GENERAL PROCEDURAL GUIDANCE
IN RE: DEFAULT PROCEDURE
IN ROCHESTER & WATKINS GLEN

(See Standing Order dated July 25, 1994)

One of the primary purposes of the current and expanded default procedure is to eliminate the need for a Court appearance if there is no opposition to the motion or any initial opposition is resolved by the parties prior to the regularly scheduled return date.

First, when there has been no opposition to the motion filed with the Court an adjournment of a motion cannot be requested. Under the default procedure, the motion will be stricken from the calendar.

Second, on or before the Tuesday prior to the return date of a Rochester motion and on or before the Thursday prior to the return date of a Watkins Glen motion, the Court will accept a consent order and a request to substitute that consent order for the order which accompanied the original motion papers. This will give the parties an opportunity to resolve initial opposition to a motion and still not be required to appear.

Should such a consent order be received within the required time frame: (1) If no opposition was filed, the matter will remain stricken and will not appear on the calendar; and (2) if opposition was filed, the Court will announce the matter as settled at the time the calendar is called. Therefore, in both circumstances, there will not be the need for the appearance of counsel on the return date of the motion. A cover letter must accompany any substitute consent order, clearly identify the motion and the return date and request that the Court make the appropriate adjustments. In addition, the letter must direct the courtroom deputy be immediately advised of the status of the pending motion.

Again, the underlying goal of the default process is to eliminate the need for appearances on uncontested matters.

COVER SHEET
§1229 & §1329 Modifications of a Chapter 12 or Chapter 13 Plan
(To summarize information set forth in the motion)

Return Date of Motion _____

Debtor _____ Case No. _____ Chapter ____

Debtor's Attorney _____ Trustee _____

Date Debtor's Petition Filed _____ Date Plan was Confirmed _____

For All Motions

1. Brief description of confirmed plan: $_____ per month week biweekly; For a period of _____ months years;

   Estimated distribution to Unsecureds _____ %; Other _____

2. The debtor/debtors have moved to modify their confirmed plan and prays the Court will order the following modifications (more than one may be applicable):

   _____ (a) Reduce payments from _____ per month to _____ per month and forgive prior defaults, if any.

   _____ (b) Increase payments from _____ per month to _____ per month.

   _____ (c) Change term of payment to _____ months from the commencement date of the original plan.

   _____ (d) Cause unsecured creditors dividend to be reduced from _____% to _____% / pro-rata share of the allowed unsecured claims within the modification term of the plan.

   _____ (e) Suspend plan payments for _____ months and cure the suspended payments by thereafter increasing plan payments to _____ per month or extending the plan term by the number of months the suspension lasted.

   _____ (f) Other relief requested _____

3. Are professional fees requested? ____ Yes ____ No If yes, for what amount $_____

   (a) If in excess of $300, is fee application attached. ____ Yes ____ No
   (b) Are fees paid inside the plan? ____ Yes ____ No

4. The debtor's amended budget is attached hereto and made a part hereof. ____ Yes ____ No

   Has the debtor sought relief under §1229 or §1329 prior to this motion? ____ Yes ____ No
   If yes, date of order granting such modification and a brief explanation.

ASE NOTE THE FOLLOWING:

THIS COVER SHEET MUST ACCOMPANY EVERY §1229 & §1329 MOTION SERVED ON ALL PARTIES AND FILED WITH THIS COURT FOR THE PURPOSE OF ASSISTING THE COURT IN ITS REVIEW OF YOUR PAPERS. A COPY OF THE COVER SHEET MUST ALSO BE FILED UPON THE STANDING CHAPTER 13/12 TRUSTEE. FAILURE TO DO SO WILL RESULT IN YOUR PAPERS BEING RETURNED TO YOU UNPROCESSED.

2. EVERY MOTION MUST BE ACCOMPANIED BY THE FOLLOWING: A) A PROPOSED ORDER WHICH IS AN EXHIBIT TO THE MOTION TO BE SERVED ON ALL PARTIES, B) AN ORIGINAL ORDER TO BE SUBMITTED TO THE COURT FOR DETERMINATION AND SUBSEQUENT ENTRY, AND C) THE AMENDED BUDGET.

OUTLINE GUIDE TO IMPLEMENTATION OF §1229 and §1329 DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN

A) §1229 and/or §1329 relief will remain in a motion format with a return date. The debtor/debtor's attorney must serve the Standing Chapter 12/Chapter 13 Trustee and all creditors pursuant to Bankruptcy Rule 2002(a)(6). Bankruptcy Rule 2002(k) does not require service upon the U.S. Trustee. **(NOTE: The full application must be served upon any affected secured creditor, the Chapter 13 Trustee, the debtor, and any creditor or their attorney who appeared at the §341 meeting or confirmation hearing.)**

B) Every §1229 or §1329 motion filed must include the default language set forth in the attached Standing Order which gives parties an opportunity to object and if objected to, the matter will be heard on the return date of the motion. In the absence of filed opposition, the order will be submitted to the Court one (1) day after the return date of the motion.

C) Any objections must be in writing and responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion pursuant to Federal Rule of Bankruptcy Procedure 9006(a) - Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) days response time.

1. Notifying the Court of opposition can be accomplished with as little as a simple letter as long as the legal basis for the objection is clearly stated. It does not have to accompany the formal objection itself.

D) In the absence of filed written opposition no hearing will be held nor requests for adjournments recognized. The papers will be submitted and should they meet the Court's confirmation criteria, an order will issue no earlier than one (1) day after the return date of the motion confirming said plan.

E) Proper service shall conform to the requirements of Rule 9014 of the Federal Rules of Bankruptcy Procedure.

F) To facilitate the review and consideration of additional professional fees requested in connection with this motion, the attorney for the debtor should address such a request in the motion, the corresponding order, the appropriate portion of the §1229/§1329 cover sheet and a fee application must be prepared and filed if the fees requested exceed $300.00. In addition, regardless of the amount of professional fees requested, an indication must be made on the cover sheet and within the order whether or not the fees, if approved, are to be paid outside the plan or within it.

