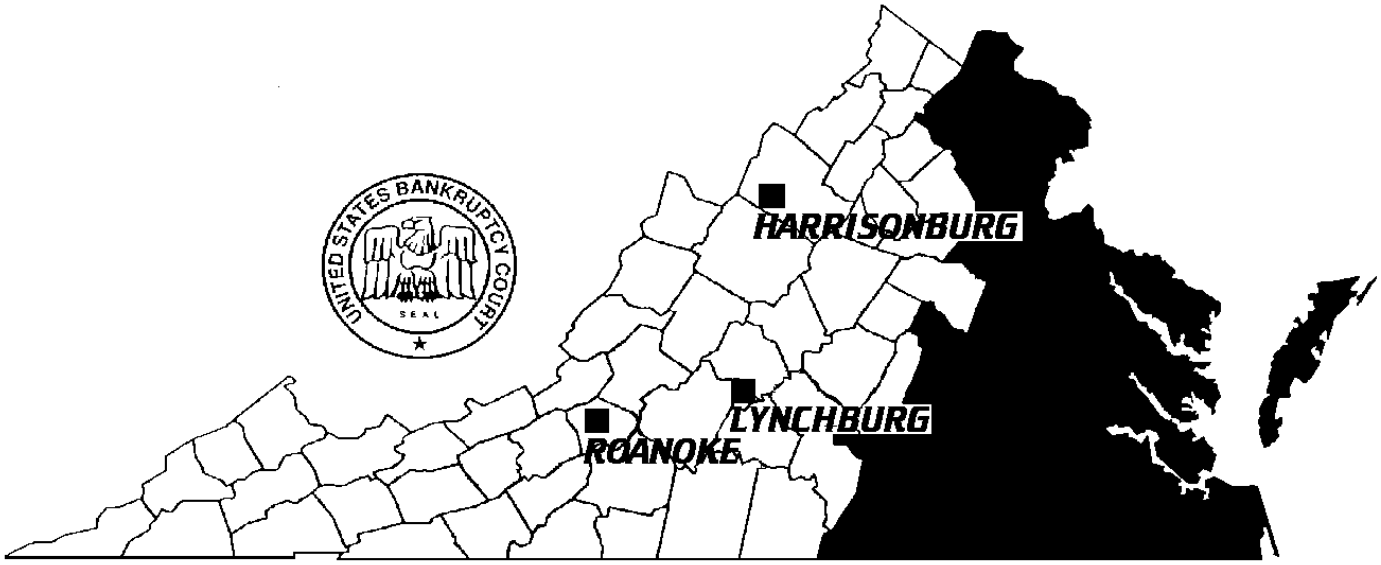
United States Bankruptcy Court
Western District of Virginia

Local Rules



John W. L. Craig, II
Clerk of Court

Amended: August 1, 2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
AT ROANOKE

IN RE:	)
	)
LOCAL BANKRUPTCY RULES	)
	)

ORDER

It appearing unto the Court that the United States Bankruptcy Court for the Western District of Virginia has an interest in promulgating rules to aid the administration of the bankruptcy laws in the Western District of Virginia, and it further appearing that the Judges of the United States Bankruptcy Court for the Western District of Virginia are best suited to see to the promulgation and adoption of said rules, and it further appearing that a majority of the District Judges of the Western District of Virginia concur; it is wherefore

ORDERED

that pursuant to United States Bankruptcy Rule 9029, the District Court does grant to the Judges of the United States Bankruptcy Court for the Western District of Virginia by majority vote the authority to make and amend rules governing practice and procedure in all cases and proceedings within the Bankruptcy Court's jurisdiction which are not inconsistent with the United States Bankruptcy Rules, Federal Rules of Civil Procedure, or any other rule of this Court or of the laws of the United States of America.

Enter this 18th day of July, 1988.

James C. Turk, Chief Judge

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:	)
	)
AMENDMENT OF LOCAL	)
BANKRUPTCY RULES	)
	)

ORDER

IT APPEARING that there is a need to amend Local Rule of Practice **3015-3 and Official Form 3015-1B** to assist the Court and Bar in the orderly administration of justice, it is,

ORDERED that the attached amendment to the Local Rules of Practice is approved and shall be effective September 1, 2006, subject to the extent that said rules of this Court are not inconsistent with the Federal Bankruptcy Rules. It is further,

ORDERED that the Clerk shall maintain an official copy of the Local Rules of Practice with this amendment, in each of the offices of this Court, located in Roanoke, Lynchburg, and Harrisonburg, Virginia, and shall distribute such other copies in such manner as he may deem appropriate.

ENTER this 26th day of July, 2006.

ROSS W. KRUMM, Chief Judge

WILLIAM E. ANDERSON, Judge

WILLIAM F. STONE, JR., Judge

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:	)
	)
AMENDMENT OF LOCAL	)
BANKRUPTCY RULES	)
	)

ORDER

IT APPEARING that there is a need to amend Local Rules of Practice **1002-1, 1006-1, 1007-1, 1007-2, 1009-1, 1015-1, 1074-1, 2016-2, 3001-1, 3015-3, 3015-4, 3022-1, 4001-2, 4002-1, 4002-2, 4002-3, 4004-2, 4008-1, 5005-1, 5005-3, 5005-4, 5081-1, 6007-1, 7001-1, 8006-1, 8007-1, Official Form 3015-3A, and Official Form 4004-2A** to assist the Court and Bar in the orderly administration of justice, it is,

ORDERED that the attached amended Local Rules of Practice are approved and shall be effective August 1, 2008, subject to the extent that said rules of this Court are not inconsistent with the Federal Bankruptcy Rules. It is further,

ORDERED that the Clerk shall maintain an official copy of the Local Rules of Practice with this amendment, in each of the offices of this Court, located in Roanoke, Lynchburg, and Harrisonburg, Virginia, and shall distribute such other copies in such manner as he may deem appropriate.

ENTER this 12th day of July, 2008.

ROSS W. KRUMM, Chief Judge

WILLIAM E. ANDERSON, Judge

WILLIAM F. STONE, JR., Judge

LOCAL RULE 1001-1

Scope of Rules

The Supreme Court of the United States has prescribed rules of procedure in bankruptcy cases pursuant to 28 U.S.C. §2075.

Bankruptcy Rule 9029 gives the authority to the United States District Court to promulgate rules for the Bankruptcy Court. Pursuant to Order dated July 18, 1988, by the Honorable James C. Turk, Chief Judge of the United States District Court for the Western District of Virginia, the function of promulgating rules governing practice and procedure in the United States Bankruptcy Court has been granted to the Judges of the United States Bankruptcy Court.

These local rules are to govern practice and procedure solely in the United States Bankruptcy Court for the Western District of Virginia and are designed to clarify and assist in practices and procedures within the United States Bankruptcy Court in the Western District of Virginia in a way that is not inconsistent with any provision of federal law, Federal Rules of Civil Procedure, or the Bankruptcy Rules.

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LOCAL RULE 1002-1

Petition - General

A. Filing in Proper Division: A petition seeking relief under the Bankruptcy Code shall be filed in the divisional office in which the debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days immediately preceding the filing of the petition, unless an extreme hardship would result or justifiable cause can be shown.

B. Representation by Counsel: Any entity, as defined in 11 U.S.C. §101(15), other than a person, must be represented at all times by an attorney who is a member in good standing of the Bar of this Court.

C. Additional Requirements:

1. Original Signature: The original petition must include an unsworn declaration with the original signature of all debtors and the original signature of the debtor's attorney, if any.

2. Number of Debtors: More than one entity cannot be listed as the debtor, except that husband and wife may file a joint petition.

3. Additional Documents to be filed:

(a) a schedule of assets and liabilities on the approved bankruptcy form or a Chapter 13 statement, if applicable.

(b) if the debtor is a corporation, partnership, or limited liability company, a copy of the corporate resolution or other appropriate authorization, as specified in Local Rule 1074-1.

(c) if a Chapter 11 petition, a list of 20 largest unsecured creditors (pursuant to Bankruptcy Rule 1007(d)).

(d) a mailing matrix properly formatted and uploaded pursuant to Local Rule 1007-2.

D. Electronic Filing: Requirements applicable to petitions filed with the Court in electronic format are governed by Local Rule 5005-4 and the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, which may be modified from time to time and posted on the Court's Internet website.

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LOCAL RULE 1006-1

Extension of Time to Pay Filing Fees

A. Application for Extension of Time to Pay Filing Fee: An application to pay a filing fee in installments shall be deemed an application for an extension of time to pay the filing fee. The application shall state that the applicant is unable to pay the filing fee at the time of the filing of the petition and that the applicant has paid no money and transferred no property to his/her attorney for services in connection with the case.

B. Action on Application: Prior to the meeting of creditors and unless written objection thereto is made, the Court may enter an Order extending the time within which the filing fee is to be paid to a date no later than the date set for the discharge or confirmation hearing. For cause shown, however, the Court may extend the time for payment to a date not later than six (6) months after the date of filing the petition.

C. Responsibility for Accumulating Fees: The attorney for the debtor(s) shall be responsible for accumulating any installment payments made by the debtor toward the payment of the filing fee and shall remit to the Clerk one payment of the filing fee in full within such time as prescribed by the Court.

NOTE: 28 U.S.C.§1930 specifies the filing fees to be paid for petitions under Chapters 7, 9, 11, 12 and 13 of Title 11 U.S.C.

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LOCAL RULE 1007-1

Filing of Schedules and Statements

In the event that schedules and statements are not filed with the petition in a voluntary case, they shall be filed within fifteen (15) days thereafter, unless a motion to extend the time for filing is received prior to the expiration of the fifteen (15) days.

Failure to comply with the provisions of this rule may result in the dismissal of the case without further notice or hearing.

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LOCAL RULE 1007-2

Mailing Matrix

A. Controlling as List of Creditors: The mailing matrix is to be a complete list of creditors of the case, and should any discrepancies appear between the matrix and the list of creditors filed within the official form required, the matrix shall be controlling. The filing of a mailing matrix is certification that it is a complete and correct list of all creditors of the debtor(s).

B. Requirements for Mailing Matrix:

1. A creditor mailing matrix must be uploaded into the case management /electronic filing system (CM/ECF) for each bankruptcy petition filed.

2. The mailing matrix shall include the names and addresses of all creditors, in alphabetical order.

3. Items are to be typed in proper case.

4. The list is to be in a single vertical column with no grid lines.

5. There must be at least 2 blank lines above and below each creditor name and address combination.

6. Each entry should consist of up to 5 lines and a maximum of 50 characters each. (If the creditor name is more than 50 characters, it will be shortened by the Clerk's office.)

