UNITED STATES DISTRICT & BANKRUPTCY COURT
DISTRICT OF IDAHO

STEPHEN W. KENYON
CLERK OF COURT
208.334.1976

L. JEFF SEVERSON
CHIEF DEPUTY
208.334.9464

November 17, 2025

NOTICE FOR PUBLIC COMMENT

The United States Bankruptcy Court's Local Rules Committee invites the public to review and provide comment on the proposed substantive amendments to Bankruptcy Local Rules 1007-5, 1009-1, 1017-1, 2002-2, 2014-1, 3007-1, 4001-2, 4003-2, 5005-2, 5007-1, 7003-1, 7037-1, 9004-1, 9010-1 and the Idaho Chapter 13 Form Plan. A redline copy of the proposed amendments are attached to this notice.

There will also be a paper copy provided for reference at the United States Courthouses in Boise, Coeur d'Alene, and Pocatello. If you are unable to access the website, or not able to travel to a courthouse location, please call Jeff Severson, Chief Deputy at (208) 334-9464.

All public comments are due by December 17, 2025, at 5 p.m. (MST). Please send your comments by email to local_rulesBK@id.uscourts.gov , or by mail to the following address:

United States Bankruptcy Court, District of Idaho
Attn: Jeff Severson, Chief Deputy
550 West Fort Street
Boise, ID 83724

If you have any questions, you can send your questions to local_rulesBK@id.uscourts.gov, or please call (208) 334-9464. Thank you.

Bankruptcy Local Rule 1007-5

STATEMENT OF DOMESTIC SUPPORT OBLIGATIONS

In ~~Chapter~~ chapter 7, 11, 12 and 13 cases and within the time provided by Fed. R. Bankr. P. 1007(c), the individual debtor and any joint debtor shall file with the court a separate "Statement of Domestic Support Obligation". All current and past due Domestic Support Obligations as defined by 11 U.S.C. § 101(14A) shall be reported on said statement. If a ~~domestic~~ Domestic ~~support~~ Support ~~obligation~~ Obligation is owed, the statement shall include: (1) the name, address and phone number of the employer of the debtor and joint debtor; (2) the name, address and phone number of the holder of such claim of support; (3) the amount of the support obligation; (4) the term of the support obligation; (5) the amount that the debtor is in arrears as of the filing of the bankruptcy petition, if any; (6) the identity of the court action where an order, judgment or decree establishing said Domestic Support Obligation was entered; and (7) the name, address and phone number of any State child support enforcement agency involved with such claim.

RELATED AUTHORITY

11 U.S.C. §§ 101(14A), 521(a)(3), 704(a)(10) & (c), 1106(a)(1), (a)(8) & (c), 1202(b)(6) & (c), and 1302(b)(6) & (d)

Fed. R. Bankr. P. 1007

Advisory Committee Notes:

The Advisory Committee has promulgated a standard form statement for the debtor and a separate form for the joint debtor that can be found on the court website at: www.id.uscourts.gov.

Bankruptcy Local Rule 1009-1

AMENDMENTS OF PETITIONS, LISTS, SCHEDULES
AND STATEMENT OF FINANCIAL AFFAIRS

(a) ~~(a)~~ Any amendment of the petition, list, schedule or statement of financial affairs shall bear, on its face, the debtor's name and case number, and the notation "~~"~~amended~~ment~~,~~.~~" or the appropriate box is checked indicating it is an amended document. The amended document~~ment~~ shall be accompanied by a cover sheet that shall identify the schedule or document being amended and include a detailed~~n~~ explanation of the change(s) or addition(s) in the attached amended document~~ment~~. The amended document shall replace the previously-filed document. Accordingly, the amended petition, list, schedule or statement shall include not only the affected portion, but shall also include all unaffected portions of the schedule or document being amended. ~~and shall be limited to the changed or additional information being offered and shall not include unaffected portions of the schedule or document being amended.~~

(b) Where the amendment adds additional creditors, the debtor shall:

(1) Send to the creditor(s) so added a copy of the filed "Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Deadlines" and a copy of any "Notice of Need to File Proof of Claim due to Recovery of Assets" and plan if applicable;

(2) File a certificate of service with the clerk;

(3) Complete the appropriate ECF event, or if a pro se debtor, submit a written request to the clerk to add the creditor(s) to the Master Mailing List, and

(4) Submit the applicable filing fee.

The clerk need not verify or confirm that the additional creditor(s) receive notice.

RELATED AUTHORITY

Fed. R. Bankr. P. 1007, 1008, 1009, 2002(g)
Official Forms 309A-309I; Procedural Form 2040

Advisory Committee Notes:

This rule continues current practice in those situations where the debtor or debtor's counsel causes notice of the amendment to be served.

Note that Fed. R. Bankr. P. 1008 requires all amendments to petitions, schedules and statements to be verified or contain an unsworn declaration of the debtor(s). In addition, this Court's ECF Procedures require a scanned pdf version of the original signature pages of such amendments to be electronically submitted to the Clerk at the time of filing.

LBR 1017-1

(a) **Conversion of chapter 7 to chapter 13.**
A debtor shall serve a motion under 11 U.S.C. § 706(a) to convert from chapter 7 to chapter 13 providing 21 days' notice to all parties ~~on the Chapter 7 Trustee, the United States Trustee, and any creditor who has appeared in the case~~pursuant to Fed. R. Bankr. P. 2002(a)(4).
~~(1) Objection. Any objection to the motion to convert must be filed within twenty-one (21) days of service of the motion.~~
~~(A) Hearing. If an objection is filed, a hearing on the motion to convert and the objection shall be set, giving a minimum of seven (7) days' notice.~~
~~(2) No Objection. If no objection to debtor's motion is filed within twenty-one (21) days, the Court will enter a noticean order of conversion.~~

(b) **Dismissal of chapter 13.**
A debtor shall serve a motion under 11 U.S.C. § 1307(b) to dismiss a chapter 13 case which has not been converted to chapter 13 pursuant to 11 U.S.C. §§ 706, 1112, or 1208 on the Chapter 13 Trustee, the United States Trustee, and any creditor who has appeared in the case. The motion shall state whether there are any pending motions to convert or dismiss the chapter 13 case.
(1) Objection. Any objection to the motion to dismiss must be filed within seven (7) days of service of the motion.
(A) Hearing. If an objection is filed, a hearing on the motion to dismiss and the objection shall be set, giving a minimum of seven (7) days' notice.
(2) No Objection. If no objection to debtor's motion is filed within seven (7) days, the debtor shall submit a proposed order dismissing the case.

Bankruptcy Local Rule 2002-2

NOTICE AND HEARING

(a) **Applicability.**

All contested matters under Fed. R. Bankr. P. 9014, all motions under Fed. R. Bankr. P. 9013, and all other matters requiring or with provision for a hearing under the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, shall be subject to the following requirements and conditions, in addition to other and further requirements as may be imposed by rule or applicable law.

