

United States Bankruptcy Court
Eastern District of Michigan

In re:

Administrative Order Regarding
Amended Local Rules and Guidelines
_____ /

No. 04-06

Administrative Order Amending Local Rules

The Local Rules of this Court are amended as follows:

1. The following attached Local Rules supercede the existing Local Rules of the same number: 1007-1(d); 4001-2; and 9010-1(a)(1).
2. The balance of the attached Local Rules and Guidelines are adopted as Local Rules and Guidelines of this Court.
3. The balance of the existing Local Rules remain in full force and effect.

This administrative order shall be effective on January 3, 2005, and shall remain in effect until June 30, 2006.

It is so ordered.

/S/ _____
Steven W. Rhodes
Chief U.S. Bankruptcy Judge

Dated: November 5, 2004

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

AMENDED AND NEW LOCAL RULES AND GUIDELINES

- GUIDELINE 1 Notifying the United States Trustee and the Clerk of First Day Motions
- GUIDELINE 2 Expedited Formation of Committee in Large Bankruptcy Cases
- RULE 1007-1(d) Extension of Time to File Schedules
- RULE 1015-1 Joint Administration of Cases of Affiliated Debtors
- RULE 2002-1 Authorization for a Special Service List
- RULE 2003-3 Information for the Appointment of a Committee
- RULE 2016-3 Procedure for Interim Payment of Professional Fees
- RULE 3016-1 Procedures Relating to a Prepackaged Chapter 11 Plan
- RULE 4001-2 Motion to Use Cash Collateral or to Obtain Credit
- RULE 4001-5 Motion for Payment of Prepetition Claims of Critical Vendors
- RULE 4002-1 Continued Prepetition Cash Management
- RULE 6004-3 Request for Incentive Compensation
- RULE 9001-1 Definitions: Large Bankruptcy Case; First Day Motion
- RULE 9010-1(a)(1) Appearance By Attorney
- RULE 9013-1 Service of First Day Motions
- RULE 9013-4 Filing Requirements for First Day Motions
- RULE 9013-5 Fixed Hearing Dates in Large Bankruptcy Cases
- APPENDIX 1 Cover Sheet For Motion to Use Cash Collateral or to Obtain Credit

GUIDELINE 1 Notifying the United States Trustee and the Clerk of First Day Motions

Before filing a chapter 11 case that is accompanied by First Day Motions, counsel for the debtor is encouraged to communicate with the United States Trustee's Office and the Clerk's Office. With respect to contact with the Clerk's Office, counsel should contact the Clerk of the Court. If the Clerk is not available, contact may be made with the Chief Deputy or the Operations Manager of the Clerk's Office. Counsel for the debtor may discuss any relevant issues in the case with the United States Trustee and the Clerk of the Court.

The Court strongly encourages the discussions with the United States Trustee's Office to include the following:

1. The nature of the first day relief to be requested.
2. The debt structure of the business, including the public and trade debt.
3. Description of the debtor's cash management system and issues under 11 U.S.C. § 345.
4. Issues that may be resolved by consent (*e.g.*, extensions of time to file schedules, adequate assurances of utility payments, wage and benefit payments up to statutory limitation(s), joint administration, necessity doctrine payments, professional employment issues, including conflicts, and indemnification requests).
5. Corporate governance issues.
6. Collateral issues including Federal Trade Commission issues, taxing authority issues, Security and Exchange Commission issues, pension and other Department of Labor issues, Environmental Protection Agency and Michigan Department of Environmental Quality issues, and insurance issues.
7. The status of any attempted out of court workout, including perceived impediments to a successful reorganization and whether there was an unofficial pre-petition committee.
8. The number of creditors and any special needs due to the size of the case.

9. The need for a noticing vendor for the notice of the meeting under 11 U.S.C. § 341 and any other notice requirement.

The Court strongly encourages the discussions with the Clerk to include the following:

1. The number of creditors and any special needs due to the size of the case.
2. The need for a noticing vendor for the notice of the meeting under 11 U.S.C. § 341 and any other notice requirement.
3. The need for the availability of the Clerk or staff outside of ordinary business hours.

GUIDELINE 2 Expedited Formation of Committee in Large Bankruptcy Cases

In Large Bankruptcy Cases, the United States Trustee's Office is encouraged to appoint a committee of creditors within three business days after receiving the information from the debtor required by Local Rule 2003-3, provided creditors are willing to serve in accordance with 11 U.S.C. § 1102.