G) These motions should be scheduled for hearing at the following times:

1. §1229 motions should be scheduled for the Chapter 12 Calendar which is conducted the last Thursday of the month at 9:30 a.m.

2. §1329 motions should be scheduled for the Chapter 13 Calendar which is scheduled for Mondays on a monthly basis at the discretion of the Chapter 13 trustee at 11:00 a.m. and 3:00 p.m. respectively.

NOTICE TO ATTORNEYS

July 26, 1995

Attached please find:

1. A copy of the Standing Order in regard to §1229 and §1329 Motions.

2. An Outline Guide to assist implementation of §1229 & §1329 default procedures in Rochester and Watkins Glen.

3. Required §1229/§1329 motion cover sheet.

The information found herein is complete and should answer any questions you may have in regard to this procedure and its intended application. However, should a concern arise that the Court has not addressed in this packet, please do not hesitate to contact Martin H. Oogjen III, Clerk, U.S. Bankruptcy Court, at (716) 263-3148.

EFFECTIVE JULY 26, 1995

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

§1229 and §1329 MODIFICATION MOTIONS IN ROCHESTER AND WATKINS GLEN

STANDING ORDER

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(1) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the Court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) §1229 & §1329 MOTIONS IN ROCHESTER AND WATKINS GLEN

(a) All motions to modify a plan under Chapter 12 or Chapter 13 as allowed under 11 U.S.C. §1229 and/or §1329 returnable in Rochester and Watkins Glen shall be served upon the parties at least twenty (20) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE STANDING ORDER ENTITLED "§1229 & §1329 MODIFICATION MOTIONS IN ROCHESTER AND WATKINS GLEN DATED JULY 26, 1995" IF YOU INTEND TO OPPOSE THE MOTION YOU MUST SERVE ALL PAPERS IN OPPOSITION UPON THE FOLLOWING PERSONS: THE STANDING CHAPTER 13 TRUSTEE/CHAPTER 12 TRUSTEE AND ALL CREDITORS PURSUANT TO BANKRUPTCY RULE 2002(a)(6);

IN ADDITION, YOU MUST FILE WITH THE CLERK WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IF NO WRITTEN OBJECTION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office. The cover sheet must also be served upon the Standing Chapter 13/Chapter 12 Trustee.

(iii) A §1229 or §1329 motion to be served and filed should recite any additional professional fees earned in connection with the motion which require the approval of the Court pursuant to 11 U.S.C. Section 330(a).

(iv) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed and shall incorporate the following four (4) required elements: a) language that the plan has been confirmed; b) actual changes made to the plan; c) amount of attorney's fees to be paid through the plan and d) statement acknowledging that the remaining provisions of the original plan are still in effect.

(v) The debtor's amended budget is to be contained within the motion and made a part thereof.

IT IS SO ORDERED.

Dated: July 26, 1995

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE JOHN C. NINFO, II

HONORABLE CARL L. BUCKI

NOTICE TO ATTORNEYS

July 26, 1994

Attached please find:

1. A copy of the standing order in regard to §722 Motions.

2. Outline guides to assist implementation of §722 default procedure in Rochester and Watkins Glen.

3. Required §722 motion cover sheet.

The information found herein is complete and should answer any questions you may have in regard to this procedure and its intended application. However, should a concern arise that the Court has not addressed in this packet, please do not hesitate to contact the Clerk's Office, U.S. Bankruptcy Court, at (716) 263-3148.

EFFECTIVE JULY 25, 1994

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:
SECTION 722 MOTIONS IN
ROCHESTER AND WATKINS GLEN

STANDING
ORDER

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(1) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the Court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) SECTION 722 MOTIONS IN ROCHESTER AND WATKINS GLEN

(a) All motions to redeem tangible personal property intended primarily for personal, family or household use from a lien securing a dischargeable consumer debt, as allowed under 11 U.S.C. Section 722 returnable in Rochester and Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed with the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND 6008 THE STANDING ORDER ENTITLED "SECTION 722 MOTIONS IN ROCHESTER AND WATKINS GLEN DATED JULY 25, 1994" IF YOU INTEND TO OPPOSE THE MOTION YOU MUST SERVE THE FOLLOWING: THE DEBTOR, DEBTOR'S ATTORNEY, ANY OTHER CREDITOR WHICH IS A PARTY TO THE MOTION AND ITS ATTORNEY, U.S. TRUSTEE AND THE TRUSTEE AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS

DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office.

(iii) A §722 motion to be served and filed shall include proof of value of the personal property; eg., a signed appraisal or letter of valuation.

(iv) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

IT IS SO ORDERED.

Dated: 7/25/94

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE JOHN C. NINFO, II

HONORABLE CARL L. BUCKI

GENERAL PROCEDURAL GUIDANCE
IN RE: DEFAULT PROCEDURE
IN ROCHESTER & WATKINS GLEN

(See Standing Order dated July 25, 1994)

One of the primary purposes of the current and expanded default procedure is to eliminate the need for a Court appearance if there is no opposition to the motion or any initial opposition is resolved by the parties prior to the regularly scheduled return date.

First, when there has been no opposition to the motion filed with the Court an adjournment of a motion cannot be requested. Under the default procedure, the motion will be stricken from the calendar.

Second, on or before the Tuesday prior to the return date of a Rochester motion and on or before the Thursday prior to the return date of a Watkins Glen motion, the Court will accept a consent order and a request to substitute that consent order for the order which accompanied the original motion papers. This will give the parties an opportunity to resolve initial opposition to a motion and still not be required to appear.

Should such a consent order be received within the required time frame: (1) If no opposition was filed, the matter will remain stricken and will not appear on the calendar; and (2) if opposition was filed, the Court will announce the matter as settled at the time the calendar is called. Therefore, in both circumstances, there will not be the need for the appearance of counsel on the return date of the motion. A cover letter must accompany any substitute consent order, clearly identify the motion and the return date and request that the Court make the appropriate adjustments. In addition, the letter must direct the courtroom deputy be immediately advised of the status of the pending motion.

