

## **ELECTRONIC FILING GUIDE**

### **Filing a Proposed Order, Proposed Plan as Confirmed, Amended Disclosure Statement Pursuant to Bankr. D.S.D. R. 9072-1(c)**

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**November 4, 2021**

At the conclusion of a hearing or a trial, a party in interest may request an opportunity to review a proposed order, Plan as Confirmed, or Amended Disclosure Statement another party is preparing before that document is formally docketed. If the Court grants the request or if the Court, on its own, directs one party to give the other parties in interest a chance to review the proposed document before it is formally docketed, the party directed to prepare the proposed document will need to comply with Bankr. D.S.D. R. 9072-1(c).

Under this local rule, the party will need to prepare a certificate of service that conforms to Appendix 9J of the local bankruptcy rules and attach to the certificate of service the proposed document, including all exhibits and other attachments referenced in the proposed document, serve the proposed document on all parties in interest or their attorney of record, and file the certificate of service with the proposed document attached. If the parties in interest are all electronically served, the certificate of service should state that all parties in interest are electronically served.

Please note the certificate of service to be used is not a standard one but is tailored to Bankr. D.S.D. R. 9072-1(c). It is designed to give parties in interest the information they need about reviewing the proposed document.

Once the certificate of service is filed, the other parties in interest have seven days to review the proposed document and file any objections. If the parties are unable to resolve any objections on their own, the Court will set a hearing on the matter.

#### **REQUIRED DOCUMENTS.**

1. Certificate of Service that conforms to Appendix 9J and states service of the proposed document was made on all parties in interest not receiving electronic notice.
2. Copy of the proposed order, Plan as Confirmed, or Amended Disclosure Statement, including any exhibits or other attachments referenced therein.

#### **FILING IN CM/ECF.**

##### **1. Proposed Plan as Confirmed**

Electronically file a proposed Plan as Confirmed under Bankr. D.S.D. R. 9072-1(c) in CM/ECF by going to:

Bankruptcy  
Plan  
Enter Case Number  
Click Next

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Select the event Certificate of Service of Proposed Plan as Confirmed/Amended Disclosure Statement (9072-1(c)).

Click Next

Select the party filing the documents if the filing party appears in the party box or Add/Create New Party.

Click Next

Read the display

Click Next

Browse for the PDF of the Certificate of Service

Select "Yes" for Attachments to Document

Click Next

Browse for the PDF of the proposed Plan as Confirmed

Choose "Plan as Confirmed" or "Amended Disclosure Statement" in the Category box.

Select Add to List

Click Next

If filing in a chapter 12 or 13:

Read the following display and select the appropriate documents.

Select the docket entry for the plan or the modified plan on which the confirmation hearing was held and the docket entry for the confirmation hearing minutes at which the party was directed to prepare a proposed plan as confirmed.

Click Next

An objections due date of 7 days will automatically populate to the docket text.

Click Next

Click Next

The "Docket Text: Final Text" screen displays. Proof this screen carefully! If the docket text is correct, click Next. The Notice of Electronic Filing screen appears.

#### Sample Docket Text.

Certificate of Service pursuant to Bankr. D.S.D. R. 9072-1(c) of the proposed Plan as Confirmed (related document(s) [45] Modified Plan, [52] Hearing Minutes) filed by Jane Anne Anonymous. Objections due 8/10/2021.

(Attachment: # 1 Plan as Confirmed)

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If filing in a chapter 11:

The following prompt will appear: Are you serving an amended disclosure statement? Select Yes or No.

If No

Select the docket entry for the plan or the modified plan on which the confirmation hearing was held and the docket entry for the confirmation hearing minutes at which the party was directed to prepare a proposed plan as confirmed.

Click Next

An objections due date of 7 days will automatically populate to the docket text.

Click Next

Click Next

The "Docket Text: Final Text" screen displays. Proof this screen carefully! If the docket text is correct, click Next. The Notice of Electronic Filing screen appears.

Sample Docket Text.

Certificate of Service pursuant to Bankr. D.S.D. R. 9072-1(c) of the proposed Plan as Confirmed (related document(s) [45] Modified Plan, [52] Hearing Minutes) filed by Jane Anne Anonymous. Objections due 8/10/2021. (Attachment: # 1 Plan as Confirmed)

If Yes

Select the docket entry for the disclosure statement on which the hearing was held and the docket entry for the hearing minutes at which the party was directed to prepare an amended disclosure statement.

An objections due date of 7 days will automatically populate to the docket text.

Click Next

Click Next

The "Docket Text: Final Text" screen displays. Proof this screen carefully! If the docket text is correct, click Next. The Notice of Electronic Filing screen appears.

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Sample Docket Text.

Certificate of Service pursuant to Bankr. D.S.D. R. 9072-1(c) of the Amended Disclosure Statement (related document(s) [45] Disclosure Statement, [52] Hearing Minutes) filed by Jane Anne Anonymous. Objections due 8/10/2021. (Attachment: # 1 Amended Disclosure Statement)

## **2. Proposed Order**

Electronically file a proposed order under Bankr. D.S.D. R. 9072-1(c) in CM/ECF by going to:

Bankruptcy

Other

Enter Case Number

Click Next

Select the event Certificate of Service of Proposed Order (9072-1(c)).

Click Next

Browse for the PDF of the Certificate of Service

Select "Yes" for Attachments to Document

Click Next

Browse for the PDF of the proposed order

Click Next

Type "Order" in the Description box

Select Add to List

Click Next

Select the party filing the documents if the filing party appears in the party box or Add/Create New Party.

Click Next

If you are filing in a chapter 11, 12 or 13 case, the following display will appear:

Is this for a proposed plan as confirmed?

If Yes, read the display and proceed as directed.

If No, check the box for "Refer to existing event(s)?"

Click Next

Select the category to which the subject proposed document relates.

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The following display will appear:

To select the docket entry to which your subject proposed document relates (usually a motion or application) and to the hearing minutes at which the party was directed to prepare the proposed order, you will need to choose two categories above:

1. Select the motion category.
2. Depress and hold the ctrl key on the keyboard.
3. Select the court category.

Both categories should be highlighted before clicking Next.

Click Next

An objections due date of 7 days will automatically populate to the docket text.

Click Next

Click Next

The "Docket Text: Final Text" screen displays. Proof this screen carefully! If the docket text is correct, click Next. The Notice of Electronic Filing screen appears.

#### Sample Docket Text.

Certificate of Service pursuant to Bankr. D.S.D. R. 9072-1(c) of proposed order (related document(s) [75] Motion to Obtain Credit, [84] Hearing Minutes) filed by Jane Anne Anonymous. Objections due 8/10/2021. (Attachment: # 1 Order)