7. Leave at least one single space between the city and state and zip code. A comma between them is unnecessary: Roanoke VA 24010.

8. Use the official United States Postal Service state abbreviations.

9. Addresses shall include zip codes.

10. Individuals must be listed as last name (comma) (space) first name with no periods.

EXAMPLES:

Whoever, John, Jr.
5932 Lovers Lane
Roanoke VA 24019

XYZ Sales & Service
PO Box 92900
Charlotte NC 38902

C. Incomplete Addresses: An address containing only a name, or name and incomplete address will **not be mailed**.

D. Adding Creditors: When an addition of five or more creditors is made to the mailing matrix, the entire mailing matrix is **not** to be filed. A supplemental mailing matrix, containing only the newly added names and addresses of those creditors added, shall be filed.

E. Change of Address: The attorney of record or *pro se* debtor(s) shall notify the Clerk in a separate letter of a change of mailing address for the debtor(s) or debtor's counsel.

F. Format for Filing: All non-electronic filings made with the Court must include a compact disk (CD) containing an alphabetical listing of all creditors with their complete mailing address, including zip code, saved in a generic ASCII format (.txt) and attached to the petition.

1. Compact Disk (CD) Format: Only compact disk (CD) or such other format that may be permitted in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia shall be accepted. A separate CD must be submitted for each case. The file containing the matrix information shall be saved in a generic ASCII format only, unless otherwise authorized in the previously referenced Administrative Procedures.

2. Exceptions: Pro-se debtors, if unable to comply with this requirement, shall file the list of creditors as provided above on paper in scannable format and having the following specifications: white bond or standard copy paper, 8½" by 11" in size, margins of at least 1" top, bottom and left, and typed or printed with a Roman font no smaller than 12 point in size. For other than pro-se debtors, a proper format for the mailing matrix will be considered by the Court only upon submission of a written motion for waiver, proposed order, and list of creditors complying with the provisions of this paragraph.

G. Returned or Undeliverable Mail: It is the responsibility of the debtor(s) to provide complete and correct addresses. All undelivered mail will be returned to the debtor(s) (or debtor's counsel), and it shall be the duty of the debtor(s) to forward copies of all notices to the proper parties and notify the Court of the correct address.

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LOCAL RULE 1009-1

Amendments to Petition, Lists, or Schedules

A. Amending a Petition, List, Schedule or Statement: Where the debtor(s) files any amendment to the petition, lists, schedules or statements previously filed, the debtor(s) shall send notice of the same to the United States Trustee, any trustee appointed, and to any and all entities affected by the amendment.

B. Adding Creditors: Where the debtor(s) adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor(s) shall serve upon each newly-listed creditor a copy of the following:

1. the amendment, **on the form designated by the Court**;
2. the meeting of creditors notice;
3. the order granting discharge (if any); and
4. any other filed document affecting the rights of said creditor.

C. Proof of Service: All amendments of the kind specified in this rule shall be accompanied by the debtor's proof of service evidencing that the required notice was given.

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LOCAL RULE 1015-1

Consolidation of Cases

A party desiring to have bankruptcy cases consolidated procedurally, substantively, or for some other purpose must file a written motion requesting consolidation. Subsections A and B are applicable only after consolidation is granted by the Court.

A. Procedural Consolidation:

Cases that are procedurally consolidated are consolidated for noticing purposes only (they will share a joint mailing matrix). The party seeking procedural consolidation shall file a consolidated mailing matrix for each case included in the consolidation within ten (10) days from the date of the order granting consolidation.

A pleading, order, or notice which concerns a matter in only one of the procedurally consolidated cases shall be docketed and filed in that case only, but shall reflect the consolidation by stating, in parentheses below the style of the case, "(Procedurally consolidated with Case No.(s) _____)".

A pleading, order, or notice which concerns a matter in all of the procedurally consolidated cases shall contain the style of the cases and shall reflect the consolidation by stating, in parentheses below the style of the cases, "(Procedurally consolidated)".

B. Substantive Consolidation:

Cases are substantively consolidated when the assets and liabilities of the debtors are consolidated. When a case is substantively consolidated, the movant shall file within ten (10) days from the date of the order granting consolidation a mailing matrix for the combined cases. All further pleadings, orders, and notices shall contain the style of the consolidated cases and the style shall reflect the consolidation by stating, in parentheses below the style of the cases, "(Substantively consolidated)".

C. Modification of Procedure:

The Court may, by administrative order, *sua sponte* or upon a motion of a party, modify the rules and procedures applicable to procedural or substantive consolidation.

Authority: Bankruptcy Rule 1015 and 11 U.S.C. §302

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LOCAL RULE 1017-1

Post-Discharge Conversions from Chapter 7 to Another Chapter

Any debtor(s) who has received a Chapter 7 discharge and files a motion with this Court pursuant to 11 U.S.C. §706 requesting his/her case be converted to another chapter will be required to either:

A. Set forth in the motion that the debtor(s) waives the benefit of the previously granted Chapter 7 discharge, pursuant to 11 U.S.C. §727(a)(10) and notices same pursuant to Local Rule 4006-1; or

B. Schedule a hearing on the motion, with notice to all creditors, and demonstrate to the Court good cause to retain the benefits of the Chapter 7 discharge while continuing the case under the new chapter.

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LOCAL RULE 1017-2

Dismissal or Suspension - Contemporaneous Petitions

No debtor as defined by 11 U.S.C.§109 or §101(13) may maintain more than one petition under any chapter or chapters of the United States Bankruptcy Code at the same time.

The second petition filed may be dismissed by the Court *sua sponte* or pursuant to motion of the United States Trustee or any interested party.

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LOCAL RULE 1017-3

Conversions from Chapter 7 to Chapter 13 at the Request of the Debtor

Any debtor(s) who desire(s) to convert a case from Chapter 7 to Chapter 13 shall :

A. File a Notice and Motion to Convert to Chapter 13 in substantial compliance with the format attached to these local rules as "Form 1017-3A" and shall serve said Notice and Motion upon all creditors, the U.S. Trustee and the Chapter 7 trustee.

B. If the case was previously converted from one chapter to another chapter under the Bankruptcy Code, the debtor shall set the motion for hearing and shall serve said Notice and Motion pursuant to Bankruptcy Rule 2002(a) upon all creditors, the U.S. Trustee and the Chapter 7 trustee.

C. If the case was not previously converted from one chapter to another chapter under the Bankruptcy Code:

1. Any objection to the Notice and Motion to Convert shall be filed within twenty (20) days of the date of the debtor's filing of the Notice and Motion to Convert and the objecting party shall obtain a hearing date for the objection and shall serve the objection and notice of hearing on the debtor(s), debtor's attorney, the U.S. Trustee and the Chapter 7 trustee according to Local Rule 9013-1H.

2. No hearing shall be held on the Notice and Motion to Convert in a previously unconverted case unless a timely objection is filed and the Court, upon the expiration of the twenty (20) day period set forth in Paragraph C(1) above, shall enter the standard form order of conversion to Chapter 13.

D. If the case is converted, said conversion will be effective the date of docketing of the Order of Conversion.

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LOCAL RULE 1071-1

Divisions of the Western District of Virginia

A. Divisional Offices:

The Western District of Virginia consists of those counties, cities and towns as set forth in 28 U.S.C.§127. There are three (3) divisional Clerk's offices wherein all petitions, motions, schedules, statements and other documents to be filed with the Court are to be sent. The divisions are as follows:

1. Roanoke Divisional Office: Commonwealth of Virginia Building, 210 Church Avenue, Room 200, Roanoke, VA 24011, (540-857-2391) which consists of the counties of Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, and the cities of Bristol, Galax, Norton, Radford, Roanoke, and Salem.

2. Lynchburg Divisional Office: U. S. Courthouse & Federal Building, 1101 Court Street, Room 166, Lynchburg, VA 24504, (434-845-0317) which consists of the counties of Albemarle, Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Culpeper, Cumberland, Fluvanna, Greene, Halifax, Henry, Louisa, Madison, Nelson, Orange, Patrick, Pittsylvania, and the cities of Charlottesville, Bedford, Lynchburg, Danville, Martinsville, and South Boston.

3. Harrisonburg Divisional Office: U.S. Courthouse and Post Office, 116 N. Main Street, Room 223, Harrisonburg, VA 22802, (540-434-8327) which consists of the counties of Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren, and the cities of Harrisonburg, Staunton, Waynesboro, Winchester, Buena Vista, Lexington, Clifton Forge, and Covington.

B. Judges' Chambers: There are three Bankruptcy Judges currently sitting in the Western District of Virginia. They are as follows:

The Honorable Ross W. Krumm, Chief Judge
116 N. Main Street
Room 319
Harrisonburg, VA 22802
(540) 434-6747

The Honorable William F. Stone, Jr., Judge
210 Church Avenue SW
Room 210
Roanoke, VA 24011
(540) 857-2394

The Honorable William E. Anderson, Judge
1101 Court Street
Room 246
Lynchburg, VA 24504
(434) 846-3118

LOCAL RULE 1072-1

Places of Holding Court

The Bankruptcy Court for the Western District of Virginia sits in eight (8) locations as mandated by 28 U.S.C.§127 as well as additional locations in the discretion of the United States Judicial Conference. The locations within the Western District of Virginia are:

Abingdon (U.S. Courthouse & Federal Building, Abingdon, VA 24210),

Big Stone Gap (U.S. Courthouse & Post Office, Big Stone Gap, VA 24219),

Charlottesville (U.S. Courthouse & Federal Building, Charlottesville, VA 22901),

Danville (U.S. Courthouse & Post Office, Danville, VA 24541),

Harrisonburg (U.S. Courthouse & Post Office, Harrisonburg, VA 22802),

Lynchburg (U.S. Courthouse & Federal Building, Lynchburg, VA 24504),

Staunton (Staunton Courthouse, 113 East Beverley Street, Staunton, VA 24401), and

Roanoke (Commonwealth of Virginia Building, Roanoke, VA 24011).

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LOCAL RULE 1074-1

Corporations, Partnerships, & Limited Liability Companies

A. Corporate Resolution: A voluntary petition filed by, or consent to an involuntary petition filed on behalf of, a corporation shall be accompanied by a duly attested copy of the corporate resolution or other appropriate written authorization.

B. Partnership Statement : A voluntary petition filed by, or consent to an involuntary petition filed on behalf of, a partnership shall be accompanied by a duly attested statement that all partners whose consent is required for the filing have consented.