RULE 1007-1 Extension of Time to File Schedules

(d) Failure to Timely File Initially Required Documents. In all cases, a motion for an extension of time to file the schedules or the statement of financial affairs is governed by Local Rule 9006-1(a). If the debtor fails to timely file the schedules, statement of financial affairs or other necessary documents, and also fails to timely move for an extension before the deadline for filing those documents, the debtor's voluntary petition for relief may be dismissed without a hearing unless, within 20 days after the petition is filed, a party in interest files a written request for a hearing. If a party in interest files a timely request for a hearing, the clerk will set the matter for hearing upon notice to any creditor who requested it, the debtor and the trustee.

RULE 1015-1 Joint Administration of Cases of Affiliated Debtors

(a) A motion for joint administration of affiliated debtors filed under Bankruptcy Rule 1015(b) and (c) shall contain detailed information concerning:

- (1) the disclosure required by Bankruptcy Rule 1007(a)(3);
- (2) any inter-debtor claims and whether they are disputed or undisputed;
- (3) any guaranties or co-obligations among the debtors and non-debtor equity holders;
- (4) whether any of the debtors is a publicly traded entity; and,
- (5) any inter-debtor transfers within one year before the order for relief.

(b) The proposed order attached to the motion shall include as an exhibit the proposed caption to be used for the jointly administered cases. The caption shall use the name of a publicly traded entity, if any, with the other debtors indicated by the phrase, "et al." If there is no publicly traded entity, the name of the debtor to be used shall be the name of the debtor with the first filed case. The case

number to be used for the jointly administered cases shall be the lowest number of the cases. There shall also be a footnote to the caption stating that the case is jointly administered with the cases of other debtors, identifying the names and case numbers of the cases of the other debtors.

(c) A motion requesting joint administration shall be served upon the United States Trustee, the members and counsel of any official committees (or, if no official committee is yet formed, upon the list of creditors filed by the debtors under Bankruptcy Rule 1007(d)), secured creditors, taxing authorities and any other persons as directed by the Court.

(d) Unless otherwise ordered by the Court, the debtors shall give notice of the joint administration order to the matrix of each of the jointly administered cases. A copy of the joint administration order may serve as the notice.

RULE 2002-1 Authorization for a Special Service List

(a) In a Large Bankruptcy Case, counsel for the debtor may submit an order for a Special Service List, as designated in subparagraph (b) below. In all other cases, such an order may be obtained upon the filing of a motion for cause shown, served on all parties designated in subparagraph (b) below and the twenty largest unsecured creditors. Upon entry of the order, counsel for the movant shall serve the order on the entire matrix, unless the Court orders otherwise.

(b) Matters requiring notice under Bankruptcy Rule 2002(a)(2)-(6) shall be served, at a minimum, on this Special Service List:

- (1) The United States Trustee.
- (2) The debtor.
- (3) The debtor's general and local bankruptcy counsel.

- (4) General and local counsel for each committee.
 - (5) Any secured creditors and their counsel.
 - (6) All taxing authorities.
 - (7) Parties added to the Special Service List under subparagraph (c) below.
- (c) A party shall be added to or deleted from the Special Service List if the party files a written request and serves it on the parties designated in subparagraph (b) above.
- (d) At least every 15 days during the first 60 days of the case, and thereafter at least every 30 days, the debtor's counsel (or counsel for the trustee, if one is appointed) shall maintain and update the Special Service List by: (i) making any additions and deletions; (ii) filing the updated Special Service List; (iii) serving the updated Special Service List on the parties listed thereon; and (iv) filing a proof of service.

RULE 2003-3 Information for the Appointment of a Committee

When a motion for an order designating a case as a Large Bankruptcy Case is filed, or if the Court enters such an order *sua sponte*, the debtor shall immediately e-mail, fax or hand deliver to the United States Trustee's Office the name of the contact person, address, telephone and fax numbers and e-mail address for each entity listed on the debtor's Bankruptcy Rule 1007(d) filing.

RULE 2016-3 Procedure for Interim Payment of Professional Fees

(a) For cause shown, any professional appointed under 11 U.S.C. § 327 or any official committee may move for an order authorizing interim payments of fees and expenses pending a formal fee application.

