

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT 1984 JUN 29 PM 2:07

FOR THE DISTRICT OF IDAHO DISTRICT OF IDAHO
JERRY L. CLAPP, CLERK

IN THE MATTER OF THE CONTINUING)
OPERATION OF THE UNITED STATES)
BANKRUPTCY COURT FOR THE DISTRICT) GENERAL ORDER NO. 35
OF IDAHO PURSUANT TO THE EMERGENCY)
RESOLUTION OF THE JUDICIAL)
CONFERENCE OF THE UNITED STATES.)
_____)

Pursuant to the emergency resolution of the Judicial Conference of the United States to continue the operation of the Bankruptcy Court as an adjunct of the United States District Court,

IT IS HEREBY ORDERED that General Orders No. 1, 2 and 3 of the Bankruptcy Court, attached hereto and by reference a part hereof, are hereby adopted and implemented as General Order No. 35 of this Court.

DATED this 28th day of June, 1984.


Marion J. Callister, Chief Judge

U. S. BANKRUPTCY COURT
DISTRICT OF IDAHO
Filed at 9:15 A. M.

MAR 15 1984

Ladora L. Hutchinson, Clerk
By [Signature] Deputy

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

DELEGATION OF POWERS AND DUTIES TO THE CLERK OF THE
UNITED STATES BANKRUPTCY COURT AND DEPUTIES

GENERAL ORDER NO. 1

COPY

Pursuant to the provisions of 28 U.S.C. § 2075, in connection with cases and proceedings commenced under the Bankruptcy Code, and the provisions of Bankruptcy Rule 9029, in connection with cases pending or reopened under the Bankruptcy Act, this court assigns the following powers and duties to the clerk and deputies:

1. Signing and entering all orders and process specifically allowed to be signed by the clerk under Title 28, United States Code, and the Federal Rules of Civil Procedure, as modified by the Bankruptcy Rules. If the Bankruptcy Rules direct the performance of a duty by the court of the same type delegated to the clerk in the Federal Rules of Civil Procedure, the clerk of this court shall hereafter perform such duties.

2. The clerk and such deputies as may be designated by the clerk are authorized to sign and enter without further direction the following orders which are deemed to be of a ministerial nature:

- a. Orders specifically appointing persons to serve process in accordance with Bankruptcy Rule 7004.
- b. Orders on consent, noting satisfaction of a judgment, providing for the payment of money, approving and annulling bonds filed or to be released pursuant to court order and exonerating sureties, and setting aside a default.
- c. Orders on consent, with or without prejudice, for the dismissal of proceedings; PROVIDED, HOWEVER, that only a judge of this court shall dismiss a proceeding objecting to the discharge of a debtor or a proceeding in which Bankruptcy Rules 7023, 7023.1 or 7023.2 apply.
- d. Orders and notices that establish meeting and hearing dates required or requested by a party in interest under Title 11, United States Code, including orders which fix the last dates

for the filing by parties in interest of objections to discharge and confirmation of plans, complaints to determine the dischargeability of debts, and proofs of claim.

- e. Orders appointing creditors' and equity security holders' committees pursuant to § 1102 Title 11 United States Code.
- f. Orders appointing trustees pursuant to Title 11 U.S.C. § 701 from official panel in such manner that assignments shall be equal in number to trustees serving the same geographical area.
- g. All motions and applications in the clerk's office for issuing mesne process, for issuing final process to enforce and execute judgments, for entering defaults or judgments by default, and for other proceedings which do not require allowance or order of the court are grantable of course by the clerk; but action may be suspended or altered or rescinded by the court upon cause shown, all pursuant to Rule 77(c) of the Federal Rules of Civil Procedure.
- h. Orders permitting the payment of filing fees in installments and fixing the number and amount and date of payment of each installment. The number of installments permitted will not exceed 4 (four), with the final installment payable not later than 120 days after the filing of the petition. Any request for an extension of time greater than the stated 120 day period, or a request which is received after entry of the first order entered by the clerk, shall be in writing and will be considered only by a bankruptcy judge.
- i. Orders appointing the appropriate standing chapter 13 trustee and orders directing chapter 13 debtors to commence payment to the trustee appointed for such cases.
- j. Orders closing cases and discharging the trustees in all cases for which the trustee has reported there is no estate to be administered.
- k. Orders which may be entered by the court on failure of a party in interest to object or respond to, or to request a hearing on, a motion requesting action by the court, after proof of service of such motion in accord with Bankruptcy Rule 7004. Orders covered by this paragraph include:
 - (1) Order disallowing claim to extent of objection.
 - (2) Order disallowing claim of exemption, to extent of objection.
 - (3) Order allowing surcharge to extent requested.