Again, the underlying goal of the default process is to eliminate the need for appearances on uncontested matters.

OUTLINE GUIDE TO IMPLEMENTATION OF
§722 DEFAULT PROCEDURE IN

A) §722 relief will remain in a motion format with a return date. The debtor/debtor's attorney must serve the secured lien creditor, the attorney for the secured lien creditor, the trustee and the U.S. Trustee. **Service on the secured lien creditor must be made at the address where prior negotiations were transacted.**

B) Every §722 motion filed must include the default language set forth in the attached Standing Order which gives parties an opportunity to object and if objected to, the matter will be heard on the return date of the motion. In the absence of filed opposition, the order will be submitted to the Court one (1) day after the return date of the motion.

C) Any objections must be in writing and responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion pursuant to Federal Rule of Bankruptcy Procedure 9006(a) - Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) days response time.

1. Notifying the Court of opposition can be accomplished with as little as a simple letter <u>as long as the legal basis for the objection is clearly stated</u>. It does not have to accompany the formal objection itself.

D) In the absence of filed written opposition no hearing will be held nor requests for adjournments recognized. The papers will be submitted and should they meet with the Court's approval, an order will issue no earlier than one (1) day after the return date of the motion.

E) Proper service shall conform to the requirements of Rule 9014 of the Federal Rules of Bankruptcy Procedure.

COVER SHEET
§722 Redemption
(To summarize information set forth in the motion)

Return Date of Motion _____

Debtor _____ Debtor's Attorney _____ Chapter ____

Date Debtor's Petition Filed _____ Trustee _____ Case No. _____

For All Motions

1. (a) General description of tangible personal property to be redeemed _____

_____

(b) Owned by (names and _____

form of ownership _____

(c) Value of tangible personal property to be redeemed $_____

(d) Holder(s) of secured claim (1)_____ Amount of secured claim (1) $_____

(2) _____ (2) $ _____

(3) _____ (3) $ _____

For §722 Motions Only

2. Proof of value - signed appraisal, letter of valuation of personal property is attached _____ Yes

3. Personal property has been claimed as exempt under §522 and no objection to the claimed exemption has been made _____ Yes _____ No

4. Personal property has been abandoned by the Trustee pursuant to 11 U.S.C §554. _____ Yes _____ No

NOTICE TO ATTORNEYS

May 20, 1993

Attached please find:

1. A copy of the Standing Order in Re: Federal Rules of Bankruptcy Procedure 3007 - Objections to Claims -- Procedure in Rochester and Watkins Glen dated 5/20/93.

2. Sample of Objection to Claim Notice of Hearing and Order.

3. Outline Guide to assist the implementation of this procedure.

The information to be found herein is complete and should answer any questions you may have in regard to this procedure and its intended application. However, should a concern arise that the Court has not addressed in this packet, please do not hesitate to contact the Clerk's Office, U.S. Bankruptcy Court at (716) 263-3148.

EFFECTIVE DATE JULY 7, 1993

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE: FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007 - OBJECTIONS TO CLAIMS -- PROCEDURE IN ROCHESTER AND WATKINS GLEN

STANDING ORDER

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(1) All objections to the allowance of a claim filed pursuant to Federal Rules of Bankruptcy Procedure 3007 that are returnable in Rochester or Watkins Glen shall be served on the parties at least thirty (30) days prior to the hearing date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date. Pursuant to Federal Rules of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a request for a hearing is served and filed within the time permitted, the Court may grant the objection without a hearing after it has considered the objection and determined the sufficiency of the claim and the objection.

(2) All objections referred to in paragraph (1) of this order shall also meet the following requirements:

(a) The notice of objection to claim shall include the following language in bold print:

PURSUANT TO FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007 AND 9014 AND THE STANDING ORDER ENTITLED "FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007-OBJECTIONS TO CLAIMS - PROCEDURE IN ROCHESTER AND WATKINS GLEN" DATED MAY 20, 1993, IF YOU OPPOSE THE OBJECTION AND REQUEST A HEARING, YOU MUST SERVE ON THE OBJECTING PARTY AND FILE WITH THE CLERK, A WRITTEN REQUEST FOR A HEARING TO THE OBJECTION TO CLAIM NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE AS SET FORTH IN THIS NOTICE AND APPEAR AT THE HEARING AS SCHEDULED. IN THE EVENT NO WRITTEN REQUEST FOR A HEARING AND RESPONSE TO THE OBJECTION IS SERVED AND FILED, NO HEARING ON THE OBJECTION WILL BE HELD ON THE RETURN DATE. THE COURT WILL CONSIDER THE OBJECTION, DETERMINE THE SUFFICIENCY OF THE CLAIM, AND IF THE OBJECTION IS DETERMINED BY THE COURT TO BE VALID, THE ORDER WILL BE ENTERED. THE UNITED STATES IS SPECIFICALLY EXEMPT FROM THE REQUIREMENT THAT IT MUST REQUEST A HEARING IN WRITING. A HEARING INVOLVING THE UNITED STATES WILL BE HELD AS SCHEDULED UNLESS IT CONSENTS TO THE RELIEF REQUESTED.

IF YOU OPPOSE THE OBJECTION TO YOUR CLAIM, YOU MAY ALSO WISH TO IMMEDIATELY CONTACT THE OBJECTING PARTY IN A SEPARATE WRITING WITH A COPY TO THE COURT BEFORE YOU FILE THE FORMAL WRITTEN REQUEST FOR A HEARING AND RESPONSE TO THE OBJECTION IN ORDER TO ATTEMPT TO RESOLVE AND SETTLE THE CLAIM OBJECTION WITHOUT THE NEED FOR AN ATTORNEY AND/OR A COURT APPEARANCE.

(b) The objection to claim shall be served and filed in the format as prescribed by the Clerk and available from the Clerk's Office.

(c) The objection to claim to be served and filed shall include a copy of the proposed order. The original proposed order shall appear on the reverse of the original objection to claim when filed.