C. Limited Liability Company Statement : A voluntary petition filed by, or consent to an involuntary petition filed on behalf of, a limited liability company shall be accompanied by a duly attested statement that all members whose consent is required for the filing have consented.

D. Representation of Corporations: Any corporation which maintains an action in this Court under any chapter of the Bankruptcy Code or appears before the Court in any manner must be represented at all times by counsel.

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LOCAL RULE 2002-1

Notice to Creditors and Other Interested Parties

A. Proponent to Give Notice:

1. Generally: The proponent of any post petition action shall give notice to all parties affected thereby, unless there is a specific prohibition or exception set forth in the Bankruptcy Code, Bankruptcy Rules, Federal Rules of Civil Procedure, or these Local Rules. A certification of such notice is to be promptly filed with the Clerk of Court.

2. In Reorganization Cases: All proponents of plans in reorganization cases shall give the notice required under Bankruptcy Rule 2002(b), in a form approved by the Clerk of Court, and shall file proof of service with the Court.

B. Authority for Agreements to Give Notice: The Clerk is authorized to enter into agreements with debtors wherein they will provide all required notices to interested parties in cases where the interest of justice and efficiency are served thereby. The Clerk shall approve the form of all such notices, and proof of service shall be filed with the Court.

C. Notice by Publication:

1. Place of Publication: All notices requiring publication shall be published at least once unless otherwise required by order, rule or statute, and such notice shall be published in newspapers of general circulation as the Court may order.

2. Time of Publication: All notices shall be published at least six (6) business days prior to any action to be taken pursuant to the notice, and a longer notice shall be given when required by rule or statute or where deemed proper by the Court.

D. Notice and Service by Electronic Transmission:

1. Automatic Notice of Electronic Filing: Whenever a pleading or other paper is filed electronically, a Notice of Electronic Filing will be automatically generated by the Electronic Case Filing system at the time of filing, and sent electronically to the party filing the pleading or other paper, as well as to all parties in the case who are registered participants in the Electronic Case Filing system or have otherwise consented to electronic notice.

2. Required Email Address: All registered participants shall maintain a current and active e-mail address to receive notification in CM/ECF.

3. Equivalent to Service by Conventional Mail: Service by electronic means is complete on transmission unless a party learns that attempted service did not reach the person to be served, and electronic service is treated the same as service by mail for the purpose of giving parties an additional three days to respond.

4. Electronic Service Required: The filing party, who is a registered CM/ECF participant, shall serve the pleading or other paper electronically upon all persons entitled to notice or service in accordance with the Federal Rules of Bankruptcy Procedure and this Court's Local Rules.

5. Registered Participants Consent to Electronic Service: Pursuant to FRBP 7005, a registered CM/ECF participant consents to receive notice and service by electronic means, which shall constitute proper service. If the recipient of notice or service is a registered CM/ECF participant, service of the "Notice of Electronic Filing" shall be the equivalent of service of the filing by first class mail, postage pre-paid.

EXCEPTIONS:

(a) service of the original complaint and summons for an adversary proceeding pursuant to FRBP 7001;
(b) a motion commencing a contested matter pursuant to FRBP 9014 until such time as FRBP 7004 may be amended to permit electronic service of such a complaint or motion;
(c) service required to be made otherwise pursuant to FRBP 7004(h) (service on an insured depository institution).

6. Service on Non-Registrants: Service of any pleading or other document may be made upon non-registrants by any means expressly authorized by the Federal Rules of Bankruptcy Procedure.

7. Service of Non-Electronically Filed Documents: Pleadings or other documents which are not filed electronically shall be served in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules, except as otherwise provided by order of the Court.

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LOCAL RULE 2002-2

Notice to the United States or Federal Agency

A. Notices to United States Trustee in Chapter 11 Cases: Unless otherwise specifically directed by the Court or the United States Trustee, a party in interest in a case commenced under Chapter 11 of the Bankruptcy Code shall serve upon the United States Trustee copies of all papers filed with the Court except proofs of claim.

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LOCAL RULE 2002-3

United States as a Creditor or Party

Except as otherwise specified in these rules or applicable statutes, all federal agencies or entities of the United States shall receive notice of all proceedings before this Court as specified in Local Rule 2002-1.

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LOCAL RULE 2014-1

Employment of Professionals

A. Certified to United States Trustee: Any and all applications for employment of professional persons pursuant to Bankruptcy Rule 2014 must certify that a copy has been filed with the United States Trustee.

B. Disclosure of Connections: All applications for employment shall either: affirmatively aver that the applicant has no connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed by the Office of the United States Trustee; or make a full disclosure of said connections in the application.

C. Expedited Entry of Order: Absent objections within ten (10) days of filing with the Court by a party in interest, the Court may approve said application(s) without further notice or hearing.

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LOCAL RULE 2015-2

Debtor in Possession Duties - Post Confirmation Requirements

Once a Chapter 11 plan is confirmed by the Court, the debtor will be required to file a quarterly operating report with the Office of the United States Trustee, on a form prescribed by that office, until the case is closed. A duplicate of this report is to be filed with the Court to satisfy the requirements of Bankruptcy Rule 2015.

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LOCAL RULE 2016-1

Compensation of Professionals
in Chapter 7 Cases

Any application pursuant to Bankruptcy Rule 2016 for the payment of professional fees in a case under Chapter 7 of the Bankruptcy Code must be filed no later than five (5) days before the entry of the order approving the trustee's final distribution in the case. Any applications filed after that time shall be deemed not timely filed and will not be considered by the Court.

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LOCAL RULE 2016-2

Expense Guidelines for Fee Applications

A. Scope of Rule: These guidelines apply to all professionals seeking compensation pursuant to 11 U.S.C. §§327, 328, 330, and 331.

B. Allowable Expense Guidelines :

1. Photocopies: Fifteen cents (15¢) per page.

2. Facsimile Transmissions: Twenty five cents (25¢) per page plus any actual long distance charges.

C. Expenses in Excess of Allowed Amounts: Applications for compensation that vary from the amounts set forth in this local rule will require documented proof of the actual cost incurred.

REPLACES STANDING ORDER #2

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LOCAL RULE 2090-1

Admission to Practice

A. Bar of the Court: Those attorneys who are admitted to practice before this Court shall comprise the Bar of the United States Bankruptcy Court for the Western District of Virginia.

B. Qualifications to Practice: To practice before this Court, an attorney shall at all times be a member in good standing of the Bar of the State of Virginia and have been administered the oath of admission by the Court upon the filing of an acceptable application or as otherwise authorized in this rule.

C. Application and Procedure for Admission: Every attorney desiring admission to practice before this Court shall file with the Clerk written application thereof accompanied by an endorsement by one qualified member of the Bar of this Court stating that the applicant is of good moral character and professional reputation and is qualified to practice bankruptcy law. The Clerk of this Court shall supply such application upon request (See Form 2090-1A). As a part of the application, the applicant shall certify that the said applicant has read the Rules of Bankruptcy Procedure and the Local Rules of this Court and is familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

D. Presentation in Court: The endorser of the applicant shall, after approval of the application by the Court, present himself/herself in open Court and by oral motion move for his/her admission to practice. If admitted, the applicant shall, in open Court, take the oath required for admission and sign the roll of the Bar of this Court. Presentation may take place in chambers with leave of the Court.

E. Other Attorneys:

1. Eastern District of Virginia: Any attorney who is a member in good standing of the Virginia State Bar and the Bar of the United States Bankruptcy Court for the Eastern District of Virginia shall be permitted to practice in the Bankruptcy Court for the Western District of Virginia upon filing with the Clerk of this Court:

(a) a certificate of the Clerk of the United States Bankruptcy Court for the Eastern District of Virginia stating that said attorney is a member in good standing of the Bar of that District, and

(b) a certification from the applicant stating that said attorney has, within the preceding sixty (60) days, read the Local Rules of this Court (Form 2090-1B).

2. Foreign Attorneys: Attorneys who are not qualified and licensed to practice under the laws of Virginia, but who are qualified and licensed to practice before the Supreme Court of the United States, or before the highest Court of any state in the United States, or before the Courts of the District of Columbia, may not become members of the Bar of this Court, but may appear on a *pro hac vice* basis only in association with a member of the Bar of this Court, upon motion of such member, and only for the conduct of a case in which associated and then pending before the Court. If said motion is granted, the member of the Bar of this Court that made said motion, will be required to sign all pleadings and appear at all hearings and proceedings before this Court, unless these provisions are waived by the presiding Judge. Such appearance shall not be withdrawn without leave of the Court. Service of notice, process, or any other paper upon the foreign attorney shall be equivalent to such service on the parties for whom appearance has been noted, provided that the foregoing provisions shall not apply to a *pro se* party. A *pro se* party shall file a memorandum showing an address where notice can be served.

3. Governmental Attorneys: Any attorney authorized to represent the interest of the United States pursuant to 28 U.S.C. § 517 is authorized to appear in this Court. In addition, any attorney: (i) licensed to practice and in good standing before the highest court of any State in the United States or before the Courts of the District of Columbia, and (ii) who is regularly employed by the United States or any agency or department thereof or of any State or any political subdivision thereof or any agency or department of any of them as an attorney therefore, may file pleadings and appear in this Court on behalf of that governmental unit, agency or department by which he or she is employed without regard to the requirements contained in section E.2 of this rule.

F. Previous Practice Clause: All members in good standing of the United States Bankruptcy Court for the Western District of Virginia prior to February 28, 1988, shall be deemed to be members of the Bar of the United States Bankruptcy Court for the Western District of Virginia.

G. Activities Not Requiring Admission: The following activities shall not require admission to the bar of this Court:

1. Filing a notice of appearance with a request to be served with pleadings filed in the case.

2. Filing a proof of claim on behalf of a client or an employer.

3. Filing a response on behalf of a client or an employer to any objection to claim or to any pre-hearing order issued by the Court with respect to any objection or motion filed in a case affecting such client's or employer's interest, but not including an appearance in Court in any hearing resulting therefrom except in compliance with section B of this Rule.

4. Such other activities as the Court from time to time for cause shown may authorize.

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LOCAL RULE 2091-1

Withdrawal of Appearance

No attorney of record shall withdraw from any matter pending in this Court, except with the consent of his client stated in writing and by order of the Court or for good cause shown after notice to the client. Any withdrawing attorney shall forthwith give written notice thereof to the Clerk of the Court at such place as said matter is pending. Any attorney entering an action at any time after its inception shall promptly give written notice thereof to the Clerk requesting to be entered as attorney of record.

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LOCAL RULE 3001-1

Claims and Equity Security Interest - General

A. Case Number: Each proof of claim presented for filing must specify the case number of the applicable bankruptcy case.

B. Original Signature: Each proof of claim presented for filing must be signed by the claimant or the claimant's authorized agent, pursuant to Bankruptcy Rule 3001(b).