(b) **Notice.**

(1) By whom given. Except for notices specified in Fed. R. Bankr. P. 2002(a)(1), (a)(7), (a)(9), (b)(3), (e) and (f), all notices shall be given by the party requesting an order or other relief.

(2) To whom given.

(A) "Notice," as used in this rule shall mean notice by mail or electronic means to all creditors, equity security holders, trustees and indenture trustees, the debtor, the chairman of any committee appointed in the case, U.S. Trustee and any other parties in interest. A different method or less inclusive notice may be given only if allowed by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, or if authorized by a judge.

(B) The addresses of notices shall be in accordance with Fed. R. Bankr. P. 2002(g) and 11 U.S.C. § 342.

(i) A Master Mailing List of names and addresses, as filed with the court, and updated in accordance with Rule 2002(g), and 11 U.S.C. § 342 may be downloaded from PACER which can be accessed from the court's website at www.id.uscourts.gov.

(ii) Required notice to all creditors is presumed to be appropriate if sent to all entries on the Master Mailing List, which has been provided by the clerk.

(iii) Notices sent by the clerk, BNC, or some other person or entity as the court may direct, pursuant to 11 U.S.C. §§ 341(a), 342(a) and (b), and Fed. R. Bankr. P. 2002, that are determined undeliverable will be forwarded to the debtor's attorney (or debtor if *pro se*). Any notice, other than a § 341(a) meeting of creditors, or a copy of the final order of discharge, which is returned to the court, shall be destroyed after processing.

(3) Proof of Service. After giving notice, the moving party shall file within five (5) days of the notice, a certificate of mailing with a list of the persons and their addresses to whom the notice was sent. If notice to all creditors is required, the certificate of service must certify mailing (or other services) on all parties included on the Master Mailing List described in subdivision (b)(2)(B) of this rule.

(c) **Objection.**

If the notice provides for the filing of an objection, a party objecting to an act or the entry of an order shall file with the clerk and serve on the moving party, a written objection within the time set forth in the notice. The objection shall state, with specificity, the grounds therefor.

(d) **When hearing is not required.**

A request for an order under Fed. R. Bankr. P. 9013, where only notice and an opportunity for a hearing are required, may proceed with the service of a motion/application complying with this Local Bankruptcy Rule.

(1) Form of Disclosure. The following language must be placed immediately below the caption of the motion/application:

> Notice of Motion for [name of motion or application] and Opportunity to Object and for a Hearing
>
> No Objection. The Court may consider this request for an order without further notice or hearing unless a party in interest files an objection within [___] days of the date of service of this notice.
>
> If an objection is not filed within the time permitted, the Court may consider that there is no opposition to the granting of the requested relief and may grant the relief without further notice or hearing.
>
> Objection. Any objection shall set out the legal and/or factual basis for the objection. A copy of the objection shall be served on the movant.
>
> Hearing on Objection. The objecting party shall also contact the Court's calendar clerk to schedule a hearing on the objection and file a separate notice of hearing.

(2) Time of Negative Noticing. The minimum number of days under this Local Rule will be 14 days unless another notice period is applicable under the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules.

(3) Statement of No Objection. To obtain the requested order if no objection is filed within the applicable notice period, the movant shall file *a Statement of No Objection* and a proposed Order. The statement shall contain the Bankruptcy Court docket number for the initial motion/application sent under subsection (d) of this Rule, any related certificate of service, and a certification that no objection has been received to the requested relief.

(4) Hearing on Objection. If the objecting party does not schedule a hearing as provided in the notice, the moving party may set the matter for a hearing.

(e) **Hearing.**

(1) By moving party. Counsel for the party who desires or is required to set a matter for hearing shall be responsible for contacting the calendar clerk and obtaining a date for such hearing. Unless the moving party obtains a hearing date and properly files and serves the notice the matter will not be heard. Counsel obtaining a hearing date shall be responsible for providing notice to all parties as provided by this rule. Such notice shall include the date, time, and time zone (MT or PT) for the hearing. If the hearing is held in person, the notice shall include the courthouse address. If the court has approved the hearing to be held remotely, the notice shall include any information necessary to attend.

(2) By objecting party. If a party objects to an act or the entry of an order and the matter is not previously set for hearing, counsel for the objecting party shall be responsible for

contacting the calendar clerk, obtaining a hearing date, and serving notice of hearing, as provided in subdivision (e)(1) of this rule.

(3) Any party requesting a hearing date from the calendar clerk (or in open court) shall file and serve the notice of hearing and related pleadings at least seven (7) days prior to the scheduled hearing date. Failure to do so may result in the hearing being removed from the calendar.

(4) Provided that no other rule to the contrary is applicable, the following language must be placed immediately below the caption of all notices of hearing wherein the hearing has been set at least twenty-eight (28) days from the date the applicable motion was filed:

> Notice of Motion for [name of motion or application] and Opportunity to Object
>
> No Objection. The Court may consider granting an order without further notice, at the hearing, unless a party in interest files and serves an objection at least fourteen (14) days prior to the date of the hearing, set forth in this notice. If an objection is not timely filed and served, the Court may consider the objection waived and the motion may be granted at the hearing.
>
> Objection. Any objection shall set out the legal and/or factual basis for the objection. A copy of the objection shall be served on the movant.

(f) **Vacation or continuance of hearing.**

A hearing may be vacated or continued for good cause and by approval of the Court:

(1) Upon submission, prior to hearing, of an agreed order resolving the matter endorsed by the parties or their counsel of record;

(2) Upon agreement of the parties, set forth in writing and filed no later than the day before the scheduled hearing, and for good cause shown, or, if settled later than the day before the hearing, upon an agreement provided to the court at the time of the hearing by counsel for one of the parties; or

(3) On the request of a party after notice to all opposing parties filed and served at least three (3) days prior to the scheduled hearing, accompanied by an affidavit stating the grounds for such request, unless a judge for cause shown waives the requirements of this rule.

RELATED AUTHORITY

11 U.S.C. § 102(1), 704, 1112, 1324, 1514
Fed. R. Bankr. P. 2002, 5008, 9006, 9007, 9008, 9013, 9014, 9036
LBR 9004-1

Advisory Committee Notes:

Note that subdivision (b)(1) requires a party to serve notice in certain circumstances where previously the clerk provided notice.

Subdivision (e) reflects current practice and emphasizes the necessity of setting matters through the calendar clerk. Subdivision (e)(3) requires the filing of supporting pleadings. Upon request of a party, a hearing may be heard remotely. Parties must request and obtain approval for a remote hearing by contacting the Judge's courtroom deputy.

Subdivision (f) is designed to cure problems presently encountered by the court where counsel vacates a hearing without advising the court and/or opposing counsel.

2008 Advisory Committee Notes: It is the intent of the Committee that the text box containing the required notice under 2002-2(d)(1) be placed **in** the motion/application immediately below the caption and immediately before the substantive allegations of that motion/application.

The time permitted for filing an objection under the negative notice procedure is the time period required for notice by the applicable rules or local rules relating to the motion or application. If no specific time is otherwise provided in the rules or local rules, a minimum of 14 days' notice must be given.

