

Appendix A – Local Rules and Forms Addressing Requests for Payment of Administrative Expenses

In responding to the survey, some clerks of court submitted local rules, forms, and other material. Those submissions are summarized below and most are set out in full on the following pages.

ALN: Docket Entry Notice warns that an Application for Administrative Expense Claim may look like proof of claim but to set it for hearing on 14 days notice.

AK: Local Rule 2016-3 provides time frames and notice requirements for general administrative expenses separately for chapter 7 cases, chapter 9 and 11 cases, and chapter 12 and 13 cases. Local Bankruptcy Form 14 is a standard “Notice of Application for Administrative Expense other than Professional Fee,” and Local Bankruptcy Form 15 is a standard “Notice of Time for Filing Objection to Application For Fees.”

CAC: Indicated that existing district-wide procedures and forms have proven sufficient for requesting and paying administrative expenses. These expenses are included in any plan for Chapter 11 or Chapter 13 cases, and the district provides court-approved forms for the plan and disclosure statement for these chapters. Local Bankruptcy Rules forms such as Form 2016.2-1 with General Order 2016-2.1A, and Form 2016-2.2 with General Order 2016-2.2A are also available, as applicable, in addition to Forms 9013-1.1 and 9013-1.2 for general motions. Finally, the proof of claim process also addresses these expenses. (These rules and forms are not attached.)

DE: Local Rule 2016-2 covers payments of administrative expenses pursuant to only 11 U.S.C. § 503(b)(3) or 503(b)(4).

FLM: Local Bankruptcy Rule 3071-1 establishes time frames for filing applications for administrative fees, differentiating chapter 7 cases from chapters 11, 12, and 13 cases.

FLS: Local Bankruptcy Rule 3001-1 states that a request for administrative fees must be by motion or application for payment, and explicitly states that filing a Proof of Claim is not effective and will not be set for hearing, although it will be entered in the claims register.

HI: Local Bankruptcy Rule 3001-2 covers administrative expenses other than professional fees and those incurred in the ordinary course of business to the extent authorized under § 364(a). It has separate procedures for interim payments and payments made pursuant to a confirmed plan or by the trustee after a final report, and includes provisions regarding the timing and notice of requests. There is also a standard form for requesting such expenses.

ID: Local Rule 1019.1 covers conversions and indicates that all applications for allowance of administrative expenses in the original chapter 11 case, other than those of a governmental unit, shall be filed within ninety (90) days of entry of the order of conversion, or at another time established by order.

ILS: Submission provides docketing and noticing instructions for applications for payment of administrative expenses.

INN: Local Rule B-2002-2 states that applications for administrative expenses, including compensation for services rendered and reimbursement of expenses, will be considered without a hearing, unless an objection is filed, and that 21 days' notice is required. It sets out the content of the required notice and says that it must be substantially similar to Local Bankruptcy Form 3a (LBF-3a) or Local Bankruptcy Form 3b (LBF-3b).

INS: Submission provides docketing and noticing instructions for applications for payment of administrative expenses.

ME: Local Rule 3002-2 permits requests for administrative expenses pursuant to 11 U.S.C. § 503(a) to be filed in the form and manner of a proof of claim, and sets forth notice requirements, and states that objections to the allowance of such requests is governed by Fed. R. Bankr. P. 3007, and that a motion to compel payment of an administrative expense is governed by Local 9013-1.

MD: Local Rule 2070-1 specifies the parties to be served motions for allowance or payment of administrative expenses.

MA: Local Rule 3002-1 specifies a deadline (60 days after the first date set for the 341(a) meeting of creditors) for administrative claims pursuant to 11 U.S.C 503(b)(9), that is administrative expenses for the value of goods delivered to a debtor in the ordinary course of the debtor's business within twenty (20) days prior to the commencement of a case.

MN: Local Rule 3002-2 sets out different procedures for requesting administrative fees in chapter 7 versus chapter 11, 12, and 13 cases, and also covers administrative expenses incurred in Chapter 11, 12, and 13 cases before conversion to chapter 7.

NJ: Local Form 24 is used to request payment of administrative expenses. It, along with Local Rule 3003-2 states that the filing of the request will not result in the scheduling of a hearing to consider payment of the administrative claim but will result in the registry of your administrative claim with the Bankruptcy Court. If the claimant wants to have a hearing scheduled on the claim, the claimant must file a motion in accordance with Bankruptcy Rule 9013 and Local Rule 9013-1. Local Rule 3003-2 also sets dates for requesting administrative expenses in chapter 11 and 7 cases.

ND: Submission sets forth CM/ECF filing requirements and indicates that for administrative claims, other than for professional fees, the claim just be filed and docketed and that, in Chapters 11, 12 and 13 cases, it will be noticed by the plan and, in a Chapter 7 cases, it will be noticed through the Trustee's Final Report. Moreover, it specifies that while the request should be served on the Trustee, the U.S. Trustee, debtor in possession or attorney for the debtor and any other parties the applicant deems necessary, there is ordinarily no need for service on all creditors.

OR: Local Rule 2002-1(b)(1) covers nonprofessional administrative expenses, specifying that if a trustee fails to promptly pay an administrative expense, the claimant may request reimbursement by filing a proof of an administrative expense. Local Form B10A can be used to do so. The claim is deemed allowed, unless a party in interest objects. A claimant may serve a

notice of its intent to submit an order allowing immediate payment of the administrative expense, which must have a copy of the proof of claim attached, on the debtor and any creditors' committee.

VT: Local Rule 9013-4 specifies that that the default procedure set out in the rule may be used for applications or motions seeking allowance of administrative expenses other than professional fees. A separate submission sets out the notice periods under the default and the conventional procedures. Local Rule 3070-1 sets out procedures for payment of trustee expenses in a chapter 13 cases that is dismissed or converted to chapter 7.

Northern District of Alabama, Eastern Division

Application for an
Administrative Expense
Claim

Docket:
Motions/Application
Administrative Expense

Docket Activity Report:
Review Motion/Application for quality and
proper signatures
Send Notice of Incorrect filing should there
be any errors

The application may look like a proof of claim,
but make sure it's for an administrative expense.

Set for hearing on 14 days notice (Van002)

District of Alaska

Rule 2016-3 General Administrative Expenses

(a) General

(1) Any entity having unpaid administrative expenses under § 503 of the Code, other than as provided in AK LBR 2016-1 or AK LBR 2016-2, may file an application for the payment of unpaid expenses.

(2) Applications for reimbursement of administrative expenses must:

[A] itemize the amounts sought and describe the goods, services, or benefits provided the estate; and

[B] should have copies of all invoices or statements attached to the application.