C. Evidence of Debt: Each proof of claim presented for filing must have attached any applicable security interest or other appropriate documentation evidencing the debt.

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LOCAL RULE 3012-1

Valuation of Securities

A. Motion for Valuation: Any party requesting a determination by the Court on the value of a claim secured by a lien on property in which the estate has an interest must file a motion and notice of hearing using the form and format set forth in Form 3012-1A (Motion for Valuation Hearing) and Form 3012-1B (Notice of Valuation Hearing).

B. Objections: Written objections are to be filed with the Court and copies mailed to counsel for the debtor(s) and to the trustee within thirty (30) days from the date of the Notice of Valuation Hearing. Failure to file timely objections may result in an order being entered approving the Motion for Valuation without further notice or hearing.

C. Entry of Order: The Trustee shall set forth the Court's ruling(s) on any valuation motions filed in the Order of Confirmation, unless counsel requests entry of a specific order and tenders same to the Court for entry.

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LOCAL RULE 3015-1

Chapter 13 - Plan

A. Filing of Plan:

1. Requirement: The debtor(s) shall file a Chapter 13 plan not later than fifteen (15) days after the commencement of the Chapter 13 case. The plan shall be accompanied by proof of service.

2. Required Form Plan: The Court has supplied a form plan (3015-1B) that is required to be used by Chapter 13 debtors.

3. Notice to Secured Creditors: The debtor must also properly serve on each creditor whose collateral is to be valued or whose lien is to be partially or entirely avoided the Special Notice to Secured Creditors attached to these local rules as form 3015-1C.

4. Extension of Time to File Plan:

(a) General Policy: Motions to extend the time for filing of a Chapter 13 plan must be in writing.

(b) Motion to Extend Time for Filing Plan: A motion to extend time for the filing of a plan shall not be considered by the Court unless the same is filed within fifteen (15) days after the date of commencement of the Chapter 13 case, or the failure to file falls under the provisions of Rule 60 of the Federal Rules of Civil Procedure.

(c) Notice of Extension of Time to File Plan: If the Court grants the debtor's motion to extend time to file a Chapter 13 plan, the debtor(s) shall forthwith notify the trustee and all creditors of the new deadline set for filing the plan and of the new objection period.

B. Distribution of Plan: The debtor(s) shall distribute a copy of the plan to all creditors, the standing trustee, and other interested parties and provide the court with proof of service of the same.

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LOCAL RULE 3015-2

Chapter 13 - Amendments to Plan

A. Pre-Confirmation Amendments:

1. Filed with the court **more** than thirty-five (35) days prior to confirmation: If an amended plan is filed with the court more than thirty-five (35) days prior to the date first set for a confirmation hearing, the debtor shall file with said amended plan proof of service as set forth in section "D" of this rule. The debtor shall also file a copy of the notice served with such plan advising all creditors and other parties in interest of the date for the confirmation hearing upon such plan and that any objection to its confirmation must be filed in writing at least ten (10) days in advance of such hearing in order to be heard.

2. Filed with the court **less** than thirty-five (35) days prior to confirmation: If an amended plan is filed with the court less than thirty-five (35) days prior to the date first set for a confirmation hearing, the debtor(s) is required to file the amended plan with the court to allow the entry of an order setting a new date for the confirmation hearing. The debtor(s) will then be required to serve a copy of said order, along with the proposed plan as set forth in section "C" of this rule.

B. Post-Confirmation Amendments: If an amended plan is filed after confirmation, the debtor(s) is required to file the amended plan with the court to allow the entry of an order setting a date for hearing on the proposed modifications. The debtor(s) will then be required to serve a copy of said order, along with the proposed plan, as set forth in section "C" of this rule.

C. Distribution of Amended Plan: The debtor(s) shall serve any amended plan on:

1. the standing trustee, and

2. all creditors and interested parties on the mailing matrix unless otherwise ordered by the court.

D. Proof of Service: Contemporaneous with the distribution of an amended plan, the debtor(s) shall file a proof of service certification with the court evidencing service on the standing trustee and all creditors on the debtor's mailing matrix unless otherwise ordered by the court.

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LOCAL RULE 3015-3

Chapter 13 Confirmation Requirements

The Court has determined that it is in the best interest of debtors in Chapter 13 proceedings to receive instructions as to their legal responsibilities. To that end, the Court has prepared a video presentation and written instructions to be reviewed by all Chapter 13 debtors prior to their confirmation hearings.

A. Duties of Debtors Counsel:

1. Video Presentation: Counsel for Chapter 13 debtor(s) shall have the Chapter 13 debtor(s) view the video Chapter 13 instructions prepared by the Court.

2. Written Instructions: Prior to the confirmation hearing, counsel for the Chapter 13 debtor(s) shall deliver the Court's written instructions to the Chapter 13 debtor(s), insure that they are read by or to the Chapter 13 debtor(s), then review them with the Chapter 13 debtor(s), and provide the Chapter 13 debtor(s) an opportunity to ask questions about the instructions of the Court.

B. *Pro Se* Debtors: If the debtor(s) are *pro se*, the Chapter 13 Trustee will provide said debtor(s) the written instructions at the conclusion of the debtor(s) section 341 meeting and guidance on obtaining both the DVD of the court's instructions and the "Affidavit of Debtor(s) Requesting Confirmation of Plan" (Form 3015-3A).

C. Certification to the Court: Prior to a debtor(s)' confirmation hearing, counsel to Chapter 13 debtor(s) and all debtor(s) shall sign the "Affidavit of Debtor(s) Requesting Confirmation of Plan" (Form 3015-3A) to certify compliance with this rule and shall file it with the Clerk of Court and shall deliver a copy to the Chapter 13 Trustee.

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LOCAL RULE 3015-4

Chapter 13 - Objections to Confirmation

A. Deadline for Original Plan and Related Motions: Any objection to confirmation of the original Chapter 13 Plan, the Motion for Determination of Value, the Motion for Lien Avoidance or the Motion to Assume or Reject an Executory Contract or Unexpired Lease shall be filed not later than ten (10) days prior to the date set for the confirmation hearing. Any extension of the original objection period must be requested by motion.

B. Deadline for Modified Plans: Any objection to a modified Chapter 13 Plan shall be filed at least ten (10) days in advance of the confirmation hearing for such Plan, except that an objection may be filed within twenty-five (25) days after the date of service of such Plan and accompanying notice, if later.

C. Service of Objection: The objecting party shall file the original objection to confirmation with the Court and serve copies on the standing trustee, the debtor(s), and the debtor's attorney. The objection shall be accompanied by proof of service evidencing compliance with this requirement.

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LOCAL RULE 3022-1

Final Report/Decree - Substantial Consummation in Chapter 11 Cases

A. Scope of this Rule: This rule applies in all Chapter 11 Cases except when the debtors are individuals and the original filing date of the case was on or after October 17, 2005.

B. Requirement to Apply: All chapter 11 debtors who are not individuals shall apply for a final decree and file, as an exhibit, a final report evidencing compliance to date with the terms of the plan twelve (12) months after confirmation of said plan.

C. Notice of Application and Hearing: Copies of the application and final report shall be mailed to the Office of the United States Trustee and the creditors' committee, if in existence at confirmation, or to the twenty (20) largest unsecured creditors. Debtor's counsel shall also give twenty-five (25) days notice to all creditors and the United States Trustee of a hearing on the application for final decree and shall certify in writing to the Court compliance with all noticing requirements.

D. Objections: Written objections to entry of a final decree and request for hearing thereon must be filed not later than five (5) days prior to the hearing date with copies to be served on the debtor(s) and debtor's counsel.

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LOCAL RULE 4001-2

Pre-Confirmation Adequate Protection and Lease Payments in Chapter 13 Cases

A. Payments due under personal property leases governed by 11 U.S.C. §1326(a)(1)(b): All such payments shall be made directly by the debtor to the lessor and the debtor shall furnish proof of such payments to the chapter 13 trustee, unless the debtor's plan expressly provides that such pre-confirmation payments will be made to the trustee, in which event the trustee shall pay the lessor, both before and after confirmation, or unless the Court, after motion, notice and opportunity for a hearing, orders otherwise.

B. Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(c): If the debtor's proposed plan so provides, pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(c) shall be made by the debtor to the chapter 13 trustee as part of the total payment to the trustee, who shall pay the amount provided for by the plan as pre-confirmation adequate protection payments to the secured party promptly prior to confirmation, unless and until the Court, after motion, notice and opportunity for a hearing, orders otherwise. In the event the proposed plan makes no provision for the making of such payments or provides that such payments shall be made directly, such payments shall be made by the debtor directly to the creditor(s) entitled to receive them and the debtor shall provide proof and an accounting thereof to the trustee prior to the confirmation hearing. In the event the amount of the proposed pre-confirmation adequate protection payment is less than the regular contractual payment due the secured creditor, the debtor, within five (5) days after the filing of the original plan or the filing of any amended plan which would make any change in adequate protection payments affecting a secured creditor, shall serve upon such secured creditor, in a manner complying with Bankruptcy Rule 7004 (b), (c), or (h), as may be applicable, a notice stating the proposed amount, method and timing of payment of such pre-confirmation adequate protection payments, which notice shall provide an opportunity for a hearing upon objection being made thereto within fifteen (15) days of the date of service of such notice. In the event no timely objection is made, the parties will be deemed to have stipulated their agreement to the payments provided in such notice.

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LOCAL RULE 4002-1

Filing of Payment Advices

A. Filing Requirement: Copies of all payment advices or other evidence of payment, received within 60 days before the date of the filing of the petition by the debtor(s) from any employer of the debtor, shall not be filed with the court, unless otherwise ordered, but with the case trustee.

B. Interested Creditors: The debtor(s) shall also provide copies of payment advices to any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven (7) days prior to the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditor's request must be received at least 15 days before the first date set for the meeting of creditors or any adjourned or continued meeting of creditors.

C. Noncompliance: The case trustee's certification of non-compliance by the debtor(s) with this rule will be sufficient for dismissal of the case pursuant to 11 U.S.C. §521(i).

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LOCAL RULE 4002-2

Change of Address

The attorney of record or *pro se* debtor(s) shall notify the Clerk in writing of a change of mailing address or registered email address for the debtor(s) or debtor's counsel.

