



UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
1132 Bishop Street, Suite 250
Honolulu, HI 96813

MICHAEL B. DOWLING
CLERK OF COURT

AMY YOUNG
CHIEF DEPUTY CLERK

October 7, 2011

PROPOSED AMENDMENTS TO THE LOCAL BANKRUPTCY RULES

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

The following amendments to the local bankruptcy rules, proposed to become effective December 1, 2011, are hereby published for comment. Comments on the proposed amendments may be sent to the court at the address above or emailed to mbd@hib.uscourts.gov on or before October 28, 2011.

- **LBR 4001-1. Automatic Stay – Relief From** (changes deadline to reply to opposition to relief from automatic stay (not chapter 13 codebtor stay) from 3 days to 7 days before the hearing date)
- **LBR 5005-4. Electronic Filing** (adds “filing agent” as a class of ECF user; adds requirement for retention of originally signed documents; deletes as unnecessary the provision regarding attachments to proofs of claim)
- **LBR 7055-1. Default** (adds requirement for declaration regarding sufficiency of service, including service in a foreign country, when requesting clerk’s entry of default)
- **LBR 9018-1. Sealing and Redaction of Documents.** (clarifies procedure, including electronic filing of confidential documents)
- **Chapter 13 Plan (hib_3015-1)**
 - Section 4 – Classification of Claims (omits reference in section 4.01-3 Maintenance Payments by Trustee to section 7.06 of the plan; deemed unnecessary due to provisions of new Bankruptcy Rule 3002.1 effective December 1, 2011; adds check boxes for “principal residence” and “other property”)
 - Section 7 – Miscellaneous Provisions (omits current procedures following final plan payment as unnecessary due to provisions of new Bankruptcy Rule 3002.1; clarifies that any default by debtor in making direct payments to creditor postpetition is debtor’s responsibility, not to be paid by the trustee)

Automatic Stay – Relief From	Automatic Stay – Relief From
<p data-bbox="188 245 639 275">(e) Opposition Statement and Reply.</p> <p data-bbox="188 317 829 420">(1) <i>Opposition Statement.</i> A party opposing or responding to a motion under this rule must file and serve on the moving party a statement not later than:</p> <p data-bbox="188 459 812 562">(A) 14 days before the hearing date if the motion requests relief only from the automatic stay under § 362; or</p> <p data-bbox="188 602 797 705">(B) 7 days before the hearing date if the motion includes a request for relief from the codebtor stay under §§ 1201 or 1301.</p> <p data-bbox="188 745 854 884">(2) <i>Reply Memorandum.</i> The moving party may reply to an opposition or other responsive statement by filing a reply memorandum not later than 3 days before the preliminary hearing.</p>	<p data-bbox="891 245 1343 275">(e) Opposition Statement and Reply.</p> <p data-bbox="891 317 1533 420">(1) <i>Opposition Statement.</i> A party opposing or responding to a motion under this rule must file and serve on the moving party a statement not later than:</p> <p data-bbox="891 459 1515 562">(A) 14 days before the hearing date if the motion requests relief only from the automatic stay under § 362; or</p> <p data-bbox="891 602 1500 705">(B) 7 days before the hearing date if the motion includes a request for relief from the codebtor stay under §§ 1201 or 1301.</p> <p data-bbox="891 745 1557 884">(2) <i>Reply Memorandum.</i> The moving party may reply to an opposition or other responsive statement by filing a reply memorandum not later than 3 days before the preliminary hearing.</p> <p data-bbox="891 921 1549 989"><u>(1) Deadlines regarding a motion requesting relief only from the automatic stay under § 362:</u></p> <p data-bbox="891 1020 1549 1087"><u>(A) Opposition or other responsive statement: 14 days before the hearing date;</u></p> <p data-bbox="891 1119 1549 1148"><u>(B) Reply by moving party: 7 days before hearing date;</u></p> <p data-bbox="891 1180 1565 1247"><u>(2) Deadlines regarding a motion including a request for relief from the codebtor stay under § 1201 or 1301:</u></p> <p data-bbox="891 1278 1533 1346"><u>(A) Opposition or other responsive statement: 7 days before the hearing date;</u></p> <p data-bbox="891 1377 1549 1407"><u>(B) Reply by moving party: 3 days before hearing date.</u></p>

