

2023 AND 2024 RULE AMENDMENTS

Presented to the Bankruptcy Bar Association
for the District of Maryland
on October 30, 2024

Mark Neal, Clerk of Court
The Honorable Michelle M. Harner
The Honorable Maria Ellena Chavez-Ruark
Gerard R. Vetter, Acting U.S. Trustee



Introduction

**THERE ARE
CERTAIN RULES
THAT MUST
BE FOLLOWED**

**DO NOT
BREAK THEM**





Local Bankruptcy Rules

Amendments Effective 12/1/23



Md. L. Bankr. R. 1001-1(d) – New

RULE 1001-1 SHORT TITLE; APPLICABILITY

(d) Sanctions. The Court, on its own initiative or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Bankruptcy Rules, including the striking of papers filed with the Court, dismissal of matters or proceedings, dismissal or conversion of cases, or as may otherwise be appropriate under the circumstances.

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NOTE: This Rule was amended to confirm the Court's authority to impose sanctions for failure to comply with the Rules.

Md. L. Bankr. R. 1007-1(a) – Revised

RULE 1007-1 MAILING LIST OR MATRIX

(a) Matrix Contents. A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all ~~creditors~~. In known parties in interest. In addition, in a case under Chapter 11, the debtor must include in the matrix the Internal Revenue Service, the income taxing authority for each state in which the debtor has resided or filed (or was required to file) an income tax return during the three (3) years prior to commencement of the case, and the taxing authority for each county in which the debtor holds an ownership interest in real ~~estate~~property.

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NOTE: This Rule was amended to more precisely identify the parties who need to be placed on the mailing matrix and requires a debtor to identify and list all known parties in interest (as defined in Md. L. Bankr. R. 9001-1(k)).

Md. L. Bankr. R. 1007-3 – New

RULE 1007-3 POWER OF ATTORNEY AND DECLARATION REQUIRED

A petition filed by the holder of a power of attorney (the “Filing Party”) must be accompanied by a copy of the power of attorney and the Filing Party’s declaration under penalty of perjury (“Declaration”). The Declaration must include (a) the Filing Party’s name, address, and relationship to the debtor; (b) whether a guardian or other representative was appointed for the debtor under nonbankruptcy law before the petition was filed; (c) whether the debtor has been adjudicated an incompetent person; (d) whether the power of attorney expressly authorizes the filing of a bankruptcy petition; (e) whether the debtor consents to the bankruptcy filing; (f) the reason for filing the bankruptcy case; (g) whether any of the debtor’s debts were incurred for the benefit of the Filing Party and whether the Filing Party is a party in interest in the bankruptcy case; (h) why the debtor is unable to file the petition himself or herself or is otherwise unable to manage his or her financial affairs; and (i) the names and addresses of all immediate family members. The signature on the petition, Declaration, and any other documents signed by the Filing Party must reflect that the Filing Party signed as attorney in fact for the debtor (i.e., “/s/ John Smith, Attorney in fact on behalf of Debtor”). The Filing Party must serve a copy of the petition, the power of attorney, and the Declaration on the debtor, the debtor’s immediate family members (if known), any other party required to be served by the instrument which authorized the Filing Party to file the petition, and all parties in interest.

NOTE: This new Rule adds clarity to the procedural requirements for the filing and service of a petition by the holder of a power of attorney.

Md. L. Bankr. R. 2015-1(a) – Deleted

RULE 2015-1 COMPENSATION BY DEBTOR IN CHAPTER 11

~~(a) The rate of compensation paid by the debtor in possession to its officers, directors, members, or partners shall not exceed the rate of compensation paid to those persons ninety (90) days prior to the filing of the petition, unless otherwise ordered by the Court.~~

NOTE: This Rule was modified to eliminate the prohibition regarding the rate of postpetition compensation paid to a debtor's officers, directors, members, and partners and to allow the Court and parties in interest to review such compensation on a case-by-case basis.

Md. L. Bankr. R. 2016-1(c) – **New**

RULE 2016-1 COMPENSATION OF PROFESSIONALS

(c) Fee Arrangements in Individual Chapter 7 Cases. An attorney representing an individual debtor in a case under Chapter 7 of the Bankruptcy Code who agrees with the debtor prepetition to accept the payment of attorney's fees for services rendered in connection with the bankruptcy case in whole or in part after the petition date must file a motion with the Court seeking approval of such fee arrangement at the same time that the attorney files the Disclosure of Compensation of Attorney for the Debtor under Federal Bankruptcy Rule 2016(b).

NOTE: This Rule was revised to require Court approval of a bifurcated fee agreement and to set forth specific procedural requirements for a motion to approve such agreement.

Md. L. Bankr. R. 2072-1 – New

RULE 2072-1 ACCESS TO INFORMATION IN CHAPTER 11 CASES

Unless otherwise ordered by the Court, a committee appointed under 11 U.S.C. § 1102 or a trustee appointed in a Subchapter V case is not required to provide access to information to the extent that such information has been reasonably designated by the party providing such information as non-public, proprietary, privileged, work product, or otherwise confidential.

NOTE: This new Rule provides clarity regarding the protection of a Chapter 11 debtor's non-public, proprietary, privileged, or confidential information.

Md. L. Bankr. R. 3002-1(a) – **New**

RULE 3002-1 TIME FOR FILING CERTAIN PROOFS OF CLAIM

(a) Rejected Executory Contracts and Leases. Unless otherwise ordered by the Court, any proof of claim arising pursuant to 11 U.S.C. § 502(g), from the rejection of an executory contract or unexpired lease, must be filed on or before the latest of:

(1) the time for filing a proof of claim pursuant to Federal Bankruptcy Rule 3002(c);

(2) thirty (30) days after the entry of the order compelling or approving the rejection of the contract or lease; and

(3) thirty (30) days after the effective date of the rejection of the contract or lease.