(b) Chapter 7 Cases. In a case under chapter 7 of the Code, applications for payment of administrative expenses may be filed at any time before completion of administration of the estate, but in any event not later than the last day set for filing objections to the Trustee's Final Report Before Distribution

(c) Chapter 9 and 11 Cases. Unless otherwise provided in the Plan of Reorganization confirmed by the court or the order of confirmation, in a case under chapter 9 or 11 of the Code:

(1) all applications for unpaid administrative expenses must be filed and served not later than sixty (60) days after the effective date of the plan; and

(2) not less than thirty (30) days before the deadline for filing applications for payment of administrative expenses, the debtor in possession (or trustee, if one is appointed) must give notice to all known administrative expense claimants of the deadline for filing and application for payment in form substantially conforming to AK LBF 33.

(d) Chapter 12 and 13 Cases. In a case under chapter 12 or 13 of the Code, applications for administrative expenses may be filed and served at any time before completion of the plan, provided that the request is filed and served within a reasonable time after the costs were incurred, goods provided or services performed.

(e) Service. All applications for payment of administrative expenses must be:

(1) served on—

[A] the trustee, if one has been appointed,

[B] the debtor or debtor in possession, and

[C] any committee appointed under the Code; and

(2) transmitted to the United States trustee.

(f) Notice.

(1) Applications for payment must be noticed by the applicant in accordance with AK LBR 2002-1(a).

(2) Applicants must keep themselves informed of the progress of administration of the estate so that:

[A] notice may be included in the notice of the final accounting; or

[B] notice can be sent within the time allowed after confirmation of a plan in a case under chapter 9 or 11.

Related Provisions:

11 U.S.C. § 503 Allowance of Administrative Expenses

Fed. R. Bank. P. 2002(a) Twenty-Day Notices to Parties in Interest

AK LBR 2002-1 Notices

AK LBR 2016-1 Compensation of Trustees and Professional Fees

AK LBR 2016-2 Compensation of Debtor, Officers, Directors, Shareholders, Partners, Managers and Members

AK LBR 9075-1 Hearings; Trials

AK LBF 7 Bankruptcy Court Calendar Request

AK LBF 33 Notice of Deadline to File Administrative Expenses

Alaska Local Bankruptcy Form 14

Attorney for

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

<i>In re</i>)	Case No.
)	
)	Chapter:
)	
Debtor(s))	NOTICE OF APPLICATION FOR ADMINISTRATIVE EXPENSE OTHER THAN FOR PROFESSIONAL FEES
_____)	

Notice is hereby given that the undersigned has filed with the above entitled court an APPLICATION FOR PAYMENT OF ADMINISTRATIVE EXPENSE in the amount of

The application is based upon the following:

Further take notice that if you object to the entry of an order granting the application you must object in writing on or before*. Your objection must be filed in the Office of the Clerk of the above entitled Court at 605 West Fourth Avenue, Suite 138, Anchorage, Alaska 99501-2296 and a copy served on the undersigned on or before said date.

The application above referred to may be inspected at the Office of the Clerk of the Bankruptcy Court at the Old Federal Building, 605 West Fourth Avenue, Suite 138, Anchorage, Alaska, or at the office of the undersigned.

Should you fail to so object or having objected fail to timely request a hearing, please be advised that the court may enter the application described above without further notice to you.

Dated:

Certificate of Service
It is hereby certified that a copy of the foregoing
was served by U.S. Mail/Electronically
on the official matrix provided by
the Clerk's Office dated

/S/

Attorney for

* Unless otherwise ordered,
not less than 20 days after
the mailing of the notice.

Alaska Local Bankruptcy Form 15

Attorney for

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

<i>In re</i>)	Case No.
)	
)	Chapter:
)	
)	NOTICE OF TIME FOR FILING
Debtor(s))	OBJECTION TO APPLICATION
_____)	FOR FEES

The following application for allowance and payment of fees and expenses has been filed:

Applicant _____ Date filed: _____

Date Services Rendered: _____ Fees: _____ Expenses: _____

Further take notice that if you object to the entry of an order granting the application you must object in writing on or before* _____. Your objection is to be filed in the Office of the Clerk of the above entitled Court at 605 West Fourth Avenue, Suite 138, Anchorage, Alaska 99501-2296 and a copy served on the United States Trustee, 605 West Fourth Avenue, Room 258, Anchorage, Alaska, 99501-2296, and on the undersigned on or before said date.

The application above referred to may be inspected at the Office of the Clerk of the Bankruptcy Court at the Old Federal Building, 605 West Fourth Avenue, Suite 138, Anchorage, Alaska, or at the office of the undersigned.

Should you fail to so object or having objected fail to timely request a hearing, please be advised that the court may enter the application described above without further notice to you.

Dated: _____

Certificate of Service
It is hereby certified that a copy of the foregoing was served by U.S. Mail/Electronically on the official matrix provided by the Clerk's Office dated _____

/s/

Attorney for

* Unless otherwise ordered, not less than 21 days after the mailing of the notice.

District of Delaware

Rule 2016-2 Motion for Compensation and Reimbursement of Expenses.

- (a) Scope of Rule. This Local Rule applies to:
- (i) Any motion of a professional person employed under 11 U.S.C. § 327, 328 or 1103 requesting approval for compensation and/or reimbursement of expenses; and
 - (ii) Any request of an entity for payment of an administrative expense under 11 U.S.C. § 503(b)(3) or 503(b)(4).
- (b) Effect of Rule. Any such motion or request for payment, in addition to complying with the Code and the Fed. R. Bankr. P. applicable to the filing and the contents of such a motion, shall comply with the information and certification requirements listed in Local Rule 2016-2(c)-(f). Any such motion not in compliance with these requirements will not be considered by the Court, unless a waiver is obtained under Local Rule 2016-2(g).
- (c) General Information Requirements.
- (i) The motion shall include, as its first page(s), Local Form 101 and the information requested therein (categories given are examples).
 - (ii) Immediately thereafter, the motion shall include Local Form 102 and the information requested therein (categories given are examples). Where the applicant deems appropriate, the motion may also include a firm resume.
 - (iii) The narrative portion of the motion shall inform the Court of circumstances that are not apparent from the activity descriptions or that the applicant wishes to bring to the attention of the Court, including special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity or reasons for substantial time billed relating to a specific activity.

(d) Information Requirements Relating to Compensation Requests.
Such motion shall include activity descriptions which shall be sufficiently detailed to allow the Court to determine whether all the time, or any portion thereof, is actual, reasonable and necessary and shall include the following:

(i) All activity descriptions shall be divided into general project categories of time;

(ii) All motions shall include complete and detailed activity descriptions;

(iii) Each activity description shall include a time allotment;

(iv) Activities shall be billed in tenths of an hour (six (6) minutes);

(v) Each activity description shall include the type of activity (e.g., phone call, research);

(vi) Each activity description shall include the subject matter (e.g., exclusivity motion, section 341 meeting);

(vii) Activity descriptions shall not be lumped - each activity shall have a separate description and a time allotment;

(viii) Travel time during which no work is performed shall be separately described and may be billed at no more than 50% of regular hourly rates;

(ix) The activity descriptions shall individually identify all meetings and hearings, each participant, the subject(s) of the meeting or hearing and the participant's role; and

(x) Activity descriptions shall be presented chronologically or chronologically within each project category.

