

Appendix to the  
Local Bankruptcy Rules  
For the United States Bankruptcy Court  
For the District of Montana

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LOCAL BANKRUPTCY FORMS  
(Local Bankruptcy Forms to be cited as Mont. LBF \_\_\_\_)

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UNITED STATES TRUSTEE GUIDELINES  
FOR REVIEWING APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT  
OF EXPENSES UNDER 11 U.S.C. § 330

LOCAL BANKRUPTCY FORMS  
FOR THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF  
MONTANA

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Mont. LBF 1. APPLICATION TO APPROVE EMPLOYMENT OF PROFESSIONAL;  
AFFIDAVIT.

[Mont. LBR 2014-1]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Chapter \_\_\_\_\_ Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>APPLICATION TO APPROVE EMPLOYMENT OF PROFESSIONAL; AND AFFIDAVIT</b>
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The Application of [trustee or debtor in possession] respectfully represents:

1. On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Debtor(s) filed a petition under Chapter \_\_\_\_\_ of the Bankruptcy Code.

2. [Trustee or debtor in possession] wishes to employ \_\_\_\_\_, (“Professional”) in the capacity of an \_\_\_\_\_ (e.g., attorney, accountant, etc.).

3. Applicant has selected Professional for the following reasons: (State reasons for the selection.)

4. The professional services that Professional is to render include: (State services to be rendered.)

5. To the best of Applicant’s knowledge, Professional has no connection with the creditors, or any other party in interest, or their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and is a “disinterested person” as defined in 11 U.S.C. 101(14) except: (State any exceptions.)

6. The terms of employment of Professional, agreed to by the [trustee or debtor in possession], subject to the approval of the Court are: (State terms of employment, to include but not limited to the name and hourly rate of each professional to be employed; the name and hourly rate of each paraprofessional which may perform services; and the amount of any retainer paid.)

7. Professional represents no interest adverse to [trustee or debtor in possession] or the estate in the matters upon which Professional is to be engaged, and Professional's employment would be in the best interest of this estate.

WHEREFORE, [trustee or debtor in possession] prays that the Court approve Professional's employment under the terms specified herein.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name of Trustee/Attorney

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AFFIDAVIT OF PROPOSED PROFESSIONAL

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STATE OF MONTANA )

:

County of \_\_\_\_\_ )

[Name of person to be employed], being duly sworn upon [his/her] oath, deposes and states:

1. I am an [capacity of person to be employed and association with firm, if appropriate].

2. I [and firm of which professional is a member, if appropriate] have no connections with the Debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee; and I [and firm of which professional is a member, if appropriate] am a "disinterested person" as defined in 11 U.S.C. § 101(14). [State any exceptions.]

3. I [and firm of which professional is a member, if appropriate] represent no interest adverse to the Debtor or the estate in the matters upon which I [and firm of which professional is a member, if appropriate] am to be engaged.

4. I have received a general retainer in the amount of \$\_\_\_\_\_, which shall not be used to pay my compensation or for reimbursement of my expenses without prior approval of this Court.

\_\_\_\_\_  
[Name of Professional]

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Notary Seal)

Notary Public for the State of Montana

Residing At: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 2. NOTICE OF WITHDRAWAL AS TEMPORARY COUNSEL FOR  
DEBTOR(S); WITH NO CHANGE IN ORIGINAL ATTORNEY FOR DEBTOR(S).  
[Mont. LBR 2090-4(c)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF WITHDRAWAL AS TEMPORARY COUNSEL FOR DEBTOR(S); WITH NO CHANGE IN ORIGINAL ATTORNEY FOR DEBTOR(S)</b>
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The undersigned attorney temporarily represented the above-named Debtor(s) at a [court hearing / § 341(a) meeting of creditors] held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Prior to representing the Debtor(s) at such [hearing / creditors' meeting], pursuant to Mont. LBR 2090-4(c), I filed an attorney's disclosure statement as required by Rule 2016(b), Fed. R. Bankr. P., regardless of whether or not I accepted compensation for such representation. I hereby provide this notice that I am withdrawing from further representation of the Debtor(s) in all other matters or proceedings in connection with this case. My withdrawal is effective immediately.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)



MONTANA CHAPTER 7 MODEL RETENTION AGREEMENT

Rights and Responsibilities Agreement Between  
Chapter 7 Debtors and Their Attorneys

Chapter 7 gives debtors important benefits, such as the opportunity to obtain a discharge of most debts – but Chapter 7 also puts burdens on debtors, such as the burden of making complete and truthful disclosures of their financial situation. It is important for debtors who file a Chapter 7 bankruptcy case to understand their rights and responsibilities in bankruptcy. In this connection, the advice of an attorney is crucial. Debtors are entitled to expect certain services will be performed by their attorneys, but debtors also have responsibilities to their attorneys. In order to assure that debtors and their attorneys understand their rights and responsibilities in the Chapter 7 process, the Bankruptcy Court for the District of Montana has approved the following agreement, setting out the rights and responsibilities of both debtors in Chapter 7 and their attorneys. By signing this agreement, debtors and their attorneys accept these responsibilities.

I. BEFORE THE CASE IS FILED

A. THE DEBTOR AGREES TO:

1. Discuss with the attorney the debtor's objectives in filing the case.
2. Provide the attorney with full, accurate and timely information, financial and otherwise, including properly documented proof of income.
3. Review and discuss LBF 33 with attorney, and begin compiling information and documents that are to be delivered to the Trustee prior to any §341(a) Meeting of Creditors.

B. THE ATTORNEY AGREES TO:

1. Personally meet with the debtor to discuss and analyze the debtor's situation and objectives in filing the case, and recommend a solution.
2. Personally counsel the debtor regarding the advisability of filing either a Chapter 7 or a Chapter 13 case, discuss both procedures (as well as non-bankruptcy options) with the debtor, and answer the debtor's questions.
3. Personally explain to the debtor that the attorney is being engaged to represent the debtor on all matters arising in this case; and explain how and when the attorney's fees and the trustee's fees are determined and paid.

4. Obtain a credit report pertaining to the debtor, and check the national PACER database to confirm whether the debtor has previously filed a bankruptcy case.
5. Timely prepare, revise, finalize and file the debtor's petition, statements, schedules, and other related forms, and other documents necessary for prosecuting the debtor's bankruptcy case.
6. Carefully review with the debtor and sign, as appropriate, the completed petition, statements, and schedules, as well as all amendments thereto, whether filed with the petition or later.
7. Advise the debtor of the need to maintain appropriate insurance.
8. Advise the debtor of the need to file all appropriate income and other tax returns.
9. Advise the debtor as to the steps necessary to obtain a discharge.

## II. AFTER THE CASE IS FILED

### A. THE DEBTOR AGREES TO:

1. Appear at the meeting of creditors (also called the "§ 341(a) meeting") with recent proof of income, picture identification, and proof of the debtor's social security number, and any other required information.
2. Notify the attorney and the trustee of any change in the debtor's address or telephone number.
3. Inform the attorney of any wage garnishment, levies, liens or repossessions of or on assets that occur or continue after the filing of the case.
4. Contact the attorney immediately if the debtor loses employment, has a significant change in income, or experiences any other significant change in financial situation (such as serious illness, lottery winnings, or an inheritance).
5. Notify the attorney if the debtor is sued or wishes to file a lawsuit (including divorce).
6. Provide the attorney and the trustee with copies of income tax returns, and provide the trustee with any refunds received, as required by the Court's Income Tax Order. Inform the attorney if any tax refunds to which the debtor is entitled are seized or not received when due from the IRS, the State of Montana, or other entities.
7. Cooperate with the attorney and the trustee in regard to questions about the allowance or disallowance of claims.

B. THE ATTORNEY AGREES TO:

1. Advise the debtor of the requirement to attend the meeting of creditors, and notify the debtor of the date, time, and place of that meeting.
2. Inform the debtor that the debtor must be punctual and, in the case of a joint filing, that both spouses must appear at the same meeting.
3. Appear and provide knowledgeable legal representation for the debtor at the § 341(a) meeting of creditors and at any hearing.
4. If the attorney finds it necessary for another attorney to appear and attend the § 341(a) meeting or any court hearing, personally explain to the debtor, in advance, the role and identity of the other attorney; obtain the debtor's informed consent to the retention of co-counsel; and provide the other attorney with the file in sufficient time to review it, meet with the debtor, and properly represent the debtor.
5. Ensure timely submission to the trustee of properly documented proof of income for the debtor, including business books, records, or reports for self-employed debtors.
6. Initiate and respond to all routine correspondence and calls to and from the trustee, the United States Trustee, and/or creditors necessary to the timely administration of the debtor's case.
7. Timely prepare, file, and serve any necessary amended statements and schedules and any change of address, in accordance with information provided by the debtor.
8. Be available to respond to the debtor's questions throughout the duration of the case.
9. Evaluate claims which are filed and, where appropriate, notify the trustee of objectionable claims.
10. Timely respond to motions for relief from stay or valuation of property, or objections to debtor's claims of exemptions.
11. Attend any hearings concerning relief from the automatic stay or valuation of property, or concerning objections to the debtor's claims of exemptions.
12. Prepare, file, and serve all appropriate motions to avoid liens.
13. Represent the debtor in any adversary proceedings, unless otherwise authorized by the Court.
14. Provide any other legal services necessary for the administration of this case before the Bankruptcy Court, and to ensure that the debtor receives a discharge.

## ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES

Any attorney retained to represent a debtor in a Chapter 7 case is responsible for representing the debtor on all matters arising in the case, unless otherwise ordered by the court. For such services, as set forth above, the attorney will be paid a fee not to exceed \$\_\_\_\_\_ (exclusive of costs and court filing fees, which shall not exceed \$\_\_\_\_\_).

In extraordinary circumstances, the attorney may request additional compensation. The debtor is hereby informed that, in the event of such a request, fees shall be calculated or claimed at the following hourly rate: \$\_\_\_\_\_ per hour.

The debtor agrees to pay the attorney a retainer in the amount of \$\_\_\_\_\_ before the filing of the case.

If the debtor disputes the sufficiency or quality of the legal services provided or the amount of the fees charged by the attorney, including the fees or expenses charged, the debtor may file a motion with the Bankruptcy Court requesting the Court to examine the reasonableness of the fees and costs, and request a hearing.

If the attorney believes that the debtor is not complying with the debtor's responsibilities under this agreement or is otherwise not engaging in proper conduct, the attorney may apply for an order allowing the attorney to withdraw from the case.

The debtor may discharge the attorney at any time.

\_\_\_\_\_  
Debtor Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor (if applicable) Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Debtor(s) Date: \_\_\_\_\_

MONTANA CHAPTER 13 MODEL RETENTION AGREEMENT

Rights and Responsibilities Agreement Between  
Chapter 13 Debtors and Their Attorneys

Chapter 13 gives debtors important rights, such as the right to keep property that could otherwise be lost through repossession or foreclosure – but Chapter 13 also puts burdens on debtors, such as the burden of making complete and truthful disclosures of their financial situation. It is important for debtors who file a Chapter 13 bankruptcy case to understand their rights and responsibilities in bankruptcy. In this connection, the advice of an attorney is crucial. Debtors are entitled to expect certain services will be performed by their attorneys, but debtors also have responsibilities to their attorneys. In order to assure that debtors and their attorneys understand their rights and responsibilities in the Chapter 13 process, the Bankruptcy Court for the District of Montana has approved the following agreement, setting out the rights and responsibilities of both debtors in Chapter 13 and their attorneys. By signing this agreement, debtors and their attorneys accept these responsibilities.

I. BEFORE THE CASE IS FILED

A. THE DEBTOR AGREES TO:

1. Discuss with the attorney the debtor's objectives in filing the case.
2. Provide the attorney with full, accurate and timely information, financial and otherwise, including properly documented proof of income.
3. Review and discuss LBF 33 with attorney, and begin compiling information and documents that are to be delivered to the Trustee prior to any §341(a) Meeting of Creditors.

B. THE ATTORNEY AGREES TO:

1. Personally meet with the debtor to discuss and analyze the debtor's situation and objectives in filing the case, and recommend a solution.
2. Personally counsel the debtor regarding the advisability of filing either a Chapter 7 or a Chapter 13 case, discuss both procedures (as well as non-bankruptcy options) with the debtor, and answer the debtor's questions.
3. Personally explain to the debtor that the attorney is being engaged to represent the debtor on all matters arising in this case; and explain how and when the attorney's fees and the trustee's fees are determined and paid.

4. Obtain a credit report pertaining to the debtor, and check the national PACER database to confirm whether the debtor has previously filed a bankruptcy case.
5. Timely prepare, revise, finalize and file the debtor's petition, plan, statements, schedules, and other related forms, and other documents necessary for prosecuting the debtor's bankruptcy case.
6. Carefully review with the debtor and sign, as appropriate, the completed petition, plan, statements, and schedules, as well as all amendments thereto, whether filed with the petition or later.
7. Advise the debtor of the need to maintain appropriate insurance.
8. Advise the debtor of the need to file all appropriate income and other tax returns.
9. Advise the debtor as to the steps necessary to obtain a discharge.

