion for shortened notice, a movant seeking shortened time must:
 - [A] separately file the motion the movant seeks to have heard on shortened time; and
 - [B] lodge a proposed order granting the motion for shortened time.
- (b) **Notice of Shortened Time.**
 - (1) The moving party must serve the motion to shorten time, the underlying motion and a notice of the hearing to be held on shortened time on all parties affected by the motions via expedited means (*i.e.*, email, facsimile, overnight mail, etc.).
 - [A] Unless otherwise ordered by the court, in any matter requiring less than seven (7) days' notice the moving party must, on or before the same day as written notice is given, give telephonic notice of any hearing set to the opposing party(ies), debtor and trustee, or their attorneys, if they are represented.
 - [B] Telephonic notice is not required if a party has not provided a current telephone number.
 - [C] An affidavit or declaration of telephonic notice must be filed with the court prior to the scheduled hearing.
 - (2) The notice must comply with Rule 9006(c), Federal Rules of Bankruptcy Procedure.

Rule 9009-1 Local Forms

The Local Bankruptcy Forms (available at www.akb.uscourts.gov) should be utilized and may be altered to permit economies in their use, as appropriate.

Rule 9010-1 Appearances

- (a) **Appearances by Attorneys or Parties.**
 - (1) With the exception of proofs of claim filed on the claims register, the filing of any document in a bankruptcy case or adversary proceeding constitutes an appearance by the attorney who signs the document.
 - [A] An attorney who wishes to be added to the Matrix in a case, but does not file any other document, must file a request for special notice in the case or proceeding.

- [B] Attorneys representing chapter 11 debtors must still obtain express court approval of their employment pursuant to § 327 of the Code and Rule 2014, Federal Rules of Bankruptcy Procedure.
- (2) A party represented by counsel may not appear or otherwise act on his, her, or its own behalf.
- (3) *Representation of Non-Individuals.*
- [A] A debtor who is not an individual must be represented by an attorney.
- [B] A non-individual, non-debtor party may appear without counsel only in the following limited circumstances:
- (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 filing a proof of claim in a bankruptcy case; or
 - (iii) at the meeting of creditors held under § 341 of the Code.
- [C] In a case to which subparagraph (3)[B] applies, a corporation, partnership, limited liability company, or unincorporated association may appear through one of the following:
- (i) a corporate officer;
 - (ii) a general partner;
 - (iii) a manager of a limited liability company;
 - (iv) an association officer; or
 - (v) a designated employee.
- (I) Prior to participation in a case or proceeding, a designated employee representative must file with the court written authorization signed by a person listed in subparagraph 4[A](i)-(iv) above designating such employee as the representative and acknowledging that the entity will be bound by the actions of the designated employee.
- (b) **Withdrawal or Substitution of Attorney.**
- (1) The following provisions apply to bankruptcy cases and adversary proceedings pending before the court.
- (2) *Withdrawal of Attorney.*
- [A] Attorneys for Debtors.
- (i) If an attorney has obtained written consent of chapter 7, 12, or 13 debtor(s) (but NOT chapter 11 debtors) to withdraw from representation, the attorney may file a notice of withdrawal and serve that notice of withdrawal on the Matrix.
 - (I) The notice of withdrawal must bear the attorney's signature, the debtor's original (holographic/wet) signature(s) and include the debtor's current mailing address.
 - (a) Participants in the CM/ECF System must retain the original document and may file an imaged (scanned) digital copy of the notice of withdrawal with the court.
 - (II) Withdrawal will be effective upon filing the notice of withdrawal with client consent service of the notice in accordance with AK LBR 9010-1(b)(4), and no order of the court shall be required or entered.
 - (ii) If an attorney has not obtained written consent of a chapter 7, 12 or 13 debtor to withdraw from representation, or the attorney represents a chapter 11 debtor, the attorney who wishes to withdraw must file a noticed motion stating:
 - (I) the reason(s) for the request;