(e) Information Requirements Relating to Expense Reimbursement Requests.

(i) The motion shall contain an expense summary by category for the entire period of the request.

Examples of such categories are computer-assisted legal research, photocopying, outgoing facsimile transmissions, airfare, meals and lodging.

(ii) Following the summary, the motion shall itemize each expense within each category, including the date the expense was incurred, the charge and the individual incurring the expense, if available.

(iii) The motion shall state the requested rate for copying charges (which shall not exceed \$.10 per page), computer-assisted legal research charges (which shall not be more than the actual cost) and outgoing facsimile transmission charges (which shall not exceed \$1.00 per page, with no charge for incoming facsimiles).

(iv) Receipts or other support for each disbursement or expense item for which reimbursement is sought must be retained and be available on request.

- (f) Certification Requirement. The motion shall also contain a statement that the professional person seeking approval of the motion has reviewed the requirements of this Local Rule and that the motion complies with this Local Rule.
- (g) Waiver Procedure. An employed professional person or entity within the scope of this Local Rule may request that the Court waive, for cause, one or more of the information requirements of this Local Rule. Such a request should be made in the same motion in which the person seeks Court approval to be employed, or as soon as possible thereafter, and shall be served on debtor's counsel, counsel to any official committee and the United States Trustee. The caption of any motion that contains a waiver request shall explicitly state that the person is seeking a waiver of one or more of the information requirements of this Local Rule.
- (h) Form of Order. The form of order submitted to the Court shall specifically recite the amounts requested in fees and in expenses.
- (i) Fee Examiners. The Court may, in its discretion or on motion of any party, appoint a fee examiner to review fee applications and make recommendations for approval.

- (j) Final Fee Applications in Chapter 7 Asset Cases. Estate professionals shall file final fee applications in chapter 7 asset cases but shall not notice the final fee application for hearing. Instead, the hearing date shall be stated as TBD. The final fee application shall only be served upon the chapter 7 trustee and the United States Trustee. After the Trustee Final Report is filed with the Court, the Court will (i) notice the hearing for the final fee application and provide for the objection deadline and (ii) serve the notice of the final fee application. If the estate professional inadvertently notices a final fee application for hearing, it shall include language in the proposed form of order that "fees are subject to disgorgement pending approval of TFR."

Middle District of Florida

Rule 3071-1 APPLICATIONS FOR ADMINISTRATIVE EXPENSES All requests for administrative expenses pursuant to 11 U.S.C. § 503(b)(1) shall be made by application filed: (a) In a Chapter 7 case: (i) by the claims bar date; or (ii) for administrative expenses arising from the use of premises by a trustee, within (30) days after the surrender of the premises from the trustee; or (iii) within (30) days after the occurrence of the last event giving rise to the claim. (b) In Chapter 11, 12, or 13 cases within: (i) fourteen (14) days prior to the hearing on confirmation, or any continued hearing on confirmation; or (ii) thirty (30) days after the occurrence of the last event giving rise to the claim.

Notes of Advisory Committee

1997 Amendment This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997. This rule was formerly Local Rule 2.20. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Southern District of Florida

Rule 3001-1. Proof of Claim.

(A) Form...

(B) Administrative Claims. Unless otherwise ordered by the court, requests for payment of administrative expenses shall comply with the requirements of Local Rule 1019-1(F), 2016-1(C)(2), 9013-1, 9013-3 and 9073-1, which requirements include the filing of a motion or application for payment, except as provided under 11 U.S.C. §503(b)(1)(D). A claim filed on the Official Bankruptcy Form "Proof of Claim" alleging a §503 administrative claim does not comply with these requirements, is not effective, and shall not be set for hearing, even though such form may be docketed on the claims register.

☞ 2009 Amendment: Amended to add reference to 11 U.S.C. §503(b)(1)(D) to clarify that this rule does not apply to governmental unit administrative expense payments and to remove reference to local rule cite that no longer exists.

(C) Transferred Claim. ..

District of Hawaii

LBR 3001-2. Requests to Pay Administrative Expenses

(a) Applicability. Unless the court orders otherwise, this rule governs all requests for payment of administrative expenses under § 503(a), except for:

- (1)** Compensation and expenses awarded under § 330(a), and
- (2)** Administrative expenses incurred in the ordinary course of business to the extent authorized under § 364(a).

(b) Form of Request.

(1) Requests for Interim Payment. An entity seeking payment for an administrative expense prior to confirmation of a plan or the filing of a trustee's final report must file a motion for allowance and payment of an administrative expense in accordance with LBR 9013-1(c). Payment may be made only upon order of the court allowing the expense and approving an interim payment.

(2) Requests for Payment in the Ordinary Course of Distributions. An entity seeking payment for an administrative expense through distributions under a confirmed plan or by the trustee after the filing of a final report may file a request substantially conforming to the local form (Request for Payment of Administrative Expense [[hib_3001-2](#)]). Absent a timely objection to plan confirmation or a final report, payment may be made through a distribution under a confirmed plan or as part of the trustee's distribution of estate assets, without entry of a separate order allowing the expense.

(c) Timing of Request. Unless the court otherwise sets a deadline, a request for payment of an administrative expense is timely if filed:

- (1)** In a case under chapter 11, 12, or 13, by the later of:
 - (A)** 28 days prior to the date of the plan confirmation hearing; or
 - (B)** 28 days after the occurrence of the last event giving rise to the expense;
 - (2)** In a case under chapter 7, by the later of:
 - (A)** the deadline for filing a proof of claim;
 - (B)** 28 days after the occurrence of the last event giving rise to the expense;
- or
- (C)** For expenses arising from the use of premises by a trustee or debtor in possession, 28 days after surrender of the premises by the trustee or debtor in possession.

(d) Notice. An entity requesting payment of an administrative expense under this rule must give notice of the request to the trustee or debtor in possession, the Office of the United States Trustee, and, in a chapter 11 case, any committee appointed in the case, or if no committee has been appointed, the holders of the 20 largest unsecured claims.

REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE		
Note: Use this form to request payment of an administrative expense arising after commencement of the case pursuant to 11 U.S.C. § 503(a). [*] For a prepetition claim, use Official Form B10 – Proof of Claim.		
Debtor:		 UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII 1132 Bishop Street, Suite 250 Honolulu, Hawaii 96813
Joint Debtor:		Chapter: _____ Case No.: hib_3001-2 (12/09)
Name of Creditor:		Amount requested: _____
<input type="checkbox"/> Check this box to indicate that this request amends a previously filed request.		
Address for notices: Phone: _____ Last 4 digits of account number by which creditor identifies debtor, or if creditor is employee, last 4 digits of employee's Social Security Number.		Claims Register No.: _____ Filed on: _____ (if known)
Date or period expense incurred:		Address for payment (if different from address for notices):
		Type of expense and brief description of basis for claim:
Credits and Setoffs. The amount of all payments on this administrative claim has been credited for making this request. The creditor making this request has deducted all amounts, if any, that the creditor owes to the debtor.		
Supporting Documents. Attach redacted (showing only last 4 digits of any Social Security, Tax ID, or financial account number) copies of any documents that support this request, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, and security agreements. <u>Copies of documents must be 8.5 x 11 inches in size; smaller or larger documents will not be accepted for filing.</u> If documents are voluminous, attach a summary. DO NOT SEND ORIGINAL DOCUMENTS – THEY MAY BE DESTROYED AFTER RECORDING IN THE COURT'S FILING SYSTEM.		
Date:	Signature: The person filing this request must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	
	/s/ _____ Signature Title (if original signature, print name above)	

***Do not use this form for requesting compensation or reimbursement of expenses for attorneys, accountants, and other professionals under 11 U.S.C. § 330(a) – an application for compensation must be filed (see LBR 2016-1). To request payment of debtor's attorney fees governed by the Chapter 13 Attorney Fee Guidelines, use local form hib_3070-2a2 – Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case.**

Note: File this request in the claims register of this case. No hearing will be set and there may be no action regarding the allowance and payment of the expense until such time as the trustee seeks approval of a final distribution of estate assets or distributions are made under a confirmed plan in a Chapter 11 case. If immediate allowance and payment is sought, a motion to compel payment of an administrative expense must be filed and a hearing date obtained (see LBR 9013-1(c)).

District of Idaho

**LOCAL BANKRUPTCY RULE 1019.1
CONVERSIONS**

(a) Schedules of unpaid debts...

...

(f) Requests for allowance of administrative expenses.

All applications for allowance of administrative expenses in the original chapter 11 case, other than those of a governmental unit, shall be filed within ninety (90) days of entry of the order of conversion, or at another time may be established by order.

Related Authority:

11 U.S.C. § 1112

Fed. R. Bankr. P. 1019

Advisory Committee Notes:

Fed. R. Bankr. P. 1019 provides for the filing of lists, inventories, schedules, statements, and other reports upon conversion of any chapter 11, 12 or 13 case to a chapter 7 and establishes numerous requirements in addition to those under this rule. Additionally, if the schedule of unpaid debt is not filed within the required fourteen (14) days, the clerk will assess an amendment fee. A suggested form of final report and account in converted chapter 11 cases is available at the clerk's office. The form can also be viewed at www.id.uscourts.gov.

APPLICATION FOR PAYMENT OF ADMINISTRATIVE EXPENSES

PROCEDURE

1. Verify that the case name and number on the motion PDF matches the case in which the entry is recorded and that the motion PDF matches the docket entry.
2. Docket the notice of motion allowing twenty-one (21) days for objections to the motion. Note: In the event the filer is the Chapter 7 Trustee, the notice is not issued. Forward to the Law Clerk for review. The proposed order will have been e-mailed to chambers.
3. Serve the notice through the BNC to all creditors and parties in interest.

See Procedure for Notice of Motion Notices Issued by Clerk's Office.

REMARKS

Pursuant to 11 U.S.C. §503, an entity may file a request for payment of an administrative expense.

Additional information regarding this type of action can be found in F.R.B.P. 2018 and 5004, 11 U.S.C. §503, and Chapter 9 of the Clerks Manual. Information regarding notice can be found in F.R.B.P. 2002.

Northern District of Indiana

Local Bankruptcy Rule B-2002-2

B-2002-2

Notice of Opportunity to Object to Motions

(a) Except as otherwise ordered, the court will consider the following matters without holding a hearing, unless a party in interest files a timely objection to the relief requested:

(1) ...

(7) Applications for administrative expenses, including compensation for services rendered and reimbursement of expenses.

...

(b) Except as otherwise ordered by the court:

(1) no less than fourteen (14) days notice shall be given of the opportunity to file objections to:

(A) motions to approve agreements relating to relief from the automatic stay, providing adequate protection, prohibiting or conditioning the use, sale or lease of property;

(B) motions to approve agreements relating to the use of cash collateral;

(C) motions for authority to obtain credit;

Pursuant to Rule 5003(e) of the Federal Rules of Bankruptcy Procedure, the clerk maintains a list containing the addresses of various state and federal governmental units. The list is available at the clerk's office and on the court's web site.

(D) motions for relief from the automatic stay in cases pending under Chapter 7; and

(E) motions relating to abandonment of property from the estate.

(2) no less than twenty-one (21) days notice shall be given of the opportunity to file objections to the other motions subject to this rule.

In all cases, the time within which objections may be filed shall be measured from the date notice of the opportunity to object is mailed.

(c) Local Bankruptcy Form 3a (LBF-3a), Local Bankruptcy Form 3b (LBF-3b) or another form of notice substantially similar thereto shall be used to give creditors and parties in interest notice of the motion and the opportunity to object thereto. This notice **must** (1) identify the party seeking relief, (2) state the name of the motion and the date upon which it was filed, (3) briefly and specifically state what you are asking the court to do, (4) contain a brief summary of the ground for the motion or have a copy of the motion attached to it, (5) state the date by which objections to the motion are to be filed, where objections should be filed and upon whom copies should be served, (6) contain a statement to the effect that if no objections are filed by the date due the court may grant the relief requested without holding a hearing, (7) be dated as of the date it is served, and (8) be signed by counsel for the movant or the movant, if *pro se*, and contain the name, address and telephone number of the individual signing the notice.

(d) The moving party shall be responsible for properly completing the appropriate version

of LBF-3 so that it contains the required information, serving it upon the entities required by the United States Bankruptcy Code, the applicable rules of bankruptcy procedure, the local rules of this court, and/or any order of the court, and making due proof thereof. The failure to do so within seven (7) days of the date the motion was filed will be deemed to be a waiver of any time limits associated with ruling on the motion, including the time limits set forth in 11 U.S.C. § 362(e).

(e) The appropriate version of LBF-3 may also be adapted for use in those instances, not specifically covered by this rule, where the court directs that particular relief may be granted without a hearing following the expiration of notice to creditors. In those situations, in addition to complying with the other requirements of this rule, the notice shall be accompanied by a copy of the court's order authorizing notice to creditors and establishing the deadline for filing objections.

HISTORICAL AND REGULATORY NOTES

By Order Amending Local Bankruptcy Rules dated November 18, 2009, this rule was amended effective December 1, 2009, to conform with the time computation changes in the Federal Rules of Bankruptcy Procedure.

Pursuant to Order Amending Local Bankruptcy Rules dated May 11, 2009, paragraph (a)(25) was added to include motions for discharge in individual Chapter 11 cases.

Pursuant to Order Amending Local Bankruptcy Rules dated May 11, 2009, paragraph (a)(19) was amended to make a technical change to clarify the rule.

Pursuant to Order Amending Local Bankruptcy Rules dated August 31, 2007, paragraph (b)(1)(B) was amended to make a technical change to clarify the rule.