## II. AFTER THE CASE IS FILED

### A. THE DEBTOR AGREES TO:

1. Make the required plan payments to the trustee and to whatever creditors are being paid directly, or, if required payments cannot be made, to notify the attorney immediately.
2. Appear at the meeting of creditors (also called the "§ 341(a) meeting") with recent proof of income, picture identification, and proof of the debtor's social security number, and any other required information.
3. Notify the attorney and the trustee of any change in the debtor's address or telephone number.
4. Inform the attorney of any wage garnishment, levies, liens or repossessions of or on assets that occur or continue after the filing of the case.
5. Contact the attorney immediately if the debtor loses employment, has a significant change in income, or experiences any other significant change in financial situation (such as serious illness, lottery winnings, or an inheritance).
6. Notify the attorney if the debtor is sued or wishes to file a lawsuit (including divorce).
7. Provide the attorney and the trustee with copies of income tax returns, and provide the trustee with any refunds received, as required by the Court's Income Tax Order. Inform the attorney if any tax refunds to which the debtor is entitled are seized or not received when due from the IRS, the State of Montana, or other entities.

8. Contact the attorney before buying, refinancing or selling any property, real or personal, and before entering into any loan agreement.
9. Cooperate with the attorney and the trustee in regard to questions about the allowance or disallowance of claims.

**B. THE ATTORNEY AGREES TO:**

1. Advise the debtor of the requirement to attend the meeting of creditors, and notify the debtor of the date, time, and place of that meeting.
2. Inform the debtor that the debtor must be punctual and, in the case of a joint filing, that both spouses must appear at the same meeting.
3. Appear and provide knowledgeable legal representation for the debtor at the § 341(a) meeting of creditors and at any hearing, plan confirmation hearing, and/or plan modification hearing.
4. If the attorney finds it necessary for another attorney to appear and attend the § 341(a) meeting or any court hearing, personally explain to the debtor, in advance, the role and identity of the other attorney; obtain the debtor's informed consent to the retention of co-counsel; and provide the other attorney with the file in sufficient time to review it, meet with the debtor, and properly represent the debtor.
5. Ensure timely submission to the trustee of properly documented proof of income for the debtor, including business books and records for self-employed debtors.
6. Initiate and respond to all routine correspondence and calls to and from the trustee, the United States Trustee, and/or creditors necessary to the timely administration of the debtor's case.
7. Timely respond to objections to plan confirmation and, where necessary, prepare, file, and serve an amended plan.
8. Timely prepare, file, and serve any necessary amended statements and schedules and any change of address, in accordance with information provided by the debtor.
9. Be available to respond to the debtor's questions throughout the term of the plan.
10. Prepare, file, and serve timely modifications to the plan after confirmation, when necessary, including modifications to suspend, lower, or increase plan payments.
11. Prepare, file, and serve necessary motions to buy or sell property and to incur debt.

12. Evaluate claims which are filed and, where appropriate, object to filed claims.
13. Timely respond to the trustee's motion to dismiss the case, such as for payment default, or unfeasibility, and to motions to increase the payments into the plan.
14. Timely respond to motions for relief from stay or valuation of property.
15. Attend any hearings concerning relief from the automatic stay or valuation of property, or concerning objections to the debtor's claims of exemptions.
16. Prepare, file, and serve all appropriate motions to avoid liens, if not included in the plan.
17. Provide any other legal services necessary for the administration of this case before the Bankruptcy Court, and to ensure the debtor receives a discharge.

#### ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES

Any attorney retained to represent a debtor in a Chapter 13 case is responsible for representing the debtor on all matters arising in the case, unless otherwise ordered by the court. For such services, as set forth above, the attorney will be paid a fee not to exceed \$3,500.00; and the attorney may receive reimbursement for the payment of costs in an amount not to exceed \$500.00, inclusive of the fee paid to the Clerk of the Court to file the debtor's petition.

The attorney may apply to the court for additional compensation. Any such application must be accompanied by an affidavit of the attorney, and include an itemization of the services rendered, showing the date, the time expended, the identity of the attorney or other person performing the services, the rate(s) charged, and the total amount sought. Such an application must be set for a hearing before the Court. The debtor must be served with a copy of the application, affidavit, and notice of hearing, and advised of the right to appear in court to comment on or object to such application. The debtor is hereby informed that, in the event of such a request, fees shall be calculated or claimed at the following hourly rate(s): \$\_\_\_\_\_.

The attorney may receive some portion of the described fee before the filing of the case. The attorney may not receive payment on the fee directly from the debtor after the filing of the case, but must receive any remaining portion of such fee through the plan. In addition to other disclosures required by the Rules, the attorney shall disclose, in any application for additional fees, any and all fees or expenses previously paid by the debtor, pursuant to Mont. LBF 17.

If the debtor disputes the sufficiency or quality of the legal services provided or the amount of the fees charged by the attorney, including the fees or expenses charged, the debtor may file an objection with the Court and request a hearing.

If the attorney believes that the debtor is not complying with the debtor's responsibilities under this agreement or is otherwise not engaging in proper conduct, the attorney may apply for an order allowing the attorney to withdraw from the case.



The debtor may discharge the attorney at any time.

\_\_\_\_\_ Date: \_\_\_\_\_  
Debtor

\_\_\_\_\_ Date: \_\_\_\_\_  
Joint Debtor (if applicable)

\_\_\_\_\_ Date: \_\_\_\_\_  
Attorney for Debtor(s)

Mont. LBF 4. DEBTOR'S NOTICE OF AMENDMENT TO SCHEDULES.  
[Mont. LBR 1009-1(a)]

Name of Debtor/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>DEBTOR'S NOTICE OF AMENDMENT TO SCHEDULES</b>
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The Debtor provides this notice of the amendment of the following Schedules: Amended  
Schedule(s) \_\_\_\_\_ to [add/delete/change] the following [property/creditor(s)/entries]:

Copies of revised schedules and the summary of assets, liabilities, and exemptions are  
attached hereto, together with a certificate of service verifying that a copy of the amended list or  
schedule, the Notice of Bankruptcy Case, Meeting of Creditors, and Deadlines, any order of  
discharge, any other document filed that affects an added creditor's rights, and any notice or order  
setting or extending any deadlines for filing claims or complaints for determining dischargeability  
or exceptions to discharge, have been mailed to the added creditor(s).

The reason for this amendment is as follows:

The date for filing objections to discharge is:

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]

(Attorney for \_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 5. APPLICATION FOR CONTINUANCE OF § 341(a) MEETING OF CREDITORS.

[Mont. LBR 2003-4]

Name of Debtor/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>APPLICATION FOR CONTINUANCE OF § 341(a) MEETING OF CREDITORS</b>
--------------------------------------	---

The undersigned makes application to the Office of United States Trustee for a continuance of the § 341(a) meeting of creditors in the above-entitled case which is presently scheduled for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_.m. The circumstances necessitating a continuance are as follows:

DATED the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Debtor(s)/Attorney for Debtor(s)

[This Application is to be submitted only to the Office of the United States Trustee and is not to be filed with the Court.]

Mont. LBF. 5-A. DISPOSITION OF APPLICATION FOR CONTINUANCE OF § 341(a) MEETING.

[Mont. LBR 2003-4]

Office of United States Trustee

Office Mailing Address

Phone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Attorney for United States Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>DISPOSITION OF APPLICATION FOR CONTINUANCE OF § 341(a) MEETING</b>
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The Application for Continuance of § 341(a) Meeting of Creditors is:

GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_

If granted, the § 341(a) meeting for the above-entitled case shall be continued until the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_m. Pursuant to Mont. LBR 2003-4, the Debtor or Debtor's attorney must notify all creditors, the trustee and other parties in interest, in writing using Mont. LBF 6, of the continuance and the new § 341(a) meeting date at least seven (7) days prior to the date of the originally scheduled § 341(a) meeting. Proof of service of the Notice of Continuance must be filed pursuant to Mont. LBR 9013-1(d).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Office of United States Trustee

Mont. LBF 6. NOTICE OF CONTINUANCE OF § 341(a) MEETING OF CREDITORS.  
[Mont. LBR 2003-4]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF CONTINUANCE OF § 341(a) MEETING OF CREDITORS</b>
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On the application of the Debtor(s) in the above-entitled case, notice is hereby given of the continuance of the § 341(a) meeting of creditors which is presently scheduled for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_m. For good cause, the Office of United States Trustee has granted a continuance of such meeting, and the § 341(a) meeting of creditors in this case shall now be held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at the hour of \_\_\_\_\_ o'clock, \_\_\_\_m., at the location checked below:

\_\_\_\_\_ U.S. Attorney's Conference Room, 2nd Floor, Missouri River Federal Courthouse, 125 Central Avenue West, Great Falls, Montana

\_\_\_\_\_ Third Floor, Mike Mansfield Federal Building and Courthouse, 400 North Main, Butte, Montana

\_\_\_\_\_ Fifth Floor Courtroom, James Battin Federal Building, 316 North 26th St., Billings, Montana

\_\_\_\_\_ 201 East Broadway, Russell Smith Federal Courthouse, Missoula, Montana

\_\_\_\_\_ Third Floor of the Justice Center, 920 South Main, Kalispell, Montana.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Debtor(s)/Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 7. TRUSTEE'S NOTICE OF DEBTOR'S FAILURE TO APPEAR AT § 341(a) MEETING; AND REQUEST FOR DISPOSITION.  
[Mont. LBR 2003-7]

Name of Trustee/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Chapter \_\_\_\_\_ Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:	Case No.
, ,  Debtors.	<b>TRUSTEE'S NOTICE OF DEBTOR'S FAILURE TO APPEAR AT §341(a) MEETING OF CREDITORS; AND REQUEST FOR DISPOSITION</b>

The undersigned trustee hereby notifies the Court pursuant to Mont. LBR 2003-7 that the following named Debtor(s) failed to appear at the scheduled § 341(a) meeting of creditors:  
\_\_\_\_\_. (If a joint petition was filed and one debtor appeared and one failed to appear, only the absent debtor is listed.)

\_\_\_\_\_ The trustee requests that the absent Debtor's case remain open and the Debtor be ordered to appear and be examined at a continued § 341(a) meeting of creditor

\_\_\_\_\_ The trustee requests that the absent Debtor's case be dismissed, and if a joint petition was filed, that the case be bifurcated and the absent Debtor's case be dismissed.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Trustee



Mont. LBF 7-A. ORDER OF DISPOSITION.  
[Mont. LBR 2003-7]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>ORDER</b>
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At Butte in said District this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Pursuant to the Trustee's Notice of Debtor's Failure to Appear at § 341(a) Meeting of Creditors, and Request for Disposition, and good cause appearing therefore,

IT IS HEREBY ORDERED:

\_The following named Debtor(s) shall appear and be examined by the trustee at a continued § 341(a) meeting of creditors, following proper notice to creditors and other parties in interest: \_\_\_\_\_

\_\_\_\_\_ The above-entitled case is dismissed due to the Debtor's failure to appear at the scheduled § 341(a) meeting of creditors.

\_\_\_\_\_ The above-entitled joint case is bifurcated and the case of \_\_\_\_\_ is dismissed for failure of such Debtor to appear at the scheduled § 341(a) meeting of creditors.

Mont. LBF 8. MOTION TO MODIFY STAY; AND NOTICE.  
[Mont. LBR 4001-1(a)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION TO MODIFY STAY; AND NOTICE</b>
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The Motion of \_\_\_\_\_ (“Creditor”) respectfully represents:

1. The Debtor(s) filed a Petition in this Court under Chapter \_\_\_\_\_ of the Bankruptcy Code on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont. LBR 4001-1, provides the following information:

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$\_\_\_\_\_.

(b) The date upon which the subject debt was incurred was \_\_\_\_\_.

(c) Creditor holds a security interest or lien upon the following described property of the estate:

(d) The nature of Creditor’s security interest, the date upon which the security interest was obtained, and the date upon which the security interest was perfected are as

follows:

[Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Motion.]

(e) Creditor has standing to file this motion on the following grounds:

[Creditor has attached copies of all documents necessary to establish its standing to file this motion, including all assignments of claims, as appropriate.]

(f) A description of Creditor's collateral, including its location, is as follows:

(g) The fair market value of Creditor's collateral is \$\_\_\_\_\_.

(h) A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:

(i) If the Debtor is in default, the number of defaulted installments and the total amount in default are as follows:

(j) If the Creditor alleges a post-petition payment default by the Debtor, the amount and date of the payments the Debtor is alleged to have failed to make are as follows:

[Creditor attests that it responded promptly and thoroughly to the trustee's or to the Debtor's reasonable requests for account information.]

(k) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 362\_\_\_\_.

(l) Other facts which are relevant in determining whether relief should be granted are as follows:

3. Creditor further represents that in the event the Court grants this Motion, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable non-bankruptcy law. Upon disposition of such collateral, Creditor will account for all proceeds to the Court, and trustee, if applicable, and agrees to turn over any proceeds in excess of Creditor's allowed secured claim to the Court, and trustee, if applicable.