The procedures for the following motions/applications are specifically governed by other local rules and 2002-2(d) does not apply:

- Relief from the Automatic Stay. [LBR 4001-2]
- Confirmation of Chapter 13 Plans. [LBR 2002-3]
- Objection to Claims. [LBR 3007-1]

The following matters are addressed by other local rules as to substantive requirements, who is to receive service, and/or the time in which to respond or object. However, if the movant/applicant wants an order without a hearing, these motions/applications are also subject to LBR 2002-2(d)'s requirement of disclosure and statement of no objection.

- Examinations [LBR 2004-1]
- Employment of Professionals. [LBR 2014-1]
- Objections to Exemptions. [LBR 4003-1]
- Motions to Avoid Liens. [LBR 4003-2]
- Sale of Property of the Estate. [LBR 2002-1]

Bankruptcy Local Rule 2014-1

APPROVAL OF EMPLOYMENT OF PROFESSIONAL PERSONS

(a) **Applications for approval of employment of professional persons.**

In addition to including the information required by Fed. R. Bankr. P. 2014(a), an application for approval of employment of a professional person shall be signed by the trustee, debtor-in-possession or committee, and shall state the following information:

(1) The proposed arrangement for compensation. If there is a retainer, the application shall disclose all pre-petition fees and expenses drawn down against the retainer, and any written retainer agreement shall be attached to the application; and

(2) To the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the U.S. Trustee, or any person employed in the office of the U.S. Trustee.

(b) **Service and proof of service.**

(1) Copies of the application for approval of employment, the verified statement, any accompanying documents, and the proposed order approving employment shall be ~~transmitted to~~served upon ~~the office of~~ the U.S. Trustee ~~in Boise~~.

(2) In a non-chapter 11 case, service shall also be made upon the debtor(s), debtor(s)' counsel, the trustee, and trustee's counsel.

(3) In a chapter 11 case, service shall also be made upon members of any creditors' committee and any attorneys appointed to represent the committee. In the event no committee has been appointed, service shall also be made on the 20 largest unsecured creditors. In a chapter 11 case, service shall also be made on the debtor and the attorney for the debtor if the application is made upon behalf of a party other than the debtor.

(4) Proof of such service shall be filed with the application.

(c) **Entry of an order of approval of employment.**

If neither the U.S. Trustee nor any other party in interest objects to the application for approval of employment of the professional within twenty-one (21) days of the date of service of the application, the court may enter the order approving the employment of the professional without a hearing. If an objection to the application is timely filed, then the applicant shall schedule a hearing on the application and serve notice of the hearing on the U.S. Trustee and all other parties in interest. Proof of such service shall be filed with the notice of hearing. Any order of approval of employment entered by the court will relate back to the date of service of the application, which date shall be set forth in the order.

RELATED AUTHORITY

11 U.S.C. §§ 327, 328
Fed. R. Bankr. P. 2014, 6003, 9034

Advisory Committee Notes:

Fed. R. Bankr. P. 2014 governs applications for employment of professional persons. This rule sets forth a minimum standard of notice. In many cases, a party may wish to set an actual hearing

and/or provide notice to all parties in interest. The rule is not designed to prohibit such an approach.

Bankruptcy Local Rule 3007-1

PROCEDURES AND HEARINGS FOR OBJECTIONS TO CLAIMS

(a) **Objections to proofs of claims.**

The party objecting to a proof of claim (objecting party) may set the matter for hearing at the time the objection to the claim is filed or may wait to set the hearing to first determine if a hearing is necessary after receiving the claimant's response.

(b) **Responses to objections to proofs of claims.**

A response to an objection to a claim must be filed and served not later than thirty (30) days after service of the objection. If a response is not timely filed, the court may sustain the objection without a hearing.

(c) **Time for setting hearing or withdrawing objection**.

Within twenty-one (21) days after being served with the claimant's response, the objecting party shall either: (1) withdraw its objection to the claim, or (2) file and serve a notice of hearing for the objection which provides the proper notice as required by Fed. R. Bankr. P. 3007. If the objecting party has not withdrawn the objection or set a hearing pursuant to the terms set forth herein, the claimant may set a hearing date.

(d) **Witness and exhibit lists**.

If the parties intend to offer evidence, the parties, not later than seven (7) days prior to any scheduled hearing, shall:

(1) File a list of witnesses;

(2) File a list of exhibits; and

(3) Exchange copies of any exhibits.

(e) **Order on claim objection**

If there is no timely response to the objection to the claim, or there has been a response but it has been resolved, the moving party shall submit an order to the court consistent with their objection, or any agreement, which sets forth how the claim shall be treated.

RELATED AUTHORITY

11 U.S.C. § 502
Fed. R. Bankr. P. 3007
LBR 2002-2, 9004-1

Bankruptcy Local Rule 4001-2

MOTIONS REQUESTING RELIEF FROM
THE AUTOMATIC STAY

(a) **Motions.**

A request by a party in interest for relief from the automatic stay pursuant to §§ 362(d), 1201(c), or 1301(c) shall be made by filing a motion with the court, and paying the applicable fee. There is no fee for a motion for co-debtor relief under §§1201 or 1301.

(b) **Requisite information in motions.**

The motion shall:

(1) Identify the nature of the stay relief sought;

(2) Provide the details of the underlying obligation or liability upon which the motion is based;

(3) Contain an itemization of amounts claimed to be due upon the obligation;

(4) When appropriate, state the estimated value of any collateral for the obligation and the method used to obtain the valuation;

(5) Attach accurate and legible copies of all documents evidencing the obligation and the basis of perfection of any lien or security interest;

(6) Attach copies of recorded documents if any documents are recorded with the secretary of state, county recorder, or other lawfully designated recording agency and;

(7) Include the notice required by subsection (g) and the proof of service required by subsection (h).

(c) **Objections.**

Any party in interest opposing the motion must file and serve an objection thereto not later than seventeen (17) days after the date of service of the motion. The objection shall specifically identify those matters contained in the motion that are at issue and any other basis for opposition to the motion. The objection shall also contain the notice of hearing required by subsection (e)(1) and the proof of service required by subsection (h). Absent the filing of a timely objection, movant may submit a proposed order, and the court may grant the relief sought without a hearing.

(d) **Service.**

(1) Motions. If relief is sought under § 362(d), the motion shall be served upon the debtor, debtor's attorney, the trustee if one has been appointed, upon any committee or other creditors as required in Fed. R. Bankr. P. 4001(a)(1), and on any other party known to movant claiming an interest in any property subject ~~of~~ to the motion.

(2) Motions for Co-debtor Stay Relief. If relief is sought under §§ 1201(c) or 1301(c), the motion shall be served upon the debtor, debtor's attorney, the trustee, any co-debtor affected thereby, and on any other party known to the movant claiming an interest in any property subject ~~of~~ to the motion.

(3) Objections. If an objection is filed to a motion for stay relief, the objection shall be served upon the movant and upon all parties receiving service of the motion.