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LOCAL RULE 4002-3

Automatic Stay - Rental Deposits

A. Form of Payment: Any deposit of rent made by or on behalf of a debtor, pursuant to 11 U.S.C. §362(l)(1)(B), must be in the form of a certified check or money order payable to the order of the lessor, and delivered to the Clerk of Court with the filing of the petition and certification made pursuant to 11 U.S.C. §362(l)(1)(A), along with a copy of the Writ of Possession or similar proceeding against a debtor.

B. Duties of the Clerk: Upon receipt of a certified check or money order payable to the lessor, the clerk shall log the check or money order and send notice to the lessor setting forth his options to consent to receive the payment or object to the debtor's certification.

C. Duties of the Lessor: Within ten (10) days of the date of the clerk's notice the lessor must either consent to receive the payment tendered by the debtor(s) or object to the debtor's certification. Failure to respond timely will signify acceptance of the debtor's certification and the clerk is to forward tendered payment to the lessor.

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LOCAL RULE 4004-1

Discharge in Chapter 13 Cases filed after October 16, 2005

A. Certification of Compliance with §1328: The debtor(s) shall file the "Debtor's Certification of Compliance with 11 U.S.C. §1328" (Local Form 4004-1A) within sixty (60) days of the date the Chapter 13 trustee files the notice of completion of plan payments. The failure to timely file this certification may result in the case being closed without the entry of a discharge order.

B. Discharge Hearing: As soon as practicable after the filing of the debtor's certification the court will set a discharge hearing pursuant to 11 U.S.C. §1328(H) and the Clerk will send notice to the debtor(s), debtor's attorney, the Chapter 13 trustee, and the United States Trustee.

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LOCAL RULE 4004-2

Discharge in Chapter 11 Individual Cases Filed After October 16, 2005

A. Certification of Compliance with §1141: A discharge will not be granted unless the debtor(s) timely file "Debtor's Certification of Compliance with 11 U.S.C. §1141" (Local Form 4004-2A) upon completion of all payments under their plan.

B. Discharge Hearing: As soon as practicable after the filing of the debtor(s)' certification the court will set a discharge hearing pursuant to §1141(5)(C) and the Clerk will send notice to the debtor(s), debtor(s)' attorney, and the United States Trustee.

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LOCAL RULE 4006-1

Notice of Waiver of Discharge

Any debtor(s) who receives an order of the Court approving a waiver of discharge pursuant to 11 U.S.C. §727(a)(10) will be required to give prompt notice to all creditors, equity security holders, the case trustee, and the United States Trustee.

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LOCAL RULE 5003-1

Records Kept by the Clerk

A. Authorization to Accept Electronic Filings: Effective upon the entry of the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, the Clerk of Court will accept documents filed electronically pursuant to Local Rule 5005-4. Effecting an electronic filing of a petition, pleading, order, decree, judgment or other document shall constitute entry of that filing on the docket maintained by the Clerk of Court.

B. Cases Assigned To Electronic Filing System After Opening: In any case assigned to the Electronic Filing System after such case has been opened, any authorized User who has previously filed documents in paper form shall provide the Clerk, upon request and if reasonably available to the user, electronic copies of all such documents and shall file all subsequent documents in electronic format.

C. Non-Electronically Filed Documents: Effective upon the entry of the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, any petition, pleading or other document which is filed in paper format shall be required to be filed with the Clerk in scannable format. The Clerk shall scan each such petition, pleading, or other document so filed and convert the same into electronic format. The originals may be shredded or otherwise appropriately discarded by the Clerk after a period of ninety (90) days has elapsed from the date of their filing unless:

> (i) at the time of filing, the filing party requests in writing that such petition, pleading or other document be returned and provides to the Clerk a self-addressed envelope bearing the necessary postage;
>
> (ii) within such ninety (90) day period a duly authorized representative of the Office of the United States Trustee or the United States Attorney for this District requests that such petition, pleading or other document be turned over in which case the Clerk shall do so unless the item in question has already been returned to the filing party pursuant to (i) above; or
>
> (iii) the Court orders otherwise.

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LOCAL RULE 5005-3

Filing Papers - Requirements of Form

All pleadings and other papers offered for filing shall meet the following requirements of form:

A. Legibility: Papers shall be plainly and legibly type-written, printed, or reproduced on one side of the paper only.

B. Caption, Official Forms: The caption and form of all papers filed shall be in compliance with the Bankruptcy Rules, Official Forms, and Local Rules. Each paper or set of papers filed, ~~except the petition~~, shall bear the case number of the case to which it pertains.

C. Size, Margins, etc: Papers, including attachments and exhibits, shall be of standard weight and letter (8 ½ by 11 inches) size, photo-reduced if necessary, with a top margin of not less than 1 ½ inches. All multi-page pleadings and documents shall be fastened into sets at the top. All papers presented for filing at the same time shall be arranged in case number order.

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LOCAL RULE 5005-4

Electronic Filing of Petitions, Pleadings, Orders and Other Documents

A. Authorization: Pursuant to FRBP 5005(a)(2), effective upon the entry of the "Order Adopting Case Management/Electronic Case Filing"in the United States Bankruptcy Court for the Western District of Virginia, petitions, pleadings, orders, and other documents may be filed, signed, or verified by electronic means which (1) are consistent with any technical standard which may be established or modified from time to time by the Judicial Conference of the United States, and (2) are permitted by and are in compliance with the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing"in the United States Bankruptcy Court for the Western District of Virginia, as amended from time to time and posted on the Court's Internet website. Any attorney or other person using the Electronic Filing System pursuant to this authorization shall be referred to as a User.

B. Responsibility and Effect: The electronic filing of a document by or on behalf of a User of the Electronic Case Filing System shall constitute the signature of such User for all purposes under the Bankruptcy Code and Rules, including specifically FRBP 9011. A User is responsible for any document filed by anyone authorized by such User to effect electronic filings by means of such User's designated password. Such a filing shall further constitute such User's representation to the Court that the User is in possession of the paper original of such document duly signed (and, if applicable, under penalty of perjury) by all necessary parties prior to electronic filing of any document required under the Bankruptcy Code or Rules or this Court's Local Rules to bear the signature(s) of the party(ies) on whose behalf the document is filed, including specifically, the bankruptcy petition, schedules and statement of affairs. The User shall produce the duly signed paper originals of any such documents filed electronically within ten (10) days after the making of any written request thereof by the case Trustee or the Office of the United States Trustee or as may be otherwise directed by the Court.

C. Retention of Originals: The User shall retain the duly signed paper original of any document required under the preceding paragraph for a period of no less than three (3) years following such case's dismissal or closing, unless otherwise ordered by the Court.

D. Chapter 11 Cases: For Chapter 11 cases filed electronically, it will be the responsibility of the Debtor's attorney to mail copies of all notices required to be sent to all creditors under the provisions of FRBP 2002(j).

E. Payment of Applicable Fees: Payment of any fee applicable to the filing of any document filed electronically and payment of any fees applicable to the use of the court's electronic filing system, which are authorized or required by the Judicial Conference of the United States, shall be paid in such manner as may be provided for in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, as the same may be amended from time to time and posted on this Court's Internet website.

F. Tender of Orders by Counsel: Proposed orders tendered to the Court by counsel may be done electronically in such manner as may be authorized from time to time by the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, as the same may be amended from time to time and posted on the Court's Internet website.

G. Electronic Entry of Orders: The electronic entry of orders by the Court is provided for in Local Rule 9072-1.

H. Electronic Notice and Service: Electronic notice and service of petitions, pleadings and other documents are provided for in Local Rule 2002-1(D).

I. Exhibits: The electronic filing of exhibits is provided for in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia.

J. Privacy Protection: Any limitations on public access to documents filed electronically with this Court shall be provided for in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, as modified from time to time and posted on the Court's Internet website, which order shall be subject to and in conformity with applicable provisions of statutory law and the Federal Rules of Bankruptcy Procedure.

K. Disposition of Non-Electronically Filed Documents: The retention, return and destruction of petitions, pleadings or other documents filed physically with the Clerk are provided for in Local Rule 5003-1.

L. Hyperlinks: Hyperlinks or other embedded links to commercial or personal internet sites will not be allowed in any electronic documents filed with the court.

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LOCAL RULE 5071-1

Continuances

Motions for continuance of a hearing date shall not be granted by the mere agreement of counsel. Any such motion must be approved by the Court and after notice to all counsel. No continuance will be granted other than for good cause shown and upon such terms as the Court may impose.

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LOCAL RULE 5072-1

Courtroom Decorum

Counsel shall at all times conduct and demean themselves with dignity and propriety. When addressing the Court, counsel shall rise unless excused therefrom by the Court. All statements and communications to the Court shall be clearly and audibly made from a standing position at the attorney's lectern facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.

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LOCAL RULE 5073-1

Photographing, Recording, Broadcasting, and Televising in the Courtroom and Environs

In accordance with the Rules of the Judicial Conference of the United States, photography, electronic recording, video taping, and broadcasting are not permitted in the courtroom and its environs during the progress of, or in connection with judicial proceedings, whether or not Court is actually in session, unless by express permission of the Court.

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LOCAL RULE 5075-1

Clerk - Delegated Functions

The Clerk of the Bankruptcy Court is hereby authorized and directed to grant and enter the following orders without further direction by the Court, subject to suspension, alteration or rescission:

A. Order and Notice for Meeting of Creditors: All orders and notices for meetings of creditors may be signed and executed by the Clerk of the United States Bankruptcy Court or his designee, pursuant to Bankruptcy Rule 2002(a).

B. Authority for Agreements to Give Notice: The Clerk is authorized to enter into agreements with debtors wherein they will provide all required notices to interested parties in cases where the interest of justice and efficiency are served thereby. The Clerk shall approve the form of all such notices, and proof of service shall be filed with the Court.

C. Revocation of Privilege to Tender Payments by Cheque: For justifiable cause, the Clerk of Court may suspend the privilege of any attorney to tender a cheque drawn on his/her law firm for payment of fees to the Court.

D. Other Orders Grantable by Clerk: The Clerk may also enter any and all other orders authorized by the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, any Federal statute, these Local Rules, or by direction of the Court.

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LOCAL RULE 5080-1

Filing Fees - General

Except as otherwise provided in Local Rule 1006-1, every petition shall be accompanied by the prescribed filing fees as set forth in 28 U.S.C.§1930 and the fee schedule approved by the Judicial Conference of the United States.

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LOCAL RULE 5081-1

Fees - Form of Payment

A. Tender of Payment: Payment of filing fees will only be accepted by the Clerk if it is tendered through the approved government electronic payment application or by cash, certified or cashier's check, money order, check drawn on the firm of an attorney who is in good standing as a member of this Court's bar. Not withstanding the foregoing, any payment by a registered participant in CM/ECF will be governed by the provisions of Local Rule 5005-4(E).

