

## NEGATIVE NOTICE LISTS AND PROCEDURES:

The Court permits and encourages service of the following papers using negative notice as permitted by Local Rules 3007-1 and 9007-1. For Objections to Claims pursuant to Local Rule 3007-1(c)(1), Local Form 4 must be used or the objection to claim will be set for hearing. As set forth in Local Rules 3007-1(c) and 9007-1(b), the Court may sua sponte set any matter for hearing, even if no response is filed. **Negative notice is not appropriate for emergency matters or objections to claim against the U.S. Government.**

### List for Local Rule 3007-1(c):

If no response is filed to the objection to claim, the Court will electronically prompt the moving party using a "Declaration and Order Due" event to file with the Court a Declaration in Support of Entry of Order using Local Form 5. The party filing the objection to claim will have seven (7) days from the "Declaration and Order Due" event entered on CM/ECF to file the Declaration and submit an order. If, within seven (7) days, the Declaration is not filed, is not filed correctly, or an order is not submitted, the matter will be set for hearing.

- (1) the non-governmental claim is a duplicate of another claim;
- (2) the non-governmental claim was untimely filed, and the claimant is a creditor whose name and address were accurately shown on a debtor's timely filed schedules and matrix;
- (3) the non-governmental claim is satisfied or excessive as evidenced by a refund of payment from the claimant to the trustee or debtor or written notice from the claimant to the trustee or debtor (*The party filing the objection to claim shall attach supporting documentation*);
- (4) the non-governmental claim is for an unsecured debt or obligation that was incurred prior to the filing of a prior bankruptcy case in which a debtor received a discharge (*The party filing the objection to claim shall attach copies of the petition filed in the prior case, the schedule listing the debt or obligation, and the Discharge Order*);
- (5) the non-governmental claim is filed in the incorrect case;
- (6) the non-governmental claim is stale and filed in a debtor's case past the applicable statute of limitation (*Cite applicable statute(s)*);
- (7) the non-governmental claim is defective and does not meet the technical requirements for a properly filed proof of claim; and/or
- (8) the non-governmental claim is secured by an asset not administered by a trustee.

### List for Local Rule 9007-1(f):

For the following motions/notices/applications, if no party in interest files a written response, the Court will electronically prompt the moving party using a "Declaration and Order Due" event to file with the Court a Declaration in Support of Entry of Order using Local Form 5 and to submit an order pursuant to Local Rule 9072-1. The moving party will have seven (7) days from the "Declaration and Order" event entered on CM/ECF to file the Declaration and submit an order. If, within seven (7) days, the Declaration is not filed, is not filed correctly, or an order is not submitted, the matter will be set for hearing.

- (1) Motions to avoid lien pursuant to 11 U.S.C. § 522(f) using Local Form 10 (*A copy of the perfected lien must be attached*);
- (2) Motions to limit service to creditors who have previously filed claims in Chapter 7, 12, and 13 cases provided the claims bar date has passed (note: no government entity shall be included in motions to limit service);
- (3) Applications to employ professional persons pursuant to 11 U.S.C. § 327 in Chapter 13 and Chapter 7 cases;
- (4) Motions to approve compromise or settlement in Chapter 13 cases;
- (5) Applications to approve attorney's fees and expenses filed by special counsel in Chapter 13 cases;
- (6) Motions to approve agreements relating to adequate protection and/or relief from the automatic stay pursuant to FED. R. BANKR. P. 4001(d);
- (7) Motions to use or sell property of the estate pursuant to FED. R. BANKR. P. 6004(a), but not motions filed under Rule 6004(c);
- (8) Motions to redeem personal property pursuant to 11 U.S.C. § 722;
- (9) Motions to incur debt in Chapter 13 cases;
- (10) Motions to substitute collateral and to use cash collateral in Chapter 13 cases;
- (11) Motions to accept mortgage forbearance agreements;
- (12) Motions to consent to mortgage assistance or rental assistance programs;
- (13) Motions to approve mortgage and/or loan modification in Chapter 12 and Chapter 13 cases;
- (14) Motions to deem mortgage current in Chapter 13 cases;
- (15) Motions to determine mortgage fees and expenses in Chapter 13 cases;
- (16) Motions to modify confirmed Chapter 13 plans filed by the debtor and/or a creditor pursuant to FED. R. BANKR. P. Rule 3015(h), including motions to excuse payments under a confirmed plan;
- (17) Motions declaring lien satisfied in Chapter 12 and Chapter 13 cases pursuant to FED. R. BANKR. P. 5009(d).

**List for Local Rule 9007-1(g)**

For the following motions/notices/applications, if no party in interest files a written response, the matter will be taken under advisement by the Court and the Court may either enter the order or the set matter for hearing:

- (1) Motions to reopen Chapter 7 cases to administer assets filed by the Bankruptcy Administrator or the Chapter 7 Trustee;
- (2) Objections to claims of exemptions filed by a trustee pursuant to FED. R. BANKR. P. 4003(b);
- (3) Notices of abandonment pursuant to FED. R. BANKR. P. 6007(a);
- (4) Motions to convert a case from Chapter 7 to another chapter;
- (5) Motions to defer entry of discharge for no more than thirty (30) days pursuant to FED. R. BANKR. P. 4004(c)(2);
- (6) Motions for discharge under 11 U.S.C. §§ 1328(a) and 1228(a);
- (7) Motions to modify confirmed Chapter 13 plans filed by the Chapter 13 Trustee pursuant to FED. R. BANKR. P. Rule 3015(h);
- (8) Motions to Increase Plan Payments for Feasibility filed by the Chapter 13 Trustee.