NOTE: This new Rule sets forth the deadline for the filing of proofs of claim arising from the rejection of an executory contract or unexpired lease.

Md. L. Bankr. R. 3002-1(b) – **New**

RULE 3002-1 TIME FOR FILING CERTAIN PROOFS OF CLAIM

(b) Claims Following Foreclosure, Repossession, or Surrender of Collateral. Unless otherwise ordered by the Court or provided in a confirmed plan, an amended proof of claim asserting an unsecured deficiency claim for real property must be filed within 180 days after entry of the order granting relief from the automatic stay or surrender of the property by the debtor or trustee, whichever occurs earlier; and an amended proof of claim asserting an unsecured deficiency claim for personal property must be filed within 60 days after entry of the order granting relief from the automatic stay or surrender of the property by the debtor or trustee, whichever occurs earlier. Absent compliance with this Rule, any unsecured deficiency claim arising under this paragraph will be deemed disallowed unless the Court orders otherwise.

NOTE: This new Rule sets forth the deadline for the filing of proofs of claim arising from the foreclosure, repossession, or surrender of collateral.

Md. L. Bankr. R. 3003-2 – Deleted

~~RULE 3003-2 WAGE CLAIMANTS~~

~~A wage claimant must provide claimant's full social security number directly to the trustee, in addition to filing a proof of claim for past wages with the Court.~~

NOTE: This Rule was deleted to allow a trustee to manage the information he or she requires and to eliminate the already-existing requirement that a claimant file a proof of claim.

Md. L. Bankr. R. 3011-1 – Revised

RULE 3011-1 UNCLAIMED FUNDS HELD IN COURT REGISTRY

An application for payment of unclaimed funds ... ~~shall~~must be served on the United States Attorney for the District of Maryland ~~(the “U.S. Attorney”)~~, any trustee serving currently in, or serving at dismissal or closure of, the case, and the debtor.

NOTE: This Rule was amended to require the applicant to serve not only the U.S. Attorney for the District of Maryland but also any trustee and the debtor.

Md. L. Bankr. R. 3011-2(b)(2) – New

RULE 3011-2 UNCLAIMED AND UNDISTRIBUTED FUNDS IN LIQUIDATING CHAPTER 11 CASES

(b)(2) If a Chapter 11 liquidating plan does not provide for the disposition of undistributable funds and there are any such funds at the time of final distribution under the plan, the disbursing agent must file a motion, upon notice and hearing, proposing disposition of such funds, including as proposed in this Rule or otherwise.

NOTE: This Rule was amended to ensure that all funds are distributed in a liquidating Chapter 11 case as authorized by the Court.

Md. L. Bankr. R. 3012-1 and 3012-2 – Revised

RULE 3012-1 VALUATION OF COLLATERAL AND/OR AVOIDANCE OF LIENS ON PROPERTY UNDER 11 U.S.C. § 506 BY MOTION (CHAPTER 13) and RULE 3012-2 VALUATION OF COLLATERAL AND AVOIDANCE OF NONRESIDENTIAL LIENS BY MOTION (CHAPTER 13)

NOTE: The amendments streamline and clarify the requirements for valuing collateral and/or avoiding a lien and combine the former versions of Rule 3012-1, which applied to liens against principal residences only, with former Rule 3012-2, which applied to liens against personal property and liens against real property that was not the debtor's principal residence.

Md. L. Bankr. R. 3015-2(e) – **New**

RULE 3015-2 CHAPTER 13 CONFIRMATION

(e) Consideration of Objections to Prior Versions of a Plan. If a creditor files an objection to a plan, unless previously withdrawn by the creditor, that objection will remain on the docket and the Court will consider it at the final confirmation hearing.

NOTE: The Rule clarifies the treatment of a confirmation objection filed with respect to a plan that is later amended.

Md. L. Bankr. R. 3015-3(b) – Revised

RULE 3015-3 PRE-CONFIRMATION ADEQUATE PROTECTION AND PERSONAL PROPERTY LEASE PAYMENTS

(b) Objections. Objections to the accuracy of the affidavit [stating all pre-confirmation plan payments, personal property lease payments, and postpetition adequate protection payments made by the debtor] must be filed no later than ~~fourteen (14)~~ seven (7) days after the filing and service of the affidavit. Unless a timely objection to the affidavit is filed, the Court may presume the information in the affidavit is accurate.

NOTE: The Rule was revised to delete Chapter 13 plan requirements that are already set forth in the Court's form plan and to eliminate an adequate protection notice practice that appears to be outdated. The Rule also provides that absent timely objection to the debtor's affidavit of pre-confirmation payments, the Court may presume that the affidavit's information is accurate.

Md. L. Bankr. R. 3015-4 – New

RULE 3015-4 CHAPTER 13 – WAGE ORDERS

(a) Proposed Post-Confirmation Wage Orders by Trustee. The Chapter 13 trustee may submit a proposed order directing the debtor’s employer to make payments directly to the Chapter 13 trustee on account of the debtor’s payment obligations under the Chapter 13 plan (a “Wage Order”). The Chapter 13 trustee may submit a proposed Wage Order at the time of, or subsequent to, confirmation of the debtor’s Chapter 13 plan, and the Court may enter the Wage Order without notice or a hearing.

(b) Pre-Confirmation Wage Orders. A debtor or trustee may file a motion requesting that the Court enter a pre-confirmation Wage Order at any time prior to confirmation of the debtor’s Chapter 13 plan.

