

JUL 22 1996

M. REC'D  
LODGED FILED *lit*

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

IN THE MATTER OF AMENDING )  
BANKRUPTCY COURT LOCAL )  
RULES LOCAL RULES 1002.1; )  
1007.1; 2002.3; AND 2002.5 )

GENERAL ORDER NO. #/27

The U.S. Bankruptcy Court for the District of Idaho has previously informed the Bar and Public of its intention to send certain bankruptcy notices through the National Bankruptcy Notice Center in Restin, Virginia, and

The Court is exercising this national option to reduce the cost of printing and postage, and,

NOW THEREFORE, effective Immediately, Notices of Section 341(a) Meeting of Creditors; Discharges; and Trustee's Sales will be mailed by The Bankruptcy Noticing Center (BNC) in Restin, Virginia. The following changes will be made which will affect debtor's attorney and debtor if pro se:

- At the initial filing of a chapter 13 case, debtor will no longer be required to provide a copy of the plan for every creditor. Instead, an original plus four (4) copies will be required. The BNC will electronically scan the plan. For this reason, the plan **cannot** be a two-sided copy. If the plan is filed after the petition is filed, the debtor's attorney (or debtor if pro se) will still be responsible for mailing a copy of the plan with a Notice of Confirmation Hearing to all creditors.

- All returned mail will be sent to the debtor's attorney (or debtor if pro se). It will be the responsibility of the attorney (or debtor if pro se) to provide the court with a current address of those creditors whose mail was undeliverable. It will also be the responsibility of the debtor's attorney (or debtor if pro se) to send a §341(a) Notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.

THE FOLLOWING LOCAL BANKRUPTCY RULES ARE AMENDED, EFFECTIVE IMMEDIATELY, AS FOLLOWS:

**LBR 1002.1 (b)(1) Number of Plans.** In reorganization cases, in addition to the original (or any amended plan), the following number of copies are required for filing *by with* the clerk.

- Chapter 9.....3 copies
- Chapter 11.....1 copy
- Chapter 12.....2 copies
- Chapter 13.....~~1~~ copy 4 copies

~~LBR 1002.1 (b)(2)~~ In addition to the original plan and the required copies as set forth above for filing with the clerk, in cases where the plan is filed with the petition, the debtor shall

provide sufficient copies of the plan for mailing purposes. This shall be in an amount equal to the number of names listed on the Master Mailing List, together with the number of copies listed below:

~~Chapter 13.....8 copies~~

**LBR 1002.1(b)(3) (2)** If the plan is not filed with the petition, the debtor shall be responsible for service, as required by LBR 2002.3. However, the original and number of copies set forth in subdivision (b)(1) of this rule shall still be filed.

NOTE: Advisory Committee Notes:  
Subdivision (b)(2) of this rule reflects the clerk's service of plans together with Section 341(a) notices, in chapter 13 cases when the plan is filed with the petition. In other cases LBR 2002.3 and 2002.4 governs service, though the filing and copy requirements of (b)(1) still apply.

**LBR 1007.1 (c) MASTER MAILING LIST. Accuracy of Master Mailing List. (MML)** The clerk *and/or The Bankruptcy Noticing Center (BNC)* need not check to insure that the MML accurately reflects the names and addresses of creditors, equity security holders, and/or parties in interest listed on the debtor's schedules. For purposes of notice by the clerk; *the BNC* or by any party in interest; an error or omission on the MML shall be deemed an error or omission on the debtor's schedules, unless such creditor or party in interest should have been added as a result of a filed proof of claim or a written request to the court. The clerk's office *or The Bankruptcy Noticing Center* will forward returned mail to the debtor's attorney *(or the debtor if pro se)*. *It will be the responsibility of the attorney (or debtor if pro se) to provide the court with a current address of those creditors whose mail was undeliverable. It will also be the responsibility of the debtor's attorney or (debtor if pro se), to send a §341(a) Notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.*

**LBR 2002.2(b)(2) (B)(iii)** Notices sent by the ~~clerk~~ *Bankruptcy Noticing Center (BNC)* pursuant to 11 U.S.C. Section 341(a) which are determined undeliverable by the U.S. Postal Service will be noted on the court's database in the creditor log and no future notices will be sent to that address. Undeliverable notices will be forwarded to the debtor's attorney *(or debtor if pro se)*. Any notice other than a Section 341(a) notice which is returned to the court shall be destroyed without notation or record by the clerk.