4. To avoid the need for a preliminary telephonic hearing, Creditor \_\_\_\_\_ does or \_\_\_\_\_ does not consent to waiver of the 30-day rule set forth in 11 U.S.C. § 362(e).

WHEREFORE, Creditor moves the Court to grant this Motion to Modify Stay, and to grant such other relief as the Court may deem appropriate.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

**NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

This contested matter shall be scheduled for hearing for the next hearing date scheduled in the division within which the case is filed. The date, time and location of the hearing can be obtained from the Clerk of Court or from the Court's website at [www.mtb.uscourt.gov](http://www.mtb.uscourt.gov). In the event such scheduled hearing date is thirty (30) days beyond the filing date of the motion for relief, then a preliminary hearing within such thirty (30) day period shall be scheduled by the responding party after such party contacts the Clerk of Court to confirm the preliminary telephone hearing date and time, which shall be set forth in the response.

If you fail to file a written response to the above Motion to Modify Stay with the particularity required by Mont. LBR 4001-1(c), and request a hearing, within fourteen (14) days of the date of this Notice, with service on the undersigned and all parties entitled to service under all applicable rules, then your failure to respond or to request a hearing will be deemed an admission that the motion for relief should be granted without further notice or hearing.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

[Name of Attorney}  
(Attorney for Creditor)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

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[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. In a chapter 7, 12 or 13 case, parties who must be served include the debtor and any party requesting special notice. In a chapter 9 or 11 case, the motion should be served upon any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, upon all creditors listed under Rule 1007(d), Fed. R. Bankr. P.]

Mont. LBF 8-A. ORDER GRANTING MOTION TO MODIFY STAY.  
[Mont. LBR 4001-1(a)]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>ORDER GRANTING MOTION TO MODIFY STAY</b>
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At Butte in said District this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

In this Chapter \_\_\_\_ bankruptcy, [name of creditor], as the Movant, filed a Motion to Modify Stay on [month, date], 20\_\_. As required by Mont. LBR 9013-1(d), the Movant's motion provided a "NOTICE" provision which granted the opposing party fourteen (14) days to respond to the motion and schedule the matter for hearing. The "NOTICE" provided that if no written response was timely filed, the Court could grant the relief requested as a failure to respond by any entity would be deemed an admission that the relief requested should be granted. The fourteen (14) day period has expired and \_\_\_\_\_ has not filed a response to the Motion to Modify Stay. In accordance with the Notice provision attached to the Movant's motion, the failure of \_\_\_\_\_ to respond is deemed an admission that the Movant's motion should be sustained without further notice or hearing. Accordingly,

IT IS ORDERED the Movant's Motion to Modify Stay is GRANTED.

Mont. LBF 8-B. STIPULATION TO MODIFY STAY.  
[Mont. LBR 4001-1(d)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>STIPULATION TO MODIFY STAY</b>
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The undersigned Creditor, \_\_\_\_\_ (“Creditor”), the above-named Debtor(s), and the trustee, if applicable, hereby stipulate as follows:

1. The Debtor(s) filed a Petition in this Court under Chapter \_\_\_\_ of the Bankruptcy Code on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont. LBR 4001-1, provides the following information:

- (a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$\_\_\_\_\_.
- (b) The date upon which the subject debt was incurred was \_\_\_\_\_.
- (c) Creditor holds a security interest or lien upon the following described property of the estate:

- (d) The nature of Creditor's security interest; the date upon which the security interest was obtained; the date upon which the security interest was perfected; and the facts which give Creditor standing to file this Stipulation are as follows:

[Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, and such documents as are necessary to establish its standing to file this Stipulation, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Stipulation.]

- (e) A description of Creditor's collateral, including its location, is as follows:

- (f) The fair market value of Creditor's collateral is \$\_\_\_\_\_.

- (g) A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:

- (h) If the Debtor(s) is in default, the number of defaulted installments and the total amount in default are as follows:

- (i) This Stipulation is made under and pursuant to the following subsection of 11 U.S.C. § 362\_\_\_\_\_.

- (j) Other facts which are relevant to this Stipulation are as follows:

3. Creditor agrees that in the event the Court grants the relief sought by this Stipulation, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable non-bankruptcy law. Upon disposition of such collateral, Creditor shall account for all proceeds to the Court, and trustee if applicable, and agrees to turn over any proceeds in excess of Creditor's allowed secured claim to the Court, or trustee if applicable.

WHEREFORE, the undersigned Creditor, Debtor(s) and trustee, if applicable, hereby stipulate that the Court may modify the stay in accordance with the terms of this Stipulation.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Creditor:\_\_\_\_\_

\_\_\_\_\_  
Creditor or Attorney for Creditor



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Debtor(s) or Attorney for Debtor(s)

---

Trustee (if applicable)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

---

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 8-C. ORDER APPROVING STIPULATION AND MODIFYING STAY.  
[Mont. LBR 4001-1(d)]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>ORDER APPROVING STIPULATION AND MODIFYING STAY</b>
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At Butte in said District this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pursuant to the Stipulation to Modify Stay filed herein on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by and between the Debtor(s) and [name of creditor]; and good cause appearing therefore,

IT IS ORDERED that the subject Stipulation to Modify Stay is GRANTED.

Mont. LBF 9. DEBTOR'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY.  
[Mont. LBR 4001-1(a)]

Name of Debtor/Attorney for Debtor  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>DEBTOR'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY</b>
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The undersigned Debtor(s) hereby consents to the Motion to Modify Stay filed herein by  
\_\_\_\_\_ (Creditor), dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. This  
Consent is given in accordance with Mont. LBR 4001-1(a).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor

APPROVED:

\_\_\_\_\_  
Attorney for Debtor(s)

Mont. LBF 9-A. TRUSTEE'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY.

[Mont. LBR 4001-1(a)]

Name of Trustee

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Chapter \_\_\_\_\_ Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>TRUSTEE'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY</b>
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The undersigned trustee hereby consents to the Motion to Modify Stay filed herein by \_\_\_\_\_ (Creditor), dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. This consent is given in accordance with Mont. LBR 4001-1(a).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Trustee

Mont. LBF 10. NOTICE OF CONVERSION TO CHAPTER 7.  
[Mont. LBR 1017-1(a)(4)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF CONVERSION TO CHAPTER 7</b>
--------------------------------------	--

The Debtor hereby converts [his/her/its] Chapter [12/13] case to a case under Chapter 7.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name  
and address of each individual or entity

served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

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[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 11. NOTICE OF TRUSTEE'S INTENT TO ABANDON PROPERTY; AND NOTICE.

[Mont. LBR 6007-1]

Name of Trustee

Office Mailing Address Telephone Number Facsimile Number

E-Mail Address

State Bar I.D. Number

(Chapter \_\_\_\_\_ Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF TRUSTEE'S INTENT TO ABANDON PROPERTY; AND NOTICE</b>
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Notice pursuant to 11 U.S.C. § 554(a) is hereby given that the Trustee of the above- named Debtor's estate intends to abandon the following property as burdensome and of inconsequential value to the estate:

Description of Item	Scheduled or Estimated Value	Amount Secured or Exempt	Lienholder Name and Address	Estimated Liquidation Expenses	* Estimated Net Value to the Estate
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Reason for Abandonment: \*\*

\* Enter zero (\$0.00) if the estimated expenses and/or amount of secured interests exceed the actual or estimated value of the property.

\*\* Explain all entries in the last column if zero (\$0.00) was not entered.

Objections to the above abandonment must be filed with the Court.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Trustee

**NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING**

If you object to the notice, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the notice. The objecting party shall schedule the hearing on the objection to the abandonment at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the request for abandonment as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Trustee

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]



\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

---

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. This Notice should be also be served upon all creditors, and all committees elected pursuant to 11 U.S.C. § 705 or appointed pursuant to 11 U.S.C. § 1102.]

Mont. LBF 12. NOTIFICATION BY U.S. TRUSTEE OF DEBTOR'S PAYMENT OF  
QUARTERLY FEES.  
[Mont. LBR 3020-1]

Name of Attorney  
Office of United States Trustee  
Liberty Center, Suite 204  
301 Central Avenue  
Great Falls, MT 59401  
Phone (406) 761-8777  
Fax (406) 761-8895  
E-Mail Address  
State Bar I.D. Number  
(Attorney for United States Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTIFICATION BY OFFICE OF UNITED STATES TRUSTEE OF DEBTOR'S PAYMENT OF QUARTERLY FEES</b>
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The Office of the United States Trustee hereby notifies the Court, pursuant to Mont. LBR 3020-1, that the above-named Debtor has paid all fees due under 28 U.S.C. § 1930(a)(6), or has provided in its plan that such fees will be paid on or before the effective date of such Plan, as required by 11 U.S.C. § 1129(a)(12).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of Attorney]  
(Attorney for United States Trustee)

Mont. LBF 12-A. NOTICE OF DELINQUENT MONTHLY OPERATING REPORT.  
[Mont. LBR 2015-2]

Name of Attorney  
Office of United States Trustee  
Liberty Center, Suite 204  
Great Falls, MT 59401  
Phone (406) 761-8777  
Fax (406) 761-8895  
E-Mail Address  
State Bar I.D. Number  
(Attorney for United States Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF DELINQUENT MONTHLY OPERATING REPORT</b>
--------------------------------------	--

The Office of the United States Trustee hereby notifies the Court, pursuant to Mont. LBR 2015-2, that the above-named Debtor in Possession has not filed its Monthly Operating Report for the month of \_\_\_\_\_, 20\_\_\_\_, which was due to be filed on the 14<sup>th</sup> day of \_\_\_\_\_, 20\_\_\_\_. Pursuant to Mont. LBR 2015-2, the Court is requested to order the Debtor in Possession to show cause why this case should not be dismissed or converted to Chapter 7.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of Attorney]  
(Attorney for United States Trustee)

Mont. LBF 12-B. NOTICE OF DELINQUENT QUARTERLY FEES.  
[Mont. LBR 3020-1]

Name of Attorney  
Office of United States Trustee  
Liberty Center, Suite 204  
Great Falls, MT 59401  
Phone (406) 761-8777  
Fax (406) 761-8895  
E-Mail Address  
State Bar I.D. Number  
(Attorney for United States Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF DELINQUENT QUARTERLY FEES</b>
--------------------------------------	--

The Office of the United States Trustee hereby notifies the Court, pursuant to Mont. LBR 3020-1, that the above-named Debtor in Possession has not paid its quarterly fees for the \_\_\_\_ quarter of 20\_\_\_\_, which became due and payable under 28 U.S.C. § 1930(a)(6) on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Pursuant to Mont. LBR 3020-1, the Court is requested to order the Debtor in Possession to show cause why this case should not be dismissed or converted to Chapter 7.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for United States Trustee)

Mont. LBF 13. MOTION FOR FINAL DECREE IN CHAPTER 11 CASE.  
[Mont. LBR 3022-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION FOR FINAL DECREE IN CHAPTER 11 CASE</b>
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The above-named Debtor(s), acting through counsel, respectfully moves the Court to enter a Final Decree in the above-entitled case, pursuant to 11 U.S.C. § 350 and Rule 3022, Fed. R. Bankr.

P. The undersigned represents to the Court the following:

1. The Order confirming the Plan has become final;
2. Any deposits required by the Plan have been distributed;
3. Any property proposed by the Plan to be transferred has been transferred;
4. The Debtor or successor of the Debtor under the Plan has assumed the business or the management of the property dealt with by the Plan;
5. The payments under the Plan have commenced;
6. All motions, contested matters, and adversary proceedings have been finally resolved;
7. All Monthly Operating Reports due through this date have been prepared, properly executed and filed with the Court; and
8. All quarterly fees due to the United States Trustee pursuant to 28 U.S.C. § 1930(a)(6) have been paid in full.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Attorney for Debtor

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. This Notice should be also be served upon all creditors, and all committees appointed pursuant to 11 U.S.C. § 1102.]

Mont. LBF 14. CHAPTER 12 PLAN.  
[Mont. LBR 9009-1(a)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>CHAPTER 12 PLAN</b> <b>(date)</b>
--------------------------------------	---

1. The future earnings and projected disposable income of the Debtor is submitted to the supervision and control of the Court, and the Debtor shall pay to the Trustee:

	<u>Date</u>	<u>Amount</u>
(i)		\$
(ii)		\$
(iii)		\$
(iv)		\$
(v)		\$

Debtor shall pay such additional amounts as necessary for additional professional fees and costs, including Trustee fees and costs, allowed by the Court.

2. From the payments so received, the Trustee shall make disbursements as follows:

(a) First to allowed claims of administration required by 11 U.S.C. § 507(a)(1) (set out projected amount). The Trustee's Fee shall be \_\_\_\_ % of all receipts.