1. Order directing a debtor to amend schedules if requested by a party in interest.
- m. Order to chapter 13 debtor conducting business directing compliance with rules and practice of the court for such debtor.
- n. Order on request of standing chapter 13 trustee to an employer of a chapter 13 debtor directing payment of all or part of compensation to such trustee.
- o. Order directing debtor in a chapter 7 proceeding to turn over to the trustee copies of tax returns and tax refunds received by the debtor.

3. In a chapter 7 case, the clerk, after 90 days following the first date set for the meeting of creditors pursuant to § 341 of the Code, shall mail all notices required by Bankruptcy Rule 2002(a), except clause (4) thereof, only to creditors whose claims have been filed and creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(6), any creditors committee, and to creditors who have filed a request that all notices be mailed to them.

4. Notices sent pursuant to § 341(a) of the Code which are returned by the U.S. Postal Service as undeliverable shall be compared to the schedules and mailing list filed by the debtor to ensure the accuracy of the name and address on the envelope. If there is an error, the mailing list is to be corrected and the notice remailed. If the address on returned mail is not incorrect according to court records, a notation is made upon the schedules and the master mailing list recording the fact that the notice was returned. No further notices shall be sent to an address for which mail has been returned unless a correct address has subsequently been provided. Any notice other than a 341(a) meeting notice which is returned to the court shall be destroyed.

5. In a chapter 11 proceeding, where the court has been notified in writing that the unsecured creditors committee appointed pursuant to 11 U.S.C. § 1102(a)(1) has organized, notices sent by the clerk pursuant to Bankruptcy Rule 2002(a)(2), (3), and (7) shall only be sent to the committees organized under 11 U.S.C. § 1102, and creditors and equity security holders who request that all notices be mailed to them.

6. Unless the court orders otherwise, any deposit of funds with the clerk in excess of \$500.00 shall be placed in a separate interest bearing account in the name of "Clerk, U.S. Bankruptcy Court." Funds so deposited shall remain in the account until further order of the court. All interest which has accrued on funds deposited pursuant to this paragraph shall be transferred to the U.S. Treasury unless the court orders otherwise.

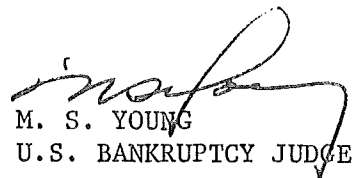
7. The presiding officer at scheduled 11 U.S.C. § 341(a) meeting of creditors shall advise the debtors who have filed for relief under chapter 7 of their right to a discharge; the effect of the discharge, when received; the nature of debts which are not discharged as a matter of law; the legal effect and consequences of reaffirmation of a dischargeable debt; the provisions of 11 U.S.C. § 524(c); and the provisions of 11 U.S.C. § 722.

8. The Clerk may waive the fee established by 11 U.S.C. § 1930 for amendment to a debtor's schedules after the 11 U.S.C. § 341(a) notice is sent where additional creditors are not added to the schedules or the debtor or debtor's attorney has sent a copy of the § 341(a) notice to the creditors added by the amendment and certified such mailing to the court.

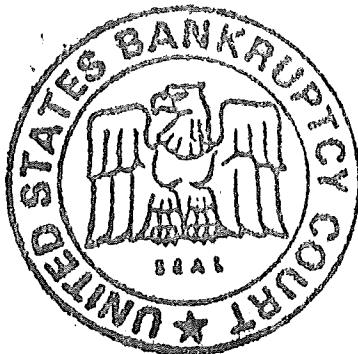
IT IS FURTHER ORDERED that any action taken by the clerk or deputies in connection with the powers and duties herein specified may be suspended or rescinded by a judge of this court upon cause shown.