Electronic Filing	Electronic Filing
<p>(b) CM/ECF Eligibility, Registration, Passwords.</p> <p>(1) Eligibility. An individual entitled to file documents with the court electronically is referred to as an ECF User. All attorneys permitted to practice before the federal courts in the District of Hawaii are eligible to be ECF Users. The clerk may authorize other individuals to be ECF Users with full or limited participation in the CM/ECF system.</p> <p>(2) Registration. An individual eligible to be an ECF User must complete a registration form substantially conforming to the local for (CM/ECF Registration Form [hib_5005-4b]). Signing the registration form may constitute consent in writing to receive service and notice by electronic means to the full extent permitted under the Federal Rules of Bankruptcy Procedure, and a waiver of the right to receive service and notice on paper. An ECF User may withdraw from participation in the CM/ECF system in accordance with procedures prescribed by the clerk.</p> <p>(3) Login and Passwords. Upon the acceptance of an individual's registration, the clerk will issue a login and password to the ECF User, which may be changed by the ECF User after the initial access to the system. Use of the ECF User's login and password constitutes the signature of that individual, as provided further in this rule.</p>	<p>(b) CM/ECF Eligibility, Registration, Passwords.</p> <p>(1) Eligibility. An individual entitled to file documents with the court electronically is referred to as an ECF User. All attorneys permitted to practice before the federal courts in the District of Hawaii are eligible to be ECF Users. The clerk may authorize other individuals to be ECF Users with full or limited participation in the CM/ECF system.</p> <p>(2) Registration. An individual eligible to be an ECF User must complete a registration form substantially conforming to the <u>applicable</u> local form (CM/ECF Registration Form [hib_5005-4bA, hib 5005-4bF, hib 5005-4bL]). Signing the registration form may constitute consent in writing to receive service and notice by electronic means to the full extent permitted under the Federal Rules of Bankruptcy Procedure, and a waiver of the right to receive service and notice on paper. An ECF User may withdraw from participation in the CM/ECF system in accordance with procedures prescribed by the clerk.</p> <p>(3) Login and Passwords. Upon the acceptance of an individual's registration <u>request</u>, the clerk will issue a login and password to the ECF User, which <u>The password</u> may be changed by the ECF User after the initial access to the system. Use of the ECF User's login and password constitutes the signature of that individual, as provided further in this rule.</p> <p>(4) Filing Agents. <u>An individual authorized by an ECF User to electronically file documents in the name of the ECF User is referred to as a Filing Agent. The clerk may require that an individual who files on behalf of an ECF User be formally designated as a Filing Agent. Upon acceptance of a registration form authorizing an individual to be a Filing Agent, the clerk will issue to the individual a login and password associated with the ECF User's main account. The ECF User's signed acknowledgement on the Filing Agent's registration form conclusively establishes the agency relationship between them. Use of the Filing Agent's login and password has the same effect as use of the ECF User's login and password. The ECF User has the ability to remove a Filing Agent from the main account. If the agency relationship is terminated, the ECF User as soon as practicable must remove the Filing Agent from the main account or notify the clerk to deactivate the Filing</u></p>

Agent's login and password in order to prevent any unauthorized filing.