(b) Second to secured creditors whose claims are duly proven and allowed as follows:

	<u>Name of Creditor</u>	<u>Allowed Secured Claim</u>	<u>Term</u>	<u>Interest Rate</u>	<u>Payment</u>
(i)					
(ii)					
(iii)					
(iv)					

(The allowed claim of each creditor shall be determined as of the Date of Confirmation or such date stipulated to by creditor and Debtor and approved by the Court.)

(All payments shall be applied first to accrued interest and the balance to principal effective the date payments are disbursed by the Trustee.)

(The allowed secured claims \_\_\_\_ shall, or \_\_\_\_ shall not, retain their liens under the Plan.)

(c) Third to debts entitled to priority under and in the order prescribed by 11 U.S.C. § 507.

	<u>Name of Creditor</u>	<u>Allowed Secured Claim</u>	<u>Interest Rate</u>	<u>Payment</u>
(i)				
(ii)				
(iii)				
(iv)				

(d) Fourth from the disposable income remaining after the above payments, dividends to unsecured creditors whose claims are fully proven and allowed as follows:

(i) unsecured creditors will receive the greater of all of the Debtor's disposable income during the term of the plan pursuant to 11 U.S.C. § 1225(b)(1)(B), or

(ii) the liquidation value of the Debtor's non-exempt assets pursuant to 11 U.S.C. § 1225(a)(4) in the amount of [insert] each year.

3. The following executory contracts and leases of the Debtor are rejected, the Debtor shall surrender any collateral, and any allowed unsecured claim for damages resulting from such rejection shall be paid under paragraph 2(d) above:

4. The secured property described below will be surrendered to the following named



creditors, and any allowed unsecured claim resulting from such surrender shall be paid under paragraph 2(d) above:

5. The following creditors' claims are fully secured, shall be paid directly by the Debtor pursuant to the original contract terms, and shall receive no payments under Paragraph 2 of this Plan:

6. The property described below is to be sold, all offers received by the Debtor shall be promptly communicated to the Trustee and any lienholders, and no sale of such property shall be completed without notice to the Trustee and any lienholders and an opportunity provided for a hearing on such sale:

7. Interest on all unsecured claims shall have ceased on the date this case was filed. All allowed unsecured claims of \$25.00 or less may be paid in advance of other allowed unsecured claims.

8. Except as provided in this plan or in the order confirming this plan, upon confirmation of this plan all of the property of the estate shall vest in the Debtor free and clear of any claim or interest of any creditor provided for by this plan, pursuant to 11 U.S.C. § 1227.

9. The Court may change the amount of any of the installment payments provided for by this plan, or extend or shorten the time for any such payments, where it appears, after motion and hearing upon such notice as the Court may deem appropriate, that the Debtor's change in circumstances warrants such a change.

10. Attached to this Plan are:

- (i) Amortization schedules;
- (ii) Monthly cash flow from operations for period of the plan, including the Chapter 12 Plan payments;
- (iii) Liquidation analysis showing compliance with 11 U.S.C. § 1225(a)(4).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Attorney for Debtor

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this Plan.]

Mont. LBF 15. MOTION FOR RULE 2004 EXAMINATION.  
[Mont. LBR 2004-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION FOR RULE 2004 EXAMINATION</b>
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Pursuant to Rule 2004, Fed. R. Bankr. P., the undersigned respectfully requests the Court to  
order an examination as follows:

1. Witness to be examined:
2. Date:
3. Time:
4. Place:
5. Scope of examination:
6. Documents to be produced:
7. Time, Date and Place of Production (if different from examination):
8. Moving Party's Calculation of Mileage pursuant to Fed. R. Bankr. P. 2004(e):
9. The undersigned has contacted opposing counsel, \_\_\_\_\_, who advises that [he/she] [does/does not] oppose this Motion and [will/will not] agree to produce the documents described herein without a subpoena duces tecum pursuant to Fed. R. Bankr. P. 9016.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]

(Attorney for \_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 16. ORDER FOR RULE 2004 EXAMINATION.  
[Mont. LBR 2004-1]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>ORDER FOR RULE 2004 EXAMINATION</b>
--------------------------------------	--

Pursuant to the Motion for Rule 2004 Examination filed herein by \_\_\_\_\_, it  
appearing that said examination is authorized by Rule 2004, Fed. R. Bankr. P., and good cause  
appearing therefore:

IT IS HEREBY ORDERED,

1. That \_\_\_\_\_ shall appear and be examined by the Moving Party at the time  
and place described in the Motion for 2004 Examination;
2. That \_\_\_\_\_ shall produce those documents for inspection and copying in  
connection with said examination held pursuant to Rule 2004, Fed. R. Bankr. P., at the  
time and place described in the Motion for 2004 Examination;
3. That subpoenas duces tecum may be issued pursuant to Rule 9016, Fed. R. Bankr. P., by  
the Clerk of the Bankruptcy Court; and
4. That the Moving Party shall send a copy of this Order to all parties in interest.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Mont. LBF 17. APPLICATION FOR PROFESSIONAL FEES AND COSTS.  
[Mont. LBR 2016-1(a)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  * _____ <b>APPLICATION FOR PROFESSIONAL FEES AND COSTS</b> [* <b>Indicate Whether Interim or Final Application</b> ]
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The undersigned professional hereby makes application for approval of an award of fees in the amount of \$\_\_\_\_\_ and costs in the amount of \$\_\_\_\_\_, and in support of this application respectfully represents:

1. This case was commenced on \_\_\_\_\_.
2. Applicant filed an application for appointment as \_\_\_\_\_ [describe profession] for \_\_\_\_\_ [describe identity of party represented; e.g., estate/debtor in possession/committee of unsecured creditors] on: \_\_\_\_\_.
3. An order appointing applicant was entered by the Court on \_\_\_\_\_.
4. Professional services were commenced on \_\_\_\_\_.
5. This application is the [1st, 2nd, etc.] application filed by applicant in this proceeding, and the following is a complete schedule of all prior applications submitted to the Court for

approval:

<u>Date Filed</u>	<u>Amount Requested</u>	<u>Date Approved</u>	<u>Amount Approved</u>
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Total Amount Previously Approved: \$\_\_\_\_\_

6. To date, applicant has received as compensation the following amounts from the following sources:

<u>Date Received</u>	<u>Amount Received</u>	<u>Source of Payment</u>
----------------------	------------------------	--------------------------

Total Amount Received: \$\_\_\_\_\_

7. This application is based on the performance of professional services by the following individuals at the rates and for the number of hours described below:

<u>Individual</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>Compensation</u>
-------------------	--------------------	--------------------	---------------------

Total Compensation Requested: \$\_\_\_\_\_

8. The compensation requested is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under the Bankruptcy Code. [If not, state the reason for any deviation from such standard.]

9. Applicant certifies that none of the compensation or reimbursement for costs applied for in this application will be shared with any entity in violation of 11 U.S.C. § 504.

10. Attached are complete time records detailing each service performed by date, description, and the number of hours expended, under the appropriate project categories (if applicable under Mont. LBR 2016-1), for which compensation is requested.

11. Attached is a complete accounting for all costs incurred for which reimbursement is requested.

12. The amount of costs were computed utilizing the following methods of allocation:

[Example]  
(Copies are charged at the rate of \$.10 each.)  
(Long distance calls are charged at actual cost.)  
(Mileage is charged at federal allowed per mile rate.)

13. In addition to the payments already received, applicant has been promised the following payment for services in connection with this case:

<u>Amount Promised</u>	<u>Identity of Promisor</u>	<u>Conditions/Terms</u>
------------------------	-----------------------------	-------------------------

14. Case Status: [Insert relevant information required by Section II.B of the United States Trustee Guidelines, as set forth in the Appendix to the Montana Local Bankruptcy Rules.]

15. \_\_\_\_\_ [Name of person on whose behalf applicant is employed] has been given the opportunity to review this application and [approves/does not approve] the requested amount.

WHEREFORE, applicant prays that this Court enter an Order awarding applicant reasonable professional fees in the amount of \$\_\_\_\_\_and reimbursement of costs and expenses in the amount of \$\_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of Applicant]

\_\_\_\_\_  
[Name of attorney]  
Attorney for Debtor(s)/Trustee



CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. Pursuant to Rule 2002(a)(6), Fed. R. Bankr. P., notice of a hearing on an Application seeking compensation or reimbursement of expenses exceeding \$1,000 should also be served upon the debtor, all creditors, any committee, and other parties in interest requesting special notice. Mont. LBR 2002-4 requires the service of a Notice of Application for Professional Fees and Costs (Mont. LBF 18) upon all creditors, committees, and other parties in interest requesting special notice, disclosing that the applicant has filed an Application for Professional Fees and Costs, when the amount of such fees and costs exceeds \$1,000.]

Mont. LBF 18. NOTICE OF APPLICATION FOR PROFESSIONAL FEES AND COSTS;  
AND NOTICE.  
[Mont. LBRs 2002-4 and 2016-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF APPLICATION FOR PROFESSIONAL FEES AND COSTS; AND NOTICE</b>
--------------------------------------	--

NOTICE IS HEREBY GIVEN that \_\_\_\_\_ has  
submitted to the U.S. Bankruptcy Court for the District of Montana an application for professional  
fees in the amount of \$ \_\_\_\_\_ and costs in the amount of \$ \_\_\_\_\_.

The proponent shall provide a copy of the application to any party requesting a copy, at no  
cost, within seven (7) days of the request.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Attorney/Professional)

NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING

If you object to the application, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the notice. The responding party shall schedule the hearing on the application at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]

(Attorney for \_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. Pursuant to Rule 2002(a)(6), Fed. R. Bankr. P., notice of a hearing on an Application seeking compensation or reimbursement of expenses exceeding \$1,000 should also be served upon the debtor, all creditors, any committee, and other parties in interest requesting special notice. Mont. LBR 2002-4 requires the service of a Notice of Application for Professional Fees and Costs (Mont. LBF 18) upon all creditors, committees, and other parties in interest requesting special notice, disclosing that the applicant has filed an Application for Professional Fees and Costs, when the amount of such fees and costs exceeds \$1,000.]

Mont. LBF 19. CHAPTER 13 PLAN.  
[Mont. LBR 9009-1(b)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>[FIRST AMENDED, as appropriate] CHAPTER 13 PLAN (DATED _____)</b>
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**To Debtors:** In the following notice to creditors, you must check each box that applies.

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. If you oppose the plan's treatment of your claim or any provision of this plan, you must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed.

\_\_\_\_\_ This Plan contains non-standard provisions in paragraph 11.  
Yes      No

\_\_\_\_\_ This Plan limits the amount of secured claims in paragraph 2(b) which may  
Yes      No result in a partial payment or no payment at all to the secured creditor.

\_\_\_\_\_ This Plan avoids a security interest or lien in paragraph 11.  
Yes      No

**1. FUTURE EARNINGS/INCOME.** The future earnings and other income of the Debtor(s) are submitted to the supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of this Plan, and Debtor(s) shall pay to the Trustee the sum of

\$ \_\_\_\_\_ each month for a term of \_\_\_\_ months, or until all of the provisions of this Plan have been completed. Plan payments shall commence within thirty (30) days following the filing of the petition. The Debtor(s) shall make payments directly to the Trustee until [his/her/their] wage deductions begin.

**2. PAYMENTS/DISBURSEMENTS.** From the payments so received, the Trustee shall make disbursements as follows:

(a) **Administrative Claims.** The Trustee shall pay those claims, fees or charges specified in 11 U.S.C. § 507(a)(2), including the Debtor(s) attorney fees and costs in such amount as may be allowed by the Court. As of the date of this plan, Debtor(s) counsel estimates that total attorney fees and costs for representation of Debtor(s) (excluding the fee for filing the Debtor(s) petition) will be as follows:

Estimated total attorney fees:		\$	*
Estimated total costs	+	\$	
Total estimated attorney fees and costs:	=	\$	
Less retainer:	-	\$	

TOTAL FEES AND COSTS TO BE PAID THROUGH PLAN: \$ \_\_\_\_\_

\* If this figure differs from the Disclosure of Compensation originally filed by the Debtor(s) attorney, said Disclosure must be amended simultaneously with the filing of this plan or amended plan, as provided in Fed. R. Bankr. P. 2016(b).

(b) **Impaired Secured Claims.** After the payments provided for above, the Trustee shall pay allowed secured claims, as determined pursuant to 11 U.S.C. § 506(a), together with interest at the rate set forth below from the date of confirmation, on a pro rata basis, as follows:

<u>Name of Creditor</u>	<u>Claim Number</u>	<u>Allowed Secured Claim *</u>	<u>Rate of %</u>
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[\* This figure is the lesser of the total amount of the debt owing to the creditor or the value of the collateral securing said debt.]

Secured creditors shall retain their liens as provided by 11 U.S.C. § 1325(a)(5)(B). In order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

(c) **Unimpaired Secured Claims.** The following secured creditors, whose claims will be left unimpaired by this Plan, are not provided for by this Plan and shall receive no payments through the Trustee except with regard to those arrearages specified below, if any:

<u>Name of Creditor</u>	<u>Claim No.</u>	<u>Description of Collateral</u>
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Concurrently with the payments on impaired secured claims specified above, the following arrearages on unimpaired secured claims, if any, shall be paid through the Trustee on a pro rata basis until the same have been paid in full:

<u>Name of Creditor</u>	<u>Claim No.</u>	<u>Amount of Arrearage</u>
-------------------------	------------------	----------------------------

Upon completion of the Plan, all prepetition arrearages provided for by this Plan shall be deemed current.