(e) **Hearings.**

(1) Scheduling. A party opposing a motion shall contact the court's calendar clerk to schedule a preliminary hearing. The objection to a motion shall include the notice of such hearing.

(A) Upon court approval, the movant may schedule a hearing for cause shown in the motion or other submissions.

(2) Preliminary Hearing Procedure. At the preliminary hearing, the parties shall be prepared to make specific representations to the court as to the proof and evidence to be submitted at any final hearing. In particular, the parties shall advise the court with specificity as to the issues to be presented at a final hearing, the identity of any witnesses expected to testify, and a summary of the expected testimony.

(3) Final Hearing. Unless otherwise ordered by the court, the parties, not later than seven (7) days prior to any scheduled final hearing, shall;

(A) File a list of witnesses

(B) File a list of exhibits; and

(C) Exchange copies of any exhibits.

(4) Vacation of Hearings. Once scheduled, a preliminary hearing or final hearing may be vacated or continued only upon compliance with LBR 2002-2(f).

(f) **Emergency relief motions**.

This rule does not affect a motion for relief brought under § 362(f) and Fed. R. Bank. P. 4001(a)(2).

(g) **Required notice.**

In any motion filed under this rule, the movant shall include a notice of the requirements of subdivision (c), (d)(3), and (e)(1), of this rule. In addition, if relief is sought from the automatic stay against acts against property of the estate under § 362(d) and (e), the notice shall also advise the party against whom relief is sought of the requirements of § 362(e).

(h) **Proof of service**.

Any motion, objection or other pleading filed under this rule shall include an appropriate proof of service.

(i) **Sanctions.**

The court may impose appropriate sanctions against any party and/or counsel who fails to prosecute or defend the motion in good faith, contrary to the representations made in its pleadings or preliminary hearing, or violates the requirements of this rule.

(j) **Standard form order.**

If no objection is filed within the subdivision (c) objection period, the movant shall submit the standard approved order for this district with such alterations as may be appropriate in a particular case. If the moving party provides additions, deletions, or other modifications, the moving party shall clearly identify the deviation.

RELATED AUTHORITY

11 U.S.C. § 362
Fed. R. Bankr. P. 4001, 9006, 9013, 9014
LBR 2002-2 9004-1

Advisory Committee Notes:

This rule specifically requires certain information to be included in a motion for relief from stay. A response must fairly meet the grounds of the motion. Both of these requirements are enhanced by the requirement of specificity in representation at the preliminary hearing. The Advisory Committee considered and rejected requiring affidavits in regard to factual issues presented. (*See*, *e.g.*, Fed. R. Bankr. P. 7056). However, even though the current practice of allowing representation of counsel is continued, in order to achieve the goal of productive preliminary hearings, factual detail in such representation is mandated. Failure of counsel to adhere to this standard may lead to sanction under the rule. *See* Fed. R. Bankr. P. 9011 (Fed. R. Civ. P. 11).

Notes to 2004 revisions. Under the revised rule, unless cause is shown and prior court permission is obtained, the moving party may not schedule a stay relief motion for hearing at the time of filing such a motion. Instead, a party opposing a motion must file a detailed objection, obtain a hearing date from the calendar clerk, and provide notice of both objection and hearing at the time of filing the objection. An objection without a properly noticed and timely conducted hearing will be ineffective to prevent automatic relief under § 362(e).

Notes to 2008 revisions. The Standard Form Order can be located at www.id.uscourts.gov.

Notes to 2010 revisions. Proposed Orders required by subdivision (j) must be submitted in accordance with the court's ECF Procedures. *See generally* LBR 5003-1.

Bankruptcy Local Rule 4003-2

AVOIDANCE OF LIENS ON EXEMPT PROPERTY

(a) **Specificity.**

All 11 U.S.C. § 522(f) lien avoidance motions or requests ~~to~~ in a chapter 12 or chapter 13 plan shall contain a specific description of the lienholder's interest to be avoided including, where applicable, the instrument number and the recording governmental unit. The motion shall also specify the statutory exemption that is impaired and the creditor's name.

Further, all attendant orders shall specifically describe the avoided lienholder's interest, the extent that the lien is avoided, and the statutory basis for the impairment. If the avoided interest is represented by a recorded document, the order shall further provide the type of recorded instrument avoided, its date of recording, the recording governmental unit, and recording instrument number.

(b) **Nature of relief.**

The language contained in such motions or requests to avoid lien and attendant orders should be substantially identical to the language of 11 U.S.C. § 522(f).

(c) **Notice.**

Notice of such a motion or request to avoid a lien pursuant to 11 U.S.C. § 522(f) need be given only to the trustee and to the creditor claiming the lien.

RELATED AUTHORITY

11 U.S.C. § 522(f)
Fed. R. Bankr. P. 4003(d), 9014

Advisory Committee Notes:

Many 11 U.S.C. § 522(f) lien avoidance motions, requests, and orders are factually incomplete, vague, or ambiguous. Additionally, the court has found that many of the proposed orders granting relief improperly recite that the lien is absolutely "void," rather than avoided "to the extent that such lien impairs an exemption to which the debtor would have been entitled."

Debtor's counsel may want to consider:

(1) attaching accurate and legible copies of all documents evidencing the lienholder's interest to be avoided, and the basis of perfection of any lien or security interest;

(2) attaching copies of recorded documents, if any documents are recorded with the county recorder, secretary of state, or other lawfully designated recording agency; and

(3) describing specifically the property upon which the lien is claimed and to be avoided.

Bankruptcy Local Rule 5005-~~2~~1

DOCUMENTS FOR FILING OR ADMINISTERING

(a) **Petitions.**

At the time of filing, documents may be reviewed for format and legibility; correct size of paper (8 ½ x 11) for scanning purposes and signatures.

If filed in paper by pro se litigants, documents must be affixed by a fastener (i.e., paper clip,) and NOT staples.

(b) **No filing fee or an inappropriate amount submitted; and facsimile pleadings.**

The clerk has been given authority by General Order to refuse to accept or file:

(1) Any facsimile pleadings mailed or faxed to the clerk which do not comply with General Order ~~201~~395, or

(2) Any petition or pleading not accompanied by the required filing fee under 28 U.S.C. § 1930.

(c) **General format of papers presented for filing**.

(1) Except for proposed orders submitted to the court, Official Forms under Rule 9009, and Idaho Form Chapter 13 Plan, starting 1 inch from the top of the first page, the following information must appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multiparty actions or proceedings, reference may be made to the signature page for the complete list of parties represented:

(A) Name of the attorney (or if in propria persona, of the party);

(B) E-mail address;

(C) Idaho State Bar Number (if applicable);

(D) Office mailing address;

(E) Telephone number;

(F) Facsimile number; and

(G) Specific identification of the party represented by name and interest in the litigation (i.e., debtor, creditor, plaintiff, defendant, etc.).

(2) Any pleading, motion or other paper presented for filing must be submitted in 12 to 14 font, with the exception of forms, exhibits, attachments or other documents which cannot be converted to this font.