B. Revocation of Check or Credit Privilege: For good cause, the Clerk may suspend the cheque writing or credit privilege(s) of any attorney or other person or entity otherwise entitled to enjoy the same.

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LOCAL RULE 6004-3

Sale or Refinance of Property by Chapter 13 Debtor After Confirmation

A. A debtor seeking approval for the sale or refinance of real property following confirmation of a plan that revests such property in the debtor shall provide the chapter 13 trustee and all creditors and parties in interest at least 20 days notice of the motion seeking such approval unless the notice period has been shortened by the court for cause shown.

B. In addition to setting forth the information required by FRBP 2002(c)(1), the notice shall state (i) the total proposed sale price or maximum amount to be secured by the refinancing, as the case may be, and, in the case of a refinancing, the amount of the secured debt to be paid thereby; (ii) the amount of the sale or loan proceeds to be applied to the debtor's obligations under the confirmed plan; (iii) whether such payment will result in full payment of all allowed claims, and (iv) if all allowed claims will not be paid in full, the amount of the sale or loan proceeds that will be paid to the debtor.

C. If no objection (and, if the motion has not already been set for hearing, a request for hearing) is filed within the objection period, the court, in its discretion, may enter an order endorsed by the chapter 13 trustee approving the sale or refinance without holding a hearing.

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LOCAL RULE 6007-1

Abandonment of Property at Meeting of Creditors

Property may be abandoned at a meeting of creditors in any case in which a trustee has been appointed and in which notice that estate property may be abandoned at the meeting has been given in the "Notice of Meeting of Creditors".

To effect abandonment in this manner, the trustee must announce the abandonment at the meeting of creditors and hear no objections. The trustee must then clearly identify the property abandoned, noting that no objections were made, on the courts electronic filing system.

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LOCAL RULE 7001-1

Adversary Proceedings - General Requirements for Allowed Paper Filings

A. Venue: All complaints shall be filed in the divisional office of the Court in which the bankruptcy case is pending.

B. Representation by Counsel: Any entity, as defined in 11 U.S.C. §101(15), other than a person, must be represented at all times by an attorney who is a member in good standing of the Bar of this Court.

C. Requirements of Form: All papers offered for filing shall meet the following requirements of form:

1. Legibility: Papers shall be plainly and legibly type-written, printed, or reproduced.

2. Caption, Official Forms: The caption and form of all pleadings, schedules, and other papers shall be in compliance with the Bankruptcy Rules, Official Forms, and Local Rules. Each paper or set of papers filed shall bear the case number of the case to which it pertains.

3. Size, Margins, etc: Papers, including attachments and exhibits, shall be of standard weight and letter (8 ½ by 11 inches) size, photo-reduced if necessary, with a top margin of not less than 1 ½ inches. All multi-page pleadings and documents shall be fastened into sets at the top. All papers presented for filing at the same time shall be arranged in case number order.

D. Additional Requirements: Each complaint commencing an adversary proceeding must be accompanied by:

1. Filing Fees: the proper filing fee, as prescribed by the Judicial Conference pursuant to 28 U.S.C. 1930(b).

2. Original Signature: a properly completed and originally signed Adversary Proceeding Cover Sheet (A.O. Form B-104). (Upon request, this form will be provided by the Clerk's Office.)

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LOCAL RULE 7026-1

Discovery

Unless otherwise permitted by the Court, on its own initiative or for good cause shown by motion, discovery materials, depositions upon oral examination and upon written questions, interrogatories, requests for documents, requests for admission, and answers and responses or objections to such discovery requests shall not be filed with the pleadings or papers in any case or proceeding. Where specific discovery material may appropriately support or oppose a motion, the specific discovery material in question shall be appended as an exhibit to the motion, or in response thereto, without having been previously filed. Discovery material otherwise permitted to be used at trial may be properly so used, if otherwise admissible, without having been previously filed.

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LOCAL RULE 7067-1

Registry Fund - Deposit in Court

A. Order for Deposit - Interest Bearing Account: Whenever a party seeks a Court order, or the Judge directs, that money be deposited by the Clerk in an interest-bearing account, the party shall personally deliver the order to the Clerk or financial deputy who will inspect the proposed order for proper form and content and compliance with the Rule prior to signature by the Judge for whom the order is prepared.

B. Orders Directing Investment of Funds by Clerk: Any order tendered by a party or parties in an action that directs the Clerk to invest in an interest-bearing account or instrument funds deposited in the registry of the Court pursuant to 28 U.S.C. §2041 shall include the following:

1. The amount to be invested;

2. The name of the depository approved by the Treasurer of the United States as a depository in which funds may be deposited;

3. A designation of the type of account or instrument in which the funds shall be invested; and,

4. Wording which directs the Clerk to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office at 10 percent (10%) of the income earned on the investment, whenever such income becomes available for deduction in the investment so held and without further order of the Court.

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LOCAL RULE 8006-1

Designation of Record - Appeal

A party designating items not previously filed using the courts electronic filing system as part of the record on appeal shall provide copies of the items so designated to the Clerk of the Court. If a party fails to provide copies to the Clerk within five (5) days after the filing of the designation of the record, the Clerk shall prepare copies at the party's expense pursuant to Bankruptcy Rule 8006. The charge assessed will be pursuant to the provisions of 28 U.S.C. §1930(b).

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LOCAL RULE 8007-1

Completion of Record - Appeal

A. Transcripts: A party who files a designation which includes a transcript of any proceeding is required to forthwith deliver to the court reporter and file with the Clerk of the Court, a written request for the transcript and make satisfactory arrangements with the court reporter for payment of the cost involved.

B. Transmittal of Record to District Court: It is incumbent on all parties to an appeal to file all required documents with the Clerk of the Court in a timely fashion. If for any reason said record is not complete and ready for transmittal to the District Court forty-five (45) days after the filing of the notice of appeal, the Clerk shall certify to the District Court that said record is incomplete, and further specify all deficiencies so that the District Court may take whatever action it deems necessary to facilitate compliance with the Bankruptcy Rules.

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LOCAL RULE 9001-1

Definitions and Rules of Construction

The definitions of words and phrases in §§ 101, 902 and 1101 of the United States Code and Federal Rules of Bankruptcy Procedure 9001 and the rules of construction in § 102 of the United States Code and Federal Rules of Bankruptcy Procedure 9001 govern their use in these local rules. In addition, the following words and phrases used in these local rules have the meanings indicated unless the context clearly requires otherwise.

A. Definitions:

1. **"Appellate Court"** shall mean the United States District Court for the Western District of Virginia exercising its appellate jurisdiction pursuant to 28 U.S.C. § 158.

2. **"Application ."** See "Motion". Documents should be captioned "applications" only when the Federal Rules of Bankruptcy Procedure expressly provide that a request for judicial action shall be made by "application ."

3. **"Bankruptcy Code"** or "**Code**" means the United States Bankruptcy Code Title 11 U.S.C., as amended.

4. **"Bankruptcy Court"** means the United States Bankruptcy Court for the Western District of Virginia.

5. **"Bankruptcy Rules"** means the Federal Rules of Bankruptcy Procedure.

6. **"Business Day"** as used in these local bankruptcy rules shall mean any day other than a Saturday, Sunday, federal holiday or any other day on which the clerk's office is closed.

7. **"Case"** means a bankruptcy case commenced by the filing of a petition pursuant to 11 U.S.C. §§ 301, 302, 303 or 304.

8. **"Clerk"** or **"Bankruptcy Clerk"** or **"Clerk of Court"** means the Clerk of the United States Bankruptcy Court for the Western District of Virginia. When the reference is to a different clerk, it will be specified in the text.

9. **"CM/ECF"** means the Case Management / Electronic Filing System that is in use in the United States Bankruptcy Court for the Western District of Virginia.

10. "**Conventional Filing(s)"** means documents filed with the Clerk of Court by the traditional means that were in effect in the United States Bankruptcy Court for the Western District of Virginia prior to the implementation of CM/ECF.

11. **"Court"** or **"Judge"** means the judicial officer before whom a case or proceeding is pending.

12. **"Defendant"** means any party against whom a claim for relief is made by complaint, counterclaim or cross-claim in an adversary proceeding.

13. **"Deputy Clerk"** means an employee of the United States Bankruptcy Court for the Western District of Virginia appointed by the Clerk.

14. **"District Court"** means the United States District Court for the Western District of Virginia.

15. **"Documents"** means all petitions, pleadings, motions, affidavits, declarations, briefs, points and authorities, and all other papers presented for filing or submission but shall exclude exhibits submitted during a hearing or trial.

16. "**FBR"** or "**FRBP."** means the Federal Rules of Bankruptcy Procedure.

17. **"F.R.C.P."** means the Federal Rules of Civil Procedure.

18. **"File"** includes variations of the word, such as filing, and means the delivery to, and acceptance of a document to be entered on the docket by the Clerk, a deputy clerk, the Court, or other persons authorized by the Court.

19. **"Local Rule" or "LBR"** means the Local Bankruptcy Rules of the United States Bankruptcy Court for the Western District of Virginia.

20. **"Plaintiff"** means any party claiming affirmative relief by complaint, counterclaim or cross-claim in an adversary proceeding.

21. **"Proceeding"** includes motions, adversary proceedings, contested matters and other matters presented to the court. It does not include the "Case" as defined above.

22. **"Trustee"** means one to whom the administration of the bankruptcy estate is delegated and to whom the property of the estate is vested in trust for the creditors. It includes a debtor in possession in a chapter 11 case.

23. **"United States Trustee"** means the United States Trustee for Region 4 and includes the Assistant United States Trustee and any designee of the United States Trustee.

B. Rules of Construction.

1. Gender; Plural. Whenever applicable, each gender does include the other gender and the singular includes the plural.

2. Terms Not Otherwise Defined. Terms used in the Local Bankruptcy Rules that are not herein defined will have the meanings provided in the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure. Similarly, the Rules of Construction contained in 11 U.S.C. § 102 also apply.

3. References to Rules and Statutes. Any reference in the local rules to a statute or a rule shall include any amendments or successors thereto.

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LOCAL RULE 9011-1

Attorneys - Duties

A. Appearance at All Hearings: Counsel of record who files a petition under any chapter in this Court for a debtor, or debtors, must appear at all Court hearings unless excused or given permission to withdraw by the Court.

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LOCAL RULE 9013-1

Motions Practice

A. Requirement of Written Motion: In all cases or proceedings, all non CM/ECF motions shall be in writing and be originally signed by the movant or movant's counsel unless made during a hearing or trial.