(d) **Domestic Support Obligations.** After the payments provided for above, the Trustee shall pay all allowed prepetition domestic support obligations. Such allowed claims for prepetition domestic support obligations shall be paid in full under this Plan, without interest (unless otherwise provided).

<u>Creditor</u>	<u>Claim No.</u>	<u>Claim Amount</u>
-----------------	------------------	---------------------

(e) **Priority Claims.** After the payments provided for above, the Trustee shall pay allowed claims entitled to priority in such order as specified in 11 U.S.C. § 507.

(f) **General Unsecured Claims.** After the payments provided for above, the Trustee shall pay dividends, to the extent possible, to allowed unsecured, nonpriority claims on a pro rata basis.

(g) **Liquidation Analysis.** The total amount distributed under paragraphs 2(d), (e) and (f) above will be at least \$\_\_\_\_\_, which exceeds what would be available to pay unsecured claims if the Debtor(s) estate was liquidated under Chapter 7 of the Bankruptcy Code. A discharge will not be entered by the Court until said sum has been distributed, or until all allowed unsecured claims have been paid in full, whichever is less.

**3. REJECTION OF CONTRACTS OR LEASES.** The Debtor(s) rejects the following executory contracts and unexpired leases, and shall surrender property subject to such contracts or leases:

<u>Type of Agreement</u>	<u>Date of Agreement</u>	<u>Other Party to Contract</u>
--------------------------	--------------------------	--------------------------------

All other executory contracts and unexpired leases shall be affirmed.

**4. SURRENDER OF PROPERTY.** The Debtor(s) surrenders any and all interest in the following described collateral to the stated secured creditor in full satisfaction of the creditor's allowed secured claim. In order for any unsecured deficiency to be allowed and paid under this Plan, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules. Upon confirmation, the stay that arose under 11 U.S.C. § 362 and 11 U.S.C. § 1301 immediately terminates without further order. The termination does not authorize actions for personal liability or property not surrendered.

**Secured Creditor**

**Description of Collateral**

**5. POSTPETITION SECURED DEBT:** The Debtor(s) reserves the right to incur post-petition secured debts, upon prior written approval of the Trustee, for items necessary to Debtor(s) performance under this Plan.

**6. REPORT OF CHANGES IN INCOME:** The Debtor(s) shall commit all projected disposable income to the Plan for the applicable commitment period and shall immediately report any changes in income in excess of 10% per month to the Trustee.

**7. DECLARATIONS:** Under penalty of perjury, Debtor(s) affirms that all federal and state income, employment and other tax returns due as of the date of this plan have been filed with the appropriate agency, and that all post-petition payments due on all domestic support obligations have been paid through the date of this Plan.

**8. VESTING OF PROPERTY OF THE ESTATE.** Property of the estate shall revest in the Debtor(s) upon (Check the applicable box):

- ☐ Plan confirmation.
- ☐ Closing of the case.
- ☐ Other: \_\_\_\_\_

**9. PREVIOUS BANKRUPTCIES, AND DISCHARGE:** (Check one)

- ☐ Debtor(s) is not eligible for a discharge of debts because the Debtor(s) has previously received a discharge described in 11 U.S.C. § 1328(f).
- ☐ Under penalty of perjury, Debtor(s) declares that he/she has not received a discharge in a previous bankruptcy case that would cause him/her to be ineligible to receive a discharge in the above-entitled case under 11 U.S.C. § 1328(f).

**10. INCOME TAX REFUNDS:** Debtor(s), within 14 days of filing the return, will supply the Trustee with a copy of each tax return filed during the Plan term and will (Check one):



- ☐ Retain any tax refunds received during the Plan term and has included them in Debtor(s) budget.
  - ☐ Turn over to the Trustee all income tax refunds received during the plan term.
  - ☐ Turn over to the Trustee a portion of any income tax refunds received during the Plan term as specified below.
- 

# **11. NON STANDARD PLAN PROVISIONS.**

- ☐ None.

If “None” is checked, the rest of Paragraph 11 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions are required to be set forth below.

**These Plan provisions will be effective only if the applicable box on Page 1 of this Plan is checked.**

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**12. CERTIFICATION.** No changes have been made to the form required by Montana Local Bankruptcy Rules except those referenced in Paragraph 11 and the Debtor(s) is not seeking confirmation of any provision not allowed under the Federal Rules of Bankruptcy Procedure.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Debtor

---

Debtor

---

Attorney for Debtor

## **CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court’s ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

---

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 19-A. MOTION TO MODIFY PLAN.  
[Mont. LBR ]

Name of Trustee/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for )

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION TO MODIFY PLAN</b>
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Pursuant to 11 U.S.C. § 1329(a) which allows modification of a confirmed Chapter 13 Plan, the (Debtor/Chapter 13 Standing Trustee/Unsecured Creditor) moves the Court for an Order modifying the Plan confirmed by this court on at Docket No.\_. The modified Plan dated is filed contemporaneously with this motion.

This modified Plan is based upon the following change in circumstance: (State reason for proposed modification.)

This modified Plan changes the confirmed Plan by: (List changes by reference to paragraph number and specific changes.)

WHEREFORE, the (Debtor/Chapter 13 Standing Trustee/Unsecured Creditor) prays:

1. That the Debtors' Plan be modified.

2. For such other and further relief as the Court deems appropriate

Dated this day \_\_\_ of , 20\_\_\_.

By \_\_\_\_\_  
Debtor/Chapter 13 Standing Trustee/Unsecured Creditor

**NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

By \_\_\_\_\_  
Debtor/Chapter 13 Standing Trustee/Unsecured Creditor

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

---

[Name of person certifying the mailing]

Mont. LBF 21. NOTICE OF LATE FILED CLAIM; AND NOTICE OF OPPORTUNITY FOR HEARING.

[Mont. LBR 3002-1]

Name of Trustee  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Chapter \_\_\_\_\_ Trustee)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF LATE FILED CLAIM; AND NOTICE OF OPPORTUNITY FOR HEARING</b>
--------------------------------------	--

TO: [Name of creditor]

PROOF OF CLAIM NO.: [Claims register number]

The undersigned Chapter [12/13] Standing Trustee provides this notice pursuant to Montana Local Bankruptcy Rule 3002-1 that the proof of claim you filed in the above-entitled case was filed late, after the expiration of the bar date for filing claims fixed by the Court in the "Notice of Commencement of Case" previously sent to all creditors and other parties in interest in this case.

Bar Date Fixed By Court: \_\_\_\_\_

Date Proof of Claim Filed: \_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chapter \_\_\_\_ Standing Trustee

NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING

Because your Proof of Claim was filed late, Mont. LBR 3002-1 provides that such claim shall be deemed disallowed, without formal objection or hearing, unless you file a response and request a hearing within thirty (30) days of the date of this notice.

If you respond, then you shall notice the contested matter for hearing pursuant to Mont. LBR 9013-1 and shall schedule the hearing on the objection and response at least twenty-one (21) days after the date of the your response and request for hearing, and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If you fail to file a written response to the objection to the late filed claim within thirty (30) days of the date of the notice, the failure to respond shall be deemed an admission that the objection should be sustained by the Court without further notice or hearing.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chapter \_\_\_\_ Standing Trustee

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

---

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. There need be no Certificate of Service if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected late filing creditor, or its counsel, need also be served with this Notice.]



Mont. LBF 22. MOTION FOR VALUATION OF SECURITY; AND NOTICE.  
[Mont. LBR 3012-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION FOR VALUATION OF SECURITY; AND NOTICE</b>
--------------------------------------	---

Pursuant to Rule 3012, Fed. R. Bankr. P., and Mont. LBR 3012-1, the undersigned respectfully moves the Court to determine the value of the following claim secured by a lien on property of the Debtor's estate. For purposes of the Debtor's plan, the undersigned alleges that the allowed amount of the following-named creditor's secured claim should be fixed as stated below, because pursuant to 11 U.S.C. § 506(a) secured claims are to be valued and allowed as secured to the extent of the value of the collateral.

1. Name of Creditor: \_\_\_\_\_
2. Value of collateral as alleged by Debtor(s): \_\_\_\_\_  
[Attach evidence of the subject collateral's alleged value to this Motion.]
3. Description of collateral at issue: \_\_\_\_\_

4. Creditor's proof of claim number as set forth on the Claims Register: \_\_\_\_\_

WHEREFORE, the undersigned moves the Court to fix the value of the above-named creditor's collateral and, therefore, the amount of its allowed secured claim, in the amount alleged above.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

**NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. There need be no Certificate of Service if all parties being served will be served electronically via the Court's CM/ECF system. Only the affected secured creditor, or its counsel, need also be served with this Motion.]

Mont. LBF 23. REQUEST FOR SPECIAL NOTICE.  
[Mont. LBR 2002-2]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>REQUEST FOR SPECIAL NOTICE</b>
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Pursuant to Rule 2002(i) and (g), Fed. R. Bankr. P., \_\_\_\_\_, a creditor/party in interest in the above-entitled bankruptcy case, hereby requests that all matters which must be noticed to creditors, any creditors' committees, and any other parties in interest, whether sent by the Court, the Debtors or any other party in the case, be sent or delivered to the undersigned; and pursuant to Rule 2002(g), that the following be added to the Court's service list:

Name of Attorney/Party in Interest  
Address  
E-Mail Address  
Phone Number  
Fax Number

Such notices shall include notices by mail, telephone, facsimile, or any other means of electronic transmission, and the notices requested shall include, but are not limited to, all notices relating to the matters set forth in Rule 2002; matters relating to any motion for the appointment of a trustee, or conversion or dismissal of the case; matters relating to the proposing or confirming of a plan; matters relating to adequate protection and the Debtor's obtaining of credit under 11 U.S.C. § 361 or 364; and matters relating to the use, sale or lease of property under 11 U.S.C. § 363, or the assumption or rejection of executory contracts or unexpired leases under 11 U.S.C. § 365.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Attorney for \_\_\_\_\_/Party in Interest

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document.]

Mont. LBF 24. MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f); AND NOTICE.  
[Mont. LBR 4003-4]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f); AND NOTICE</b>
--------------------------------------	--

Pursuant to Rule 4003(d), Fed. R. Bankr. P., and Mont. LBR 4003-4, the undersigned respectfully moves the Court to avoid the lien of \_\_\_\_\_ on property of the Debtor's estate pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)]. In support of its motion, the undersigned alleges as follows:

1. Name of creditor: \_\_\_\_\_
2. Type of lien: \_\_\_\_\_  
[Judicial; or nonpossessory, nonpurchase-money security interest]  
  
[If judicial lien, set forth the cause number, title of the case, originating court, date of entry of judgment, and amount(s); and attach copies of judgment(s) or documents evidencing the lien.]
3. Description of property secured by the lien: \_\_\_\_\_
4. Market value of the Debtor's interest in the above-described property: \$ \_\_\_\_\_

5. Statute(s) under which Debtor claims property as exempt:

---

6. For purposes of 11 U.S.C. § 522(f)(2)(A):

(a) Amount of the lien: \$\_\_\_\_\_

(b) Description of other creditors and amounts of all other liens on the property and the respective priority of each:

(c) Amount of exemption the Debtor could claim if no liens existed on the property:  
\$\_\_\_\_\_.

WHEREFORE, the undersigned moves the Court to avoid the lien of the above-named Creditor pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)] on the ground that such lien impairs an exemption to which the Debtor is entitled under 11 U.S.C. § 522(b).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

[Name of attorney]  
Attorney for Debtor

#### NOTICE OF OPPORTUNITY TO RESPOND AND REQUEST A HEARING

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

#### **NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
Attorney for Debtor

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. There need be no Certificate of Service if all parties being served will be served electronically via the Court's CM/ECF system. Only the affected creditor, or its counsel, need also be served with this Motion.]



Mont. LBF 25. MOTION TO ASSUME [REJECT] EXECUTORY CONTRACT [OR  
UNEXPIRED LEASE]; AND NOTICE.  
[Mont. LBR 6006-1(a)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION TO ASSUME [REJECT] EXECUTORY CONTRACT [OR UNEXPIRED RESIDENTIAL LEASE]; AND NOTICE</b>
--------------------------------------	--

The Motion of \_\_\_\_\_ (hereinafter "Creditor") respectfully represents:

1. The Debtor(s) filed a petition in this Court under Chapter \_\_\_\_ of the Bankruptcy Code on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2. Creditor is the [seller/lessor/or otherwise] of property to the Debtor(s), and pursuant to Mont. LBR 6006-1(a), provides the following information: [Attach copies of executory contract or unexpired lease, or refer to Proof of Claim or other location for such documents in the file.]