- (II) the names and last known addresses of the debtor(s); and
- (III) any events or deadlines that are set in the case or proceeding, e.g., a trial or pretrial conference, hearings, etc., and the date and time of the events or deadlines.
- (IV) Notice of the motion to withdraw must include:
 - (a) the name(s) of the debtor(s) represented by the withdrawing attorney;
 - (b) the date the attorney intends to withdraw, which date must not be less than twenty-one (21) days after the date the notice is served; and
 - (c) a statement that an order permitting the withdrawal may be entered without further notice or hearing unless an objection to the withdrawal is filed within fourteen (14) days of the date the notice was served.
- (iii) If an attorney for a non-individual debtor withdraws, the debtor or debtor in possession must obtain new counsel before it may participate further in the case.
 - (I) In the case of a non-individual debtor, 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 fourteen (14) days of the withdrawal.
- [B] Other Attorney Withdrawal Requiring a Noticed Motion
 - (i) An attorney representing a trustee in a case under any chapter of the Code OR any attorney representing a party in an adversary proceeding who wishes to withdraw from representation must file a noticed motion to withdraw that complies with AK LBR 9010-1(b)(2)[A](ii).
- [C] Attorneys for Creditors.
 - (i) An attorney representing a creditor in any case under the Code must file a notice of withdrawal, bearing the original (holographic/wet) signature of the attorney's client or its representative, and providing a current mailing address for the creditor.
 - (I) Participants in the CM/ECF System must retain the original document and may file an imaged (scanned) digital copy of the notice of withdrawal with the court.
 - (ii) Withdrawal of a creditor's attorney will be effective upon the filing of the notice of withdrawal and service of the notice in accordance with AK LBR 9010-1(b)(4), and no order of the court shall be required or entered.
 - (iii) The filing of the notice of withdrawal will effectuate removal of the attorney from the Matrix.
- (3) *Substitution of Attorney.*
 - [A] Court Approval of Employment Not Required.
 - (i) If court approval of the attorney's employment was not required in the first instance under the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, the substitution of attorney may take the form of a notice and need not be approved by the court.
 - (ii) The notice of substitution must:
 - (I) include the effective date of substitution; and
 - (II) be signed by:
 - (a) both the original and the new attorneys; or
 - (b) the new attorney and the client, with notice to the original attorney.

- (iv) Notices of substitution will be effective upon filing with the court and service of the substitution in accordance with AK LBR 9010-1(b)(4), and no order of the court shall be required or entered.
- [B] Court Approval of Employment Required.
 - (i) If court approval of the attorney's employment was required in the first instance under the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, the substitution of attorney must be in the form of a noticed motion that complies with AK LBR 9010-1(b)(2)[A](ii), and will not be effective until approved by the court.
- (4) *Service of Notices and Motions to Withdraw or Substitute Attorneys.*
 - [A] Notices of withdrawal or substitution and notices of motions to withdraw or substitute must be served on the following:
 - (i) In the case of an attorney for a debtor, trustee or debtor in possession:
 - (I) all those listed on the Matrix.
 - (ii) 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 their attorneys, if any.
 - (iii) In the case of all other attorneys:
 - (I) the attorney's client;
 - (II) the debtor or debtor in possession and his/her/its attorney;
 - (III) any trustee and his or her attorney, if any; and
 - (IV) the United States trustee.
 - [B] An attorney's 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 withdrawal or substitution has been filed with the court.
- (c) **New Attorneys.** If an attorney dies, withdraws without substitution, or otherwise ceases to act, a party's notice of the retention of a new attorney must be filed with the court and served on the appropriate parties set forth in paragraph (b)(4).

Rule 9010-2 Admission and Practice of Attorneys

- (a) **Admission to Practice.** Any attorney who is admitted to practice law in the United States District Court for the District of Alaska is admitted to practice in this court.
- (b) **Practice by Attorneys Not Admitted in District Court.**
 - (1) [A] Any attorney who is a member in good standing of the bar of any United States court or the highest court of any state or territory of the United States, may be permitted upon *ex parte* application to appear in a particular case.
 - (i) An original certificate of good standing or a certified copy from the state court or bar governing or regulating admission in the territory where the applicant has been admitted to practice must be filed with the application.
 - (ii) The court may waive the requirement of application by an attorney not admitted in the United States District Court for the District of Alaska in the interest of expediency and reduction of costs where the participation is limited and the matter is likely to be resolved without extensive hearings.
 - [B] The court may require designation of local counsel to participate, sign pleadings, and receive service of notice should there be any problem with the cooperation,

responsiveness, or accessibility of an attorney not admitted to practice in the United States District Court for the District of Alaska.