* * *

<p>(e) Attachments and Exhibits.</p> <p>(1) Excerpts. Attachments and exhibits should contain only those excerpts of the referenced material that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this rule does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.</p> <p>(2) Proofs of Claim. Only documents that are necessary to show the basis for the amount of the claim or the basis for any secured claim or security interest should be filed as attachments to a proof of claim.</p>	<p>(e) Attachments and Exhibits - Excerpts.</p> <p>(1) Excerpts. Attachments and exhibits should contain only those excerpts of the referenced material that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this rule does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.</p> <p>(2) Proofs of Claim. Only documents that are necessary to show the basis for the amount of the claim or the basis for any secured claim or security interest should be filed as attachments to a proof of claim.</p>
<p>(f) Signatures.</p> <p>(1) ECF User. Use of the ECF User's login and password constitutes the signature of that individual for all purposes, including those under Bankruptcy Rule 9011 and 28 U.S.C. § 1746, and has the same force and effect as if the individual had affixed that individual's signature on a paper copy of the document being filed.</p> <p>(2) Debtor. When a bankruptcy petition and accompanying schedules and statements, including amendments thereof, are filed electronically by an ECF User, the declarations or certifications required of a debtor in these documents must be made by submitting a paper copy of a declaration substantially conforming to the local form (Declaration re: Electronic Filing [hib_1008-1]) with the original signature of each individual or joint debtor, or the original signature of an authorized individual on behalf of a debtor that is an artificial entity. The Declaration re: Electronic Filing must be filed within 7 days after the date of electronic filing</p>	<p>(f) Signatures.</p> <p>(1) ECF User. Use of the ECF User's login and password <u>or a Filing Agent's login and password</u> constitutes the signature of that individual <u>the ECF User</u> for all purposes, including those under Bankruptcy Rule 9011 and 28 U.S.C. § 1746, and has the same force and effect as if the individual <u>the ECF User</u> had affixed that individual's <u>his or her</u> signature on a paper copy of the document being filed.</p> <p>(2) Debtor. When <u>At the time</u> a bankruptcy petition and accompanying schedules and statements, including amendments thereof, are filed electronically by an ECF User, <u>the ECF User must be in possession of the completed paper copies signed by the debtor.</u> The declarations or certifications required of a debtor in these documents must be made by submitting a paper copy of a declaration substantially conforming to the local form (Declaration re: Electronic Filing [hib_1008-1 <u>5005-4f2</u>]) with the original signature of each individual or joint debtor, or the original signature of an authorized individual on behalf of a debtor that is an artificial entity. The Declaration re: Electronic Filing must be filed within 7 days after the date of electronic</p>

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

(3) Other Requirements. The court may adopt further requirements regarding signatures through issuance of administrative procedures.

~~filing of the subject document. Failure to comply with this rule may result in dismissal of the case without further notice or a hearing.~~

(3) Retention of Originally Signed Documents. The originally signed paper copies of a bankruptcy petition and accompanying papers required to be verified under Bankruptcy Rule 1008 and any declaration made by any party under penalty of perjury in accordance with 28 U.S.C. § 1746 must be retained by the ECF User until one year after the date that the case or proceeding is closed. The court, on its own motion or on the request of a party in interest, may require the production of any originally signed document. In lieu of producing an originally signed paper document, an ECF User may produce the document's scanned image with the digital file's "date modified" information attached.

(4) Sanctions. Failure to comply with the provisions of this rule regarding signatures and retention of originally signed documents may result in dismissal of a case or proceeding and the striking of documents without further notice or hearing, and the imposition of monetary and other sanctions on the ECF User and Filing Agent.

(5) Other Requirements. The court may adopt further requirements regarding signatures through issuance of administrative procedures.

Default	Default
	<p>(a) Request for Entry of Default. A party requesting entry of default must support the request with a declaration regarding sufficiency of service of the summons and copy of the complaint. The declaration must identify the applicable provision authorizing service under Bankruptcy Rule 7004 or Fed. R. Civ. P. 4 and, if served in a place not within any judicial district of the United States, the specific authority for service under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents or other method of service.</p>
<p>Judgment for Plaintiff. Unless the court orders otherwise, a plaintiff entitled to a judgment by default in an adversary proceeding, for a claim other than a sum certain pursuant to Bankruptcy Rule 55(b)(2), may obtain a judgment only by written motion and upon establishment of a prima facie case at a hearing, with notice of not less than 28 days to the defendant. The motion must be served on the defendant and, if represented by counsel, the defendant’s attorney. Entry of default by the clerk must be made prior to or concurrently with the filing of the motion.</p>	<p>(b) Judgment for Plaintiff. Unless the court orders otherwise, a plaintiff entitled to a judgment by default in an adversary proceeding, for a claim other than a sum certain pursuant to Bankruptcy Rule Fed. R. Civ. P. 55(b)(2), may obtain a judgment only by written motion and upon establishment of a prima facie case at a hearing, with notice of not less than 28 days to the defendant. The motion must be served on the defendant and, if represented by counsel, the defendant’s attorney. Entry of default by the clerk must be made prior to or concurrently with the filing of the motion.</p>