Pursuant to Order Adopting Interim Bankruptcy Rules and Amending Local Bankruptcy Rules dated October 14, 2005, this rule was revised to better implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Pursuant to General Order 2005-01 dated April 28, 2005, paragraph (a)(24) was added to include applications to employ professionals nunc pro tunc.

Pursuant to Order Amending Local Bankruptcy Rules dated February 15, 2005, paragraph (a)(23) was added to include motions filed pursuant to new Rule 2014-2.

Pursuant to General Order 2003-01 dated April 28, 2003, new Rule 2002-2 became effective immediately.

Application for Payment of Administrative Expenses or Administrative Claim

Menu item to use:	Bankruptcy > Motions, Applications & Briefs > Administrative Expenses Pursuant to Sec. 503, Application for Payment of	<u>SD code:</u>	CM41
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11 U.S.C.: Section 503

General Information

- This event is used when seeking payment of an administrative expense, as more fully explained in 11 U.S.C. Section 503. Trustees, examiners, and professionals working for the estate may not have an administrative expense - and therefore should not use this event - until the Court awards compensation and reimbursement of expenses. Those parties should ensure both that their [employment has been approved by the Court](#) and that their [fees and expenses have been awarded](#) pursuant to a separate application.
- Per section 348(d) of the Bankruptcy Code, claims against the estate arising after filing but before conversion ("post petition debts") are treated as if they arose before filing unless the claim is filed as an administrative expense under Section 503(b). Post-petition creditors wishing to file a claim for an administrative expense must first file an Application for Payment of Administrative Expense or Administrative Claim, then after the Court has entered an order approving, file a [Proof of Claim](#), entering the amount into the Administrative box.

Step by Step Instructions:

1. [Log into CM/ECF](#)
2. Select **Bankruptcy > Motions, Applications & Briefs**
3. Enter the case number (e.g. xx-xxxxx). Click **Next**
4. Select **Administrative Expenses Pursuant to Sec. 503, Application for Payment of** from the event list. Click **Next**

5. Select appropriate radio button to indicate whether or not the Motion you are filing is amended.

6. Check box if jointly filing with another attorney, click **Next**.

7. If you indicated that you are filing jointly with other attorney(s), select additional attorney(s) and click **Next**

NOTE: You cannot add attorneys. Only attorneys who have previously entered an appearance will be available for selection.

8. Select the party filer. If the party is not listed, click on [Add/Create New Party](#). Click **Next**

Note: The "Attorney/Party Association" screen may appear. If your party selection was correct, check the box to create an association and click **Next**.

9. [Browse](#) to select the Motion ([pdf file](#)). Click **Next**

10. Enter name of party requesting payment and amount requested (numbers **only** - do not enter a dollar sign. E.g. type 1164.94 for \$1164.94). Click **Next**

11. If you indicated in step 5 that you are filing an amended motion, all pending motions on the docket are displayed. Select the motion that is being amended and click **Next**

12. Enter additional text, if desired, and/or select [prefix text](#) and click **Next**

Note: The prefix text option is not available if you indicated in Step 5 that the Motion you are filing is amended. The additional text option is not always available.

13. Verify final docket text. If correct, click **Next** to submit and to review [Notice of Electronic Filing](#).

Curing a Deficient Filing:

If the motion is deficient: A new motion fixing deficient items must be filed prior to the deficiency deadline or your original filing may be stricken by the Court.

Orders:

Order must be supplied and [uploaded](#) by the moving party

District of Maine

RULE 3002-2 - REQUESTS FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSES

Requests for allowance of an administrative expense claim pursuant to 11 U.S.C. § 503(a) may be filed substantially in the form and manner of a proof of claim and served upon the debtor, the trustee, if any, and the United States Trustee. Objections to allowance of such requests shall be governed by Fed. R. Bankr. P. 3007. Motions to compel payment of an administrative expense claim shall be governed by D. Me. LBR 9013-1.

District of Maryland

Local Bankruptcy Rule 2070-1

RULE 2070-1 ADMINISTRATIVE EXPENSES

Motions for the allowance or payment of administrative expenses must be served upon the debtor, trustee, members of any committee elected under § 705 or appointed under § 1102 of the Bankruptcy Code or its counsel, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to Federal Bankruptcy Rule 1007(d), the United States Trustee, and to those parties in interest who have filed written requests for notice.

District of Massachusetts

Local Bankruptcy Rule 3002-1

RULE 3002-1. DEADLINE FOR ASSERTING ADMINISTRATIVE CLAIMS PURSUANT TO 11 U.S.C. '503(b)(9); RECLAMATION OF GOODS

Unless the Court orders otherwise, any request for allowance of an administrative expense for the value of goods delivered to a debtor in the ordinary course of the debtor's business within twenty (20) days prior to the commencement of a case pursuant to 11 U.S.C. '503(b)(9) shall be filed with the Court, in writing, within sixty (60) days after the first date set for the meeting of creditors pursuant to 11 U.S.C. '341(a). Failure to file such a request for allowance within the time period specified in this Rule will result in denial of administrative expense treatment for such claim.

District of Minnesota

Local Bankruptcy Rule 3002-2

RULE 3002-2. ADMINISTRATIVE EXPENSE CLAIMS

(a) CHAPTER 7 CASES. In a chapter 7 case, an entity, except a professional person governed by Local Rule 2016-1, requesting payment of an administrative expense shall file a request for payment asserting priority status and serve copies on the trustee and the United States Trustee. If the request is made under §§503(b)(4) or (b)(5) of the Code, the entity shall also file an application and serve copies on the trustee and the United States Trustee.

(b) CHAPTER 11, 12 AND 13 CASES. In a chapter 11, 12 or 13 case, a request for payment of an administrative expense shall be made by motion.

(c) CONVERSION TO CHAPTER 7. Holders of administrative expense claims incurred after the commencement of a case under Chapters 11, 12 and 13, but before conversion to a case under Chapter 7, shall, after conversion, file a request for payment and serve the same upon the trustee within the time fixed by the court. The request for payment shall conform substantially to Local Form 3002-2(c).

District of New Jersey

D.N.J. LBR 3003-2 FILING REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM IN CHAPTER 11 REORGANIZATION OR CHAPTER 7 LIQUIDATION CASES.

(a) In a Chapter 11 case, absent an administrative expense claims bar date, or a provision in a confirmed plan or confirmation order directing the filing of administrative expense claims by a date certain, a request for payment of an administrative expense, permitted under §503(a) of the Code, may be filed at any time prior to confirmation of a plan. In a Chapter 7 case, a request for payment of an administrative expense may be filed at any time prior to any administrative expense claims bar date set by the Court.

(b) A request for payment of an administrative expense shall be filed using Local Form, *Request For Payment of Administrative Expense*.