(d) Only one claim objection will be allowed per notice or order unless the objecting party is granted permission by the presiding judge to use another format.

(e) The United States is specifically exempt from the requirement that it must request a hearing in writing. A hearing involving the United States will be held as scheduled unless it consents to the relief requested.

IT IS SO ORDERED

DATED: May 20, 1993

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE BERYL E. MCGUIRE

HONORABLE JOHN C. NINFO, II

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

Chapter _____
Case No. _____

In re:

Debtor(s)

OBJECTION TO CLAIM NOTICE OF HEARING AND ORDER

NOTICE

NOTICE is hereby given of the objection by _____ [Trustee, Debtor or other party] (the "Objecting Party") to your claim in this case (see below). A hearing on the objection will be held at the United States Bankruptcy Court, _____, _____, New York 14614 on _____, 199_ at _____ M only if a written request for a hearing is filed by the claimant as outlined below.

PURSUANT TO FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007 AND 9014 AND THE STANDING ORDER ENTITLED "FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007 - OBJECTIONS TO CLAIMS - PROCEDURE IN ROCHESTER AND WATKINS GLEN" DATED MAY 20, 1993, IF YOU OPPOSE THE OBJECTION AND REQUEST A HEARING, YOU MUST SERVE ON THE OBJECTING PARTY AND FILE WITH THE CLERK, A WRITTEN REQUEST FOR A HEARING AND A WRITTEN RESPONSE TO THE OBJECTION TO CLAIM NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE AS SET FORTH IN THIS NOTICE AND APPEAR AT THE HEARING AS SCHEDULED. IN THE EVENT NO WRITTEN REQUEST FOR A HEARING AND RESPONSE TO THE OBJECTION IS SERVED AND FILED, NO HEARING ON THE OBJECTION WILL BE HELD ON THE RETURN DATE. THE COURT WILL CONSIDER THE OBJECTION, DETERMINE THE SUFFICIENCY OF THE CLAIM, AND IF THE OBJECTION IS DETERMINED BY THE COURT TO BE VALID, THE ORDER WILL BE ENTERED. THE UNITED STATES IS SPECIFICALLY EXEMPT FROM THE REQUIREMENT THAT IT MUST REQUEST A HEARING IN WRITING. A HEARING INVOLVING THE UNITED STATES WILL BE HELD AS SCHEDULED UNLESS IT CONSENTS TO THE RELIEF REQUESTED.

IF YOU OPPOSE THE OBJECTION TO YOUR CLAIM, YOU MAY ALSO WISH TO IMMEDIATELY CONTACT THE OBJECTING PARTY IN A SEPARATE WRITING WITH A COPY TO THE COURT BEFORE YOU FILE THE FORMAL WRITTEN REQUEST FOR A HEARING AND RESPONSE TO THE OBJECTION IN ORDER TO ATTEMPT TO RESOLVE AND SETTLE THE CLAIM OBJECTION WITHOUT THE NEED FOR AN ATTORNEY AND/OR A COURT APPEARANCE.

OBJECTION TO CLAIM

The Objecting Party objects to the following claim in this case:

Claimant Name: _____
Claim #: _____ Amount $_____

DETAILED BASIS OF OBJECTION INCLUDING GROUNDS FOR OVERCOMING ANY PRESUMPTION UNDER RULE 3001(f) _____

ated:

_____
Objecting Party
Address _____
_____
City/State/Zip _____

(PLEASE SEE REVERSE)

s Notice and Objection are being sent to the Debtor, Debtor's Attorney, pter 7, 11, 12 or 13 Trustee, United States Trustee, Claimant, Claimant's orney (if known) or person designated as Power of Attorney, and any Creditor's Committee or attorney for the Creditor's Committee.

(SAMPLE ORDER)

There having been no opposition to the herein objection to the claim of _____, for $_____ and the Court having considered the objection and determined the sufficiency of the claim, it is hereby

ORDERED the claim is:

_____ DISALLOWED

_____ ALLOWED IN THE AMOUNT OF $_____.

_____ OTHER (Complete if Applicable)

DATED:

Rochester, NY

_____
JOHN C. NINFO, II
U.S. BANKRUPTCY JUDGE

(THIS SAMPLE ORDER WAS INTENTIONALLY DRAFTED TO PROVIDE THE MOST BASIC STRUCTURE FOR ORDERS RESULTING FROM NOTICES OF OBJECTION TO CLAIM(S). THE URT RECOGNIZES THAT THERE WILL BE A BROAD SPECTRUM OF ORDERS ADDRESSING AIMS WHICH WILL REFLECT VARYING COMPLEXITY.)

OUTLINE GUIDE TO IMPLEMENTATION OF OBJECTION TO CLAIM(S) PROCEDURE*

***Please note that a hearing will always be held with regard to an objection to the claim of the United States (commonly those of the Internal Revenue Service) unless the United States specifically consents to a waiver of the hearing.**

A. An objection to claim will be accomplished by preparing the appropriate standard objection notice and proposed order complete with a return date. A standard objection notice and proposed order has been devised and is to be used for all objections to claims. It is purposefully generic to accommodate the full range of applications. (See attached standard objection notice and proposed order. The proposed order must include the proposed disposition.)

1. An original and two copies of the combined notice and order must be filed with the Clerk's Office.

B. If a standing trustee is the objecting party, the Trustee will send notice to the debtor, debtor's attorney, claimant, claimant's attorney (if known) and U.S. Trustee. Any other objecting party must serve the debtor, debtor's attorney, Chapter 7, 11, 12 or 13 trustee, U.S. Trustee, claimant and claimant's attorney (if known) and any Creditor's Committee or attorney for the Creditor's Committee. Any objecting party must file the original proof of service in the Clerk's Office. Service on the Internal Revenue Service shall be upon each of the following:

1. IRS Special Procedures
   P.O. Box 266
   Niagara Square Station
   Buffalo, New York 14201
   Attn: Ms. Cindy Schuh

2. Attorney General
   U.S. Department of Justice
   Room B-234
   10th and Constitution Avenue, N.W.
   Washington, D.C. 20530

3. United States Attorney
   100 State Street, Room 6020
   Rochester, New York 14614

Service on the New York State Department of Taxation shall be made upon each of the following:

1. New York State Department of Taxation and Finance
   Bankruptcy Unit
   P.O. Box 5300
   Albany, New York 12205-0300

2. New York State Department of Tax and Finance
259 Monroe Avenue, Monroe Square
Rochester, New York 14607
Attn: Elaine Z. Cole, Esq.

C. Pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure, thirty (30) days notice must be provided to perfect service.

D. Every objection to claim notice must include the language set forth in the attached Standing Order which gives parties an opportunity to request a hearing and if a hearing is requested, the matter will be heard on the return date of the notice. In the absence of a filed written request for a hearing, no hearing will be held nor requests for adjournments recognized. The papers will be submitted and should they meet with the Court's approval, the Order will issue no earlier than one (1) day after the return date of the objection.

E. Any requests for a hearing shall be in writing and shall be served on the objecting party and filed with the Court not less than three (3) days prior to the return date of the notice pursuant to Federal Rules of Bankruptcy Procedure 9006(a) - Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) days response time.

1. Requests for a hearing can be accomplished with as little as a simple letter filed with the Clerk's Office with a copy being sent to the objecting party as long as the legal basis in support of the claim and in opposition to the objection is clearly stated.

2. If you oppose the objection to your claim, you may also wish to immediately contact the objecting party in writing with a copy to the Court in an attempt to resolve and settle the dispute avoiding the need for an attorney and/or a Court appearance.

F. Only one claim objection per notice will be permitted and the attached order shall reflect same. Do not attempt to draft notices and/or orders which recite multiple objections.

G. On or before 12:00 noon on the last business day before the scheduled hearing, the Court will accept a written withdrawal of the objection by the objecting party or a consent order and a request to substitute that consent order for the order which accompanied the original claim objection. Should such withdrawal or consent order be received within the required time frame: (1) If no request for a hearing was filed, the matter will remain stricken and will not appear on the calendar; and (2) if a request for a hearing was filed, the Court will announce the matter as settled at the time the calendar is called. Therefore, in both circumstances, there will not be the need for the appearance of counsel on the return date of the objection. A cover letter must accompany any withdrawal or substitute consent order, clearly identify the objection and the return date and request that the Court make the appropriate adjustments. In addition, the letter must direct that the courtroom deputy be immediately advised of the status of the pending objection.

NOTICE TO ATTORNEYS

June 3, 1993

Please be advised that a cover will not be required to be affixed to A Notice and Order Objecting to Claim prior to it being submitted for filing in the United States Bankruptcy Court. The Court has determined that the use of such covers would represent an unnecessary burden and expense to the objecting party.

EFFECTIVE DATE JUNE 3, 1993

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

NOTICE

JANUARY 19, 1996

Effective immediately, as the result of the Decision and Order of this Court dated December 12, 1995, In Re:

George M. Reiber, Trustee vs. Richard G. Baxter,
National Bank of Geneva, Robert F. Ruggiero and Joanne S. Ruggiero,
BK No. 91-21368, AP No. 95-2381,

the Court will not enter confirmation orders in Chapter 13 cases until the specified liens, or other liens that the parties may wish to avoid, have been avoided by a 522(f) motion, adversary proceeding or claim objection. In addition, confirmation hearings, where In Re: Ruggerio applies, will be adjourned by the Court for approximately sixty days to allow the necessary lien avoidance procedures to be taken.

Where it is appropriate and a party elects to seek to avoid a lien by a claim objection, the Court will require sufficient detail to meet due process requirements and also make the objection capable of being expeditiously handled as an adversary proceeding, if it is converted to an adversary proceeding. The following is a sample of the kind of detail the Court will require:

DETAILED BASIS OF OBJECTION INCLUDING GROUNDS FOR OVERCOMING ANY PRESUMPTION UNDER RULE 3001(f): The claim is secured by a judgment lien (the "Lien") on real property owned by the debtor which was perfected on March 28, 1991, within ninety (90) days of the filing of the petition on May 15, 1991. Therefore, claimant is a transferee of a transfer avoidable under §547(b), since it was for the benefit of a creditor, made on account of an antecedent debt, while the debtor was insolvent, and within ninety (90) days of the filing, that would enable the claimant to receive more than would have been received under Chapter 7. This Lien has not been vacated so the claim must be disallowed pursuant to §502(d). Pursuant to §502(d), §547(b) and Rule 3007, this objection to claim shall serve as notice that the claim shall be disallowed and the Lien shall be avoided. This objection to claim shall become an adversary proceeding, thereby governed by Rule 7001, in the event this objection is opposed by claimant and the Court so directs pursuant to Rule 3007.

Martin H. Oogjen III
Clerk, U.S. Bankruptcy Court
1220 U.S. Courthouse
Rochester, NY 14614

SERVICE REQUIREMENTS ON §362(d), §522(f) & §554 MOTIONS

(EACH OF THESE MOTIONS REQUIRES 12-DAY NOTICE)

PARTIES TO BE SERVED:

§362 Relief from Stay:

Debtor
Attorney for Debtor
Trustee

§522(f) Avoidance of Liens:

Trustee
U.S. Trustee
Judgment Creditor
The Attorney for the Judgment Creditor at the time the judgment was taken

§554 Abandonment:

If the movant is the debtor, you must serve the Trustee and the U.S. Trustee.

If the movant is a creditor, you must serve the Trustee, U.S. Trustee, Debtor and Attorney for Debtor.