(c) Motion to Waive or Vacate. A debtor may file a motion requesting that the Court waive or vacate a Wage Order requested by the Chapter 13 trustee at any time in the case.

NOTE: This new Rule is intended to describe the existing practice of the Court with respect to wage orders.

Md. L. Bankr. R. 3016-1 – New

RULE 3016-1 SERVICE OF CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT

Unless otherwise ordered by the Court, a plan proponent must serve the Chapter 11 plan and/or disclosure statement on a party in interest who filed a proof of claim in the manner required by Federal Bankruptcy Rule 3007(a)(2).

NOTE: This new Rule is intended to ensure a creditor's designated notice party receives a Chapter 11 debtor's plan and disclosure statement.

Md. L. Bankr. R. 3016-2 – New

RULE 3016-2 AMENDED CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT

Unless otherwise ordered by the Court, a party filing an amended Chapter 11 plan and/or disclosure statement must file and serve: (a) a clean copy of the amended plan and/or disclosure statement; and (b) a copy of the amended plan and/or disclosure statement in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

NOTE: This new Rule is intended to describe the existing practice of the Court with respect to amended Chapter 11 plans and disclosure statements.

Md. L. Bankr. R. 3016-3 – New

RULE 3016-3 CHAPTER 11 - SUBCHAPTER V CONFIRMATION ORDER

Any proposed order confirming a Chapter 11, Subchapter V plan must state in the title and in the body of the order whether the plan was confirmed consensually under 11 U.S.C. § 1191(a) or non-consensually under 11 U.S.C. § 1191(b). The confirmation order may also include a post-confirmation reporting requirement.

NOTE: This new Rule is intended to provide clarity on when a plan is confirmed consensually versus non-consensually so as to eliminate any misunderstandings about the effect of confirmation.

Md. L. Bankr. R. 3022-1 – Revised

RULE 3022-1 ADMINISTRATION OF CONFIRMED CHAPTER 11 PLANS

NOTE: This Rule was revised to clarify the post-confirmation reporting requirements (notice of substantial consummation in Sub V case, notice of effective date in non-Sub V case, and post-confirmation progress reports in all Chapter 11 cases), entry of a discharge order, and entry of a final decree in Chapter 11 cases. The Rule addresses Sub V cases in paragraph (a) and other, non-Sub V Chapter 11 cases in paragraph (b).

Md. L. Bankr. R. 4001-1(b)(3) – **New**

RULE 4001-1 AUTOMATIC STAY – RELIEF FROM

(b)(3) Procedures for Continuing Hearing. The movant may continue the hearing on a motion for relief from stay without Court order by filing and serving an amended notice of hearing with a new hearing date and time within two (2) business days before the hearing, with service on the debtor that provides actual notice.

NOTE: This Rule was modified to set forth the procedures for continuing a hearing on a motion for relief from stay and to update it to comport with the current process for the self-scheduling of hearings in CM/ECF.

Md. L. Bankr. R. 4001-2 – Revised

RULE 4001-2 AUTOMATIC STAY - POST-FILING ARREARS

Where an issue presented by a motion for relief from stay is the debtor's failure to make payments that became due after the filing of the bankruptcy case, the moving party ~~shall file and serve a history of payments received post-petition upon the debtor at least seven (7) days before the date set for hearing~~ must attach to the motion a history of payments received postpetition or state in the motion that no such payments have been received. If the movant fails to comply with this Rule, the Court may exclude from evidence any documents or testimony in support of the movant's argument that it is not adequately protected.

NOTE: This Rule was modified to clarify that, if the movant fails to provide a sufficient history of post-petition payments or a lack thereof, the Court may exclude from evidence any documents or testimony in support of the movant's position that it is not adequately protected.

Md. L. Bankr. R. 4001-4(a)(3) – **New**

RULE 4001-4 OBTAINING CREDIT~~+~~, REFINANCING, AND LOAN MODIFICATIONS

(a)(3) The movant must serve a copy of the motion under this Rule on the respondent and any non-debtor co-obligor in the manner required by Federal Bankruptcy Rule 9014, 7004, and 3007.

NOTE: This Rule was modified to confirm that a lift stay movant must serve the motion on any non-debtor co-obligor.

Md. L. Bankr. R. 4001-7 – **New**

RULE 4001-7 POSTPETITION APPLICATIONS TO MODIFY LOAN

A debtor may submit an application for a loan modification to a creditor postpetition, and a creditor may consider such application postpetition without first obtaining relief from the automatic stay. The documents, correspondence, and other communication between the debtor and the creditor regarding a postpetition application for a loan modification are subject to Local Bankruptcy Rule 4001-6.

NOTE: This new Rule confirms that an application for a postpetition loan modification does not require a lender to first obtain relief from the automatic stay.

Md. L. Bankr. R. 5011-1 – Deleted

~~RULE 5011-1 – ABSTENTION~~

~~(a) Adversary Proceeding. In an adversary proceeding, a motion for abstention pursuant to 28 U.S.C. § 1334(c) must be filed within the time prescribed for filing a response under Federal Bankruptcy Rule 7012(a).~~

~~(b) Contested Matter. In a contested matter, a motion for abstention pursuant to 28 U.S.C. § 1334(c) must be filed within thirty (30) days from the date indicated on the certificate of service on the pleading initiating the contested matter.~~

NOTE: This Rule was deleted to eliminate the deadline for filing a motion for abstention and leaves the timeliness of a motion for abstention as a factor for the Court to consider.