- (2) Any attorney representing the United States (or any of its agencies) may appear and participate in particular cases without submitting an application as set forth above. If the government has both local and non-local attorneys appearing in a matter, service must be made on both the local and non-local offices unless the court orders otherwise.
- (c) **Local District Rules Adopted.** United States District Court for the District of Alaska Local Civil Rules 83.1(g) – (i) and 83.2 apply to all attorneys practicing before the Bankruptcy Court.

Rule 9011-1 Signatures

(a) Electronic Filing.

(1) Registered CM/ECF Participant.

[A] The use of a registered CM/ECF participant's PACER account in the electronic filing of a document constitutes the signature of that participant under Rule 9011, Federal Rules of Bankruptcy Procedure.

[B] The electronic filing of a document by a registered CM/ECF participant shall be in the form of "/s/" followed by the registered participant's typed name (i.e., "/s/ Jane Doe").

[C] Only registered participants may utilize the "/s/" format in place of an original (holographic) signature on documents electronically filed with the court.

[D] A document filed electronically must bear the electronic signature of the registered participant under whose PACER account the document was filed.

(2) Debtors or Other Parties Represented by Registered CM/ECF Participants.

[A] Debtors Only: Declarations re: Electronic Filing

(i) For the following documents requiring the signature of individual debtor(s), if those documents are electronically filed, a Declaration re: Electronic Filing (AK LBF 37A) must be prepared by the registered CM/ECF participant, bearing the original (holographic/wet) signatures of the debtor(s) and the attorney for the debtor(s):

- (I) petition;
- (II) statements;
- (III) schedules;
- (IV) Verification of Creditor Matrix (AK LBF 40);
- (V) Official Form 423;
- (VI) Director's Form 2830;
- (VII) any report required under Rule 1019(e), Federal Rules of Bankruptcy Procedure;
- (VIII) any notice of address change;
- (IX) chapter 11 disclosure statement; and
- (X) chapter 11, 12 or 13 plan, as applicable.

(ii) For the following documents requiring the signature of a representative of a non-individual debtor (corporation, partnership or LLC), if those documents are electronically filed, a Declaration re: Electronic Filing (AK LBF 37B) must be prepared by the registered CM/ECF participant, bearing the original (holographic/wet) signatures of the debtor's representative and the attorney for the debtor:

- (I) petition;
 - (II) statements;
 - (III) schedules;
 - (IV) Verification of Creditor Matrix (AK LBF 40); and
 - (V) any report required under Rule 1019(e), Federal Rules of Bankruptcy Procedure;
 - (VI) any notice of address change;
 - (VII) chapter 11 disclosure statement; and
 - (VIII) chapter 11, 12 or 13 plan, as applicable.
- (iii) The Declaration re: Electronic Filing constitutes the debtor(s)' original signature(s) for filing purposes as to the above-referenced documents only. When a Declaration re: Electronic Filing is filed, the debtor(s)' signature(s) on the above-referenced documents may be represented by "/s/" followed by the debtor(s)' name(s).
- (iv) The original Declaration re: Electronic Filing must be:
- (I) signed by the debtor(s) and the debtor(s)' attorney before the petition is filed; and
 - (II) filed conventionally within fourteen (14) days of the date the related document is electronically filed.
- [B] All other electronically filed documents that require the verified signature of a party other than the registered CM/ECF participant, or are not addressed by AK LBF 37A or 37B, must bear an imaged (scanned) digital copy of the signatory's original (holographic/wet) signature. Counsel must retain the original document.
- (3) *Employee of Registered Participant.* An employee of a registered CM/ECF participant may sign a certificate of service utilizing "/s/" followed by the employee's typed name on the signature line where such signature is required.
- (4) *Documents Requiring Multiple Signatures.* Documents requiring the signatures of more than one party, such as stipulations, may include "/s/" signatures for any registered CM/ECF participant who is a signatory to the document. All other signatures on the document must be imaged (scanned) digital copies of the remaining signatories' original (holographic/wet) signatures.
- (b) **Petitions Filed Without Original Signatures.** A petition bearing an imaged signature of the debtor(s), such as those scanned and emailed or faxed to the debtor's counsel prior to filing, which is then filed with the Clerk of Court on a time critical basis, will be treated as a facsimile or email document in accordance with AK LBR 5074-1(a)(2).
- (c) **Joint Debtors.** Documents requiring the verified signature of the debtors in a joint case (*i.e.*, a notice of change of mailing address) must contain the signatures of both debtors.