(b) When the Court enters such an order:

(1) That professional or committee may file an itemized monthly fee and expense statement in compliance with the provisions of the Local Rules and the United States Trustee guidelines, setting forth in detail the fees and expenses for which payment is sought for the preceding month, and shall serve a copy of the statement on the debtor, debtor's counsel, counsel for any official committees, the United States Trustee, counsel for any secured creditors and such additional parties as the Court may designate.

(2) Each statement shall include, as an exhibit, records that itemize services and expenses in conformity with the Bankruptcy Rules, the Local Rules and the United States Trustee guidelines.

(3) Objections to the interim fee statement shall be filed within fifteen days after service of the interim statement. If no objection to an interim statement is timely filed, the debtor is authorized to pay in the ordinary course of business, unless the Court orders otherwise: (i) 80% of the professional fees; (ii) 100% of the expenses incurred by professionals; and (iii) 100% of the expenses incurred by the committee. The 20% professional fee hold back will be paid only in accordance with the Bankruptcy Rules, Local Rule 2016-1 and the Bankruptcy Code sections governing the approval of fees and expenses.

(4) Any objection to any interim statement shall be filed and served on the affected professional or committee. The objection shall specify in detail the nature and basis of the objection and the amount not disputed. Pending resolution of the objection, the debtor is authorized to pay the professional or committee the amount requested in the particular monthly statement less the greater of (i) the amount in dispute or (ii) the professional fee hold back provided in subparagraph (3) above. The parties shall endeavor to resolve any objection within 5 days. If a resolution is not achieved, the professional or committee may request a hearing.

(5) The failure of any party to object to an interim fee statement or to request a hearing after filing an objection will not constitute a waiver of the right to object to any interim or final fee application or preclude any disgorgement of fees or expenses paid.

(c) A motion seeking interim payment of fees or expenses pending a formal fee application shall address the following factors and any other relevant factors:

- (1) whether a large amount of fees will accrue each month;
- (2) whether a failure to allow interim payments would cause an undue hardship; and
- (3) whether counsel will be able to disgorge the interim payments if required.

(d) In determining whether to permit an interim fee procedure, the Court will consider all the facts and circumstances.

(e) If the Court permits interim fee payments under this rule, the professional or committee shall file interim fee applications every 120 days under 11 U.S.C. § 331.

RULE 3016-1 Procedures Relating to a Prepackaged Chapter 11 Plan

(a) In this rule, a Prepackaged Chapter 11 Plan is one for which the debtor has negotiated and solicited acceptances before filing the petition.

(b) Immediately upon filing a Prepackaged Chapter 11 Plan, the debtor shall file a motion to set a deadline to object to confirmation of the plan and to schedule a confirmation hearing not more than 90 days following the petition date. The motion shall be accompanied by a copy of the plan and the disclosure statement or other solicitation document.

RULE 4001-2 Motion to Use Cash Collateral or to Obtain Credit

(a) A motion to use cash collateral under 11 U.S.C. § 363(c)(2) or to obtain credit under 11 U.S.C. § 364(c) or (d) shall explicitly state the adequate protection offered the creditor and the moving party's position as to the value of each of the secured interests to be protected, and shall contain a summary of the other essential terms of the proposed use of cash collateral or post-petition credit, including, in the case of a motion to obtain credit under § 364(c) or (d), the interest rate, maturity date and a statement of the total amount of credit sought. Appraisals and projections, to the extent pertinent, shall be summarized in the motion.

(b) Except in Chapter 13 cases, the motion shall be filed with a cover sheet in the form attached as Appendix 1 to these rules. The requirement to identify the location in the proposed order of the provisions set forth in Appendix 1 is not to be construed as an approval of or prohibition against the inclusion of any such provisions in the order in any particular case. The Court will make such determination in each case based upon an assessment of all the facts and circumstances.

(c) If a debtor files a motion for the entry of an order approving an agreement to use cash collateral or to obtain credit on an expedited basis, the Court may enter the order without a hearing if:

(1) the order is approved by all creditors who may have an interest in the cash collateral to be used or the credit to be extended, by the chairperson or attorney for each official committee and by the United States Trustee;

(2) the order provides for the debtor to use cash collateral or to obtain credit in a maximum specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of a final hearing or the order becoming a final order;

(3) the order provides for a final hearing, the date and time for which shall be filled in by the

Court when the order is entered;

(4) the order provides that the debtor shall, within 24 hours of its entry, serve a copy of the motion with its attachments and the order upon all parties who are required to be served under Bankruptcy Rule 4001(d);

(5) the order provides:

(A) that objections to the order must be filed within 15 days from the entry of the order, except that an official committee may file objections within 15 days after it is served with the order;

(B) that upon filing of an objection, the final hearing will be held; and

(C) that if no objections are timely filed, the order may become a final order; and

(6) the motion is accompanied by an affidavit or declaration of the debtor or a principal of the debtor stating the facts upon which the debtor relies in seeking the entry of the order on an expedited basis, and the amount of money needed to avoid immediate and irreparable harm.