(3)

(A) Following the counsel identification, a caption in the following form should appear:

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

In Re	Case Number:_____

[Debtor Name] Debtor	Chapter Number:

[Designation of Character of Paper]

(B) In completing the form of caption, insert in place of bracketed material the debtor(s) name and designation of character of paper. When completing the case number, include three letter suffix indicating the assigned judge (*i.e.*, 07-00001-~~JMM~~ BRW or 07-00001-NGH)~~[Designation of Character of Paper]~~

RELATED AUTHORITY

28 U.S.C. § 1930
Fed. R. Bankr. P. ~~2016,~~ 5005~~,~~ and 9009
LBR 1002-1, 1006-1, 1006-2, 1007-1, 1009-1, 4001-2, 5007-1, 5010-1, 7003-1, 9004-1, 9004-2
District of Idaho General Order ~~n~~No. 395~~201~~
Official Form 416A

Advisory Committee Notes:

The procedures on facsimile filing are governed by District of Idaho General Order ~~201~~395, that is available on the court's website, or you may call the local clerk's office.

With respect to the format for adversary captions, refer to LBR 7003-1.

Bankruptcy Local Rule 5007-1

FILES, RECORDS AND EXHIBITS

(a) **Custody and withdrawal**.

All files and records of the court, except those sealed by order of the court, shall remain in the custody of the clerk, subject to examination by the public without charge. No record, paper, or article belonging to the files of the court shall be taken from the custody of the clerk without a special order of the court and a receipt given by the party obtaining it, describing the item and date of receipt, except as otherwise provided in this rule. Withdrawal orders will be made only in exceptional circumstances.

(b) **Exhibits part of files**.

Every exhibit offered in evidence, whether admitted or not, becomes a part of the files.

(c) **Substitution of copies**.

Unless there ~~be some~~is a special reason why original exhibits or depositions should be retained, the bankruptcy court may, on stipulation or application, order them returned to the party to whom they belong upon filing of a copy, either certified by the clerk or approved by counsel, for all parties concerned.

(d) **Disposition of exhibits**.

(1) Delivery to Person Entitled. In all proceedings in which final judgment has been entered, and the time for filing a motion for new trial or rehearing and for appeal has passed, or in which a final order on appeal has been entered, any party or person may withdraw any exhibit or deposition originally produced by such party without court order, upon fourteen (14) days written notice to all parties, unless within that time another party or person files notice of claim thereto with the clerk. In the event of competing claims, the court shall determine the person entitled and order delivery accordingly. For good cause shown, the court may allow withdrawal or determine competing claims in advance of the time above specified.

(2) Unclaimed Exhibits. If exhibits or depositions are not withdrawn within thirty (30) days of the time when notice may be given under subdivision (1) of this subdivision (d), the clerk may destroy them or make other disposition as appears proper.

(e) **Retention of electronic recordings**.

(1) Section 341(a) Meetings. Retention and preservation of electronic sound recordings of the § 341(a) meeting of creditors is the responsibility of the U.S. Trustee. Copies of the recordings may be obtained from the U.S. Trustee.

(2) Court Hearings and Proceedings. Electronic sound recording and/or court reporter's stenographic records of any bankruptcy court proceeding shall be retained and preserved by the clerk. Copies of the recordings may be obtained from the clerk upon payment of the duplication fee. Transcripts may be obtained upon written request. Requests for duplication or transcripts shall identify the name, address, and phone number of the requesting attorney, the case name and case number, and the date of the subject hearing or proceeding.

RELATED AUTHORITY

11 U.S.C. § 107
28 U.S.C. § 156(e)
Fed. R. Bankr. P. 5007 and 2003(c)

Advisory Committee Notes:

Subdivision (e) reflects the current administrative requirements that control the clerks and U.S. Trustee's retention of electronic recordings of meetings and proceedings. Transcription from the duplicate tape of the § 341(a) meeting of creditors is the responsibility of counsel, while the clerk will obtain the transcript of court hearings and charge counsel therefor. The Advisory Committee determined not to address issues of "certification" or the evidentiary use of such transcriptions.

Bankruptcy Local Rule 7003-1

COMMENCEMENT OF ADVERSARY PROCEEDINGS

(a) **Cover sheet.**

A completed "Adversary Proceeding Cover Sheet" and attendant fee shall accompany every complaint commencing an adversary proceeding under Fed. R. Bankr. P. 7003, together with a summons prepared in compliance with the Federal Rules of Civil Procedure.

(b) **Form**.

All pleadings in an adversary proceeding shall meet the requirements of Fed. R. Bankr. P. 7010 and the Official Forms, including identification of the debtor and the debtor's bankruptcy case number.

(1) The bankruptcy case number shall include the three letter suffix indicating the assigned judge (*i.e.*, 15-00001-~~TLM~~ NGH or 15-00001-~~JDP~~BRW).

(c) **Adversary number and summons.**

Upon the filing of a complaint under Fed. R. Bankr. P. 7003, the clerk will assign the proceeding an adversary number, which number must thereafter appear on all pleadings and issue the summons which will then be returned to the plaintiff who will be responsible for service according to Fed. R. Bankr. P. 7004.

(1) The adversary proceeding number shall include the three letter suffix indicating the assigned judge (*i.e.*, 15-6001-~~TLM~~ NGH or 15-6001-~~JDP~~BRW).

RELATED AUTHORITY

Fed. R. Bankr. P. 7003, 7004, 7007.1, 7010, 9004(b)
Official Form 1040

Advisory Committee Notes:

A corporate ownership statement pursuant to Fed R. Bankr. P. 7007.1 must be filed concurrently with the complaint or responsive pleading, as applicable.

Bankruptcy Local Rule 7037 1

DISCOVERY MOTIONS

(a) **Obligation to confer.**

The Court will not consider a motion made pursuant to Fed. R. Bankr. P. 7026 throughe 7037 or Fed. R. Bankr. P. 9016 unless, prior to the filing of the motion the parties have conferred and attempted to resolve their differences in good faith. The mere sending of a written, electronic, or voicemail communication does not satisfy this requirement. Rather, this requirement can be satisfied only through direct dialogue and discussion in person or in a telephone conversation.

(b) **Certificate of compliance.**

Counsel for the moving party shall include in the motion a certificate of compliance with this Rule. The certificate of compliance shall indicate that the parties have conferred in good faith and shall set forth sufficient facts in the motion to allow the court to evaluate the adequacy of the compliance with this Rule.

(c) **Certificate of non-compliance.**

In the event that the parties were unable to meet and confer as described in section (a) above, counsel for the moving party shall include in the motion a certificate setting forth sufficient facts to demonstrate that attempts to comply with this rule were made, and why the parties were unable to comply with this Rule. The moving party shall set forth facts sufficient to allow the Court to evaluate the adequacy of the attempts to confer.

(d) **Failure to comply.**

If counsel fails or refuses to comply with this Rule, the Court may deny any discovery motion and may order the payment of reasonable expenses, including attorneys' fees.