Rule 9011-2 Sanctions

(a) Motions under 11 U.S.C. § 707(b)(4).

- (1) A motion brought under § 707(b)(4) of the Code must:
 - [A] be served and filed no later than fourteen (14) 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 fourteen (14) days after the motion is served.

- (3) The moving party may file a reply seven (7) days after the opposition to the motion is served and filed.
- (b) **Motions under 11 U.S.C. § 707(b)(5).**
 - (1) A motion brought under § 707(b)(5) of the Code must—
 - [A] be served and filed no later than twenty-one (21) 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 fourteen (14) days after the motion is served.
 - (3) The moving party may file a reply seven (7) days after the opposition to the motion is served and filed.

Rule 9013-1 Motion Practice

- (a) **Content of Motion or Application.** A motion or other application governed by Rule 9014, Federal Rules of Bankruptcy Procedure must include or be filed concurrently with:
 - (1) a clear and concise written statement of the relief requested and reasons in support thereof, including relevant facts and citations to authorities upon which the moving party relies;
 - (2) related exhibits, including:
 - [A] Legible copies of all documentary evidence that the moving party intends to submit in support of the motion or application;
 - [B] a copy of a proposed order on the motion or application, unless such order is requested *ex parte*; and
 - (3) any supporting affidavits or declarations.
- (b) **Opposition to Motion or Application.** Unless another time is specified in the Federal Rules of Bankruptcy Procedure or these Rules, a party wishing to oppose a motion or application must, within twenty-one (21) days of service of notice of the underlying motion or application, serve and file a written opposition including:
 - (1) a clear and concise written statement of the opposition and reasons in support thereof, including relevant facts and citations to authorities upon which the opposing party relies;
 - (2) related exhibits, including legible copies of all documentary evidence that the opposing party intends to submit in support of the opposition;
 - (3) any supporting affidavits or declarations.
 - (4) The opposing party may attach as an exhibit to the opposition an alternate form of order on the underlying motion or application.
- (c) **Reply by Moving Party.**
 - (1) Within seven (7) days after the service of an opposition to the underlying motion or application, the moving party may serve and file a reply brief.
 - (2) For motions brought under Rules 12(b), 12(c), and 56 of the Federal Rules of Civil Procedure, the reply deadline is extended to fourteen (14) days after service of the opposition.
- (d) **Stipulations Extending Time.** The parties may stipulate, in writing filed with the court, to an extension of the deadline to file opposition or reply briefs.
 - (1) Any stipulation for an extension of time as provided in this subdivision for a period of ten (10) days or less, is effective upon filing without court order.