B. Grounds and Relief to be Stated: All motions shall state with particularity the grounds therefor and shall set forth the relief or order sought.

C. Address and Telephone Number of Attorney: The lower left-hand portion of the signature page or pleading shall include the name, address, and telephone number of the attorney or *pro se* party filing the same.

D. Return Date, Conference of Counsel: Except as otherwise provided by an order of the Court or by these Local Rules, all motions shall be made returnable to the time obtained from and scheduled by the Court for a hearing thereon. Before requesting a hearing date on any motion, the proponent shall confer with opposing counsel, in person or by telephone, in a good-faith effort to narrow the area of disagreement.

E. Requirement of Proof of Service: At the end of each pleading, motion and other paper required to be served upon a party, there shall be a proof of service signed by counsel (or the *pro se* party) certifying that copies were served and detailing the date, manner of service, and the names and addresses of those served.

F. Extensions: Any request for an extension of time relating to motions must be in writing and approved by the Court.

G. Determination of Motions Without Oral Hearing: In accordance with Rule 78 of the Federal Rules of Civil Procedure, the Court may rule upon motions without an oral hearing, unless otherwise required by the Bankruptcy Code, the Bankruptcy Rules, or these Local Rules.

H. Giving Notice of Motion or Hearing: The party filing a motion, response, or other pleading requiring or requesting a hearing on same, shall make a good-faith effort to contact opposing counsel for dates and then obtain a hearing date from the Court and shall give notice of that hearing date to all parties required to receive notice by the Bankruptcy Rules, these Local Rules, or by order of the Court. The original motion, response, or other pleading, the notice of hearing, and certification that notice of the hearing date has been given must be filed with the Clerk within five (5) business days after the Court has given the hearing date. Failure to file such a certification and notice within the five (5) business days may result in the Court's reassignment, without notice, of the hearing date to other matters.

I. Caption; Names of Parties: Every motion initiating a contested matter pursuant to Bankruptcy Rule 9014 shall contain a caption which conforms with Official Form 16B and an additional caption setting forth the debtor's name as shown on the petition, the assigned motion number, and a designation showing the parties as "Movant", " Respondent"and "Trustee" (when applicable). The following is an example:

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
_____ DIVISION

IN RE
JOHN B. DOE
Debtor

Chapter _____

Case No._____

U. R. BANK
Movant
v.

Motion No._____

JOHN B. DOE
Respondent
and

I. B. MONEY, TRUSTEE
Respondent

J. Paragraphs; Separate Statements: All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

K. Adoption by Reference; Exhibits: Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

L. Electronic Filings: Service of any pleading filed electronically, other than a complaint and summons initiating an adversary proceeding pursuant to FRBP 7001 or a motion initiating a contested matter pursuant to FRBP 9014, both of which require service pursuant to FRBP 7004, may be made electronically, pursuant to Local Rules 2002-1(D) and 5005-4, upon any attorney or non-represented party who in either case is a registered User of the Electronic Filing System. Service upon others shall be made in accordance with the other provisions of this Rule.

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LOCAL RULE 9015-1

Jury Trials

A. Applicability of Certain Federal Rules of Civil Procedure: Rules 38, 39, and 47-51 of the Federal Rules of Civil Procedure are hereby adopted for use in jury trials in Bankruptcy Court.

B. Consent : Not later than twenty (20) days after the demand for a jury trial, the demanding party shall file with the Court a consent of all parties for trial by jury in this Court. In the event that the requisite consent is not filed, the demanding party shall have an additional ten (10) days to file a motion with the United States District Court to withdraw the reference in order to have the jury trial conducted in District Court.

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LOCAL RULE 9018-1

Sealed Documents

A. Requesting a Document be Sealed: A motion to file documents under seal shall contain allegations that show the basis for the necessity of a sealing order. A proposed order granting the motion shall accompany the motion to seal and both the motion and order shall be filed electronically unless permission is granted by the Court for conventional filing.

B. Procedures: Documents ordered to be placed under seal must be filed conventionally in a manner prescribed by the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, unless specifically ordered by the Court.

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LOCAL RULE 9070-1

Exhibits

A. Number to be Filed: The original and two (2) copies of any exhibit, which is capable of being photocopied, shall be filed with the Court.

B. Disposition of Exhibits: All copies of exhibits, models, diagrams, depositions, transcripts, briefs, tables, charts, or other items or things introduced, tendered or marked in the trial of a matter or filed with or delivered to the Clerk, in anticipation of their introduction into evidence, or for use at trial, shall be withdrawn by the parties to the litigation or their counsel, within thirty (30) days after the judgment and the time for appeal or motion for a rehearing or further hearing shall have passed. If such items, materials, or things are not so removed within the time stated, the Clerk may forward them to counsel or the party entitled thereto, or shall destroy or make such other disposition or use of them as the Clerk may deem appropriate.

C. Electronic Format: The submission of exhibits in electronic format, including the circumstances under which such submission may be required by the Court, shall be governed by the provisions of the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, as the same may be modified from time to time and posted on the Court's Internet website.

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LOCAL RULE 9072-1

Court Orders

A. Time for Filing: When the Court instructs a party to prepare a proposed order, the same shall be filed with the Court within ten (10) days after the conclusion of the trial, hearing, or other disposition of the matter at issue.

B. Form of Filing:

1. Electronic Format: Effective upon the entry of the "Order Adopting Case Management/Electronic Case Filing"in the United States Bankruptcy Court for the Western District of Virginia, counsel tendering any proposed order to the Court shall do so in electronic format in such manner as may be provided in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, as the same may be modified from time to time and posted on the Court's internet website.

2. Paper Format: Parties appearing *pro se* may submit proposed orders in paper format, provided that they are typed and in scannable form. In addition, the Court may permit or require any proposed order to be submitted in paper format and bearing original signatures of all counsel or parties endorsing the same. Unless otherwise ordered by the Court, the disposition of such order after scanning shall be governed by Local Rule 5003-1(C).

C. Endorsement: Endorsement of the order by all parties to the action is encouraged but not required. Difficulty in obtaining endorsements will not excuse the party required to file a proposed order from doing so within the time prescribed by A. of this Rule. An order tendered by counsel in electronic format shall contain the attorney's typed name as follows: /s/ John Doe. An agreed order shall contain in similar manner the signed names of all attorneys or parties whose endorsement is necessary. Counsel's tender of an order containing the typed signatures of other counsel shall constitute proponent counsel's representation that each counsel has reviewed the identical version of the order being tendered and consented thereto, or has objected thereto, in which case the fact of such counsel's objection shall be noted immediately above such counsel's typed name.

D. Objections Noted: Whenever counsel shall endorse an order and note with such endorsement any objection to the same, unless the grounds for the objection have been previously stated in the record, or unless the grounds are set forth in writing at the time and as a part of the endorsement, or a request made to the Court for a hearing, the objection will be deemed to be waived.

E. Notice: Upon entry of any proposed order, the Clerk shall forthwith send a copy of same to the proponent's counsel, who shall in turn promptly mail copies thereof to all parties directed by the Court and certify same to the Clerk. It will not be necessary to mail copies of orders to parties who have received electronic notice of same from the Court.

F. Pro Se Debtors: Upon entry of any proposed order submitted by a pro se debtor, the Clerk shall promptly mail copies thereof to all parties directed by the Court.

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

In re **Debtor(s)**	**CASE NO.** **CHAPTER 7**

NOTICE AND MOTION TO CONVERT FROM CHAPTER 7 TO CHAPTER 13

Comes now the above-named debtor(s), by counsel, and moves this honorable court to convert this case from chapter 7 to chapter 13.

In support of said motion the debtor(s) further state that the reason the debtor(s) wish to convert their case is: ***(SUMMARY OF REASONS FOR CONVERSION)*** .

The debtor(s) further state that **(*STATE WHETHER CASE WAS PREVIOUSLY CONVERTED OR NOT*)**.

A copy of this motion is being served on the case trustee, the U. S. Trustee's Office, and all creditors.

DATED: _____
Attorney for the Debtor(s)

IF THIS CASE HAS <u>NOT</u> PREVIOUSLY BEEN CONVERTED:

The conversion of this case will be effective on the 20th day following the date of the filing of this motion without necessity of a hearing unless timely objection to this motion is filed with the court and the objecting party schedules and notices a hearing pursuant to Local Rule 1017-3.

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

RE: ADMISSION OF ATTORNEY TO PRACTICE

TO THE HONORABLE JUDGE OF SAID COURT:

I, _____, apply for admission to practice before this Court and certify that I am a citizen of the United States, born at _____; that **I have read the Rules of Bankruptcy Procedure and the Local Rules of this Court**; that I am familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence, and that I am qualified and licensed to practice law in the Commonwealth of Virginia.

My Social Security Number is:_____.

Mailing address:

Respectfully submitted,

_____
Signed: Applicant

The undersigned, _____, a practicing attorney at the Bar of the United States Bankruptcy Court for the Western District of Virginia, certifies that I am acquainted with the applicant who is of good moral character and professional reputation and who meets the qualifications for admission in accordance with the Rules of Court.

Dated: _____

_____
Signed: Member of the Bar

VERIFICATION OF LICENSE TO PRACTICE LAW

The validity of the above-named applicant's license to practice law in the Commonwealth of Virginia was verified at the offices of the Virginia State Bar, with _____ on this the _____ day of _____, 20_____.

By: _____
Deputy Clerk

ORDER OF ADMISSION

The above applicant having presented himself before the Court in accordance with the Rules of this Court, and having taken the required oath, is ORDERED admitted.

ENTER: _____

_____
JUDGE

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

RE: CERTIFICATION OF MEMBER IN GOOD STANDING

I, _____, a member in good standing of the United States Bankruptcy Court for the Eastern District of Virginia, pursuant to the attached certificate of the Clerk of said Court, do hereby certify that I have, within the preceding sixty (60) days, read the Local Rules of this Court.

My Social Security Number is:_____.

Respectfully submitted,

Dated: _____

_____
Member of the Bar

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE: CHAPTER 13

Debtor

CASE NO.

RE:

Creditor

MOTION FOR VALUATION HEARING

Collateral:_____

_____

Total Debt owed to Creditor: $_____

Value of Collateral by Debtor $_____

Special Provisions of Payment of Debt:_____

_____

Comes now the debtor(s), by counsel, who asks that a valuation hearing be held to determine the value of the collateral upon which the above-named creditor has a lien. The debtor(s) claims the collateral has a fair market value as stated above. If the Court agrees with the debtor(s) that the aforesaid secured fair market value is as shown above then the secured creditor will be paid the fair market value in accordance with the filed Chapter 13 Plan and the remaining debt after the fair market value is deducted will be treated as a general unsecured non-priority debt under the Chapter 13 Plan.