RELATED AUTHORITY

Fed. R. Bankr. P. 7026-37, 9016

Bankruptcy Local Rule 9004-1

FORM OF ORDERS

(a) **Separate documents.**

All orders must be submitted on a document separate from any attendant motion or stipulation.

(b) **Requisite information.**

All orders submitted must identify with specificity the application, motion, or other pleading to which it corresponds, and the court hearing, if any, from which it resulted. The order must also specifically identify the property or interest with which it deals.

(c) **Format**

All orders shall contain the proper case caption. There shall be no attorney information (name, firm, address, etc.) above the caption. After the text of the order, the end of the text shall be indicated with the phrase // end of text //. Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order and who they represent (e.g. order submitted by John Smith, Attorney for Debtor Jane Doe), and any endorsements of the order by other parties. If the order is in regard to a Chapter 12 or a Chapter 13 case, other than in regard to an uncontested or stipulated stay relief motion, the order shall contain endorsements of the acting trustee.

(d) **Submission of proposed orders.**

Proposed orders are to be submitted by e-mail in a format compatible with Word, unless expressly directed by the court to be submitted in a different format. A certificate of service is not required when submitting a proposed order.

(1) When e-mailing the proposed order in the correct format to the court, all proposed orders must list in the e-mail subject line, the following items: (1) the case number; (2) judge's initials; (3) the docket number of the motion filed electronically, which is the subject of the proposed order; and (4) a description. (Example: 05-1234_~~JM1M~~NGH_10_Order_Dismissing.docx)

(2) Proposed orders shall be sent to the appropriate e-mail address shown in the ECF Procedures.

Related Authority:

Fed. R. Bankr. P. 9004(b), 9013

Advisory Committee Notes:

Orders must identify the related application, motion or other pleading. This should be done by reference to the title, date and/or docket number of such pleading.

Attorneys should refer to the current ECF Procedures available on the court's website for further information about the submission of proposed orders.

Bankruptcy Local Rule 9010-1

ATTORNEYS

(a) Eligibility for admission.

(1) Any attorney who has been admitted to practice in the Supreme Court of the State of Idaho (including one admitted by reciprocity) is eligible for admission to the bar of this court. Any attorney admitted to practice before the district court for the District of Idaho is admitted to the bar of the bankruptcy court without further process.

(2) Each applicant for admission shall present to the clerk a written application stating the applicant's residence and office address and by what courts the applicant has been admitted to practice and the respective dates of admission to those courts.

(3) Each applicant for admission shall pay to the clerk the requisite admission fee.

(b) Practice in this court.

Only a member of the bar of this court may enter appearances for a party, sign stipulations or receive payment, or enter satisfactions of judgments, decrees, or orders.

(c) Attorneys for the United States.

An attorney, not admitted under this rule who is employed or retained by and representing the United States Government or any of its officers or agencies, may practice in this court in all actions and proceedings where the attorney is:

(1) A member in good standing of and eligible to practice before the bar of any United States Court, or of the highest court of any state or insular possession of the United States and;

(2) Who is of good moral character.

Attorneys permitted to practice in this court are subject to the jurisdiction of the court with respect to their conduct to the same extent as members of the bar of this court.

(d) Admission pro hac vice.

(1) Any member in good standing of the bar of any United States Court, or of the highest court of any state or any territory or insular possession of the United States, who is of good moral character and has been retained to appear in this court, and who is not admitted to the bar of this court, may be permitted, after written application and without previous notice, to appear and participate in a particular case and related proceedings.

(2) The attorney filing pro hac vice must (1) designate a member of the bar of this court as co-counsel with the authority to act as attorney of record for all purposes, and (2) file with such designation the address, telephone number, and written consent of such designee. Designated local counsel shall be responsible both for filing the pro hac vice application through ECF and for payment of the prescribed fee. The pro hac vice application must be presented to the clerk and must state under penalty of perjury: the attorney's residence and office addresses; by what court(s) the attorney has been admitted to practice and the date(s) of admission; that the attorney is in good standing and eligible to practice in said court(s); and, that the attorney is not currently suspended, disbarred or subject to any pending disciplinary proceedings in any other court(s).

(A) Upon the electronic filing of the pro hac vice application and payment of fees by designated local counsel in ECF, out-of-state counsel shall immediately register for ECF.

(3) Unless otherwise ordered, the designee shall personally appear with the attorney on all matters heard and tried before the court.

(4) All pleadings filed with the clerk of court must contain the names, addresses and signatures, as prescribed in the ECF Procedures, of the attorney appearing pro hac vice and associated local counsel.

(e) Appearances.

(1) Only attorneys of this court may make appearances in this court, unless the party appears in propria persona. Whenever a party has appeared by an attorney, the party may not thereafter appear or act on their own behalf in the action, or take any steps therein unless a request for substitution or withdrawal, in accordance with this rule shall first have been made by that party and filed with the clerk. The court may, in its discretion, hear a party in open court notwithstanding the party has appeared or is represented by an attorney.

(A) At the discretion of the presiding judge, a legal intern who possesses a limited license issued by the Idaho State Bar may appear before the bankruptcy court in the presence of a supervising attorney, who shall be an attorney licensed to practice before this court.

(2) Persons representing themselves without an attorney must appear personally for such purpose and may not delegate that duty to any other person. Any person so represented without an attorney is bound by these Local Rules, the Federal Rules of Bankruptcy Procedure, and by the Federal Rules of Civil Procedure. Failure to comply therewith may be grounds for dismissal or judgment by default. In exceptional circumstances, a judge may modify these provisions to serve the ends of justice.

(3) Whenever a corporation, partnership or other entity desires or is required to make an appearance in this court, only an attorney of the bar of this court or an attorney permitted to practice under these rules shall make the appearance.

(4) In all Oregon cases heard before this court, and in all proceedings related thereto, Oregon counsel not previously admitted to the bar of this court under subdivision (a) of this rule may appear for the debtor(s) or a creditor or party in interest without compliance with the requirements of pro hac vice admission as set forth in subdivision (d) of this rule.

(5) For purposes of this rule, an appearance before this court does not include the preparation, signing, and filing by a creditor of:

(A) a proof of claim, or an amendment, withdrawal, or notice of assignment of such proof of claim,

(B) a stipulation for relief from the automatic stay,

(C) a reaffirmation agreement,

(D) a request for service of documents, ~~or~~

(E) an application for payment of unclaimed funds,

(F) a Statement Confirming Registration for Electronic Bankruptcy Noticing, or

(G) a Statement Accepting Electronic Court Notices at an Account Created by the Bankruptcy Noticing Center.

(f) Substitutions and Withdrawals.

(1) When an attorney of record for any party ceases to act, that party shall appear in person or appoint another attorney by:

(A) A written substitution of attorney signed by the party, the attorney ceasing to act, and the newly appointed attorney or;

(B) By a written designation filed in the action and served upon the attorney ceasing to act.