- (2) Any stipulation for an extension of time to file an opposition or reply in excess of ten (10) days requires court approval, and must be accompanied by a separately-lodged proposed order approving the stipulation.
- (e) **Non-Noticed Motions.** In all matters in which a separate notice stating the opposition deadline is not filed, the body of the motion must contain a statement of the last day to respond under the applicable Rule, in substantially the following form:
- “NOTICE: If you oppose this motion, you must file a written opposition with the Clerk of the Bankruptcy Court, 605 West Fourth Avenue, Room 138, Anchorage, Alaska 99501-2296 and serve a copy on the undersigned on or before (insert date).”
- (f) **Failure to File Briefs.** Failure to file opposition or reply briefs within the time prescribed (or within any extension granted by the court or stipulated to by the parties) may subject the motion or application to summary ruling by the court.
- (g) **Ex Parte Motions.**
- (1) All *ex parte* motions must:
- [A] be served on all parties affected by the motion, or the party’s representative, at or before the time the motion is filed with the court, or contain a statement as to why it should not be so served;
 - [B] contain a statement of the authority for the court to grant the motion without notice and hearing;
 - [C] if applicable, contain a statement of whether the moving party has conferred with the party(ies) affected by the motion and whether or not the motion is opposed; and
 - [D] be accompanied by a proposed order lodged with the court.
- (2) The court may, in its discretion, require a hearing before ruling on the motion.
- (h) **Failure to Pay Filing Fees.** If the required filing fee for a document is not received by the Clerk of Court within three (3) business days of the date the document is filed for electronic filing, or seven (7) days for hard copy filings, the court may issue an order to show cause why the relief sought by the movant should not be denied.

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 § 110(i) of the Code is commenced by filing a motion with the Clerk of the Bankruptcy Court.
- (2) The motion must specify:
- [A] Those provisions of § 110 of the Code 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.
- (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-eight (28) days after the motion is served and filed.

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

- (1) The Bankruptcy Court must deny the motion if it finds that:
 - [A] Section 110(i) of the Code 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) of the Code.
- (2) Denial of the motion under this subsection constitutes a final order.

Rule 9015-1 Jury Trials — Bankruptcy Court

- (a) **Applicability of Certain Local U.S. District Court Rules.** United States District Court for the District of Alaska Local Civil Rules 47.1 and 51.1 apply when a jury trial is demanded.
- (b) **Consent to Jury Trial Before Bankruptcy Judge.**
 - (1) The statement of consent to have a jury trial by a bankruptcy judge under Rule 9015(b), Federal Rules of Bankruptcy Procedure, must be filed not later than sixty (60) days after the demand or the last answer is filed, whichever is later.
 - (2) Consent to the entry of final orders or judgments made under Rules 7008 and 7012(b), Federal Rules of Bankruptcy Procedure, will be deemed a consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e).
 - (3) The filing of a consent to a jury trial being conducted by the Bankruptcy Court under Rule 9015(b), Federal Rules of Bankruptcy Procedure, will be deemed to revoke any earlier nonconsent to the jurisdiction of the Bankruptcy Court made under Rules 7008 or 7012(b), Federal Rules of Bankruptcy Procedure, and as consent to the jurisdiction of the Bankruptcy Court under 28 U.S.C. § 157(c)(2).

Rule 9015-2 District Court Jury Trials — Pretrial Procedures

- (a) **Core Proceedings.** In any core proceeding as defined in 28 U.S.C. § 157(b)(2), if no timely consent to have a jury trial conducted by a bankruptcy judge is made under AK LBR 9015-1(b), or any party files a notice of nonconsent, the proceeding will not be transferred to the district court except upon the granting of a motion to withdraw the reference under Rule 5011, Federal Rules of Bankruptcy Procedure or as provided in subsection (d).
- (b) **Non-Core Proceedings.** In any proceeding that is not a core proceeding as defined in 28 U.S.C. § 157(b) where the parties have not consented to the entry of final orders under 28 U.S.C. § 157(c)(2) or (e), unless the reference is withdrawn or as otherwise ordered by the district court, on its own motion or on the motion of any party, all pretrial matters remain referred to the Bankruptcy Court for hearing and determination as provided in AK LBR 9033-1.
- (c) **Status Report to District Court.**
 - (1) Unless otherwise ordered by the district court, not later than one hundred twenty (120) days after the last responsive pleading is filed, the parties must prepare and lodge with the Bankruptcy Court a joint status report, setting forth:
 - [A] that the matter is ready for trial or the date by which the parties expect to be ready for trial;
 - [B] the current status of discovery and, if discovery has not been completed, the date by which it is expected discovery will be completed;
 - [C] the current status of any pending motions; and
 - [D] any motions expected to be filed and the date by which such motions are to be filed.
 - (2) Within fourteen (14) days after the status report is lodged, the Bankruptcy Court will, by endorsement thereon, indicate either:

- [A] all matters submitted for determination have been determined by the Bankruptcy Court; or
- [B] the date by which all matters under submission are expected to be determined.
- (3) Upon entry of the endorsement by the Bankruptcy Court, the clerk of the Bankruptcy Court will forthwith transmit the status report to the clerk of the district court.
- (d) **Certificate of Readiness for Trial and Transfer to District Court.**
 - (1) Unless the reference has been earlier withdrawn, when all pre-trial matters have been completed and the proceeding is ready for trial, the Bankruptcy Court will certify that fact to the district court in writing.
 - (2) Upon certification of readiness for trial by the Bankruptcy Court, the clerk of the Bankruptcy Court will forthwith transmit the certificate of readiness together with the proceeding files to the clerk of the district court.

Rule 9019-1 Motions to Approve Settlement Agreements

- (a) Motions seeking approval of settlement agreements must attach a copy of the subject agreement as an exhibit to the motion or state that no separate agreement exists.
- (b) Orders on motions to approve settlements must be lodged separately from the motion.

Rule 9021-1 Orders, Findings, Conclusions, Judgments

- (a) **Form and Content.**
 - (1) All proposed orders, judgments, and findings of fact and conclusions of law must be in writing, and, unless entered by the Clerk of Court as provided in Rule 58, Federal Rules of Civil Procedure and AK LBR 5075-1, shall be prepared by the attorney representing the prevailing party, unless otherwise ordered by the court.
 - (2) Parties filing stipulations must lodge a separate proposed order on the stipulation.
 - (3) Every judgment or order, including orders on stipulations, must be lodged separately from the motion, stipulation or other request for the order, and must set forth its terms with particularity.
 - (4) All orders or judgments prepared for signature must include the typed name of the ordering judge, if known, in all capital font immediately under the signature line.
- (b) **Lodging.**
 - (1) Lodging is accomplished by the following:
 - [A] For CM/ECF participants, by emailing the proposed order, judgment, or findings of fact and conclusions of law in word processing format to the court at ecf_orders@akb.uscourts.gov, in accordance with AK LBR 5005-1(e).
 - (i) The subject line of emails to the court attaching lodged orders must include, at minimum, the number of the case or adversary proceeding in which the underlying pleading was filed.
 - [B] For any other parties, by submitting the proposed order, judgment, or findings of fact and conclusions of law conventionally to the Clerk of Court.
 - (2) Proposed orders or judgments attached as exhibits to a motion or application, or otherwise filed on the case docket, must be separately lodged with the court. Orders filed on the case docket shall not be deemed lodged and will not be entered.
 - (3) *Orders After Hearings on Contested Motions.*
 - [A] (i) Any order lodged after a hearing on a contested motion must be served on the opposing party(ies) and their attorney(s), if any, prior to the order being lodged with the court.

- (ii) A certificate demonstrating completion of the service under (c)(1)[A] above must be filed with the court when the order is lodged.
- [B] (i) Any opposing party unsatisfied with a proposed order must submit a motion for amendment, alteration or other modification of that order in accordance with Rules 52(b) or 59(e), Federal Rules of Civil Procedure, made applicable through Rules 7052 and 9023, Federal Rules of Bankruptcy Procedure.
- (ii) Any motion to modify a proposed order must attach as an exhibit an alternate form of proposed order.
- (4) Any order submitted after a hearing must include reference to the hearing date.
- (c) **Time for Lodging; Prohibition Against Premature Lodging.**
 - (1) When a matter is set for hearing, no proposed order or findings memorializing the court's ruling may be lodged until after the hearing has concluded, unless otherwise provided in these Rules or ordered by the court.
 - (2) For a motion or application that has not been set for hearing, a proposed order may be lodged only after the opposition deadline has passed and either:
 - [A] no opposition has been timely filed and served, and a Certificate of No Objections (AK LBF 4) has been filed with the court; or
 - [B] opposition has been filed, but -
 - (i) neither the movant nor the opposing party has submitted a Calendar Request (AK LBF 7) seeking a hearing on the opposed matter; and
 - (ii) seven (7) days have passed after the opposition deadline.
 - [C] In instances where no opposition has been filed or where neither party has requested a hearing, it is the responsibility of the moving party to submit an appropriate order or findings for the court's consideration no later than fourteen (14) days after the opposition deadline.
 - (3) A proposed order on an *ex parte* motion must be lodged when the underlying motion is filed.
 - (4) Orders submitted prematurely may be rejected by the court.