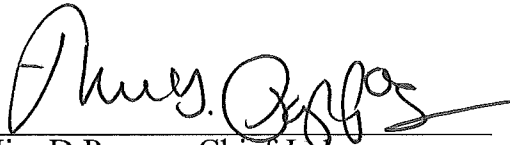
**LBR 2002.3(a)(1) MAILING OF PLANS. Chapter 13 Cases.** Plans filed with the petition in chapter 13 cases will be mailed by ~~the clerk~~ *the Bankruptcy Noticing Center (BNC)* with the §341(a) notice to creditors. ~~Sufficient copies~~ *An original plan plus four (4) copies, must be submitted with text only on one side so that this information can be scanned electronically. must be provided by the debtor in compliance with LBR 1002.1(b)(2).* In such cases, and provided all other schedules and statements are also filed with the petition, the accelerated confirmation process of LBR 2002.5 shall apply.

**LBR 2002.3(a)(2)** In all cases where the plan and required copies are not filed with the petition, the debtor shall be responsible for mailing copies of the chapter 13 plan and notice of hearing on confirmation to all creditors and parties in interest. Such notice

must comply with Federal Rules of Bankruptcy Procedure 2002 ~~(b)(2)~~ and 3015. In such cases, the notice of the §341(a) meeting issued by the ~~clerk~~ BNC shall not advise creditors of the confirmation hearing date, and such cases will not be subject to the accelerated confirmation procedures of LBR 2002.5.

**LBR 2002.5(a)**                      **Notice to creditors.**                      The ~~clerk~~ *Bankruptcy Noticing Center (BNC)* shall send to the debtor, debtor's attorney, the trustee, and all creditors and parties in interest, a notice which advises them of the provisions of this rule. This notice shall be sent at the same time as, and may be incorporated within, the notice of the Section 341(a) meeting of creditors.

Dated July 15, 1996

  
\_\_\_\_\_  
Jim D Pappas, Chief Judge  
United States Bankruptcy Court

CLERK'S CERTIFICATE OF MAILING

I certify that a copy of the attached document was mailed or hand delivered to the following named persons:

**Judge's copy hand delivered:**

Circuit Judge Trott  
Circuit Judge Nelson

Chief District Judge Lodge  
District Judge Winmill

Chief Magistrate Judge Williams  
Magistrate Judge Boyle

Chief Bankruptcy Judge Pappas  
Bankruptcy Judge Hagan

Ladora Butler  
Sue Beitia, Chief Deputy Clerk  
Tom Murawski, Administrative Manager  
Docket Division  
Intake  
CRD's

Divisional Offices: Moscow, Pocatello, Coeur d'Alene

The Library  
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For the Ninth Circuit  
PO Box 193939  
San Francisco, CA 94119-3939

DATED: July 23, 1996

CAMERON S. BURKE, CLERK

By: Glenda J. Tipton  
Glenda J. Tipton

JUL 22 1996

M. REC'D  
LODGED FILED *dt*

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

IN THE MATTER OF AMENDING )  
BANKRUPTCY COURT LOCAL )  
RULES LOCAL RULES 1002.1; )  
1007.1; 2002.3; AND 2002.5 )

GENERAL ORDER NO. #127

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- Chapter 13.....~~1~~ *copy 4 copies*

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~~provide sufficient copies of the plan for mailing purposes. This shall be in an amount equal to the number of names listed on the Master Mailing List, together with the number of copies listed below:~~

~~Chapter 13.....8 copies~~

**LBR 1002.1(b)(3) (2)** If the plan is not filed with the petition, the debtor shall be responsible for service, as required by LBR 2002.3. However, the original and number of copies set forth in subdivision (b)(1) of this rule shall still be filed.