Md. L. Bankr. R. 6004-1, 6004-2,
6004-3, and 6004-4 – Revised

- RULE 6004-1 SALE OF UNENCUMBERED ESTATE PROPERTY**
RULE 6004-2 SALE OF ENCUMBERED ESTATE PROPERTY –
CHAPTERS 7, 12, AND 13 ONLY
RULE 6004-3 SALE OF ENCUMBERED ESTATE PROPERTY –
CHAPTER 11 ONLY
RULE 6004-4 APPROVAL OF SALE PROCEDURES – CHAPTER
11 ONLY

NOTE: Former Rule 6004-1 was separated into four Rules to address the different exigencies provided by the sale of unencumbered versus encumbered estate property and by Chapter 11 cases. The amendment is intended further to clarify what is required under each specific circumstance. The prior version of the Rule was long and unwieldy, and the amendment is intended to promote clarity and ease of use of the Rules.

Md. L. Bankr. R. 6004-5 – New

RULE 6004-5 REPORT OF SALE

Unless the Court orders otherwise, the seller of property of the estate must file a report of sale under Federal Bankruptcy Rule 6004(f) within seven (7) days after consummation of the sale.

NOTE: This new Rule requires the filing of a report of sale whenever estate assets or property are sold. The Rule is intended to ensure that all parties in interest are aware of the closing date for any such sale and, where applicable, have an ability to timely file a proof of claim or an amended proof of claim.

Md. L. Bankr. R. 7004-1 – New

RULE 7004-1 SERVICE OF COMPLAINT AND SUMMONS

Unless service is waived, proof of service on all defendants must be filed promptly and in any event within the time during which the person served must respond to the process.

NOTE: This new Rule requires that the plaintiff file proof of service no later than the deadline to respond to the complaint.

Md. L. Bankr. R. 7012-1 – Revised

RULE 7012-1 FINAL ORDERS AND JUDGMENTS

~~(a) Prior to trial, any party may move for a ruling as to whether the Court may enter final orders or judgments in an adversary proceeding. The Court will ordinarily allow adverse parties fourteen (14) days from service of the motion to file a response. Such a motion does not postpone any time periods unless ordered by the Court.~~

~~(b) In addition to the provisions of~~ As required by Federal Bankruptcy Rules 7008 and 7012(b), all parties in ~~an~~ adversary proceedings must ~~shall~~ include in their initial filing a statement as to whether the party consents to entry of final orders and/or judgments by the bankruptcy judge. If a party fails to include the required statement in their initial filing or by some other deadline as set by the Court, such party is deemed to have consented to entry of final orders or judgments by the bankruptcy judge.

NOTE: Under the amended Rule, failure to file a statement as to whether the party consents to entry of final orders will result in that party being deemed to have consented.

Md. L. Bankr. R. 7016-1(c) – **New**

RULE 7016-1 PRETRIAL PROCEDURES

(c) Required Pre-Filing of Exhibits. Unless otherwise ordered by the Court, each party must pre-file all exhibits which that party intends to introduce into evidence during any adversary proceeding, except for exhibits to be offered solely for rebuttal or impeachment. The Court may establish additional procedures governing the pre-filing of exhibits in any adversary proceeding or post such procedures on the Court's website or describe such procedures in a scheduling order.

NOTE: The amended Rule extends the requirement to pre-file exhibits from adversary proceedings and the lift stay motions only to all contested matters. It also requires that parties comply with the presiding judge's procedures on the Court's website, which may be amended as courtroom technology evolves without necessitating further amendment to this Rule.

Md. L. Bankr. R. 9001-1(k) – New

RULE 9001-1 DEFINITIONS AND RULES

(k) “Party in Interest” means a party having an interest in the bankruptcy case, including the debtor, the trustee, a creditors’ committee, an equity security holders’ committee, a creditor, an equity security holder, an indenture trustee, a party to a contract or lease with the debtor, a co-debtor, and a co-owner of property of the estate.

NOTE: This Rule was supplemented with new definitions for “Court,” “Court Hearing Scheduler Program,” “Days,” “District Court,” “Including,” “Must,” and “Party in Interest.” Non-substantive changes were made to the definitions of “CM/ECF” and “File.”

Md. L. Bankr. R. 9006-1 – **New**

RULE 9006-1 TIME FOR SERVICE AND FILING OF MOTIONS AND RESPONSIVE PAPERS

(a) In General. Except as otherwise ordered by the Court or required by the Federal Bankruptcy Rules or Local Bankruptcy Rules, all motions must be served at least fourteen (14) days before the hearing date. The movant may establish any response deadline that is no earlier than fourteen (14) days after the date of service and no later than seven (7) days before the hearing date. Any response deadline may be extended by agreement of the parties.

(b) Chapter 13 Motions to Dismiss. A motion to dismiss a Chapter 13 case must be accompanied by a notice stating that any responsive pleading and memorandum in opposition must be filed within twenty-one (21) days after the date of service of the motion.

(c) Service via CM/ECF and Mail. When a party is served via CM/ECF and mail, Federal Bankruptcy Rule 9006(f) (providing an additional three (3) days to respond) does not apply to that party.

NOTE: This new Rule clarifies service and response requirements consistent with existing practice.

Md. L. Bankr. R. 9006-2 – New

RULE 9006-2 BRIDGE ORDERS NOT REQUIRED IN CERTAIN CIRCUMSTANCES

Unless otherwise provided Bankruptcy Code or in the Federal Bankruptcy Rules, if a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Bankruptcy Code, the Federal Bankruptcy Rules, the Local Bankruptcy Rules, or Court order, the time is automatically extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

NOTE: This new Rule clarifies that, if a motion to extend the time to take an action is filed before the expiration of the period prescribed in the Bankruptcy Code, the time is automatically extended until the Court acts on the motion.