(i) If the attorney ceasing to act is deceased, the designation shall so state and service of the designation shall not be required.

(2) No attorney of record who is the sole representative for a party may withdraw from representation without leave of the court, upon notice to the client~~, all parties in interest,~~ and notice and hearing. The withdrawing attorney may utilize this court's negative notice rules, LBR 2002-2(d), or set the matter for hearing. When appropriate, the withdrawing attorney shall submit a proposed order which directs the client to appear in person or appoint another attorney to appear, and to file a written notice with the court stating how the client will be represented within twenty-one (21) days from the date of the order authorizing withdrawal. The order

shall also inform the client that no further proceedings will be held in the action that would affect the client's rights within those twenty-one (21) days ~~but~~ and if the client is an individual and fails~~failure~~ to appear in the action ~~in person or~~ through newly appointed counsel within that twenty-one (21) day period, the client shall be deemed to represent himself or herself pro se. If the client is a non-individual, failure to obtain new counsel shall be sufficient grounds for entry of default or dismissal of the action without further notice at the court's discretion.

(A) The withdrawing attorney shall continue to represent the client until the court enters and serves the order granting the attorney's motion to withdraw.

(B) Upon entry of the order, the court shall serve copies upon the withdrawing attorney, the former client and all parties entitled to notice under Federal Rule(s) of Bankruptcy Procedure or these rules.

(C) Upon the entry of the order, no further proceedings can be had in the action that will affect the rights of the party represented by the withdrawing attorney for a period of twenty-one (21) days. If ~~the party~~an individual fails to appear in the action~~, either in person or~~ through a newly appointed attorney within such twenty-one (21) day period, the client shall be deemed to represent himself or herself pro se. If the client is a non-individual, such failure shall be sufficient grounds for the entry of default against such party or dismissal of the action without further notice at the court's discretion.

(3) Anything in this subsection (f) notwithstanding, any incoming debtor's attorney, whether by substitution, by an appearance following an order permitting withdrawal of another attorney or otherwise, shall forthwith give notice of the appearance as attorney of record to all parties in interest and file a proof of service with the court.

(4) Upon notice of the death of an attorney or other good cause for termination of an attorney-client relationship, the Court may enter and serve an order consistent with subsection (f)(2).

(g) Standards of professional responsibility.

The members of the bar of this court shall adhere to the Rules of Professional Conduct promulgated and adopted by the Supreme Court of the State of Idaho. These provisions, however, shall not be interpreted to be exhaustive of the standards of professional conduct and responsibility. No attorney permitted to practice before this court shall engage in any conduct that degrades or impugns the integrity of the court or in any manner interferes with the administration of justice therein.

(h) Attorney discipline.

Discipline will be governed by the provisions of D. Id. L. Civ. R. 83.5.

(i) Multiple counsel.

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the court, unless the court otherwise permits.

Related Authority:

Fed. R. Bankr. P. 9010, 9011, 9020

District Court of Idaho General Order Nos. 329 and 368

D. Id. L. Civ. R. 83.4 and 83.5.

Advisory Committee Notes:

The provision of (e)(4) is meant to continue current practice under which members of the bar of the District of Oregon may appear in those eastern Oregon bankruptcy cases and proceedings administered by this court through agreement with the U.S. Bankruptcy Court for the District of Oregon. Such counsel need not be admitted to practice pro hac vice, but the authority to appear is limited solely to the Oregon case and its related proceedings.

A form of pro hac vice application and order can be viewed at www.id.uscourts.gov.

Fill in this information to identify your case:

Debtor 1 First Name Middle Name Last Name
First Name Middle Name Last Name

Debtor 2 First Name Middle Name Last Name
First Name Middle Name Last Name

United States Bankruptcy Court for the District of Idaho

Case number (if known) Case Number

☐ Check if this is an amended plan, and list below the sections of that plan that have been changed.

Click or tap here to enter text.

Idaho Chapter 13 Form Plan 1/2025

Part 1: Notices

To Debtors: **This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable.**

In the following notice to creditors, you must check each box that applies.

To Creditors: **Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the bankruptcy court. The bankruptcy court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters are of particular importance. ***Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.***

1.1	**A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor**	☐ Included	☐ Not included
1.2	**Avoidance of a judicial lien or nonpossessory, nonpurchase money security interest, set out in Section 3.4**	☐ Included	☐ Not included
1.3	**Nonstandard provisions, set out in Part 8**	☐ Included	☐ Not included
1.4	**Discharge: Debtor 1 is eligible for discharge of debts**	☐ Eligible	☐ Not eligible
	Discharge: Debtor 2 is eligible for discharge of debts	☐ Eligible	☐ Not eligible

Part 2: Plan Payments and Length of Plan

2.1 No later than thirty (30) days after the date the bankruptcy petition is filed or the case is converted to Chapter 13, the debtor(s) will commence making regular payments to the trustee as follows:

$ $ per per for months months

The Applicable Commitment Period is #__ months. The debtor(s) may not pay off this plan in less than the term of the plan without notice to interested parties and an opportunity for hearing before the court unless the plan pays all allowed unsecured claims in full.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply.

☐ Debtor(s) will make payments pursuant to a payroll deduction order.

☐ Debtor(s) will make payments directly to the trustee.

Debtor(s) acknowledge that if the debtor(s) is/are over more than thirty (30) days delinquent on any payment due under this Section 2.1, upon request of the trustee, or request of the debtor(s) at any time, a payroll deduction order to the debtor(s)' employer may immediately be issued

2.3 Income tax refunds

Check one.

☐ Debtor(s) will retain any income tax refunds received during the plan term.

☐ Debtor(s) project income tax refunds during the term of this plan. During the Applicable Commitment Period, the debtor(s) will turn over to the trustee all net income tax refunds. At any time during the term of the plan, the debtor(s) shall be entitled to use a tax refund to pay taxes due any other income taxing authority and/or reasonable tax return preparation fees, unless already budgeted. Upon a stipulation between the trustee and the debtor(s), approved by an order of the court, the debtor(s) may retain, in whole or in part, certain net income tax refunds during the term of the plan to facilitate the terms of this plan or to meet other reasonable and necessary needs of the debtor(s).

☐ Debtor(s) will treat income tax refunds as follows:

Click or tap here to enter text.

2.4 Additional payments

Check one.

☐ **None.** *If "None" is checked, the rest of § 2.4 need not be completed or reproduced.*

☐ Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

Click or tap here to enter text.

2.5 The trustee, for cause, may defer not more than two monthly payments per calendar year and not more than four payments over the term of the plan, without further notice to parties or a hearing before the court.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any

Check one.

☐ **None.** *If "None" is checked, the rest of § 3.1 need not be completed or reproduced.*

☐ The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated in equal monthly installments over the term of the plan. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.

Name of creditor	Collateral	Current installment payment (including escrow)	Estimated amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Estimated total payments by trustee
Name of Creditor	Collateral	$ $	$ $	% %	$ $
		Disbursed by: ☐ Trustee ☐ Debtor(s)			

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims

Check one.