NOTE: Advisory Committee Notes:  
~~Subdivision (b)(2) of this rule reflects the clerk's service of plans together with Section 341(a) notices, in chapter 13 cases when the plan is filed with the petition. In other cases LBR 2002.3 and 2002.4 governs service, though the filing and copy requirements of (b)(1) still apply.~~

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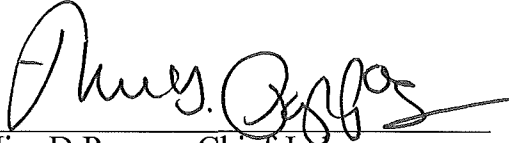
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**LBR 2002.3(a)(2)** In all cases where the plan and required copies are not filed with the petition, the debtor shall be responsible for mailing copies of the chapter 13 plan and notice of hearing on confirmation to all creditors and parties in interest. Such notice

must comply with Federal Rules of Bankruptcy Procedure 2002 ~~(b)(2)~~ and 3015. In such cases, the notice of the §341(a) meeting issued by the ~~clerk~~ BNC shall not advise creditors of the confirmation hearing date, and such cases will not be subject to the accelerated confirmation procedures of LBR 2002.5.

**LBR 2002.5(a)**                      **Notice to creditors.**                      The ~~clerk~~ *Bankruptcy Noticing Center (BNC)* shall send to the debtor, debtor's attorney, the trustee, and all creditors and parties in interest, a notice which advises them of the provisions of this rule. This notice shall be sent at the same time as, and may be incorporated within, the notice of the Section 341(a) meeting of creditors.

Dated July 15, 1996

  
\_\_\_\_\_  
Jim D Pappas, Chief Judge  
United States Bankruptcy Court

CLERK'S CERTIFICATE OF MAILING

I certify that a copy of the attached document was mailed or hand delivered to the following named persons:

**Judge's copy hand delivered:**

Circuit Judge Trott  
Circuit Judge Nelson

Chief District Judge Lodge  
District Judge Winmill

Chief Magistrate Judge Williams  
Magistrate Judge Boyle

Chief Bankruptcy Judge Pappas  
Bankruptcy Judge Hagan

Ladora Butler  
Sue Beitia, Chief Deputy Clerk  
Tom Murawski, Administrative Manager  
Docket Division  
Intake  
CRD's

Divisional Offices: Moscow, Pocatello, Coeur d'Alene

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San Francisco, CA 94119-3939

DATED: July 23, 1996

CAMERON S. BURKE, CLERK

By: Glenda J. Tipton  
Glenda J. Tipton



## CERTIFICATE OF MAILING

I, the undersigned, hereby certify that I mailed a true copy of the document to which this certificate is attached, i.e. **IN THE MATTER OF AMENDING BANKRUPTCY COURT LOCAL RULES 1002.1; 1007.1; 2002.2; 2002.3; and 2002.5**; to the following named persons(s) at the following addresses on the date shown below:

Director  
Federal Judicial Center  
One Columbus Circle NE, #6-100  
Washington, D.C. 20002

Director of the Administrative Office  
United States Courts  
One Columbus Circle NE, Ste # 7-100  
Washington DC 20544

Administrative Office of United States Courts  
Attn: Pat Channon, Bankruptcy Div.  
One Columbus Circle NE, Ste # 4-250  
Washington, D.C. 20544

Administrative Office of United States Courts  
Office of General Counsel  
One Columbus Circle NE, Ste #7-290  
Washington, DC 20544

Office of Circuit Executive  
US Courts for the Ninth Circuit  
POB 193846  
San Francisco CA 94119-3846

University of Idaho Law Library  
Attn: Joan Pilgrim  
6th & Rayburn  
Moscow, ID 83844-2324

Idaho State Law Library  
451 W State  
Boise ID 83702

Clerk, US Bankruptcy Appellate  
Panel of the Ninth Circuit  
125 S Grand Ave  
Pasadena CA 91105

Edith Dobin  
Pike & Fischer Inc  
300 E W Hwy  
Bethesda, Maryland 20814-1438

Carol Kegler, Representative  
Matthew Bender  
34-41 78th St, Ste #6-J  
Jackson Heights NY 11372

Jeffrey G Howe  
Office of the US Trustee  
POB 110  
Boise ID 83701

Larry E Prince, Chairman  
Bankruptcy Court Advisory Committee  
on Local Rules  
POB 2527  
Boise ID 83701

Jeannie Omel  
Idaho State Bar  
POB 895  
Boise ID 83701

Greg Ewing  
9th Circuit Librarian  
US Courthouse & Fed Bldg  
550 W Fort St  
Boise ID 83724

DATED: July 25, 1996

CAMERON S. BURKE, Clerk  
US BANKRUPTCY COURT

BY Ladora Butler  
Deputy in Charge