Md. L. Bankr. R. 9013-1 – Revised

RULE 9013-1 MOTIONS PRACTICE

NOTE: This Rule was amended to provide more general requirements for all motions versus the more motion-type specific provisions of the prior version. It adds a reference to Appendix H, which provides the procedures for electronic case filing. It also adds three subsections related to resolution of motions on the papers: (1) generally (“the Court may decide a motion on the papers filed”), (2) prior to the response deadline (“in its discretion, the Court may grant or deny a motion prior to the response deadline if the Court determines responses would not aid in the decisional process and the circumstances of the case warrant expedient consideration of the motion”), and (3) when unopposed (“If no party in interest files a timely response to a motion, the Court may rule on the motion as unopposed without further notice or a hearing.”).

Md. L. Bankr. R. 9013-3 – Revised

RULE 9013-3 ORDERS – PROPOSED

NOTE: The Rule requires that the body of the order specify the relief granted (“the body of the order must specify the relief granted”) and that the movant use the Court’s form order if one exists (“If the Court maintains a form order for the particular kind of relief requested by a party, that party must use the Court’s form order. All forms are available on the Court’s website.”). In general, if the Court finds it necessary to create a form order, specific relief and/or requirements are contained therein that the Court finds essential.

Md. L. Bankr. R. 9013-4 – Revised

RULE 9013-4 CERTIFICATE OF SERVICE

NOTE: This Rule was modified to expand the applicability of the previous version of Local Bankruptcy Rule 9013-4 to types of papers filed with the Court not previously covered (i.e., the Rule previously stated that it applies to “motions and contested matters” and now states that it applies to “every motion, objection, notice, or other pleading or paper filed with the Court.”). The Rule was further modified to bring clarity to how persons served and the method of service should be identified on the certificate of service (i.e., the certificate must state the names of all persons served via CM/ECF and the name, title, address, and method of service for all others).

Md. L. Bankr. R. 9014-1 – New

RULE 9014-1 CONTESTED MATTERS

Whenever there is an actual dispute before the Court, other than an adversary proceeding, the litigation to resolve that dispute is a contested matter.

NOTE: This Rule was added to bring clarity to what the Court recognizes as contested matters for purposes of the applicability of Federal Bankruptcy Rule 9014. It makes existence of “an actual dispute” the predicate for application of Federal Bankruptcy Rule 9014.

Md. L. Bankr. R. 9014-2 – Revised

RULE 9014-2 APPLICATION OF PRETRIAL, DISCOVERY, AND DEFAULT RULES TO CONTESTED MATTERS

~~The~~ Local Bankruptcy Rules 7016-1, 7026-1, 7026-2, and 7055-1 apply to contested matters. However, the initial disclosures required by Federal Bankruptcy Rule 7026(a) ~~are~~ do not ~~applicable~~ apply to contested matters; unless the ~~court~~ Court directs otherwise.

NOTE: Former Rule 9014-2 (Default and Dismissal for Non-Prosecution) was deleted to eliminate as redundant the application of Federal Bankruptcy Rule 7055 as set forth in Federal Bankruptcy Rule 9014(c). It was replaced with this Rule to confirm the applicability of the pretrial, discovery, and default Rules to contested matters.

Md. L. Bankr. R. 9016-1 – New

RULE 9016-1 ISSUANCE OF SUBPOENAS TO SELF-REPRESENTED LITIGANTS

The Clerk must not issue any subpoena under Federal Bankruptcy Rule 9016 at the request of a self-represented litigant unless the litigant first obtains an order from the Court authorizing the issuance of the subpoena. Before entering any such order, the Court may require the self-represented litigant to state the reasons why the subpoena should be issued. The Court may deny issuance of the subpoena if it imposes an undue burden or expense on the person subject to the subpoena or upon the United States Marshal Service or other Court officer who would be required to serve it under 28 U.S.C. § 1915 or if issuance of the requested subpoena is otherwise inconsistent with the requirements of the Federal Bankruptcy Rules.

NOTE: This Rule was added to prevent any possibility of abuse of process by self-represented litigants.

Md. L. Bankr. R. 9019-1(b) – **New**

RULE 9019-1 SETTLEMENTS AND AGREED ORDERS

(b) Motion Required. Notwithstanding Federal Bankruptcy Rule 7041, if parties to an adversary proceeding resolve the issues presented therein, one or more of the parties must file a motion for Court approval under Federal Bankruptcy Rule 9019 if the settlement involves a transfer of cash or other property to or from the bankruptcy estate.

NOTE: This new Rule requires a motion to approve a settlement under Federal Bankruptcy Rule 9019 if the settlement involves a transfer of cash or other property to or from the bankruptcy estate.

Amendments to Appendices

- Appendix F (Chapter 13 Debtor's Attorney Responsibilities and Fees): This Appendix is revised to eliminate the flat fee option for confirmation-related services only.
- Appendix G (Bankruptcy Dispute Resolution Program): This Appendix is modified to streamline the BDRP Rules and to allow the Resolution Advocate to control the process.
- Appendix H (Electronic Case Filing Procedures for Electronic User Access): This Appendix is modified to streamline CM/ECF procedures and to provide the Court flexibility as CM/ECF and technology evolve.