ANY CREDITOR OR PARTY IN INTEREST OBJECTING TO THIS MOTION SHALL FILE WITH THE COURT, THE TRUSTEE AND COUNSEL FOR THE DEBTOR(S) ITS WRITTEN OBJECTION NOT LATER THAN THIRTY (30) DAYS FROM THE DATE BELOW.

Date Mailed:_____

By: _____
Counsel

Counsel for Debtor(s)

_____

_____

_____

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE: CHAPTER 13

Debtor

CASE NO.

RE:

Creditor

NOTICE OF VALUATION HEARING

The debtor(s) has filed the attached motion asking that a valuation hearing be held to determine the value of the secured collateral of the above-named creditors. The U.S. Bankruptcy Court has set a time period of thirty (30) days from the date below for the above-named creditor to object in writing to the valuation of the collateral listed on the attached motion. If the above-named creditor files an objection to the valuation within the time period specified in this notice, then the Bankruptcy Court has set the date of _____, 200__ at _____o'clock in the U.S. Bankruptcy Court, located at _____, _____, Virginia, for the hearing on the said motion.

IF THE ABOVE-NAMED CREDITOR DOES NOT 0BJECT TO THE VALUATION OF THE COLLATERAL WITHIN THE THIRTY(30) DAY TIME PERIOD, AN ORDER APPROVING THE VALUATION WILL BE ENTERED WITHOUT FURTHER NOTICE AND HEARING AND THE ABOVE-NAMED CREDITOR WILL BE BARRED FROM OBJECTING TO SUCH VALUATION OF THE COLLATERAL.

Date Mailed:_____

By: _____
Counsel

Counsel for Debtor(s)

_____

_____

_____

CERTIFICATION

I hereby certify that a true copy of this foregoing Notice of Hearing was mailed by U.S. first class mail, postage prepaid this _____ day of _____, 200__ to the debtor(s), the chapter 13 Trustee, and to the creditor at their address listed above.

_____

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN
AND RELATED MOTIONS

Name of Debtor(s): Case No:

This plan, dated _____, is:

☐ the *first* Chapter 13 plan filed in this case.

☐ a modified plan, which replaces the plan dated _____.

Date and Time of Modified Plan Confirmation Hearing:_____
_____

Place of Modified Plan Confirmation Hearing:_____
_____

The plan provisions modified by this filing are:

Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, <u>and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted</u>, without further notice or hearing unless written objection is filed not later than ten (10) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets:

Total Non-Priority Unsecured Debt:

Total Priority Debt:

Total Secured Debt:

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of $_____ per _____ for ____ months. Other payments to the Trustee are as follows: _____. The total amount to be paid into the plan is $_____.

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).

2. Debtor(s)' attorney will be paid $_____ balance due of the total fee of $_____ concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. §507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment & Term

3. **Secured Creditors and Motions to Value Collateral.**

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtor(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to which §506 valuation is NOT Applicable. Claims listed in the subsection consist of debts secured by a purchase money secured interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days fo the filing of the bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See §1325(a)(5). After confirmation of the plan, the trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, the interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Est Claim Amt	(e) Interest Rate	(f) Monthly Paymt & Estimate Term**

B. Claims to Which §506 valuation is Applicable. Claims listed in this sub section consist of any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f)based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. **Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Est Claim Amt	(e) Interest Rate	(f) Monthly Paymt & Estimate Term**

**** THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326 (A)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

C. Collateral to be Surrendered. Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled shall be paid as a non-priority unsecured claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

Creditor	Collateral Description	Estimated Total Claim	Full Satisfaction (Y/N)

4. Unsecured Claims.

A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately ____ %. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately _____ %.

B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment

5. Long Term Debts and Claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

A. Debtor(s) to pay claim directly. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

Creditor	Collateral	Regular Contract Payment	Estimated Arrearage	Interest Rate	Estimated Cure Period	Monthly Arrearage Payment

B. Trustee to pay the contract payments and the arrearages. The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

Creditor	Collateral	Regular Contract Payment	Estimated Arrearage	Interest Rate	Term for Arrearage	Monthly Payment

6. Executory Contracts and Unexpired Leases. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Creditor	Type of Contract	Arrearage	Monthly Payment for Arrears	Estimated Cure Period

7. Motions to Avoid Liens.

A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor	Collateral	Exemption Basis	Exemption amount	Value of Collateral

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. §522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor	Type of Lien	Description of Collateral	Basis for Avoidance

8. Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.

10. Incurrence of indebtedness. During the term of the plan, the debtor(s) shall not incur additional indebtedness in an amount exceeding $5,000 without approval of the court.

11. Other provisions of this plan:

Signatures:

Dated:_____

_____
Debtor

_____
Debtor's Attorney

_____
Joint Debtor

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J);**
Matrix of Parties Served with Plan

Certificate of Service

I certify that on_____, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

_____
Signature

_____
Address

_____

_____
Telephone No.

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:

Case No._____

Chapter 13

Debtor(s)

SPECIAL NOTICE TO SECURED CREDITORS

To: _____, Attn: _____
Name of creditor

_____
Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one)*:

[ ] To value your collateral. ***See Section 3 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.

[ ] To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 7 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

2. ***You should read the attached plan carefully for the details of how your claim is treated.***
The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due: _____
Date and time of confirmation hearing: _____
Place of confirmation hearing: _____

_____
Name(s) of debtor(s)

By: _____
Signature

[ ] Debtor(s)' Attorney
[ ] Pro se debtor

_____
Name of attorney for debtor(s)

_____
Address of attorney [or pro se debtor]
_____

Tel. # _____
Fax # _____

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

( ) first class mail in conformity with the requirements of Bankruptcy Rule 7004(b); or

( ) certified mail in conformity with the requirements of Bankruptcy Rule 7004(h)

on this ____ day of _____, 20___.

_____
Signature of attorney for debtor(s)

Ver. 06/17/05

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:

CHAPTER 13

Case No._____

Debtor(s)

AFFIDAVIT OF DEBTOR(S) REQUESTING CONFIRMATION OF PLAN

1. **The undersigned affirm(s) that the statements below are true as of the date hereof and certifies that they will be true as of the date of confirmation of my/our chapter 13 plan and may be relied upon by the court unless notice in writing to the contrary is given to the trustee and the court at or prior to such time.**

2. I/We have made all payments to secured creditors, personal property lessors and taxing authorities which have come due since the date on which this case was filed and which I/we were required to make directly to such creditor, lessor or taxing authority. I/we understand that such payments include all mortgage payments, car payments or other secured debts being paid directly, personal property leases, real estate taxes, personal property taxes, federal income taxes, and state income taxes which have come due since this case was filed.

3. Select either A. or B.:

A. Since the filing of this bankruptcy case, I/we have not been required by a judicial or administrative order, or by statute, to pay any domestic support obligation [as that term is defined in 11 U.S.C. section 101(14A)].

B. I/We have paid all amounts that first became due and payable after the filing of this bankruptcy case which I/we were required to pay under a domestic support obligation [as that term is defined in 11 U.S.C. section 101(14A)] required by a judicial or administrative order or by statute.

4. I/we have filed all federal, state, and local tax returns required by law to be filed for all taxable periods ending during the four year period ending on the date of the filing of this bankruptcy case.

By signing this affidavit requesting confirmation of chapter 13 plan, I/we acknowledge that all of the above statements are true and accurate and that the Court may rely upon the truth of each of these statements in determining whether to confirm my/our Chapter 13 Plan. I/We understand that the Court may revoke confirmation of the Chapter 13 Plan if the statements relied upon are not accurate.

Signed:

/s/_____
Debtor

/s/_____
Debtor

Subscribed and sworn to before me, a Notary Public, by the debtor(s) named in this affidavit this _____ day of _____, 20___.

/s/_____
Notary Public

My commission expires: _____

Attorney's Certification (If debtor(s) represented by an attorney):

I certify that I am counsel of record for the debtor(s) and that I have reviewed this Affidavit requesting confirmation of Chapter 13 plan with the debtor(s). Further, I certify that I have complied with the provisions of Local Rule 3015-3. I am filing a copy of this Affidavit with the Court and with the Chapter 13 Trustee this _____ day of _____, 20 ___.

/s/_____
Attorney for debtor(s)

Debtor(s) Certification (If debtor(s) not represented by an Attorney):

Yes No (circle one) I have viewed the DVD of the court's Chapter 13 Instructions.

Yes No (circle one) I have received, read and understand the Court's written Chapter 13 Instructions.

I certify that I am filing via first class mail or via the Court's CM/ECF system a true copy of this Affidavit requesting confirmation of Chapter 13 plan with the Court and with the Chapter 13 Trustee this _____ day of _____, 20 ___.

/s/_____
Debtor

/s/_____
Debtor

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U. S. BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
FORM 4004-1A

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

In re:	**CASE NO.** **CHAPTER 13**

DEBTOR'S CERTIFICATION OF COMPLIANCE WITH 11 U.S.C. §1328

The Chapter 13 Trustee has filed a notice of completion of payments in my case and I am hereby requesting that the court issue a discharge. I testify, under penalty of perjury, to the following:

1. I/We have completed an instructional course concerning personal financial management as described in 11 U.S.C. §111.

2. I/We have not received a discharge in a Chapter 7, 11, or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 Bankruptcy.

3. I/We have not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 bankruptcy.

4. I/We did not have, either at the time of filing this bankruptcy or at the present time, equity in excess of $125,000 in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead].

5. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. §522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. §522(q)(1)(B).

6. If applicable, I/we certify that as of the date of this certification that I/we have paid all amounts due under any domestic support obligation [as that term is defined in 11 U.S.C. §101(14A)] required by a judicial or administrative order, or by statute, including amounts due either (i) before this bankruptcy case was filed and provided for in the Plan, or (ii) due at any time after the filing of this bankruptcy case.

I/we certify under of penalty of perjury that the foregoing is true and correct.

Debtor:_____ Date:_____

Debtor:_____ Date:_____

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U. S. BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
FORM 4004-2A

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE: DEBTOR(S)	CASE NO. CHAPTER 11

DEBTOR(S)' CERTIFICATION OF COMPLETION OF PLAN PAYMENTS

I/We certify that all payments under the confirmed chapter 11 plan in this case have been completed in compliance with 11 U.S.C. §1141.

I/we certify under penalty of perjury that the foregoing is true and correct.

Debtor: _____ Date: _____

Debtor: _____ Date: _____

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