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$\_\_\_\_\_. Additional charges claimed are \$\_\_\_\_\_ [describe with specificity].

(b) The date upon which the subject debt was incurred: \_\_\_\_\_.

- (c) Creditor is a [seller/lessor/or specify] of the following described property:
- (d) A description of the property, including its location, is as follows:
- (e) The fair market value of the property subject to the executory contract or unexpired lease is \$\_\_\_\_\_.
- (f) A description of, and the amounts due upon, any other interests which have priority over that of Creditor are as follows:
- (g) If the Debtor is in default, the number of defaulted installments and the total amount in default are as follows:
- (h) Provisions of Debtor's proposed cure [if applicable] are as follows:
- (i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 365(d)(2)\_\_\_\_\_.
- (j) Other facts which are relevant in determining whether relief should be granted are as follows:

WHEREFORE, the undersigned moves the Court to grant this Motion to Assume [Reject] Executory Contract [or Unexpired Residential Lease] pursuant to 11 U.S.C. § 365(d)(2), and to grant such other relief as the Court may deem appropriate.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 [Name of attorney]  
 (Attorney for \_\_\_\_\_)

#### NOTICE OF OPPORTUNITY TO RESPOND AND REQUEST A HEARING

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]

(Attorney for \_\_\_\_\_)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. There need be no Certificate of Service if all parties being served will be served electronically via the Court's CM/ECF system. Only the affected creditor, or its counsel, and any parties in interest requesting special notice need also be served with this Motion; except that in a chapter 9 or 11 case, the Motion must also be served upon any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, upon the creditors listed under Rule 1007(d), Fed. R. Bankr. P.]

Mont. LBF 26. REQUEST FOR IN-PERSON HEARING.  
[Mont. LBR 5074-1(a)]

Name of Trustee/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>REQUEST FOR IN-PERSON HEARING</b>
--------------------------------------	--

Pursuant to Mont. LBR 5074-1(a), the undersigned respectfully requests that the Court schedule and conduct the hearing or trial on [describe the matter in issue and the date set for the hearing or trial] in person. The undersigned asserts that good cause exists for the Court to conduct the hearing in person for the following reason:

The undersigned has contacted or attempted to contact other affected parties to gain their consent to this request, and advises the Court regarding such contacts or attempts as follows:

WHEREFORE, the undersigned respectfully requests the Court to conduct the hearing or trial scheduled for \_\_\_\_\_ in person.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. There need be no Certificate of Service if all parties being served will be served electronically via the Court's CM/ECF system. Only the persons affected by the subject hearing, or their counsel, need also be served with this Request.]

Mont. LBF 27. MOTION TO DISMISS [CONVERT]; AND NOTICE.  
[Mont. LBR 1017-1(b)]

Name of Trustee/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION TO DISMISS [CONVERT]; AND NOTICE</b>
--------------------------------------	--

Pursuant to Rule \_\_\_\_\_, Fed. R. Bankr. P., and Mont. LBR \_\_\_\_\_, the undersigned respectfully moves the Court to dismiss the above-entitled case [or convert the above-entitled case to a case under Chapter \_\_\_\_]. The grounds for this motion are as follows:

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the

hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]

(Attorney for \_\_\_\_\_)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. The Debtor and its counsel must be served with this motion, together with any parties requesting special notice.]

Mont. LBF 28. OBJECTION TO PROOF OF CLAIM; AND NOTICE OF HEARING.  
[Mont. LBR 3007-1]

Name of Trustee/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>OBJECTION TO PROOF OF CLAIM; AND NOTICE OF HEARING</b> <b>Date:</b> _____ <b>Time:</b> _____ <b>Location:</b> _____
--------------------------------------	---

Pursuant to Rule 3007, Fed. R. Bankr. P., and Mont. LBR 3007-1, the undersigned respectfully objects to the Proof of Claim filed in the above-entitled case by \_\_\_\_\_, which is claim number \_\_\_\_\_ on the Claims Register maintained by the Clerk of Court. The grounds for this objection are as follows:

WHEREFORE, Proof of Claim number \_\_\_\_\_ should be disallowed. DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)



## NOTICE OF HEARING

A hearing on the above-referenced Objection to Proof of Claim will be held at the date, time and location set forth in the caption above, at which time you must appear and respond to such Objection. If no response is timely made, the Court may grant the Objection, as a failure to appear shall be deemed an admission that the Objection is valid and should be granted.

### CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

---

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. All creditors and any parties requesting special notice should be served with this document. There need be no Certificate of Service if all parties being served will be served electronically via the Court's CM/ECF system. Only the affected creditor, or its counsel, need also be served with this Objection.]

Mont. LBF 29. OBJECTION TO CLAIM OF EXEMPTION; AND NOTICE.  
[Mont. LBR 4003-3]

Name of Trustee/Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>OBJECTION TO CLAIM OF EXEMPTION; AND NOTICE</b>
--------------------------------------	--

Pursuant to Rule 4003, Fed. R. Bankr. P., and Mont. LBR 4003-3, the undersigned respectfully objects to the Debtor's claim of exemption for the following described asset:

The grounds for this objection are as follows:

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous

print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]

(Attorney for \_\_\_\_\_)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. The Debtor and his or her counsel must be served with this objection.]

Mont. LBF 30. STATEMENT OF DOMESTIC SUPPORT OBLIGATION(S).  
[Mont. LBR 4002-1(e)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>STATEMENT OF DOMESTIC SUPPORT OBLIGATION(S)</b>
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[If filing jointly, information for both spouses must be provided on this form]

Pursuant to Mont. LBR 4002-1(e), the undersigned hereby provides this Statement of Domestic Support Obligation(s), as defined in 11 U.S.C. § 101(14A).

1. Debtor's name (enter full name): \_\_\_\_\_
2. Does Debtor have a domestic support obligation: \_\_\_yes \_\_\_no. If yes, please fill out the rest of this form. If no, do not fill out the rest, but sign where indicated below.
3. Debtor's employer and employer's address: \_\_\_\_\_
4. Name, address, phone number, employer's name, and address of employer for any person responsible with the Debtor for the support:  
\_\_\_\_\_  
\_\_\_\_\_
5. Name, address and phone number for the holder of the claim of support:

---

---

[If the Debtor does not know the whereabouts of the former spouse, this fact should be affirmatively stated above, but the address for the support collection agency must be provided.]

AS OF THE DATE OF FILING OF THE BANKRUPTCY PETITION:

1. Amount of support obligation: \$\_\_\_\_\_ per \_\_\_\_\_ [i.e. month, week, etc.]
2. Term of support obligation: from \_\_\_\_\_ until \_\_\_\_\_
3. Amount that the domestic support obligation is in arrears: \$ \_\_\_\_\_
4. Court name and jurisdiction in which order of support was issued:
5. Court Case No. \_\_\_\_\_
6. Name and address of State Child Support Enforcement Agency involved in such claim:

I/We declare under penalty of perjury that the foregoing is true and correct.

---

Signature of Debtor

---

Date

---

Signature of Co-Debtor

---

Date

Penalty for making a false statement: Fine up to \$250,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571

Mont. LBF 31. SUPPLEMENTAL PERSONAL PROPERTY LIST.  
[Mont. LBR 1007-1(g)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <p style="text-align: center;"><b>SUPPLEMENTAL PERSONAL PROPERTY LIST</b></p>
--------------------------------------	---

<b>1. Household Goods and Furnishings</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Couch			
Loveseat			
Lamps			
Tables			
Chairs			
Beds			
Desks			
End Tables			
Dressers			
Televisions			
Stereos			
VCR /DVD Players			
CD/VCR/DVD or Record			
Entertainment Center			
Barbeques			
Lawnmowers			
Other (Describe)			

Other (Describe)			
Other (Describe)			
<b>2. Appliances</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Refrigerator			
Freezer			
Washer/Dryer			
Dishwasher			
Microwave			
Satellite Dish			
Trash Compacter			
Range/Oven			
Other (Describe)			
Other (Describe)			
Other (Describe)			
<b>3. Books, Pictures, Electronic Equipment, Collections/Art Objects:</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Books			
Pictures			
Coin/Stamp Collections			
Antiques			
Cameras/Video Equipment			
Typewriters			
Binoculars			
Sculptures			
Knickknacks			
Fish Tank(s)			
Paintings or Other Art Work			
Computer Equipment			
Other (Describe)			
Other (Describe)			
Other (Describe)			
<b>4. Wearing Apparel, Sports Equipment:</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Men's Clothes			
Jewelry (Men's) (Itemize Each Item)			
Women's Clothes			
Jewelry (Women's) (Itemize Each Item)			
Children's Clothes			
Jewelry (Children's)			

(Itemize Each Item)			
Guns (Describe, make, model & caliber)			
Skis (Describe)			
Boats (Describe, make, model & year)			
Boat Motors (Describe, make, model & year)			
Boat Trailer (Describe, make, model & year)			
Snowmobile (Describe, make, model & year)			
ATV (Describe, make, model & year)			
Archery Equipment (Describe)			
Bowling Equipment (Describe)			
Golf Equipment (Describe)			
Hiking/backpack (Describe)			
Fishing Equipment (Describe)			
Other (Describe)			
Other (Describe)			
Other (Describe)			
<b>5. Automobiles, Trucks, Trailers, Motorcycles, Farm Equipment:</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Automobile (make, model, year)			
Automobile (make, model, year)			
Automobile (make, model, year)			
Trailer (make, model, year)			
Trailer (make, model, year)			
Motorcycle (make, model, year)			
Farm Equipment (make, model, year)			
Farm Equipment (make, model, year)			
Additional Equipment (Describe)			
Additional Equipment (Describe)			
<b>6. Animals:</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Cats			
Dogs			
Birds			
Horses			
Livestock (describe)			
Other (Describe)			
Other (Describe)			
<b>7. Tools, Machinery &amp; Implements:</b>			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Hand tools (automotive, woodworking, etc.) (Including Trade Tools - Itemize Each Item)			



Power tools (chainsaw, compressors, welding, etc.) (Including Machinery & Equipment Used in a Trade or Business - Itemize Each Item)			
Lawn/Garden Tools (Describe)			
<b>8. Personal Property</b> of other description (include such items as business inventory, patents, accounts receivables, inheritances, stocks and bonds, insurance policies (if any, cash surrender value) and any other personal property of any other kind or description not otherwise listed in the bankruptcy schedules, statement of financial affairs, or this inventory list.			
<u>Description</u>	<u>Exempt Amount</u>	<u>Qty</u>	<u>Fair Market Value</u>
Other (Describe)			
Other (Describe)			
Other (Describe)			

Mont. LBF 32. BANKRUPTCY INFORMATION SHEET.  
[Mont. LBR 2003-1]

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.

WHEN YOU FILE BANKRUPTCY:

You can choose the kind of bankruptcy that best suits your needs:

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you live.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but it is only for family farmers.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have filed bankruptcy under another chapter, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?

One of the reasons people file is to get a "discharge." A discharge is a Court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for –

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by drunk driving or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed.

Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged.

The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records or lie, or if you disobey a Court order.

You can only receive a chapter 7 discharge once every eight years. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### WHAT IS A REAFFIRMATION AGREEMENT?

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay the debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements

—

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be cancelled any time before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. You must file the agreement with the Court and request a hearing. At the hearing, the court must find that the agreement is in your best interests and enter an order approving the agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgement against you.

**IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

Mont. LBF 33. MATERIALS REQUIRED TO BE DELIVERED TO TRUSTEES PRIOR TO § 341(a) MEETINGS OF CREDITORS.

[Mont. LBRs 2003-3 and 4003-2]

MATERIALS FOR TRUSTEES

Copies of the following documents and materials must be provided to the appropriate panel or standing trustees (and to the U.S. Trustee, if requested) at least fourteen (14) days prior to the first date scheduled for the § 341(a) meeting of creditors on each Debtor's case. If these materials are not provided, the trustee may continue the meeting of creditors until a later date, at which time the Debtor and Debtor's attorneys will be required to attend again in order to respond to inquiries related to such documents and materials; or, at the trustee's discretion, the trustee or U.S. Trustee may seek dismissal or conversion of a Debtor's case for failure to timely provide these documents and materials, or may seek an order compelling the debtor to provide such materials.

A copy of this Form must also be provided to the trustee, properly completed to reflect which documents and materials are being provided, and which are not being provided. An explanation is required for each document which is not provided indicating the reason for not providing the document (e.g., "n/a" if the item is not applicable to the debtor). Leave no blank items.

1. \_\_\_\_\_ Tax Returns: Copies of state and federal income tax returns (including all schedules) for the two years (or more, as requested by the trustee) prior to the bankruptcy filing; including returns for any corporation, partnership or other entity in which the debtor holds an interest.
2. \_\_\_\_\_ Documents for Real Property: (Provide for each parcel; including those assets which the debtor transferred or surrendered within four years prior to filing bankruptcy, or which the debtor intends to transfer or surrender following the bankruptcy filing.)