OBJECTION TO CLAIM

The Objecting Party objects to the following claim in this case:

Claimant name: NATIONAL BANK OF GENEVA

Claim #: 18 Secured Claim Amount: $10,713.48

DETAILED BASIS OF OBJECTION INCLUDING GROUNDS FOR OVERCOMING ANY PRESUMPTION UNDER RULE 3001(f): The claim is secured by a judgment lien (the "Lien") on real property owned by the debtor which was perfected on March 28, 1991, within ninety (90) days of the filing of the petition on May 15, 1991. Therefore, claimant is a transferee of a transfer avoidable under §547(b), since it was for the benefit of a creditor, made on account of an antecedent debt, while the debtor was insolvent, and within ninety (90) days of the filing, that would enable the claimant to receive more than would have been received under Chapter 7. This Lien has not been vacated so the claim must be disallowed pursuant to §502(d). Pursuant to §502(d), §547(b) and Rule 3007, this objection to claim shall serve as notice that the claim shall be disallowed and the Lien shall be avoided. This objection to claim shall become an adversary proceeding, thereby governed by Rule 7001, in the event this objection is opposed by claimant and the Court so directs pursuant to Rule 3007.

ORDERED, THE CLAIM IS:

_____ DISALLOWED, and

THE LIEN IS:

_____ AVOIDED.

SAMPLE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

Robert & Joanne Ruggiero,

Debtors.

MOTION OBJECTING TO CLAIM

BK. NO. 91-21368

Chapter 13

NOTICE

NOTICE is hereby given of the objection of George M. Reiber, Chapter 13 Trustee (the "Objecting Party") to your claim in this case (see below). A hearing on the objection will be held at the United States Bankruptcy Court, 100 State Street, Rochester, New York, 14614, on December 20, 1995, at 11:30 a.m. only if a written request for a hearing in filed by the claimant as outlined below.

PURSUANT TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007 AND 9014 AND THE STANDING ORDER ENTITLED "FEDERAL RULES OF BANKRUPTCY PROCEDURE 3007 - OBJECTIONS TO CLAIMS - PROCEDURE IN ROCHESTER AND WATKINS GLEN" DATED MAY 20, 1993, IF YOU OPPOSE THE OBJECTION AND REQUEST A HEARING, YOU MUST SERVE ON THE OBJECTING PARTY AND FILE WITH THE CLERK, A WRITTEN REQUEST FOR A HEARING AND A WRITTEN RESPONSE TO THE OBJECTION TO CLAIM NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE AS SET FORTH IN THIS NOTICE AND APPEAR AT THE HEARING AS SCHEDULED. IN THE EVENT NO WRITTEN REQUEST FOR A HEARING AND RESPONSE TO THE OBJECTION IS SERVED AND FILED, NO HEARING ON THE OBJECTION WILL BE HELD ON THE RETURN DATE. THE COURT WILL CONSIDER THE OBJECTION, DETERMINE THE SUFFICIENCY OF THE CLAIM, AND IF THE OBJECTION IS DETERMINED BY THE COURT TO BE VALID, THE ORDER WILL BE ENTERED. THE UNITED STATES IS SPECIFICALLY EXEMPT FROM THE REQUIREMENT THAT IT MUST REQUEST A HEARING IN WRITING. A HEARING INVOLVING THE UNITED STATES WILL BE HELD AS SCHEDULED UNLESS IT CONSENTS TO THE RELIEF REQUESTED.

IF YOU OPPOSE THE OBJECTION TO YOUR CLAIM, YOU MAY ALSO WISH TO IMMEDIATELY CONTACT THE OBJECTING PARTY IN A SEPARATE WRITING WITH A COPY TO THE COURT BEFORE YOU FILE THE FORMAL WRITTEN REQUEST FOR A HEARING AND RESPONSE TO THE OBJECTION IN ORDER TO ATTEMPT TO RESOLVE AND SETTLE THE CLAIM OBJECTION WITHOUT THE NEED FOR AN ATTORNEY AND/OR A COURT APPEARANCE.

COVER SHEET

(To summarize information set forth in the motion)

§362(d) RELIEF FROM STAY

Chapter _____

Debtor _____ Case No. _____

Date Debtor's Petition Filed _____

Trustee _____

EQUITY ANALYSIS

1. (a) Collateral _____

   (b) Owned by _____

2. Market Value of Property & Basis _____

   [_] Schedules [_] Appraisal [_] Tax Assessment

   [_] NADA (for auto) [_] Other

3. Amount of Mortgages and Liens _____

4. Estimated Cost of Sale _____

5. Total Equity _____

6. Is this the Debtor's Residence ( ) Yes ( ) No

PAYMENT INFORMATION

a) Number of Missed Payments _____

b) Total Arrearages _____

PLEASE NOTE THE FOLLOWING:

1. THIS COVER SHEET MUST ACCOMPANY EVERY §362(d) MOTION SERVED AND FILED WITH THIS COURT FOR THE PURPOSE OF ASSISTING THE COURT IN ITS REVIEW OF YOUR PAPERS. FAILURE TO DO SO WILL RESULT IN YOUR PAPERS BEING RETURNED TO YOU UNPROCESSED.

2. COPIES OF MORTGAGE OR LIEN DOCUMENTS AND PROOF OF LIEN PERFECTION MUST BE ATTACHED TO EVERY §362(d) MOTION INVOLVING SECURED PROPERTY. FAILURE TO DO SO WILL RESULT IN THE MOTION BEING DENIED.

3. EVERY MOTION MUST BE ACCOMPANIED BY THE FOLLOWING: A) A PROPOSED ORDER WHICH IS AN EXHIBIT TO THE MOTION TO BE SERVED ON ALL PARTIES. B) AN ORIGINAL ORDER TO BE SUBMITTED TO THE COURT FOR DETERMINATION AND SUBSEQUENT ENTRY.

OUTLINE GUIDE TO IMPLEMENTATION OF §362(d) DEFAULT PROCEDURE IN CHAPTER 7'S AND 13'S

A) §362(d) relief will remain in a motion format replete with a return date. The movant must serve the debtor, debtor's attorney and the trustee.

B) Every motion filed must include the default language set forth in the standing order which gives the debtor or the trustee an opportunity to object and if objected to, the matter will be heard on the return date of the motion. (See attached standing order)

C) The objection must be in writing and responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion pursuant to Federal Rule of Bankruptcy Procedure 9006(a) - Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) days response time. This requirement will result in last minute editing of the Court's motion calendar. Therefore, the final docket will not be available until the Friday immediately preceding the motion term.