☐ **None.** *If "None" is checked, the rest of § 3.2 need not be completed or reproduced.*

☐ The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below in equal monthly installments over the term of the plan.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) discharge of the underlying debt under 11 U.S.C. § 1328 (a), at which time the lien will terminate and be released by the creditor.

The debtor(s) shall serve notice on each creditor listed in this section, as may be required by Bankruptcy Rule 7004, and file proof of service with the court. Any request for valuation of security in which creditors hold an interest must be made consistent with Bankruptcy Rule 3012.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Estimated total of monthly payments
Name of Creditor	Estimated Amount of claim	Collateral	Value of Collateral	Claims senior to Creditor's claim	Amount of Secured Claim	% %	Estimated total monthly payments

3.3 Secured claims excluded from 11 U.S.C. § 506

Check one.

☐ **None.** *If "None" is checked, the rest of § 3.3 need not be completed or reproduced.*

☐ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below in equal monthly installments over the term of the plan. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

The holder of any claim listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Collateral	Amount of claim	Date of contract	Interest rate	Estimated total payments by trustee
Name of Creditor	Collateral	$ $	Date	% %	$ $
		Disbursed by: ☐ Trustee ☐ Debtor(s)			

3.4 Lien avoidance

Check one.

☐ **None.** *If "None" is checked, the rest of § 3.4 need not be completed or reproduced.*

☐ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided pursuant to § 522(f) and Bankruptcy Rule 4003(d) to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. **The debtor(s) shall serve notice on each creditor listed in this section, as may be required by Bankruptcy Rule 7004, and file proof of service with the court.**

Information regarding judicial lien or security interest	Calculation of lien avoidance			Treatment of remaining secured claim
Name of creditor Name of creditor	a. Amount of lien		Amount	**Amount of secured claim after avoidance** (line a minus line f) Amount
	b. Amount of all other senior liens		Amount	
Collateral Collateral	c. Value of claimed exemptions	+	Value	
	d. Total of adding lines a, b, and c		Total	**Interest rate** (if applicable) % %
Statutory basis of exemption Statutory basis	e. Value of debtor(s)' interest in property	-	Value	
	f. Subtract line e from line d.		Total	**Monthly payment on secured claim** Amount
Lien identification (such as judgment date, financing statement, date of lien recording, book and page number) Lien identification	Extent of exemption impairment (Check applicable box) ☐ **Line f is equal to or greater than line a.** The entire lien is avoided (Do not complete the next column) ☐ **Line f is less than line a.** A portion of the lien is avoided (complete the next column)			**Estimated total payments on secured claim** Total

3.5 Surrender of collateral

Check one.

☐ **None.** *If "None" is checked, the rest of § 3.5 need not be completed or reproduced.*

☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	**Collateral**
Name of creditor	Collateral

3.6 Post-petition real property tax payments

Check one.

☐ **None.** *If "None" is checked, the rest of § 3.6 need not be completed or reproduced.*

☐ Real property taxes are paid through escrow by the debtor(s)' mortgage holder.

☐ Real property taxes are paid by the debtor(s).

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without post-petition interest.

4.2 Trustee's fees

Trustee's fees are governed and paid as provided by 28 U.S.C. § 586. Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees

Check one.

☐ Model Retention Agreement Cases

Debtor(s)' attorney has elected to charge a fixed fee pursuant to the Model Retention Agreement required under LBR 2016-2(a)(1) of $ _$__ (not to exceed the amount established by General Order), inclusive of all costs and expenses except filing fees. Said attorney has received $ _$__ prior to filing hereof and is to be paid the remaining amount in monthly payments over the initial _months months of distribution or in such longer period as is required to allow the trustee to make the set monthly installments as set forth in this plan.

☐ Non Model Retention Agreement Cases

Fees and costs to the debtor(s)' attorney in an amount to be proven and allowed by the court not to exceed_amount__.

This is in addition to the fee retainer paid pre-petition in the amount of_amount__.

☐ a) payable in equal monthly installments over the initial_months__months of distribution, or in such longer period as is required to allow the trustee to make the set monthly installments.

☐ b) payable as funds become available.

4.4 Priority claims other than attorney's fees and those treated in § 4.5

Check one.

☐ **None.** *If "None" is checked, the rest of § 4.4 need not be completed or reproduced.*

☐ The debtor(s) estimate the total amount of other priority claims to be $ _$__payable in equal monthly installments over the term of the plan.

☐ The debtor(s) estimate the total amount of other priority claims to be $ _$__payable as funds become available after set monthly installments pursuant to the plan are made.

4.5 Domestic support obligations

Check one.

☐ **None.** *If "None" is checked, the rest of § 4.5 need not be completed or reproduced.*

☐ The debtor(s) is/are current on domestic support obligations and will continue to make post-petition payments pursuant to the support order.

☐ Unsecured claims for domestic support obligations allowed under 11 U.S.C. § 507(a)(1)(A), which are estimated to be $ _$__shall be paid in equal monthly installments over the term of the plan. The debtor(s) will continue to make post-petition payments pursuant to the support order.

☐ Unsecured claims for domestic support obligations allowed under 11 U.S.C. § 507(a)(1)(B) shall be paid in equal monthly installments over the term of the plan. The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). *This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).*

Name of creditor	Amount of claim to be paid
Name of creditor	$ $

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata from, the funds remaining after disbursements have been made to all other creditors provided for in this plan.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims

Check one.

☐ **None.** *If "None" is checked, the rest of § 5.2 need not be completed or reproduced.*

☐ The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
Name of creditor	$ $	$ $	$ $
	Disbursed by: ☐ Trustee ☐ Debtor(s)		

5.3 Other separately classified nonpriority unsecured claims

Check one.

☐ **None.** *If "None" is checked, the rest of § 5.3 need not be completed or reproduced.*

☐ The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows.

Name of creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Estimated total amount of payments
Name of creditor	Basis	$ $	% %	$ $

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected

Check one.

☐ **None.** *If "None" is checked, the rest of § 6.1 need not be completed or reproduced.*

☐ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order. Arrearage payments will be disbursed by the trustee.

Name of creditor	Description of leased property or executory contract	Current installment payment	Estimated amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payment by trustee
Name of creditor	Description	$ $	$ $	Treatment	$ $
			Disbursed by: ☐ Trustee ☐ Debtor(s)		

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

☐ plan confirmation.

☐ entry of discharge.

☐ other: Other

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☐ **None.** *If "None is checked, the rest of Part 8 need not be completed or reproduced*.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Idaho Chapter 13 Form Plan or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective unless noted in this Part 8.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

Plan provisions

Part 9: Signatures

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

X _____ X _____

Signature of Debtor 1 Signature of Debtor 2

Date Date Date Date

X _____ Date Date

Signature of Debtor(s) Attorney

By filing this document, Debtor(s), if not represented by an attorney, or Debtor(s)' Attorney also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Idaho Chapter 13 Form Plan, other than any nonstandard provisions included in Part 8.