Location of Property: \_\_\_\_\_  
\_\_\_\_\_

- \_\_\_\_\_ Trust Indenture, Contract for Deed or Mortgage
- \_\_\_\_\_ Proof of Perfection (e.g., proof of recording)
- \_\_\_\_\_ Notice of Purchaser's Interest (with proof of recording)
- \_\_\_\_\_ Homestead Declaration (with proof of recording)
- \_\_\_\_\_ Appraisal (or most recent year's county tax assessment statement)
- \_\_\_\_\_ Underlying Promissory Note
- \_\_\_\_\_ Underlying Deed
- \_\_\_\_\_ Copy of Survey (if applicable)

3. Documents for Personal Property: (Provide for each item of personal property which is pledged as collateral to secure a debt; including those assets which the debtor transferred or surrendered within four years prior to filing bankruptcy, or which the debtor intends to transfer or surrender following the bankruptcy filing.)

\_\_\_\_ Underlying Promissory Note

\_\_\_\_ Security Agreement or Retail Installment Contract

\_\_\_\_ Proof of Perfection (e.g., UCC-1, with proof of filing)

\_\_\_\_ Loan Status (most recent month's loan statement)

\_\_\_\_ Proof of Fair Market Value (if possible)

\_\_\_\_ Appraisal (if any)

\_\_\_\_ Certificate of Title  
\_\_\_\_ Registration  
\_\_\_\_ Appraisal (or blue book valuation or other Internet valuation)  
\_\_\_\_ Loan Status (most recent month's loan statement)

\_\_\_\_ Underlying Promissory Note and Other Loan Documents  
\_\_\_\_ Security Agreement  
\_\_\_\_ Certificate of Title  
\_\_\_\_ Homestead Declaration (with proof of recording)  
\_\_\_\_ Loan Status (most recent month's loan statement)

6. \_\_\_\_\_ Life Insurance: Proof of all insurance, and any cash value or loan documents
7. \_\_\_\_\_ IRA or Pension Plans: Most recent monthly or quarterly statements reflecting account balances; and copy of 401(k) or other plan, if applicable.
8. \_\_\_\_\_ Insurance Policies: Copy of the declarations page for each policy (or copy of annual statement provided by the insurance company), proving that liability and/or general casualty insurance exists for the debtor's assets, and setting forth the declared values of assets and any loan amounts.
9. \_\_\_\_\_ Banking Information: Copies of all bank, credit union, or other financial institution checking, savings, money market, mutual fund, brokerage and other depository and investment account statements, reflecting all account balances as of the month the debtor's case was filed.
10. \_\_\_\_\_ Stocks, Bonds, or Other Money Instruments: Copies of all stocks, bonds, or other instruments which represent or can be converted to money.
11. \_\_\_\_\_ Business Information: (For any debtor who operated a business of any kind within the six year period preceding the filing of the case).

\_\_\_\_\_ Complete Listing of Most Recent Inventory

\_\_\_\_\_ Listing of All Business Assets (if not contained in Schedules)

\_\_\_\_\_ Copy of Most Recent Balance Sheet

\_\_\_\_\_ Copy of Most Recent Profit and Loss Statement

\_\_\_\_\_ Copies of All Loan Applications Provided to Anyone within the Prior Two Years

\_\_\_\_\_ Copies of All Loan Documents (including most recent month's statements)

\_\_\_\_\_ Copies of Last Two Year's State and Federal Income Tax Returns

\_\_\_\_\_ Copy of Most Recent Accounts Receivable (including name, address, and amount of each receivable)

12. \_\_\_\_\_ Divorce: If the debtor has been divorced within two years prior to the bankruptcy filing, provide copies of the divorce decree and any marital settlement agreement.
13. \_\_\_\_\_ Loan Applications: Copies of all loan applications submitted to any bank, credit union, other financial institution, wholesale or retail merchant, or any other entity within the last two years, for all loans that were approved or outstanding at the time of the bankruptcy filing. [This does not involve credit card applications.]

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor

[This form must be provided to the trustee, but need not be filed with the Court.]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>ORDER</b>
--------------------------------------	------------------------------

At Butte in said District this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

In this Chapter \_\_\_\_ bankruptcy, the [Debtor(s); trustee; name of creditor; etc.], as the Movant(s), filed a \_\_\_\_\_ on [month, date], 20\_\_.

As required by Mont. LBR 9013-1(d), the Movant's [motion; objection to exemption; etc.] provided a "NOTICE" provision which granted the opposing party fourteen (14) days to respond to the [motion; objection; etc.] and schedule the matter for hearing. The "NOTICE" provided that "[I]f no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted." The fourteen (14) day period has expired and \_\_\_\_\_ has not filed a response to the \_\_\_\_\_. In accordance with the Notice provision attached to the Movant's \_\_\_\_\_, the failure of \_\_\_\_\_ to respond is deemed an admission that the Movant's \_\_\_\_\_ should be sustained without further notice or hearing. Accordingly,

IT IS ORDERED the Movant's \_\_\_\_\_ is [GRANTED; SUSTAINED; etc.], and [describe the relief obtained by the Movant].



Mont. LBF 36. DECLARATION OF DEBTOR(S) UNDER PENALTY OF PERJURY.  
[Mont. LBR 2003-5]

[Individual Debtor(s)]

I declare under penalty of perjury that I have read the petition, schedules of assets and liabilities, and statement of financial affairs on file in my bankruptcy case now pending before the U.S. Bankruptcy Court for the District of Montana, and that all of the answers and information provided in such documents, and any attachments thereto, are true and correct to the best of my knowledge, information and belief.

Dated: \_\_\_\_\_ Signature of Debtor: \_\_\_\_\_  
Print Name: \_\_\_\_\_

I declare under penalty of perjury that I have read the petition, schedules of assets and liabilities, and statement of financial affairs on file in my bankruptcy case now pending before the U.S. Bankruptcy Court for the District of Montana, and that all of the answers and information provided in such documents, and any attachments thereto, are true and correct to the best of my knowledge, information and belief.

Dated: \_\_\_\_\_ Signature of Debtor: \_\_\_\_\_  
Print Name: \_\_\_\_\_

[Corporation or Partnership]

I declare under penalty of perjury that I have read the petition, schedules of assets and liabilities, and statement of financial affairs on file in the below-named corporate or partnership bankruptcy case now pending before the U.S. Bankruptcy Court for the District of Montana, that I was authorized to file the petition on behalf of the debtor, and that all of the answers and information provided in such documents, and any attachments thereto, are true and correct to the best of my knowledge, information and belief. [An individual signing on behalf of a corporation or partnership must indicate his or her position or relationship to the debtor.]

Dated: \_\_\_\_\_ Name of Corporation or Partnership \_\_\_\_\_  
Signature and Title of Authorized Representative:  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

Witnessed by: \_\_\_\_\_ (Trustee)

Penalty for making a false statement: Fine of up to \$250,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Mont. LBF 37. NOTICE OF COMPLIANCE WITH § 521.  
[Mont. LBR 4002-1(f)]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>NOTICE OF COMPLIANCE WITH § 521</b>
--------------------------------------	--

Debtor(s) hereby certify under penalty of perjury that:

1. Pursuant to § 521(a)(1)(A), the list of creditors is filed herewith.
2. Pursuant to § 521(a)(1)(B), the schedules of (i) assets and liabilities; (ii) current income and expenditures; (iii) statement of financial affairs; and (iv) the proof of delivery of the § 342(b) notice to the debtor is filed herewith.
3. Pursuant to § 521(a)(1)(B)(iv), the Debtor(s) has/have filed with the Court copies of all payment advices or other evidence of payment received within 60 days before the date of filing of the Debtor's/Debtors' petition;
4. Pursuant to § 521(a)(1)(B)(v), the Debtor(s) has/have filed with the Court Schedules I and J, showing the amount of monthly net income, itemized to show how the amount is calculated, and the Statement of Current Monthly Income and Means Test Calculation;
5. Pursuant to § 521(a)(1)(vi), the Debtor(s) state(s) that:

\_\_\_\_\_ The Debtor(s) anticipate(s) an increase in income or expenditures over the 12-month period following the date of filing the petition. Specifically:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The Debtor(s) does/do not anticipate(s) an increase in income or expenditures over the 12-month period following the date of filing the petition.

6. Pursuant to § 521(b)(1), the required credit counseling certification is filed herewith.

7. Pursuant to § 521(b)(2), the Debtor(s) state(s) that there are no debt repayment plans of the type contemplated by this statute (or, a copy of such repayment plan is filed herewith);

8. Pursuant to § 521(c), the Debtor(s) state(s) that:

\_\_\_\_\_ The Debtor(s) has/have an interest in an account or program of the type specified in § 521(c) of the Code, with documentation thereof filed herewith.

\_\_\_\_\_ The Debtor(s) has/have no interest in an account or program of the type specified in § 521(c) of the Code.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

I/We declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Debtor

\_\_\_\_\_  
Date

Penalty for making a false statement: Fine up to \$250,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571

Mont. LBF 38. MOTION FOR ENTRY OF DISCHARGE; AND ATTORNEY  
CERTIFICATION (CHAPTER 12).  
[Mont. LBR 4004-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION FOR ENTRY OF DISCHARGE; AND ATTORNEY CERTIFICATION</b>
--------------------------------------	--

The above-named Debtor(s) respectfully moves the Court for the entry of an Order of Discharge. In support of this motion, the undersigned represents that:

1. I am counsel of record for the Debtor(s) in the above-entitled case.
2. I have explained the requirements for a discharge to the Debtor(s) and to the best of the undersigned's knowledge, the Debtor(s) qualifies for a discharge under §§ 521 and 1228(a) and (f); and
3. By affidavit, filed herewith, the Debtor(s) has made the required certification, under oath, necessary for the entry of discharge.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
Attorney for Debtor

ATTORNEY CERTIFICATION  
In Support of Motion for Entry of Discharge

I represent the above captioned Debtor(s) and hereby certify that I have explained to the Debtor(s) the averments set forth above, and to the best of my knowledge and belief, each Debtor identified above is in compliance with the provisions of 11 U.S.C. §§ 521 and 1228(a) and (f), and meets the eligibility requirements for a Chapter 12 discharge pursuant to 11 U.S.C. §§ 1228(a) and (f).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
Attorney for Debtor

Mont. LBF 38-A. AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF  
DISCHARGE (CHAPTER 12).  
[Mont. LBR 4004-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DISCHARGE</b>
--------------------------------------	--

The above-named Debtor(s) having moved the Court for the entry of an Order of Discharge,  
in support of such motion, I/we certify and state as follows:

1. I have made all of the payments required under the confirmed Chapter 12 Plan in this case and have fully complied with the terms of that Plan.
2. I have completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and have filed a copy of the Certification of Completion, either prior to the filing of this Motion or with this Motion.
3. Check the box that applies, one box MUST be checked.

☐ I am not required by any judicial or administrative order or law to pay a domestic support obligation (child support or spousal support); OR

☐ I was required to pay a domestic support obligation during this case, and I certify that I have paid all domestic support due through today, under the order or law requiring support payments.

4. I have no reason to believe that there is any pending investigation or proceeding in which I may be found guilty of:

- (a) a felony involving the abuse of bankruptcy law;
- (b) any violation of federal or state securities law;
- (c) fraud, deceit or manipulation in a fiduciary capacity (where I am responsible for managing someone else's money, property or affairs) involving the purchase or sale of any securities;
- (d) any civil offense under § 1964 of Title 18 U.S. Code (federal criminal laws); or
- (e) any criminal act, any intentional harm to another or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five (5) years.

I/we certify under oath and penalty of perjury that the foregoing is true and correct to the best of my/our knowledge and belief.

---

Signature of Debtor

---

Date

---

Signature of Co-Debtor

---

Date

Mont. LBF 39. MOTION FOR ENTRY OF DISCHARGE; AND ATTORNEY  
CERTIFICATION (CHAPTER 13).  
[Mont. LBR 4004-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION FOR ENTRY OF DISCHARGE; AND ATTORNEY CERTIFICATION</b>
--------------------------------------	--

The above-named Debtor(s) respectfully moves the Court for the entry of an Order of Discharge. In support of this motion, the undersigned represents that:

1. I am counsel of record for the Debtor(s) in the above-entitled case.
2. I have explained the requirements for a discharge to the Debtor(s) and to the best of the undersigned's knowledge, the Debtor(s) qualifies for a discharge under §§ 521, 1308, and 1328(a), (g)(1) and (h); and
3. By affidavit, filed herewith, the Debtor(s) has made the required certification, under oath, necessary for the entry of discharge.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
Attorney for Debtor



ATTORNEY CERTIFICATION  
In Support of Motion for Entry of Discharge

I represent the above captioned Debtor(s) and hereby certify that I have explained to the Debtor(s) the averments set forth above, and to the best of my knowledge and belief, each Debtor identified above is in compliance with the provisions of 11 U.S.C. §§ 521, 1308, and 1328(1), and meets the eligibility requirements for a Chapter 13 discharge pursuant to 11 U.S.C. §§ 1328(g)(1) and 1328(h).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
Attorney for Debtor

Mont. LBF 39-A. AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF  
DISCHARGE (CHAPTER 13).  
[Mont. LBR 4004-1]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DISCHARGE</b>
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The above-named Debtor(s) having moved the Court for the entry of an Order of Discharge,  
in support of such motion, I/we certify and state as follows:

1. I have made all of the payments required under the confirmed Chapter 13 Plan in this case and have fully complied with the terms of that Plan.
2. I have completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and have filed a copy of the Certification of Completion, either prior to the filing of this Motion or with this Motion.
3. Check the box that applies, one box MUST be checked.