1. Notifying the Court of opposition can be accomplished with as little as a simple letter. It does not have to include the formal objection itself.

D) In the absence of an objection no hearing will be held, the papers will be submitted and should they meet with the Court's approval, an order will issue no earlier than one day after the return date of the motion.

E) Proper service shall conform to the requirements of Rule 9014 of the Federal Rules of Bankruptcy Procedure.

It appears that the adoption of this procedure will involve little retraining for the deputies and/or the attorneys. It is a very familiar methodology in the main, and hopefully will result in a smooth transition. From the Court's perspective, these matters will be very easy to track and will not represent an additional burden on the administrative process. The Court is excited by the prospect of experimenting with this approach, and is confident that, if executed properly, this will prove to be a great success relevant to the Court's needs as well as those of the practicing bar.

NOTICE TO ATTORNEYS

August 6, 1992

Attached please find:

1. A copy of the Standing Order in regard to §362(d) Motions in Chapter 7 and 13 cases in Rochester and Watkins Glen.

2. Outline guide to assist implementation of §362(d) default procedure in Chapter 7 and Chapter 13.

3. Required §362(d) Motion Cover Sheet.

The information to be found herein is complete and should answer any questions you may have in regard to this procedure and its intended application. However, should a concern arise that the Court has not addressed in this packet, please do not hesitate to contact the Clerk's Office, U.S. Bankruptcy Court at (716) 263-3148.

EFFECTIVE SEPTEMBER 8, 1992

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE

SECTION 362 MOTIONS IN CHAPTER 7 AND CHAPTER 13 CASES IN ROCHESTER AND WATKINS GLEN

STANDING ORDER

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(1) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) SECTION 362 MOTIONS IN CHAPTER 7 AND 13 CASES IN ROCHESTER AND WATKINS GLEN

(a) All motions for relief from the automatic stay under 11 U.S.C. Section 362(d) made in Chapter 7 or 13 cases returnable in Rochester or Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE STANDING ORDER ENTITLED "SECTION 362 MOTIONS IN CHAPTER 7 AND CHAPTER 13 CASES IN ROCHESTER AND WATKINS GLEN" DATED AUGUST 5, 1992, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE ON THE MOVANT'S COUNSEL AND THE TRUSTEE, AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office.

(iii) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

(iv) Proof of lien perfection, if any, shall be provided in the motion or by exhibit to the motion.

IT IS SO ORDERED.

Dated: August 5, 1992

HONORABLE BERYL E. MC GUIRE
CHIEF JUDGE

HONORABLE MICHAEL J. KAPLAN

HONORABLE JOHN C. NINFO II

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE

SECTION 522(f) MOTIONS IN
ROCHESTER AND WATKINS GLEN

STANDING ORDER

---

(1) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN

(a) All motions for avoiding the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption as allowed under 11 U.S.C. Section 522(f) returnable in Rochester and Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE STANDING ORDER ENTITLED "SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN" DATED MARCH 9, 1993, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE ON THE JUDGMENT CREDITOR, THE ATTORNEY FOR THE JUDGMENT CREDITOR AT THE TIME THE JUDGMENT WAS TAKEN, THE TRUSTEE AND THE U.S. TRUSTEE AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE

(3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office.

(iii) A §522(f)(1) motion to be served and filed shall include a signed appraisal, a letter valuation, or a market analysis of real property as an exhibit to the motion.

(iv) Proof of Security Agreements shall be provided in the motion or by exhibit to the motion for all §522(f)(2) motions.

(v) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

IT IS SO ORDERED.

Dated: March 9, 1993

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE BERYL E. MC GUIRE

HONORABLE JOHN C. NINFO II

OUTLINE GUIDE TO IMPLEMENTATION OF §522(f) DEFAULT PROCEDURE

A) §522(f) relief will remain in a motion format with a return date. The debtor/debtor's attorney must serve the judgment creditor, the attorney for the judgment creditor at the time the judgment was taken, the trustee and the U.S. Trustee.

B) Every §522(f) motion filed must include the default language set forth in the attached Standing Order which gives parties an opportunity to object and if objected to, the matter will be heard on the return date of the motion. In the absence of filed opposition, the order will be submitted to the Court one (1) day after the return date of the motion.

C) Any objections must be in writing and responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion pursuant to Federal Rule of Bankruptcy Procedure 9006(a) - Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) days response time.

1. Notifying the Court of opposition can be accomplished with as little as a simple letter <u>as long as the legal basis for the objection is clearly stated</u>. It does not have to accompany the formal objection itself.

D) In the absence of filed written opposition no hearing will be held nor requests for adjournments recognized. The papers will be submitted and should they meet with the Court's approval, the attached Order will issue no earlier than one (1) day after the return date of the motion.

E) Proper service shall conform to the requirements of Rule 9014 of the Federal Rules of Bankruptcy Procedure.

COVER SHEET
§522(f) Avoidance of Liens
(To summarize information set forth in the motion)

Date of Motion _____

Debtor _____ Debtor's Attorney _____ Chapter _____

Date Debtor's Petition Filed _____ Trustee _____ Case No. _____

____ §522(f)(1) Avoidance of Judicial Liens which impair the debtor's exemption in real property
____ §522(f)(2) Avoidance of non-possessory non-purchase money liens which impairs the debtor's exemption in certain personal property.

For All Motions

1. (a) General description of property _____
   (b) Owned by (names and _____
   form of ownership) _____
   (c) Market value of property $ _____
   (d) Amount of claimed exemption(s) $ _____

For §522(f)(1) Motions Only

2. Signed appraisal, letter valuation or market analysis of real property is attached ____ Yes

3. Mortgages:

	Holder	Date Recorded	Balance Due
(a)			
(b)			

4. Judgment Liens:

	Holder	Date Docketed	Amount
(a)			
(b)			
(c)			

5. Other Liens (including tax liens):

	Holder	Date Docketed	Amount
(a)			
(b)			

6. No deduction from the appraised value of the property for hypothetical expenses of sale is to be made in determining the debtor's equity.