Local Bankruptcy Rules

Amendments Effective 12/1/24



Md. L. Bankr. R. 3022-1(a)(3) – Revised

RULE 3022-1 ADMINISTRATION OF CONFIRMED CHAPTER 11 PLANS

(a)(3) Discharge Order. In a case involving a consensual plan confirmed under 11 U.S.C. § 1191(a), the Court will issue a discharge order as appropriate under 11 U.S.C. § 1141(d) upon confirmation of the plan. In a case involving a non-consensual plan confirmed under 11 U.S.C. § 1191(b), the Court will issue a discharge order as appropriate under 11 U.S.C. § 1192 after the debtor certifies that the debtor has completed all plan payments and requests entry of an order of discharge. ~~completion of all plan payments.~~

NOTE: This Rule is amended to clarify the process for the Court's issuance of discharge orders in Sub V cases with non-consensual plans.

Md. L. Bankr. R. 4004-1 – Revised

RULE 4004-1 DISCHARGE IN CHAPTER 12 AND 13 CASES

In Chapter 12 and 13 cases, ~~The~~ the debtor's Affidavit Requesting Discharge, Local Bankruptcy Form P, must be filed and served on the ~~Chapter 13~~ trustee and all creditors no later than ninety (90) days after the ~~Chapter 13~~ trustee files the notice of completion of plan payments. The failure to timely file this affidavit may result in the case being closed without a discharge.

NOTE: This Rule is amended to add Chapter 12 as a case type that requires the filing of an Affidavit Requesting Discharge (LBF-P).

Md. L. Bankr. R. 6004-2(b) – Revised

RULE 6004-2 SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 7, 12, AND 13 ONLY

(b) Chapter 13 Case. In a Chapter 13 case in which all claims secured by the property sold are not paid in full at closing on the sale, the debtor must file and serve a notice with the motion that includes the following in the title: “AND SETTING DEADLINE TO FILE, AMEND, OR WITHDRAW PROOFS OF CLAIM.” The notice must set forth the deadline for a lienholder to file, amend, or withdraw any proof of claim, which deadline must be at least twenty-one (21) days after the sale’s closing date.

NOTE: This Rule is amended to clarify when a debtor must file and serve a notice setting a deadline for certain secured creditors to file, amend, or withdraw proofs of claims upon the sale of encumbered property in Chapter 13 cases.

Md. L. Bankr. R. 7007.1-1 – Revised

RULE ~~7003-2~~7007.1-1 DISCLOSURE OF CORPORATE AFFILIATES

Any statement filed pursuant to Federal Bankruptcy Rule 7007.1 must provide an address for each entity listed. ~~Each non-governmental corporate party to an adversary proceeding or contested matter must file a statement identifying all its parent corporations and listing every publicly held company that owns 10% or more of the party's stock. The statement must provide an address for each entity listed. A party must file the statement with its initial pleading filed in the Court and must supplement the statement within a reasonable time of any change in the information.~~

NOTE: This Rule is renumbered from Rule 7003-2 and simplified to require that any corporate affiliate disclosure statement filed pursuant to Federal Bankruptcy Rule 7007.1 provide an address for each entity listed.

Md. L. Bankr. R. 9010-4(b)(2) – Revised

RULE 9010-4 WITHDRAWAL OF APPEARANCE OF AN ATTORNEY

(b) When Clients Are Other Than Individuals. If the client is other than an individual, including a corporation, partnership, unincorporated association, and government entity, appearance of an attorney may be withdrawn only with leave of Court and if ... the withdrawing attorney certifies (A) the name and last known address of both the client and resident agent or other responsible person or persons for that client; and (B) [that written notice was provided to the client].

NOTE: This Rule is amended to provide that attorneys requesting to withdraw their appearance on behalf of a non-individual client must, in addition to other requirements, certify the name and last known address of both the client and resident agent or other responsible person or persons for that client.

Md. L. Bankr. R. 9011-2(c) – New

RULE 9011-2 SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS; REPRESENTATIONS TO THE COURT

(c) Verification of Signatures.

(1) The requirement that all petitions, lists, schedules, statements, and amendments thereto must be “verified” in Federal Bankruptcy Rule 1008 is met, and the documents may be electronically filed, if the debtor’s attorney either:

(A) obtains the original, physical signature prior to the filing; or

(B) files the document electronically without possession of the original signature, provided that such electronic filing constitutes a certification by the attorney that the debtor has signed it and that, at the time of filing the filing attorney is in possession of an image format ... Any document filed electronically without the original signature in the filing attorney’s possession shall be filed by placing “/s/ Debtor’s Name” where the signature occurs, thereby constituting the attorney’s representation that before the filing the attorney transmitted the entire document to the debtor for review and signature, communicated with the debtor regarding the substance and purpose of the document, received the signature page back from the debtor electronically, and received express authorization to file the document.

Note: This Rule is amended to incorporate Administrative Order 20-05.

Md. L. Bankr. R. 9019-1(b) – Revised

RULE 9019-1 SETTLEMENTS AND AGREED ORDERS

(b) Motion Required. Notwithstanding Federal Bankruptcy Rule 7041, if parties to an adversary proceeding resolve the issues presented therein, one or more of the parties must file a motion for Court approval under Federal Bankruptcy Rule 9019 if the settlement involves a transfer of cash or other property to or from the bankruptcy estate. If a motion is not required under Federal Bankruptcy Rule 9019, then the parties must state in their notice of voluntary dismissal that the settlement does not involve a transfer of cash or other property to or from the bankruptcy estate.

NOTE: This Rule is intended to assist the Court and parties in interest in determining whether a settlement involves a transfer of cash or other property to or from the bankruptcy estate (and therefore whether a motion is required).