(c) The filing of a *Request For Payment of Administrative Expense* shall not result in the scheduling of a hearing on the request, but shall result in the registry of the claim on the claims docket. In order to have a hearing scheduled to consider payment of any administrative expense claim, a claimant must file a motion to compel payment in accordance with **D.N.J. LBR 9013-1**.

(d) This Rule shall not apply to any application or request by a professional retained pursuant to a Court order in a Chapter 11 case or a Chapter 7 case for payment of fees and expenses incurred post-petition. Any such application or request by a professional for payment of administrative fees and expenses must comply with **D.N.J. LBR 2016-1**.

2006 Comment: This rule is new. It sets forth the time and form within which requests for payment of administrative expense claims must be filed in a Chapter 11 case or a Chapter 7 case.

This Rule does not apply to requests by a professional for compensation which are governed by D.N.J. LBR 2016-1.

2010 Comment: This rule is amended to eliminate the reference to "D.N.J. Local Form 24," by substituting the caption of the Local Form.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY		REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE
In re _____	Chapter 11 Case Number _____	THIS SPACE IS FOR COURT USE ONLY
NOTE: This form should not be used for an unsecured claim arising prior to the commencement of the case. In such cases, a proof of claim should be filed in accordance with Official Form 10.		
Name of Creditor (The person or other entity to whom the debtor owed money or property.) Name and Addresses Where Notices Should Be Sent:	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:	Check here if this request: <input type="checkbox"/> replaces a previously filed request, dated: _____ <input type="checkbox"/> amends a previously filed request, dated: _____	
1. BASIS FOR CLAIM <input type="checkbox"/> Goods Sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other (Describe briefly) _____	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Wages, salaries and compensations (Fill out below) Provide last four digits of your social security number _____	
2. DATE DEBT WAS INCURRED: _____		
3. TOTAL AMOUNT OF REQUEST AS OF ABOVE DATE: _____		
<input type="checkbox"/> Check this box if the request includes interest or other charges in addition to the principal amount of the request. Attach itemized statement of all interest or additional charges.		
4. Secured Claim <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly) _____ Value of Collateral: \$ _____		
<input type="checkbox"/> Check this box if there is no collateral or lien securing your claim.		
5. Credits: The amount of all payments have been credited and deducted for the purposes of making this request for payment of administrative expenses. 6. Supporting Documents: Attach copies of supporting documents, such as purchase orders, invoices, itemized statements of running accounts, contracts as well as any evidence of perfection of a lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 7. Date-Stamped Copy: To receive an acknowledgment of the filing of your request, enclose a self-addressed envelope and copy of this request.	THIS SPACE IS FOR COURT USE ONLY	
Date: _____	Sign and print below the name and title, if any, of the creditor or other person authorized to file this request (attach copy of power of attorney, if any). _____	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

NOTE: The filing of this request will not result in the scheduling of a hearing to consider payment of your administrative claim but will result in the registry of your administrative claim with the Bankruptcy Court. If you wish to have a hearing scheduled on your claim, you must file a motion in accordance with Bankruptcy Rule 9013.

Local Form 24, new. 8/1/06.jml

Application for Payment of Administrative Expenses

Last Updated: December 1, 2009

An Application for Payment of Administrative Expenses is filed by a party in interest who is requesting payment of an administrative expense. An example of an administrative expense would be the necessary costs and expenses of preserving the estate.

Filing Requirements:

- Application for Payment of Administrative Expenses
- Notice of Application giving 21 days to object.
- Proof of Service
- Proposed Order [Instructions](#) .

Or

- Proof of Claim form

Or

- Application with service but without notice
- Proof of Service

Step-by-Step Procedures:

- 1 [Review](#) the papers for the necessary filing and noticing requirements.
- 2 [Scan](#) documents.
- 3 [Log into CM/ECF](#) .
- 4 Select [**Bankruptcy > Motions/Applications**].
- 5 Enter the case number (e.g, xx-xxxxx).
- 6 Select [**Administrative Expenses**] from the event list.
- 7 Skip the [Joint Filing screen](#) if you are the only party filing this motion. If this is a joint filing, check the box. Court will select the attorney filer.
- 8 Select the party filer. If the party is not listed, click on

[Add/Create New Party](#) .

Note: The [Attorney/Party Association screen](#) may appear. If your party selection was correct, check the box to create an association.

9. Enter a "y or n" if the notice and proof of service are included with the motion.

Note: The Motion, Notice of Motion, and Proof of Service may be a single PDF; or the Notice, supporting documents, and Proof of Service may be added as [attachments](#) to this document. The Application **must** be the first document in your PDF.

10. [Browse](#) to select the Motion (.pdf file).

11. Enter the date served (Ex. 01/16/2007).

12. Modify the text as appropriate.

13. Verify the final docket text; if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

14. Submit proposed order. [Instructions](#).

15. Place document(s) in file/chron box.

Court will:

- 11 U.S.C. Section 503 indicates that administrative Claims can be allowed after notice and hearing. If an administrative claim is filed for professional fees, you will need to follow compensation procedures. If any other administrative claim is filed without a notice and opportunity for hearing, just docket and file. The claim will be noticed by the plan in Chapters 11, 12 and 13 and in a Chapter 7, it will be noticed through the Trustee's Final Report.
- As for service, the applicant should always serve the Trustee, the U.S. Trustee, debtor in possession or attorney for the debtor and any other parties the applicant deems necessary. There is ordinarily no need for service on all creditors.

District of Oregon, LBR 2002-1(b)(1)

Local Rule: Nonprofessional Administrative Expenses. If a trustee fails to promptly pay an administrative expense, the claimant may request reimbursement of the expense by filing a proof of administrative expense. LBR #B10A is an optional form of proof of administrative expense. An administrative expense, proof of which is filed, is deemed allowed, unless a party in interest objects. A claimant may serve a notice under LBR 2002-1(b) of its intent to submit an order allowing immediate payment of the administrative expense, which must have a copy of the proof of claim attached, on the debtor and any creditors' committee. [Form is on our website at http://www.orb.uscourts.gov/Rules_Form/courtRulesForm.cfm].

(b) Notice of Intent to Take Proposed Action.

(1) Template. A notice of intent to take proposed action when an LBF does not exist may be single-spaced, must begin at least 1" from the top of the page, and must be in the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re) Case No. ** [Insert case number]
)
[NOTE: Insertion of "other names used" included)
on the petition under [LBR 1005-1\(b\)](#) is not) NOTICE OF INTENT TO
) DESCRIPTION
required, except on notices under [FRBP 2002\(n\)](#)) OF PROPOSED ACTION]
)
Debtor(s))

The [debtor, trustee, etc.] proposes to take the following action:
[Insert a brief description of the proposed action and the reasons for it; a summary of the effects; names of insiders to the transaction; and any other information required under (2) or (3).]
[If notice pertains to a motion or application] The (motion, application, etc.) may be inspected at the clerk's office at the address shown below, or at the service address of the undersigned listed below.