7. Market value of property $_____ (-) unavoidable mortgage and federal tax liens $_____ (=) equity $_____ (-) exemptions $_____ (=) balance if any $_____.

For §522(f)(2) Motions Only

8. Holder of lien to be avoided _____.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE

SECTION 554 MOTIONS IN ROCHESTER AND WATKINS GLEN

STANDING ORDER

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(1) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) SECTION 554 MOTIONS IN ROCHESTER AND WATKINS GLEN

(a) All motions for abandonment of property as allowed under 11 U.S.C. Section 554 returnable in Rochester and Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE STANDING ORDER ENTITLED "SECTION 554 MOTIONS IN ROCHESTER AND WATKINS GLEN" DATED MARCH 9, 1993, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE ON THE DEBTOR, DEBTOR'S ATTORNEY, THE TRUSTEE, AND THE U.S. TRUSTEE AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's office.

(iii) The motion to be served and filed shall include a copy of the mortgage or lien documents and proof of lien perfection as exhibits to the motion.

(iv) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

(v) The motion to be served and filed shall include a copy of an appraisal, letter valuation, market analysis, NADA value or other value that has been agreed to by the case trustee as an exhibit to the motion.

(vi) No §554 motion may be made prior to the initial §341 meeting except by the interim case trustee.

(vii) No §554 motion may encompass more than one article of property.

IT IS SO ORDERED.

Dated: March 9, 1993

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE BERYL E. MC GUIRE

HONORABLE JOHN C. NINFO II

COVER SHEET
§554 Abandonment
(To summarize information set forth in the motion)

n Date of Motion _____

Debtor _____ Debtor's Attorney _____ Chapter _____

Date Debtor's Petition Filed _____ Trustee _____ Case No. _____

In Chapters 7 and 13 was Trustee consent previously obtained Yes ☐ No ☐

Equity Analysis

1. General description of property _____
2. Owned by (names and form of ownership) _____

   Proof of ownership must be attached Yes ☐
3. If real property, is this the Debtor's residence Yes ☐ No ☐
4. (a) Market value of property $_____

   (b) Basis

   ☐ Attached signed appraisal, letter of valuation or market analysis made within one year (for real or personal property)

   ☐ NADA value (for vehicles, mobile homes or boats) copy attached

   ☐ Other (as agreed to by Trustee at §341 meeting) _____
5. Amount of claimed exemption(s) $_____
6. Total of Mortgages and other liens $_____

	Holder	Balance Due
(a)		
(b)		
(c)		
(d)		
(e)		
	Total	$_____

7. Proof of lien perfection

   ☐ copies of documents or

   ☐ attorney's affidavit regarding liens attached
8. Estimated costs of sale $_____ Basis _____
9. Market value of property $_____ (-) mortgage and liens $_____
   (-) costs of sale $_____ (=) equity $_____ (-) exemptions $_____
   (=) balance if any $_____

OUTLINE GUIDE TO IMPLEMENTATION OF §554 DEFAULT PROCEDURE

A) §554 relief will remain in a motion format with a return date. If the movant is the debtor, service must be made upon the trustee and the U.S. Trustee. Should the movant be a creditor, service must be made upon the debtor, debtor's attorney, the trustee and the U.S. Trustee.

B) Every §554 motion filed must include the default language set forth in the attached Standing Order which gives parties an opportunity to object and if objected to, the matter will be heard on the return date of the motion. In the absence of filed opposition, the order will be submitted to the Court one (1) day after the return date of the motion.

C) Any objections must be in writing and responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion pursuant to Federal Rule of Bankruptcy Procedure 9006(a) - Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) days response time.

1. Notifying the Court of opposition can be accomplished with as little as a simple letter <u>as long as the legal basis for the objection is clearly stated</u>. It does not have to accompany the formal objection itself.

D) In the absence of filed written opposition no hearing will be held nor requests for adjournments recognized. The papers will be submitted and should they meet with the Court's approval, the attached Order will issue no earlier than one (1) day after the return date of the motion.

E) Proper service shall conform to the requirements of Rule 9014 of the Federal Rules of Bankruptcy Procedure.

NOTICE TO ATTORNEYS

MARCH 10, 1993

Attached please find:

1. Copies of the Standing Orders in regard to §554 and §522(f) motions respectively.

2. Individual outline guides to assist implementation for procedures under both sections.

3. The required §554 & 522(f) Motion Cover Sheets.

The information to be found herein is complete and should answer any questions you may have in regard to these procedures and their intended applications. However, should a concern arise that the Court has not addressed in this packet, please do not hesitate to contact the Clerk's Office, U.S. Bankruptcy Court at (716) 263-3148.

EFFECTIVE MAY 5, 1993

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE

REVISED
STANDING ORDER

SECTION 522(f) MOTIONS IN
ROCHESTER AND WATKINS GLEN

(1) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN

(a) All motions for avoiding the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption as allowed under 11 U.S.C. Section 522(f) returnable in Rochester and Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE REVISED STANDING ORDER ENTITLED "SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN" DATED APRIL 13, 1993, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE THE FOLLOWING: THE DEBTOR, DEBTOR'S ATTORNEY, ANY OTHER JUDGMENT CREDITOR WHICH IS A PARTY TO THE MOTION AND ITS ATTORNEY, THE ATTORNEY

FOR ANY JUDGMENT CREDITOR AT THE TIME THE JUDGMENT WAS TAKEN, U.S. TRUSTEE AND THE TRUSTEE AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office.

(iii) A §522(f)(1) motion to be served and filed shall include a signed appraisal, a letter valuation, or a market analysis of real property as an exhibit to the motion.

(iv) Proof of Security Agreements shall be provided in the motion or by exhibit to the motion for all §522(f)(2) motions.

(v) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

IT IS SO ORDERED.

Dated: April 13, 1993

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE BERYL E. MC GUIRE

HONORABLE JOHN C. NINFO II