

**UNITED STATES BANKRUPTCY COURT**

**EASTERN DISTRICT OF VIRGINIA**

**PUBLIC NOTICE**

**Adoption of Revision to Local Bankruptcy Rules**

**Effective December 1, 2016**

**Judiciary Forms Modernization Project Technical Amendments to the Following  
Local Bankruptcy Rules: 3007-1(E), 3011-1(B)(1) and (B)(3), 4001(a)-1(C), and  
9013-1(M)(1), (M)(2) and (M)(3)**

The Court has approved a revision to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Virginia, which, through the entry of Standing Order No. 16-5, takes effect December 1, 2016, and shall govern procedures in all cases pending on that date or filed thereafter.

Judiciary Forms Modernization Project Technical Amendments to the following Local Bankruptcy Rules: 3007-1(E), 3011-1(B)(1) and (B)(3), 4001(a)-1(C), and 9013-1(M)(1), (M)(2) and (M)(3).

Attachment

William C. Redden  
Clerk of Court

Dated: November 17, 2016

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

In re:

Adoption of Revision to Local Bankruptcy )  
Rules ) Standing Order No. 16-5  
)  
)

ORDER ADOPTING REVISION TO LOCAL BANKRUPTCY RULES

Judiciary Forms Modernization Project technical amendments have been made to the following Local Bankruptcy Rules: 3007-1(E), 3011-1(B)(1) and (B)(3), 4001(a)-1(C), and 9013-1(M)(1), (M)(2) and (M)(3).

NOW, IT IS THEREFORE ORDERED that:

The above amended Local Bankruptcy Rules shall take effect on December 1, 2016, and shall govern procedures in all cases pending on that date or filed thereafter.

Dated: November 16, 2016

FOR THE COURT:

/s/ Stephen C. St. John  
STEPHEN C. ST. JOHN  
Chief Judge, United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT**  
**for the**  
**EASTERN DISTRICT OF VIRGINIA**

**OFFICIAL BANKRUPTCY FORMS NUMBERING  
CONVENTION ADJUSTMENTS—AMENDED LOCAL  
BANKRUPTCY RULES: 3007-1(E), 3011-1(B)(1) and (B)(3),  
4001(a)-1(C), and 9013-1(M)(1), (M)(2) and (M)(3)**



**Effective December 1, 2016**  
**(Ver. 11/16/16)**

**Official Bankruptcy Forms Adjustments**

**RULE 3007-1 OBJECTIONS TO CLAIMS**

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(E) **Notice:** Each objection to claim, whether set to request a hearing or accompanied by notice of opportunity for hearing, shall contain or be accompanied by the following notice substantially in accordance with Official Form 420B, “NOTICE OF OBJECTION TO CLAIM”, and also providing notice to the creditor in substantially the following form:

**Comments**

3007-1(E) The current form is replaced with new Official Form 420B, which includes stylistic changes. The form also is amended to change the phrase “mail” to “send” to reflect the fact that there are various methods of providing documents to other parties. [Changes effective 12/1/16.]

**RULE 3011-1 UNCLAIMED FUNDS**

**(B) *Disposition of Unclaimed Funds***

**(1) *Requirements for Pro Se Creditor/Claimant – Self Representation:***

....

(c) ....

....

As provided for in LBR 9013-1(M)(1), notice of the motion shall be in substantial compliance with Official Form 420A, allowing 21 days’ notice for written responses objecting to the relief requested and must contain the “NOTICE” language substantially in the form set forth therein. Movant must sign a certificate of mailing reflecting that the motion was served on the United States attorney for the Eastern District of Virginia and on the United States trustee.

....

**(3) *Requirements for any other individual representing the interest of creditor/claimant:***

....

As provided for in LBR 9013-1(M)(1), notice of the motion shall be in substantial compliance with Official Form 420A, allowing 21 days’ notice for written responses objecting to the relief requested and must contain the “NOTICE” language substantially in the form set forth therein. Movant must sign a certificate of mailing reflecting that the motion was served on the United States attorney for the Eastern District of Virginia and on the United States trustee.

### Comments

3011-1(B)(1) & (3) The current form is replaced with new Official Form 420A, which includes stylistic changes. The form also is amended to change the phrase “mail” to “send” to reflect the fact that there are various methods of providing documents to other parties. [Changes effective 12/1/16.]

## RULE 4001(a)-1 RELIEF FROM AUTOMATIC STAY

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(C) **Response Period:** A separate notice of motion (Official Form 420A) is not required, however, unless provided otherwise by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or order of the Court. The motion for relief from stay shall clearly state and conspicuously provide the following notice:

### Comments

4001(a)-1(C) The current form is replaced with new Official Form 420A, which includes stylistic changes. The form also is amended to change the phrase “mail” to “send” to reflect the fact that there are various methods of providing documents to other parties. [Changes effective 12/1/16.]

## RULE 9013-1 MOTIONS PRACTICE

....

### (M) *Giving Notice of a Motion or Hearing*

(1) **When no hearing is requested or required:** The notice of any motion where a hearing is required or requested shall contain language substantially in accordance with Official Form 420A and setting forth the requirement of a response under subparagraph (H)(3)(b) or (H)(3)(c) in substantially the following form:

....

(2) **When a hearing is required or requested:** The notice of any motion seeking summary judgment in which the non-moving party is pro se shall conform substantially to Official Form 420A and, in addition, shall set forth the requirement for a response in substantially the following form:

....

(3) **When a summary judgment is requested against pro se party:** The notice of any motion seeking summary judgment in which the non-moving party is pro se shall conform substantially to Official Form 420A and, in addition, shall set forth the requirement for a response in substantially the following form:

### **Comments**

9013-1(M)(1), (M)(2) and (M)(3) The current form is replaced with new Official Form 420A, which includes stylistic changes. The form also is amended to change the phrase “mail” to “send” to reflect the fact that there are various methods of providing documents to other parties. [Changes effective 12/1/16.]