☐ I am not required by any judicial or administrative order or law to pay a domestic support obligation (child support or spousal support); OR

☐ I was required to pay a domestic support obligation during this case, and I certify that I have paid all domestic support due through today, under the order or law requiring support payments.

4. I have not received a discharge in any prior Chapter 7, 11 or 12 bankruptcy case in which I was a debtor during the four year period prior to the date that I filed this Chapter 13 bankruptcy case, and I have not received a discharge in any previous Chapter 13 bankruptcy case during the two year period before I filed this Chapter 13 bankruptcy case.
5. I have no reason to believe that there is any pending investigation or proceeding in which I may be found guilty of:
  - a. a felony involving the abuse of bankruptcy law;
  - b. any violation of federal or state securities law;
  - c. fraud, deceit or manipulation in a fiduciary capacity (where I am responsible for managing someone else's money, property or affairs) involving the purchase or sale of any securities;
  - d. any civil offense under § 1964 of Title 18 U.S. Code (federal criminal laws); or
  - e. any criminal act, any intentional harm to another or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five (5) years.

I/we certify under oath and penalty of perjury that the foregoing is true and correct to the best of my/our knowledge and belief.

---

Signature of Debtor

---

Date

---

Signature of Co-Debtor

---

Date

Mont. LBF 40. MOTION FOR WITHDRAWAL OF UNCLAIMED FUNDS; AND  
NOTICE.

[Fed. R. Bankr. P. 3011]

Name of Attorney  
Office Mailing Address  
Telephone Number  
Facsimile Number  
E-Mail Address  
State Bar I.D. Number  
(Attorney for \_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  , ,  Debtors.	Case No.  <b>MOTION FOR WITHDRAWAL OF UNCLAIMED FUNDS; AND NOTICE</b>
--------------------------------------	---

The undersigned, under penalty of perjury, represents and declares that the following statements and information are true and correct, and respectfully moves the Court for an order of withdrawal pursuant to Mont. LBR 3011-1 as follows:

1. I move the Court for an order authorizing the Clerk of the Bankruptcy Court to disburse unclaimed funds in the amount of \$\_\_\_\_\_, which is the sum remitted to the Court by the trustee on the following date(s): \_\_\_\_\_, on behalf of the person described in paragraph 2 below.

2. Person entitled to disbursement: \_\_\_\_\_  
Tax Identification Number: \_\_\_\_\_

3. I have made a sufficient inquiry and have no knowledge: (a) that the claim has been previously paid; (b) that any other motion for withdrawal of unclaimed funds is currently pending; (c) that any person other than the person identified in paragraph 2 is entitled to submit a motion for withdrawal of the subject funds; and (d) that any person other than the person identified in paragraph 2 is entitled to disbursement.

4. I understand and acknowledge that pursuant to 18 U.S.C. § 152, I may be imprisoned

up to 5 years and fined not more than \$250,000, or both, if I have knowingly and fraudulently made any false statements or representations in this motion.

Wherefore, movant moves the Court for an order granting this motion for withdrawal of unclaimed funds and authorizing the Clerk of the Bankruptcy Court to disburse the amount stated above to the person designated in paragraph 2 above.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature of Movant \_\_\_\_\_  
Type or Print Movant's Name \_\_\_\_\_  
Name of Movant's Company \_\_\_\_\_  
Movant's Address \_\_\_\_\_  
Movant's Phone Number \_\_\_\_\_  
Movant's E-Mail \_\_\_\_\_

**NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of attorney]  
(Attorney for \_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_  
[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. The Debtor and his or her counsel must be served with this motion.]

UNITED STATES TRUSTEE GUIDELINES FOR REVIEWING APPLICATIONS FOR  
COMPENSATION AND REIMBURSEMENT OF EXPENSES FILED UNDER 11 U.S.C.  
§ 330.

ORDER

The appended Guidelines have been adopted by the Executive Office for United States Trustees this date and supersede the Guidelines previously issued by the Executive Office on March 22, 1995.

Dated: January 30, 1996

Joseph Patchan, Director  
Executive Office for U.S. Trustees

UNITED STATES TRUSTEE GUIDELINES FOR  
REVIEWING APPLICATIONS FOR  
COMPENSATION AND REIMBURSEMENT OF  
EXPENSES  
FILED UNDER 11 U.S.C. § 330

Issued January 30, 1996

I. GENERAL INFORMATION

- A. The Bankruptcy Reform Act of 1994 amended the responsibilities of the United States Trustees under 28 U.S.C. § 586(a)(3)(A) to provide that, whenever they deem appropriate, United States Trustees will review applications for compensation and reimbursement of expenses under section 330 of the Bankruptcy Code, 11 U.S.C. § 101, et seq. ("Code"), in accordance with procedural guidelines ("Guidelines") adopted by the Executive Office for United States Trustees ("Executive Office"). The following Guidelines have been adopted by the Executive Office and are to be uniformly applied by the United States Trustees except when circumstances warrant different treatment.
- B. The United States Trustees shall use these Guidelines in all cases commenced on or after October 22, 1994.
- C. The Guidelines are not intended to supersede local rules, but should be read as complementing the procedures set forth in local rules.
- D. Nothing in the Guidelines should be construed:
  - 1. to limit the United States Trustee's discretion to request additional information necessary for the review of a particular application or type of application;

2. to limit the United States Trustee's discretion to determine whether to file comments or objections to applications; or
  3. to create any private right of action on the part of any person enforceable in litigation with the United States Trustee.
- E. Recognizing that the final authority to award compensation and reimbursement under section 330 of the Code is vested in the Court, the Guidelines focus on the disclosure of information relevant to a proper award under the law. In evaluating fees for professional services, it is relevant to consider various factors including the following: the time spent; the rates charged; whether the services were necessary to the administration of, or beneficial towards the completion of, the case at the time they were rendered; whether services were performed within a reasonable time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed; and whether compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in non-bankruptcy cases. The Guidelines thus reflect standards and procedures articulated in section 330 of the Code and Rule 2016 of the Federal Rules of Bankruptcy Procedure for awarding compensation to trustees and to professionals employed under section 327 or 1103. Applications that contain the information requested in these Guidelines will facilitate review by the Court, the parties, and the United States Trustee.
- F. Fee applications submitted by trustees are subject to the same standard of review as are applications of other professionals and will be evaluated according to the principles articulated in these Guidelines. Each United States Trustee should establish whether and to what extent trustees can deviate from the format specified in these Guidelines without substantially affecting the ability of the United States Trustee to review and comment on their fee applications in a manner consistent with the requirements of the law.

## II. CONTENTS OF APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

All applications should include sufficient detail to demonstrate compliance with the standards set forth in 11 U.S.C. § 330. The fee application should also contain sufficient information about the case and the applicant so that the Court, the creditors, and the United States Trustee can review it without searching for relevant information in other documents. The following will facilitate review of the application.

### A. Information about the Applicant and the Application.

The following information should be provided in every fee application:

1. Date the bankruptcy petition was filed, date of the order approving employment, identity of the party represented, date services commenced, and whether the



applicant is seeking compensation under a provision of the Bankruptcy Code other than section 330.

2. Terms and conditions of employment and compensation, source of compensation, existence and terms controlling use of a retainer, and any budgetary or other limitations on fees.
3. Names and hourly rates of all applicant's professionals and paraprofessionals who billed time, explanation of any changes in hourly rates from those previously charged, and statement of whether the compensation is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.
4. Whether the application is interim or final, and the dates of previous orders on interim compensation or reimbursement of expenses along with the amounts requested and the amounts allowed or disallowed, amounts of all previous payments, and amount of any allowed fees and expenses remaining unpaid.
5. Whether the person on whose behalf the applicant is employed has been given the opportunity to review the application and whether that person has approved the requested amount.
6. When an application is filed less than 120 days after the order for relief or after a prior application to the Court, date and terms of the order allowing leave to file at shortened intervals.
7. Time period of the services or expenses covered by the application.

**B. Case Status.**

The following information should be provided to the extent that it is known to or can be reasonably ascertained by the applicant:

1. In a chapter 7 case, a summary of the administration of the case including all moneys received and disbursed in the case, when the case is expected to close, and, if applicant is seeking an interim award, whether it is feasible to make an interim distribution to creditors without prejudicing the rights of any creditor holding a claim of equal or higher priority.
2. In a chapter 11 case, whether a plan and disclosure statement have been filed and, if not yet filed, when the plan and disclosure statement are expected to be filed; whether all quarterly fees have been paid to the United States Trustee; and whether all monthly operating reports have been filed.

3. In every case, the amount of cash on hand or on deposit, the amount and nature of accrued unpaid administrative expenses, and the amount of unencumbered funds in the estate.
4. Any material changes in the status of the case that occur after the filing of the fee application should be raised, orally or in writing, at the hearing on the application or, if a hearing is not required, prior to the expiration of the time period for objection.

#### C. Summary Sheet.

All applications should contain a summary or cover sheet that provides a synopsis of the following information:

1. total compensation and expenses requested and any amount(s) previously requested;
2. total compensation and expenses previously awarded by the court;
3. name and applicable billing rate for each person who billed time during the period, and date of bar admission for each attorney;
4. total hours billed and total amount of billing for each person who billed time during billing period; and
5. computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time.

#### D. Project Billing Format

1. To facilitate effective review of the application, all time and service entries should be arranged by project categories. The project categories set forth in Exhibit A should be used to the extent applicable. A separate project category should be used for administrative matters and, if payment is requested, for fee application preparation.
2. The United States Trustee has discretion to determine that the project billing format is not necessary in a particular case or in a particular class of cases. Applicants should be encouraged to consult with the United States Trustee if there is a question as to the need for project billing in any particular case.
3. Each project category should contain a narrative summary of the following information:

- a. a description of the project, its necessity and benefit to the estate, and the status of the project including all pending litigation for which compensation and reimbursement are requested;
  - b. identification of each person providing services on the project; and
  - c. a statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.
- 4. Time and service entries are to be reported in chronological order under the appropriate project category.
- 5. Time entries should be kept contemporaneously with the services rendered in time periods of tenths of an hour. Services should be noted in detail and not combined or "lumped" together, with each service showing a separate time entry; however, tasks performed in a project which total a de minimis amount of time can be combined or lumped together if they do not exceed .5 hours on a daily aggregate. Time entries for telephone calls, letters, and other communications should give sufficient detail to identify the parties to and the nature of the communication. Time entries for court hearings and conferences should identify the subject of the hearing or conference. If more than one professional from the applicant firm attends a hearing or conference, the applicant should explain the need for multiple attendees.

#### E. Reimbursement for Actual, Necessary Expenses.

Any expense for which reimbursement is sought must be actual and necessary and supported by documentation as appropriate. Factors relevant to a determination that the expense is proper include the following:

- 1. Whether the expense is reasonable and economical. For example, first class and other luxurious travel mode or accommodations will normally be objectionable.
- 2. Whether the requested expenses are customarily charged to non- bankruptcy clients of the applicant.
- 3. Whether applicant has provided a detailed itemization of all expenses including the date incurred, description of expense (e.g., type of travel, type of fare, rate, destination), method of computation, and, where relevant, name of the person incurring the expense and purpose of the expense. Itemized expenses should be identified by their nature (e.g., long distance telephone, copy costs, messengers, computer research, airline travel, etc.) and by the month incurred. Unusual items require more detailed explanations and should be allocated, where practicable, to specific projects.

4. Whether applicant has prorated expenses where appropriate between the estate and other cases (e.g., travel expenses applicable to more than one case) and has adequately explained the basis for any such proration.
5. Whether expenses incurred by the applicant to third parties are limited to the actual amounts billed to, or paid by, the applicant on behalf of the estate.
6. Whether applicant can demonstrate that the amount requested for expenses incurred in-house reflect the actual cost of such expenses to the applicant. The United States Trustee may establish an objection ceiling for any in-house expenses that are routinely incurred and for which the actual cost cannot easily be determined by most professionals (e.g., photocopies, facsimile charges, and mileage).
7. Whether the expenses appear to be in the nature of non-reimbursable overhead. Overhead consists of all continuous administrative or general costs incident to the operation of the applicant's office and not particularly attributable to an individual client or case. Overhead includes word processing, proofreading, secretarial and other clerical services, rent, utilities, office equipment and furnishings, insurance, taxes, local telephone and monthly car phone charges, lighting, heating and cooling, and library and publication charges.
8. Whether applicant has adhered to allowable rates for expenses as fixed by local rule or order of the Court.