Local Bankruptcy Forms




Current Forms

Local Bankruptcy Forms (on Court's website)

- LBF-A Notice of Filing of Case in Bankruptcy Court
- LBF-B Notice of Motion for Relief from Stay and Hearing Thereon
- LBF-C Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)
- LBF-E Application for Supplemental Allowance of Attorney's Fees
- LBF-E1 Notice of Application for Supplemental Allowance Of Attorney's Fees
- LBF-E2 Supplemental Disclosure of Compensation Of Attorney for Debtor
- LBF-F Motion for Admission Pro Hac Vice
- LBF-G Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 U.S.C. § 506
- LBF-H Order Granting Motion to Avoid Lien
- LBF-J1 Order Assigning Matter to the BDRP and Appointing Mediator
- LBF-J2 Certificate Re: BDRP Conference
- LBF-J3 Report of BDRP Conference
- LBF-K Notice of Debtor(s)' Motion to Value Collateral and to Avoid Security Interest Pursuant to 11USC § 506 and Hearing Thereon
- LBF-L Order Granting Motion to Value Collateral and to Avoid Security Interest
- LBF-M Chapter 13 Plan
- LBF-M Chapter 13 Plan for Cases filed before December 1, 2017
- LBF-M1 Certificate Of Service Of Chapter 13 Plan
- LBF-M2 Notice of Motion To Modify Plan
- LBF-N1 Chapter 11 Final Report and Motion for Final Decree
- LBF-N2 Chapter 11 Final Report and Motion for Final Decree for Individuals
- LBF-O Pre-Confirmation Certificate
- LBF-P Affidavit Requesting Discharge
- LBF-Q Statement under Penalty of Perjury Concerning Payment Advices Due
- LBF-R Declaration Regarding Electronic Filing (Self-Represented Individual)

Suggested Local Forms (also on Court's website)

- Certificate of Service (Example for Unrepresented Parties Serving by Mail)
- Certificate of Service (Example for Attorneys and Other Authorized CM/ECF Users)
- Certificate of Service (Complaint and Summons)
- Creditor Matrix Instructions
- Verification of Creditor Matrix
- Amended Verification of Creditor Matrix
- Sample Pleading Captions
- Self-Represented (Pro Se) Answer and Instructions
- Adversary Cover Sheet
- Change of Address
- Tally of Ballots
- Secured Loan Modification Request
- Debtor's Motion for Pre-Confirmation Wage Order
- Chapter 13 Plan Supplemental Form - 506 Lien Value or Avoid
- Chapter 13 Supplemental Form - Judicial Lien
- Motion to Shorten Time
- Order on Motion to Shorten Time
- Debtor's Chapter 11, Subchapter V Plan Report
- Debtor's Chapter 11, Subchapter V Plan
- Application for Compensation in a Case Under Subchapter V of Chapter 11
- Notice of Application of Complex Chapter 11 Case Procedures



Federal Rules of Bankruptcy Procedure

Amendments Effective 12/1/24



Fed. R. Bankr. P. 1007(b) and (c) – Revised

Rule 1007. Lists, Schedules, Statements, and Other Documents; Time to File

(b) Schedules, Statements, and Other Documents.

(7) *Personal Financial-Management Course.* Unless an approved provider has notified the court that the debtor has completed a course in personal financial management after filing the petition or the debtor is not required to complete one as a condition to discharge, an individual debtor in a Chapter 7 or Chapter 13 case—or in a Chapter 11 case in which § 1141(d)(3) applies—must file a ~~statement that such a course has been completed (Form 423)~~ certificate of course completion issued by the provider.

(c) Time to File.

(4) *Financial-Management Course.* Unless the court extends the time to file, an individual debtor must file the ~~statement~~ certificate required by (b)(7) as follows:

- (A) in a Chapter 7 case, within 60 days after the first date set for the meeting of creditors under § 341; and
- (B) in a Chapter 11 or Chapter 13 case, no later than the date the last payment is made under the plan, or the date a motion for a discharge is filed under § 1141(d)(5)(B) or § 1328(b).

Fed. R. Bankr. P. 4004(c) – Revised

Rule 4004. Granting or Denying a Discharge

(c) Granting a Discharge.

(1) Chapter 7. In a Chapter 7 case, when the times to object to discharge and to file a motion to dismiss the case under Rule 1017(e) expire, the court must promptly grant the discharge—except under these circumstances:

(H) the debtor has not filed a **statement certificate** showing that a course on personal financial management has been completed—if such a **statement certificate** is required by Rule 1007(b)(7);

(4) Individual Chapter 11 or Chapter 13 Case. In a Chapter 11 case in which the debtor is an individual—or in a Chapter 13 case—the court must not grant a discharge if the debtor has not filed a **statement certificate** required by Rule 1007(b)(7).

Fed. R. Bankr. P. 5009(b) – Revised

Rule 5009. Closing a Chapter 7, 12, 13, or 15 Case; Declaring Liens Satisfied

(b) Chapter 7 or 13—Notice of a Failure to File a ~~Statement About Completing~~ Certificate of Completion for a Course on Personal Financial Management. This subdivision (b) applies if an individual debtor in a Chapter 7 or 13 case is required to file a ~~statement~~ certificate under Rule 1007(b)(7) and fails to do so within 45 days after the first date set for the meeting of creditors under § 341(a). The clerk must promptly notify the debtor that the case will be closed without entering a discharge if the ~~statement~~ certificate is not filed within the time prescribed by Rule 1007(c).

Fed. R. Bankr. P. 7001(a) – Revised

Rule 7001. Types of Adversary Proceedings

An adversary proceeding is governed by the rules in this Part VII. The following are adversary proceedings:

(a) a proceeding to recover money or property—except a proceeding to compel the debtor to deliver property to the trustee, a proceeding by an individual debtor to recover tangible personal property under § 542(a), or a proceeding under § 554(b), § 725, Rule 2017, or Rule 6002[.]