Sealing and Redaction of Documents	Sealing and Redaction of Documents
<p>(a) Scope of Rule. This rule governs the filing of documents considered to be secret, confidential, scandalous, or defamatory under Fed. R. Bankr. P. 9018, which are not subject to the provisions for protection of personal identifiers of Fed. R. Bankr. P. 9037. This rule addresses situations where information made available to the judge is made inaccessible on the public record.</p>	<p>(a) Scope of Rule. This rule governs the filing of documents considered to be secret, confidential, scandalous, or defamatory under Fed. R. Bankr. P. 9018, which are not subject to the provisions for protection of personal identifiers of Fed. R. Bankr. P. 9037. This rule addresses situations where the subject information to be sealed is required by a statute, rule, or Official Form or will be made available to the judge is made but inaccessible on the public record.</p>
<p>(b) Motion Required. No document will be filed under seal without first obtaining court approval. A stipulation or blanket protective order that allows a party to designate matters to be filed under seal will not suffice to allow filing a document or other matter under seal. A motion to seal must describe the item to be sealed, as well as specify the applicable standard for sealing the information and discuss how that standard is met. If the motion itself contains confidential information, the movant must file and serve on parties against whom relief is sought, a redacted version clearly marked as such. An unredacted version must be submitted as provided in subdivision (f) of this rule.</p>	<p>(b) Motion Required. No document will may be filed under seal without first obtaining court approval. A stipulation or blanket protective order that allows a party to designate matters to be filed under seal will not suffice to allow filing a document or other matter under seal. A motion to seal must describe the item to be sealed, as well as specify the applicable standard for sealing the information and discuss how that standard is met. If the motion itself should not contains or attach any confidential information, the movant must file and serve on parties against whom relief is sought, a redacted version clearly marked as such. Any document containing confidential information proposed to be sealed must be a separately captioned document to be the subject of a separate entry on the docket. An unredacted version must be submitted as provided in subdivision (f) of this rule.</p>
<p>(c) Objection . No later than 7 days after the filing of a motion to seal, any party who contends that any information is not entitled to confidential treatment may file an objection.</p>	<p>(c) Objection. No later than 7 days after the filing of a motion to seal, any party who contends that any information is not entitled to confidential treatment may file an objection.</p>
<p>(d) Denial of Motion. If the motion to seal is denied, the document asserted to be confidential will be returned to the submitting party.</p>	<p>(d) Denial of Motion. If the motion to seal is denied, the clerk will destroy or return to the moving party any paper document asserted to be confidential will be returned to the submitting party. If already filed electronically by the moving party, the subject document will remain on the docket but restricted from public access and the information will not be considered by the court.</p>
<p>(e) Filing of Redacted Version of Sealed Document. Every document approved for sealing must have a corresponding redacted version filed on the docket. If an entire document is approved for sealing, a cover sheet with case caption and title of document must be filed on the docket.</p>	<p>(e) Filing of Redacted Version of Sealed Document. Every document approved for the sealing of certain information must have a corresponding redacted version filed on the docket. If an entire document is approved for sealing, a cover sheet with case caption and title of document must be filed on the docket.</p>

(f) Submission of Documents to be Sealed. Unless the court orders otherwise, documents approved for sealing will be electronically filed and their images stored in the CM/ECF system, with access to the sealed documents limited to court staff. A document approved for sealing must be submitted to the court as (i) an electronic image of the document in PDF format, attached to a declaration that the image is a true and correct copy of the original document (marked "Clerk's Copy"), and (ii) a courtesy paper copy for chambers (marked "Judge's Copy").

(f) Submission of Documents to be Sealed. Unless the court orders otherwise, documents approved for sealing will be electronically filed and their images stored in the CM/ECF system, with access to the sealed documents limited to court staff. ~~A document approved for sealing must be submitted to the court as (i) an electronic image of the document in PDF format, attached to a declaration that the image is a true and correct copy of the original document (marked "Clerk's Copy"), and (ii) a courtesy paper copy for chambers (marked "Judge's Copy").~~ **The following CM/ECF procedure should be used for requesting documents to be sealed.**

(1) Motion. File a "*Motion to Seal Documents.*" The motion must describe the information proposed for confidential treatment but must not include or attach the actual information as the motion will be part of the public record. A redacted copy of the document may be attached in the docket entry of the motion.

(2) Sealed Document. File an unredacted copy of the subject document by selecting "*Sealed Document*" as a separate docket entry and relating it to the order and any other pertinent docket entries, *e.g.*, the motion being supported by the confidential information. This will create an entry on the public docket but the PDF of the document will be restricted and may only be viewed by the court. In the alternative, the filer may submit to the clerk an electronic image (PDF) of the subject document on digital media acceptable to the clerk, together with a declaration that the PDF image is a true and correct copy of the subject document. No paper copy is required unless the subject document is voluminous or a paper copy is requested by the court.