Rule 9023-1 Motion to Amend Findings or for New Trial, Rehearing, or Reconsideration

- (a) **Time for Filing.** A party filing a motion for rehearing or reconsideration must do so within the time specified in Rule 9023(a), Federal Rules of Bankruptcy Procedure.
- (b) **Opposition.**
 - (1) Unless otherwise provided by the Code or Federal Rules of Bankruptcy Procedure or ordered by the court, no opposition to a motion to amend or make additional findings, for new trial, rehearing or reconsideration may be filed.
 - (2) The court generally will not amend or make additional findings, or grant a new trial, rehearing, or reconsideration without first requesting opposition be filed.
 - (3) No reply to an opposition to a motion to amend or make additional findings or for new trial, rehearing, or reconsideration may be filed unless requested by the court.
- (c) **Submission Without Argument.** Unless the court otherwise orders, a motion to amend or make additional findings, for new trial, rehearing, or reconsideration will be submitted to the court for decision on the briefs without oral argument.
- (d) **Applicability to Rule 9024 Motions.** This rule applies to motions for relief from judgment or order under Rule 9024, Federal Rules of Bankruptcy Procedure, if the motion is made within the time specified in Rule 8002, Federal Rules of Bankruptcy Procedure.

- (e) **Non-Appealable Orders.** The provisions of subsection (a) notwithstanding, a motion for reconsideration of a non-appealable order based upon an intervening change in controlling law may be made at any time prior to entry of an appealable order or judgment.

Rule 9027-1 Notice of Removal

A notice of removal must in all cases include a statement that the party does or does not consent to entry of final orders or judgments by the Bankruptcy Court.

Rule 9033-1 Proceedings in Which the Bankruptcy Court May Not Enter Final Orders

- (a) **General.** In any proceeding in which the Bankruptcy Court may not enter a final order or judgment, the proceeding will not be transferred to the district court except upon the granting of a motion to withdraw the reference under Rule 5011, Federal Rules of Bankruptcy Procedure or as provided in AK LBR 9015-2.
- (b) **Dispositive Matters.** Except as otherwise provided by statute or the Federal Rules of Bankruptcy Procedure, in any proceeding referred to the Bankruptcy Court in matters otherwise governed by this Rule, motions made under Rules 12(b), 12(c), 12(f), and 56, Federal Rules of Civil Procedure, are governed by Rule 9033, Federal Rules of Bankruptcy Procedure; provided, however, that the Bankruptcy Court may rule on any Rule 12(b) motion if the defect may be cured by amendment of the pleading and leave to amend is granted.
- (c) **Nondispositive Matters.**
- (1) Except as otherwise provided by statute, the Federal Rules of Bankruptcy Procedure, or ordered by the District Court, nondispositive matters in proceedings referred to the Bankruptcy Court will be heard and determined by the Bankruptcy Court; provided, however, that any order imposing dismissal or the striking of a claim or defense as a sanction is deemed a dispositive matter.
 - (2) Within fourteen (14) days after being served with a copy of the order of the bankruptcy judge, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the bankruptcy judge's order to which objection was not timely made.

Rule 9037-1 Privacy Protection for Court Filings

- (a) **Motion to Redact/Restrict Public Access.**
- (1) When a document has been filed that includes personal identifying information (*i.e.*, Social Security number, bank account number, etc.), a party in interest may:
[A] file an *ex parte* motion seeking to restrict public access to that document and file a redacted copy; and
[B] lodge a proposed order on the *ex parte* motion.
 - (2) If the court enters the order granting the *ex parte* motion to redact/restrict access, within three (3) business days from the date the order is entered, the movant must file the redacted copy of the document.
 - (3) Where documents containing personal identifiers have been filed by a party in multiple cases (such as proofs of claim), separate motions to redact/restrict public access must be filed in each case in which such documents have been filed.
- (b) **Motion to File Documents Under Seal.** See AK LBR 5005-1(g)(1).