IT IS FURTHER ORDERED that this court adopts its seal in the image printed hereinunder in the lower left corner or a variation thereof as provided by the Administrative Office of the United States Courts.

REVISED AND REISSUED: MARCH 15, 1984.


M. S. YOUNG
U.S. BANKRUPTCY JUDGE

MSY:cma



FEB 13 1984

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

Ladora L. Hutchinson, Clerk
By LA Deputy

TREATMENT OF THE INTERNAL REVENUE SERVICE

GENERAL ORDER NO. 2

By the provisions of 11 USC § 362, all entities are enjoined and stayed from commencing or continuing any suit against the debtor, from assessing any claim against the debtor that arose before the commencement of the bankruptcy proceeding and from creating any lien against property of the estate.

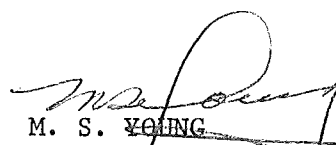
By the provisions of 11 USC § 101, "entity" is defined as including person, estate, trust and governmental unit.

By reason of the foregoing provisions, Internal Revenue Service is prohibited from assessing tax liabilities (income, estate, gift, excise and employment) shown on voluntarily filed returns, agreed deficiencies/adjustments in such tax liabilities, adjustments in employment and excise tax liabilities with respect to which the debtor/taxpayer fails to lodge a timely protest, agreed penalties asserted under I.R.C. §6672 for failure to collect and/or pay over any tax which, by law, is required to be collected and/or paid over and penalties asserted under I.R.C. §6672 with respect to which the debtor/taxpayer fails to make a timely protest. By reason of the operation of the foregoing provisions, the administration of bankruptcy cases is being hindered, burdened and delayed and the administration of the federal tax system is likewise being hindered, burdened and delayed, due to the necessity of constant monitoring which arises from the operation of the foregoing provisions.

IT IS ORDERED, ADJUDGED and DECREED that the Internal Revenue Service is hereby authorized to assess tax liabilities (income, estate, gift, excise and employment) shown on voluntarily filed returns, agreed deficiencies/adjustments in such tax liabilities, adjustments in employment and excise tax liabilities with respect to which the debtor/taxpayer fails to lodge a timely protest, agreed penalties asserted under I.R.C. §6672 and penalties asserted under I.R.C. §6672, with respect to which the debtor/taxpayer fails to lodge a timely protest; and

It is further ORDERED that the stay afforded by 11 USC § 362 be, and it is hereby modified to that extent.

ISSUED: February 13, 1984.


M. S. YOUNG
U.S. BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

GENERAL ORDER NO. 3

U. S. BANKRUPTCY COURT
DISTRICT OF IDAHO
Filed at 9:40 a M.

APR 26 1984

Ladora L. Hutchinson, Clerk
BY [Signature], Deputy

IT IS HEREBY ORDERED that, in all cases where a chapter 11 case or a chapter 13 case has been converted to a chapter 7 case and the debtor has filed a final report and account together with a schedule of unpaid debts incurred after the commencement of the chapter 11 or chapter 13 case, the Clerk of the Bankruptcy Court shall give written notice to those entities, including the United States, any state, or any subdivision thereof, that their claims may be filed within 60 days from the issuance of the notice pursuant to Rule 3001(a)-(d).

IT IS FURTHER ORDERED that, in all cases of conversion, the time for filing claims arising from debts not so scheduled by debtor or arising from rejection of executory contracts under §§ 384(c) and 365(d) of the Code shall be 90 days from the date of the meeting of creditors scheduled in the notice of conversion.

The foregoing is promulgated as a general order of the U.S. Bankruptcy Court, District of Idaho, this 26th day of April, 1984.


M.S. YOUNG
U.S. BANKRUPTCY JUDGE