YOU ARE NOTIFIED that unless you file an objection to this notice no later than 21 days after the service date, **and set forth** the specific grounds for the objection and your relation to the case, with the clerk of court at [insert the address for the office in Portland or Eugene, whichever is administering the case] and serve it on [insert name, address and phone number of party proposing the action], the undersigned will proceed to take the proposed action, or apply for an order if required, without further notice or a hearing.

(Signature) (OSB# if atty)
[PRINT OR TYPE NAME if filed on paper]
[ATTORNEY FOR _____, TRUSTEE, ETC.]

On (insert date) I served copies of the above notice on: (list the entities served using the format required by [LBR 7005-1](#)).

(Signature)

[PRINT OR TYPE NAME if filed on paper]

**The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (the first digit being either a “3,” “4” or “5” for a case being administered by the Portland office, or a “6,” “7” or “8” for a case being administered by the Eugene office), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (e.g., 07-60000-fra13 for a 2007 chapter 13 case administered in Eugene by Judge Alley).

UNITED STATES BANKRUPTCY COURT District of Oregon		PROOF OF NON-PROFESSIONAL ADMINISTRATIVE EXPENSE
Name of Debtor:	Case Number:	
Name of Claimant:	<input type="checkbox"/> Check this box to indicate that this proof of expense amends a previously filed proof of expense. Filed on: _____	
Name and address where notices should be sent:	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of expense relating to the claimed expense. Attach a statement giving particulars.	
Telephone number:		
Name and address where payment should be sent (if different from above):		
Telephone number:		
1. Amount of Administrative Expense Claimed: \$ _____ <input type="checkbox"/> Check this box if expense claimed includes interest or other charges in addition to the principal amount of the expense. Attach itemized statement of interest or charges.		
2. Basis for Expense Claimed: <input type="checkbox"/> Actual and necessary costs of preserving the estate (11 U.S.C. §503(b)(1)(A)) <input type="checkbox"/> Taxes (11 U.S.C. §503(b)(1)(B)) <input type="checkbox"/> Non-professional actual and necessary expenses incurred by creditor (11 U.S.C. §503(b)(3)) <input type="checkbox"/> Compensation for services rendered by an indenture trustee (11 U.S.C. §503(b)(5)) <input type="checkbox"/> Fees and mileage per Chapter 119 of Title 28, U.S. Code (11 U.S.C. §503(b)(6)) <input type="checkbox"/> Claim for rejection of non-residential real property lease following assumption under 11 U.S.C. 365 (11 U.S.C. §503(b)(7)) <input type="checkbox"/> Actual and necessary costs and expenses of closing a health care business (11 U.S.C. §503(b)(8)) <input type="checkbox"/> Goods provided to debtor within 20 days before the commencement of the case (11 U.S.C. §503(b)(9))		
3. Date(s) Expense Incurred: _____		
4. Last 4 digits of any number by which claimant identifies Debtor: _____		
5. Credits: The amount of all payments made on this claimed expense has been credited for the purpose of making this proof of expense. 6. Documents: Attach 8 1/2 x 11 inch redacted copies of any documents that support the expense claimed, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, and judgments. You may also attach a summary. (See instruction 6 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		If not electronically filed (See Local Bankruptcy Rule 5005-4) MAIL CLAIM TO: Clerk, U.S. Bankruptcy Court (If the 5-digit portion of the Case No. begins with a "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204; or if it begins with a "6" or "7", mail to 405 E 8th Ave #2600, Eugene OR 97401.)
Date: _____ Sign and print the name and title, if any, of the claimant or other person authorized to file this proof of expense and state address and telephone number if different from the notice address above. Attach copy of power of attorney if applicable.		
<i>Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both – 18 U.S.C. §§152 and 3571.</i>		
OVER FOR INSTRUCTIONS		

<p style="text-align: center;">INSTRUCTIONS FOR PROOF OF NON-PROFESSIONAL ADMINISTRATIVE EXPENSE FORM</p> <p><i>The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.</i></p> <p style="text-align: center;">Items to be Completed in Proof of Non-Professional Administrative Expense Form</p> <p>Name of Debtor and Case Number: Fill in the bankruptcy debtor's name, and the bankruptcy case number. If the claimant received a notice of the case from the bankruptcy court, all of this information is located at the top of that notice.</p> <p>Claimant's Name and Address: Fill in the name of the person or entity asserting the claimed administrative expense and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The claimant has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).</p> <p>1. Amount of Expense Claimed: State the total amount owed to the claimant as of the date of the filing of this document. Check the box if interest or other charges are included in the claimed expense.</p> <p>2. Basis for Claim: State the applicable subsection of 11 U.S.C. §503 which supports the claimed administrative expense. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to the claimed administrative expense.</p> <p>3. Date(s) Expense Incurred: State the date or dates when the claimed expense was incurred.</p> <p>4. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the claimant to identify the debtor.</p> <p>5. Credits: An authorized signature on this proof of administrative expense serves as an acknowledgment that when calculating the amount of the expense claimed, the claimant gave the debtor credit for any payments received toward the expense.</p> <p>6. Documents: Attach to this proof of non-professional administrative expense form redacted copies documenting supporting the claimed expense. You may also attach a summary. If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.</p> <p>Date and Signature: The person filing this proof of non-professional administrative expense must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the claimant or other person authorized to file this form. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of non-professional administrative expense form.</p>
<p style="text-align: center;">DEFINITIONS</p> <p>Administrative Expense An administrative expense is a type of expense set forth in 11 U.S.C. §503(b). Major examples of administrative expenses include the actual and necessary costs of preserving the estate, certain taxes, fees and mileage, claims for rejection of non-residential real property lease following assumption under 11 U.S.C. 365, actual and necessary costs and expenses of closing a health care business, and goods provided to debtor within 20 days before the commencement of the case. Important Note: Trustee and professional compensation under 11 U.S.C. §503(b)(2) and (4) are administrative expenses, but are not compensable using this form. See Local Bankruptcy Rule 2016-1 for information regarding trustee and professional compensation.</p> <p>Debtor A debtor is the person, corporation, or other entity that has filed a bankruptcy case.</p> <p>Claimant A claimant is a person, corporation, or other entity seeking payment of an administrative expense under 11 U.S.C. §503.</p> <p>Proof of Non-Professional Administrative Expense A proof of non-professional administrative expense is a form used by the claimant to indicate the amount of an administrative expense as of the date of the filing of the form. The claimant must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.</p> <p>Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's taxpayer-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.</p>
<p style="text-align: center;">ACKNOWLEDGMENT OF FILING OF PROOF OF NON-PROFESSIONAL ADMINISTRATIVE EXPENSE FORM</p> <p>To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this Proof of Non-Professional Administrative Expense if it is filed on paper, or you may access the court's PACER system at https://ecf.orb.uscourts.gov to view your filed proof of expense. Visit the PACER Service Center at http://www.pacer.gov for more information.</p> <p style="text-align: center;">***OVER FOR PROOF OF NON-PROFESSIONAL ADMINISTRATIVE EXPENSE FORM***</p>