Rule 9075-1 Hearings

(a) No Hearing Required.

- (1) Absent opposition or other response timely filed with the court, a hearing is not required for any noticed motion except as otherwise required by these Rules, the Bankruptcy Code or Federal Rules of Bankruptcy Procedure.
- (2) The following is a non-exhaustive list of matters that require hearings:
 - [A] motions to convert or dismiss a case where the Code requires a hearing;
 - [B] objections to claims;
 - [C] motions to sell free and clear of liens;
 - [D] motions to approve disclosure statements and confirm chapter 11 plans; and
 - [E] motions to use cash collateral.
- (3) When no hearing is required, after the opposition deadline has passed and no oppositions or other responses have been filed, the moving party must:
 - [A] lodge a proposed order consistent with AK LBR 9021-1; and
 - [B] file a Certificate of No Objections (AK LBF 4), signed under penalty of perjury.

(b) Scheduling Hearings.

- (1) Hearing dates are obtained from the judge's chambers by submitting a completed Calendar Request (AK LBF 7) via email to ecf_orders@akb.uscourts.gov.
- (2) 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 the moving party or a party opposing the requested relief may request a hearing date.
- (3) In chapter 13 cases, parties should request the same hearing date for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with the chapter 13 case, so that the hearings on all motions are set for the same date and time.

(c) Matters Deemed Submitted.

- (1) [A] Unless one of the parties submits 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 seven (7) days after the opposition deadline has passed.
[B] Once a matter is deemed submitted, it is the responsibility of the moving party to lodge a proposed order with the court, consistent with AK LBR 9021-1.

(d) Notice of Hearings.

- (1) Unless otherwise provided by court order or Rule, the party requesting a hearing must file and serve written notice of the hearing on the affected party(ies), trustee, and debtor(s) or debtor's attorney no later than seven (7) days prior to the date of the hearing.
- (2) Written notice of the hearing must satisfy the requirements under AK LBR 2002-1.
- (3) The court may decline to hear a matter, or may decide against the non-complying party, if the notice of hearing is not filed and served in accordance with paragraph (d)(1) above.

(e) Continuances.

- (1) Any party requesting the continuance of a hearing must:
 - [A] file a motion seeking the continuance at least two (2) business days prior to the scheduled proceeding;
 - [B] attach to the motion an affidavit advising the court of the affected parties' response to the request or what attempts have been made to gain each party's consent to the continuance; and
 - [C] lodge a proposed order granting the motion.

- [D] If a motion to continue a hearing is not filed within two (2) business days of the scheduled proceeding, the parties shall appear at the scheduled hearing and request a continuance orally.
- (2) [A] Within one (1) business day of the entry of an order granting a motion to continue, the party requesting the continuance must give telephonic notice to all affected parties of the:
- (i) date;
 - (ii) time;
 - (iii) location; and
 - (iv) reason(s) for the continuance; and
- [B] file an affidavit or declaration attesting that such telephonic notice was given.
- (i) The affidavit must be filed within two (2) business days of entry of the order granting a motion to continue, or in any event, not later than the next business day immediately preceding the date of the continued proceeding.
- (f) **Nonappearance by Requesting Party.** If a party who has requested a hearing fails to appear at that hearing, the court may award any opposing party(ies) attorney fees incurred in appearing at the hearing.
- (g) **Affidavits/Declarations, Witnesses, and Expected Testimony at Hearings.**
- (1) Unless otherwise ordered by the court, to the extent not earlier served and filed, not later than seven (7) days before the hearing, each party who intends to present evidence at a hearing 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 list 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 at the hearing by the opposing party.

Rule 9076-1 Remote Participation in Hearings or Trials

Remote participation (appearance via telephone or video conference) in hearings or trials is subject to the court's discretion unless otherwise ordered by the court.

District/Off: 097—3

User: admin

Date Created: 11/29/2023

Case: 05-60001

Form ID: pdfcrs

Total: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

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TOTAL: 1