(g) Unsealing. For good cause, the court may order the unsealing of a document at any time.

(g) Unsealing. For good cause, the court may order the unsealing of a document at any time.

4.01-3 Maintenance Payments by Trustee. From the plan funding, Trustee shall pay all postpetition installments due to Class 1 claimants identified by a checked box in the table below, as and when due under the applicable agreement and applicable law, and Trustee shall promptly remit the same to the Class 1 claimant. **Section 7.06 applies to all such Class 1 claims.**

4.01-4 Application and Calculation of Postpetition Installments. Class 1 claimants shall apply payments under paragraph 4.01-2 and 4.01-3 only to the postpetition installments. The amount of the postpetition installments shall be determined as if the claim was not in default on the petition date.

<i>Class 1 Creditor / Collateral</i>	<i>Maturity date</i>	<i>Est. arrearage</i>	<i>Interest rate</i>	<i>Est. mo. pmt.</i>
<u>Principal Residence:</u> <input type="checkbox"/>				
<u>Other Property:</u> <input type="checkbox"/>				

If box checked above, Trustee makes payments under section 4.01-3.
[Continue in section 8 or on continuation sheet as necessary.]

4.02 Class 2 consists of secured claims where the rights of the holder of a secured claim are modified by the plan under 11 U.S.C. § 1322(b)(2) or (c)(2). A holder of a Class 2 claim will retain its lien until the earlier of (a) full payment of the underlying debt under nonbankruptcy law or, (b) if the court enters an order determining the value of collateral securing a claim, full payment of the secured portion of the claim amount and entry of the Debtor’s discharge under 11 U.S.C. § 1328. Unless the claim holder agrees to different treatment, Trustee shall make distributions to pay a Class 2 claim in a monthly amount that includes interest on the claim at the standard interest rate described in section 7.03, unless a different rate is stated in the table below. If Debtor believes that the value of a creditor’s collateral is less than the amount of the claim, Debtor must file a **Motion to Value Collateral** in connection with this plan. If the total amount of the claim exceeds the value of the collateral as determined by the court, the deficiency will be treated as a Class 7 general unsecured claim (or a Class 5 claim if the claim is entitled to priority).

<i>Class 2 Creditor / Collateral</i>	<i>§506(a) applies?</i>	<i>Maturity date</i>	<i>Est. claim amt.</i>	<i>Interest rate</i>	<i>Est. mo. pmt.</i>

[Continue in section 8 or on continuation sheet as necessary.]

4.03 Class 3 consists of secured claims that are satisfied by surrender of collateral. Trustee shall make no distributions on a Class 3 claim if the debtor files a declaration, with proof of service on the creditor, within 14 days after the entry of an order confirming this plan, that the real or personal property described below has been surrendered or offered for surrender to the creditor. A secured creditor listed in Class 3 wishing to refuse Debtor’s surrender of collateral in full or partial satisfaction of its claim must file a written objection to this plan. If the total amount of the claim exceeds the value of collateral, as indicated in the creditor’s timely filed proof of claim or a court order, the deficiency will be treated as a Class 7 general unsecured claim (or a Class 5 claim if the claim is entitled to priority). If the creditor does not complete the space for the value of the collateral on the face of the proof of claim, the creditor will have no deficiency claim. Entry of the order confirming this plan will terminate the automatic stay under 11 U.S.C. § 362(a) and the codebtor stay under 11 U.S.C. § 1301(a) as to the Debtor, codebtor(s), and the bankruptcy estate, to permit the creditor whose collateral is being surrendered to receive, repossess, or foreclose upon that collateral and to exercise its rights and remedies as to its collateral under applicable nonbankruptcy law.

<i>Class 3 Creditor / Collateral to be surrendered</i>	<i>Claim amount</i>	<i>Est. deficiency</i>

[Continue in section 8 or on continuation sheet as necessary.]

7.03 Interest Rate. The standard interest rate on certain claims is calculated periodically as the national prime rate of interest plus 1.5% and is posted at the court's website. The interest rate with respect to a tax claim or an administrative expense tax is governed by 11 U.S.C. § 511.