VT. LBR 9013-4. HEARINGS – ROUTINE MOTIONS—NOTICE UNDER DEFAULT PROCEDURE

(a) Meaning of “Default Procedure.” Certain requests for relief under the Bankruptcy Code and/or the Bankruptcy Rules may be determined without a hearing, provided that an opportunity for a hearing is presented to parties entitled to notice of a hearing. Under the default procedure, if a party files a timely opposition, the Court shall hold a hearing on the date designated on the notice, unless the Court decides, in its sole discretion, that no hearing is necessary and enters an order prior to the hearing date. If no opposition is timely filed, the Court may enter an order without a hearing; however, if an order has not been entered before the hearing date, the scheduled hearing shall proceed. Further, in its discretion, the Court may hold the noticed hearing even in the absence of an objection. *The default procedure is optional.*

(b) Relief Available Through Use of the Default Procedure. The default procedure may be used for applications or motions seeking the following relief *only*:

(1) Abandonment of Property (11 U.S.C. § 554(b));

(2) Allowance of Administrative Expenses Other Than Professional Fees (11 U.S.C. § 503(b));...

... (**Note:** If a party inadvertently notices a hearing under the default procedure seeking relief that cannot be sought under this procedure, the Court will hold the hearing regardless of whether any opposition has been filed.)

(c) Form of Hearing Notice. In addition to the requirements set forth in Vt. LBR 9013-2(c), the following items shall be incorporated into each “Notice of Motion” filed under the default procedure:

(1) **Title of Notice.** The title of the notice shall be “NOTICE OF MOTION UNDER DEFAULT PROCEDURE;”

(2) **Response Deadline.** The deadline for filing responses to a motion scheduled for a hearing utilizing the default procedure shall be no later than seven (7) days before the hearing date; this seven-day period is *in addition to* the requisite notice period;

(3) **Mandatory Language.** The following language, in bold and conspicuous print, must be included in the notice:

(A) If the hearing date is a date on which video conferencing IS NOT available:

IF YOU OPPOSE THE MOTION, you must file a written opposition with the Clerk of the Court, **on or before 4:00 P.M. on [a date that is no less than seven (7) days prior to the hearing date]. A copy must also be served on** the Moving Party, the Debtor, the Debtor’s counsel, the Office of the U.S. Trustee, the case trustee, if any, and in a Chapter 11 case, the Creditors’ Committee and its counsel, or if no committee is appointed, then upon the 20 largest unsecured creditors. Addresses for those parties are set forth below.

IF AN OPPOSITION IS TIMELY FILED, the Court will hold a hearing on the Motion and any opposition at [time] on [date] at the following location: [indicate Rutland or Burlington location], unless the Court deems no hearing is necessary and enters an order prior to the time set for hearing.

IF NO OPPOSITION IS TIMELY FILED, the Court **may** deem the matter unopposed and grant the motion without further hearing. Note: If an order has not been entered before the hearing date, the hearing shall proceed.

(Note: All notices of hearings under Vt. LBR 9013-4 must be in substantial compliance with Vt. LB Form U-2.)

(B) If the hearing date is a date on which video conferencing IS available:

IF YOU OPPOSE THE MOTION, you must file a written opposition with the Clerk of the Court, **on or before 4:00 P.M. on [a date that is no less than seven (7) days prior to the hearing date]**. A copy must also be served on the Moving Party, the Debtor, the Debtor's counsel, the Office of the U.S. Trustee, the case trustee, if any, and in a Chapter 11 case, the Creditors' Committee and its counsel, or if no committee is appointed, then upon the 20 largest unsecured creditors. Addresses for those parties are set forth below.

IF AN OPPOSITION IS TIMELY FILED, the Court will hold a hearing on the Motion and any opposition at [time] on [date] at the following location: [indicate Rutland or Burlington location] **and selected Vermont Interactive Television sites** (see below) , unless the Court deems no hearing is necessary and enters an order prior to the time set for hearing.

VERMONT INTERACTIVE TELEVISION SITE ADDRESSES

[Location] [street address of Location] [phone number of Location]
[Location] [street address of Location] [phone number of Location]
[Location] [street address of Location] [phone number of Location]
[Location] [street address of Location] [phone number of Location]
[Location] [street address of Location] [phone number of Location]

For a complete listing of remote video conference sites and directions, please refer to <http://www.vitlink.org/HTML/Locations.htm>. **Please refer to the Court's website at <http://www.vtb.uscourts.gov/schedhrg.php> to determine whether your participation via video in this matter meets the Court's video conferencing eligibility criteria.** If you have questions or if you do not have access to the Internet, please contact the Courtroom Deputy at (802) 776-2010.

IF NO OPPOSITION IS TIMELY FILED, the Court **may** deem the matter unopposed and grant the motion without further hearing. Note: If an order has not been entered before the hearing date, the hearing shall proceed.

(**Note:** All notices of hearings under Vt. LBR 9013-4 must be in substantial compliance with Vt. LB Form U-2.)

Vt. LBR 3070-1. CHAPTER 13 – PAYMENTS

(a) Payments to the Chapter 13 Trustee. Chapter 13 debtors are strongly encouraged to make plan payments through wage deductions except where the debtor is not receiving a regular paycheck from an employer or where extraordinary circumstances are demonstrated. The Chapter 13 trustee, in his sole discretion, shall determine and recommend whether a wage deduction order should be required. A wage deduction order may be issued before confirmation of a plan. The plan shall state whether payments shall be made by direct payment to the Chapter 13 trustee, direct debit of the debtor's bank account, or by wage deduction. Until a direct debit of the debtor's bank account or wage deduction order is in effect, the debtor shall make all plan payments in the form of a cashier's check, certified check, bank draft or money order payable to the "Chapter 13 Trustee," and the debtor shall mail the payments directly to the Chapter 13 trustee at an address that the trustee designates. The face of the payment instrument shall include the debtor's name and the Chapter 13 case number.

(b) Reimbursement of Trustee's Expenses upon Dismissal or Conversion.

(1) **Standard Award of Expenses.** Pursuant to 11 U.S.C. §§ 503(b) and 1326(a)(2), the Chapter 13 trustee may collect from pre-confirmation payments made by the debtor the sum of \$100 (as may be adjusted from time to time) as an award for expenses in any Chapter 13 case dismissed or converted to another chapter prior to the confirmation of the Chapter 13 plan;

(2) **Itemized Expenses.** Notwithstanding subparagraph (1), if the Chapter 13 trustee determines that a larger reimbursement of expenses is appropriate, the trustee shall itemize the expenses for which reimbursement is sought in the Trustee's Final Report and Account;

(3) **Notice of Award.** The trustee shall give notice of the proposed award of expenses under subparagraphs (1) or (2) above to the debtor, the debtor's attorney, if any, and the Office of the U.S. Trustee by separate written notice. The Court will consider the trustee's request at the hearing on the Trustee's Final Report and Account.