Fed. R. Bankr. P. 8023.1(a) – New

Rule 8023.1. Substitution of Parties

(a) Death of a Party.

- (1) ***After a Notice of Appeal Is Filed.*** If a party dies after a notice of appeal has been filed or while a proceeding is pending on appeal in the district court or BAP, the decedent's personal representative may be substituted as a party on motion filed with that court's clerk by the representative or by any party. A party's motion must be served on the representative in accordance with Rule 8011. If the decedent has no representative, any party may suggest the death on the record, and the appellate court may then direct appropriate proceedings.
- (2) ***Before a Notice of Appeal Is Filed—Potential Appellant.*** If a party entitled to appeal dies before filing a notice of appeal, the decedent's personal representative—or, if there is no personal representative, the decedent's attorney of record—may file a notice of appeal within the time prescribed by these rules. After the notice of appeal is filed, substitution must be in accordance with (1).
- (3) ***Before a Notice of Appeal Is Filed—Potential Appellee.*** If a party against whom an appeal may be taken dies after entry of a judgment or order in the bankruptcy court, but before a notice of appeal is filed, an appellant may proceed as if the death had not occurred. After the notice of appeal is filed, substitution must be in accordance with (1).

Fed. R. Bankr. P. 9006(b) and (c) – Revised

Rule 9006. Computing and Extending Time; Motions

(b) Extending Time.

(3) *Extensions Governed by Other Rules.* The court may extend the time to:

(B) file the **statement certificate** required by Rule 1007(b)(7), and the schedules and statements in a small business case under § 1116(3)—but only as permitted by Rule 1007(c).

(c) Reducing Time Limits.

(2) *When Not Permitted.* The court may not reduce the time to act under Rule 2002(a)(7), 2003(a), 3002(c), 3014, 3015, 4001(b)(2) or (c)(2), 4003(a), 4004(a), 4007(c), 4008(a), 8002, or 9033(b). Also, the court may not reduce the time set by Rule 1007(c) to file the **statement certificate** required by Rule 1007(b)(7).



Federal Rules of Civil Procedure

Amendment Effective 12/1/24



Fed. R. Civ. P. 12 – Revised

Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

(a) Time to Serve a Responsive Pleading.

~~(1) *In General.*~~ Unless another time is specified by ~~this rule or~~ a federal statute, the time for serving a responsive pleading is as follows:

(1) In General.

(A) A defendant must serve an answer ...



Federal Rules of Evidence

Amendments Effective 12/1/24



Fed. R. Evid. 107 – **New**

Rule 107. Illustrative Aids

(a) Permitted Uses. The court may allow a party to present an illustrative aid to help the trier of fact understand the evidence or argument if the aid's utility in assisting comprehension is not substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, or wasting time.

(b) Use in Jury Deliberations. An illustrative aid is not evidence and must not be provided to the jury during deliberations unless:

- (1) all parties consent; or
- (2) the court, for good cause, orders otherwise.

(c) Record. When practicable, an illustrative aid used at trial must be entered into the record.

(d) Summaries of Voluminous Materials Admitted as Evidence. A summary, chart, or calculation admitted as evidence to prove the content of voluminous admissible evidence is governed by Rule 1006.

Fed. R. Evid. 613(b) – Revised

Rule 613. Witness's Prior Statement

(b) Extrinsic Evidence of a Prior Inconsistent Statement. Unless the court orders otherwise, ~~E~~extrinsic evidence of a witness's prior inconsistent statement ~~is admissible only if~~ may not be admitted until after the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, ~~or if justice so requires~~. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

Fed. R. Evid. 801(d)(2) – Revised

Rule 801. Definitions That Apply to This Article; Exclusions from Hearsay

(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:

(2) An Opposing Party's Statement. The statement is offered against an opposing party and:

(A) was made by the party in an individual or representative capacity;

(B) is one the party manifested that it adopted or believed to be true;

(C) was made by a person whom the party authorized to make a statement on the subject;

(D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or

(E) was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

If a party's claim, defense, or potential liability is directly derived from a declarant or the declarant's principal, a statement that would be admissible against the declarant or the principal under this rule is also admissible against the party.

Fed. R. Evid. 804(b)(3) – Revised

Rule 804. Exceptions to the Rule Against Hearsay — When the Declarant Is Unavailable as a Witness

(b) The Exceptions.

(3) *Statement Against Interest.* A statement that:

- (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
- (B) if offered in a criminal case as one that tends to expose the declarant to criminal liability, is supported by corroborating circumstances that clearly indicate its trustworthiness, ~~if offered in a criminal case as one that tends to expose the declarant to criminal liability~~ ---after considering the totality of circumstances under which it was made and any evidence that supports or undermines it.

Fed. R. Evid. 1006 – Revised

Rule 1006. Summaries to Prove Content

(a) Summaries of Voluminous Materials Admissible as Evidence. The ~~proponent~~ court may admit as evidence ~~use~~ a summary, chart, or calculation offered to prove the content of voluminous admissible writings, recordings, or photographs that cannot be conveniently examined in court, whether or not they have been introduced into evidence.

(b) Procedures. The proponent must make the underlying originals or duplicates available for examination or copying, or both, by other parties at a reasonable time and place. And the court may order the proponent to produce them in court.

(c) Illustrative Aids Not Covered. A summary, chart, or calculation that functions only as an illustrative aid is governed by Rule 107.



Q&A

THANK YOU
FOR
LISTENING!

