

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

**PROPOSED ADDITIONS TO LOCAL RULES:  
COMMENT PERIOD**

The Bankruptcy Judges are considering amendments to the local rules. The rules are attached to this notice.

Comments to the proposed amendments are due by October 1, 2012, and can be sent by e-mail to [Local\\_Rules\\_Comments@insb.uscourts.gov](mailto:Local_Rules_Comments@insb.uscourts.gov) or by regular mail to Kevin Dempsey, Clerk, United States Bankruptcy Court, Room 116, Birch Bayh Federal Building and United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana 46204.

August 29, 2012

/s/ Kevin P. Dempsey  
Clerk

PROPOSED NEW RULES – FOR PUBLIC COMMENT

B-3002.1-2. **NOTICE OF EXCEPTION TO FILING A NOTICE OF PAYMENT CHANGE PURSUANT TO FED.R.BANKR.P. 3002.1(b)**

(a) Eligibility for Use of Notice of Exception to Filing a Notice of Payment Change

A creditor may use the procedure provided for by this local rule if the creditor:

- (1) asserts a claim secured by a security interest in the Debtor's real property;
- (2) that claim is provided for in the plan under §1322(b)(5); and
- (3) the monthly amount due on the claim changes more than once every 60 days because the creditor's agreement with the Debtor provides for a variable interest rate and/or a variable payment amount.

(b) Filing and Effect of Filing Notice of Exception to Filing a Notice of Payment Change

If a creditor is eligible pursuant to subparagraph (a) of this rule, then the creditor shall be excused from the requirements of Fed.R.Bankr.P. 3002.1(b), requiring filing of a notice of payment change 21 days prior to the change, if the creditor files a Notice of Exception to Filing a Notice of Payment Change ("Notice of Exception") and serves that Notice of Exception on the trustee, the Debtor, and the United States Trustee. If no objection to the Notice of Exception is filed pursuant to subparagraph (c), or if the Court determines after objection that the exception should apply, then the creditor is excused from filing any Notice of Payment Change other than a change resulting from a variance in the interest rate.

(c) Objection

Any party may object to the Notice of Exception to Filing a Notice of Payment Change within 21 days after the Notice is filed.

(d) Duty to Provide Information

A creditor subject to the exception shall provide to the Debtor and the trustee each month a statement in a customary form in accordance with

applicable non-bankruptcy law that clearly identifies the payment amount due on the claim, and in addition shall provide to the trustee or the Debtor, upon request, an updated total amount due.

**B-7008-1. REQUIRED STATEMENT REGARDING CONSENT TO ENTRY OF ORDERS OR JUDGMENT IN CORE PROCEEDING**

In an adversary proceeding, in addition to the statements required by Fed.R.Bankr.P. 7008(a), the complaint, counterclaim, cross-claim, or third party complaint shall contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

**B-7012-1. REQUIRED STATEMENT IN RESPONSIVE PLEADING REGARDING CONSENT TO ENTRY OF ORDERS OR JUDGMENT IN CORE PROCEEDING**

In addition to statements required by Fed.R.Bankr.P. 7012(b), a responsive pleading shall include a statement that the party does or does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

**B-9027-1. REMOVAL**

(c) Required Statement in Notice of Removal Regarding Consent to Entry of Orders or Judgment in Core Proceeding.

In addition to the statements required by Fed.R.Bankr.P. 9027(a), the notice of removal shall contain a statement that upon removal of the claim or cause of action the party filing the notice does or does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

(d) Required Statement Regarding Consent to Entry of Orders or Judgment in Core Proceeding.

The statement filed pursuant to Fed.R.Bankr.P. 9027(e)(3) by a party who files a pleading in connection with a removed claim or cause of action contain a statement that the party does or does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

(e) present subparagraph (c) about the Court's ability to determine propriety of removal would become this subparagraph.

B-9033-1. **PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CERTAIN CORE PROCEEDINGS**

If the Court hears a proceeding and determines that it cannot enter a final order or judgment consistent with Article III of the United States Constitution in a particular proceeding referred to the Court and designated as core under 28 U.S.C. §157(b), and if the parties have not consented to entry of final orders or judgment, then Fed.R.Bankr.P. 9033(a), (b), and (c) shall apply as if it is a non-core proceeding.