7.04 Vesting and Possession of Property. Except to the extent necessary to fund this plan, property of the estate shall revert in Debtor upon entry of the confirmation order. If the case is converted to a case under another chapter, or is dismissed, the property of the estate shall vest in accordance with applicable law.

7.05 Cure Payments for Prepetition Arrearages. For all purposes, including but not limited to 12 U.S.C. § 2601 et seq., and Reg. X ("Regulation X"), 24 C.F.R. § 3500.17(i)(2), all claims shall be deemed reinstated and current upon the entry of an order confirming this plan. No creditor shall be excused from any obligation imposed by law or contract to provide notices of payment changes, interest rate changes, escrow account statements, other account statements, or similar information to the Debtor. All creditors shall promptly file copies of such notices and statements with the court.

7.06 Mortgage Maintenance Payments Postpetition Obligations Paid Directly by Debtor. ~~If Debtor has identified any creditors under section 4.01-3, then, within 30 days after issuing the final payment of the prepetition arrearage owed to such creditor, Trustee shall serve upon the affected creditor, Debtor, and any attorney for Debtor, a notice stating that (a) any defaults under the mortgage have been fully cured and the mortgage obligations are current and not in default as of the date of the notice, (b) if the mortgagee disagrees, the mortgagee is required to itemize all outstanding payment obligations as of the date of the notice, and file a statement of these obligations with the court, giving notice to Trustee, Debtor, and any attorney for Debtors, within 60 days of service of the notice from Trustee (or such longer time as the court may order), (c) if the mortgagee files and serves a statement of outstanding obligations within the required time, Debtor may (1) within 30 days of service of the statement, challenge the accuracy of the statement by motion filed with the court, on notice to the mortgagee and Trustee, with the court resolving the challenge as a contested matter, or (2) propose a modified plan to provide for payment of additional amounts that Debtor acknowledges or the court determines to be due. If the mortgagee fails to file a timely statement of outstanding obligations, the court may enter an order determining that the mortgage is reinstated and fully current as of the date of the Trustee's notice. No liability shall result from a non-willful failure of Trustee to serve the notice required by this provision.~~ If this plan provides that Debtor will directly pay any postpetition obligations to a creditor, any postpetition fees, expenses, or charges, including those alleged to be due under Bankruptcy Rule 3002.1 (a), (c), or (e), are the personal responsibility of Debtor and, unless the court orders otherwise, these postpetition fees, expenses, or charges shall not be paid by Trustee or through the plan.

7.07 Effect of Relief from Stay. As soon as practicable after Trustee receives notice of an order unconditionally permitting a secured creditor to foreclose on or repossess its collateral, Trustee shall cease making distributions on all claims secured by such collateral except for funds then being held by Trustee for distribution, unless the court orders otherwise. This does not affect the number or amount of periodic payments due from Debtor under the plan.

7.08 Lack of Feasibility Based on Claims Actually Filed. Trustee may file a motion to dismiss if Trustee determines that, based on the timely filed proofs of claim, the plan funding will be insufficient to pay in full, within 60 months from confirmation, administrative expenses, the prepetition arrearages on Class 1 claims, and the full amount of Class 2, Class 5, and Class 6 claims, and the amount of Class 7 claims required to satisfy 11 U.S.C. § 1325(a)(4). The court may dismiss the case without further notice if Debtor fails to file, within 30 days after the date of notice of such motion, an objection to claim or a motion to modify the confirmed plan which will cure the problem.

7.09 Conversion or Dismissal. Debtor agrees that, if this case is converted to another chapter, Debtor shall promptly file a new schedule C – Property Claimed as Exempt. Trustee shall distribute any plan payments held by Trustee at the time of conversion or dismissal of the case to holders of allowed claims in accordance with the order of distribution under this plan.

7.10 Student Loan Debt. A debt of the kind specified in 11 U.S.C. § 523(a)(8) will not be discharged upon completion of the plan unless the debtor has obtained a determination by the court that paying the debt in full would impose an undue hardship on the debtor and the debtor's dependent.

7.11 Certification. Debtor declares, under penalty of perjury, that this plan has been proposed in good faith, that the information provided in this plan is true and correct to the best of Debtor's knowledge, information, and belief, and that Debtor will be able to make all plan payments and otherwise comply with all plan provisions.