(d) If a debtor files a motion to use cash collateral or to obtain post-petition financing, but the debtor's pre-petition secured creditors have not consented to the relief sought in the motion, the Court may enter an interim order granting the relief requested on an expedited basis if:

(1) the debtor has served a copy of the motion and proposed order, and a notice of the hearing on the motion, upon the non-consenting secured creditors in the manner set forth in Local Rule 9013-1;

(2) the Court has held a hearing on the motion at which the non-consenting secured creditors were given an opportunity to be heard;

(3) the order complies with each of the requirements of subparagraphs (c)(2) - (6) of this rule; and,

(4) the Court makes a specific finding of fact that the protection offered to the non-consenting

secured creditor is adequate and such adequate protection is incorporated into the interim order. If the Court enters an interim order under this subparagraph over the objection of a secured creditor, or if a secured creditor does not appear at the hearing or object to the motion, such secured creditor will have the right to object to the interim order as provided in subparagraph (c)(5) of this rule.

(e) On timely motion, the Court may enlarge or reduce the time within which an objection must be filed, except that the Court may not reduce the time within which a non-consenting secured creditor must file an objection under subparagraph (c)(5) of this rule. In its discretion, the Court may schedule a hearing on the debtor's motion at any time, with such notice as it deems appropriate, provided such notice and hearing are consistent with subparagraph (d) of this rule.

RULE 4001-5 Motion for Payment of Prepetition Claims of Critical Vendors

(a) A motion to authorize payment of prepetition claims of critical vendors shall be accompanied by a brief on the issue of the bankruptcy court's authority to grant this relief.

(b) Such a motion shall contain at a minimum the following information:

- (1) The aggregate amount to be paid to all critical vendors;
- (2) The individual vendor(s) to be paid and the amount to be paid to such vendor(s), which information may be filed under seal;
- (3) The reason each vendor is "critical" or "indispensable" to the operations or preservation of the estate;
- (4) The loss of economic advantage to the estate or to the debtor's going concern value by the nonpayment of the prepetition claim of each of the particular vendors for whom a request is contained in the motion;

(5) The steps taken, or to be taken, if any, by which the debtor might deal with each critical vendor, short of payment of the prepetition claim, and whether it is necessary to pay 100% of the prepetition claim of the particular critical vendor to obtain postpetition goods and/or services;

(6) The terms of postpetition credit and shipment of goods and rendering of services to the debtor by each of the critical vendors; and,

(7) An analysis which demonstrates the impact of granting the requested relief on the creditors deemed non-critical.

(c) A critical vendor motion will not be considered a First Day Motion.

(d) The motion shall be served on all creditors, the creditors' committee or its counsel if appointed, and the United States Trustee.

(e) Compliance with this rule should not be construed as suggesting that the Court will grant the motion.

RULE 4002-1 Continued Prepetition Cash Management

(a) A motion in a chapter 11 case to continue using prepetition bank accounts or prepetition cash management systems for good cause shall contain the following information:

(1) Identification of the accounts by name of bank, description or title of the accounts and purpose of accounts;

(2) A thorough explanation of the cash management system, including, if applicable, the relationship between parent and subsidiaries and other entities which participate in the cash management system;

(3) The reason for continuing to use the prepetition accounts or system, including the costs and

inconvenience of compliance with the guidelines requiring closure of prepetition accounts;

(4) The mechanism and steps to be taken to ensure that unauthorized prepetition checks will not clear the bank accounts postpetition;

(5) The steps that will be taken to have the face of each check and bank statement identify the payer as a debtor in possession; and

(6) The steps that will be taken to ensure compliance with 11 U.S.C. § 345.

(b) Compliance with this rule should not be construed as suggesting that the Court will grant the motion.

RULE 6004-3 Request for Incentive Compensation

(a) If the debtor files a motion for entry of an order allowing incentive compensation for executives, employees or groups of employees, the motion shall detail for each employee:

(1) The name of employee;

(2) The present position and responsibilities;

(3) Whether the employee is an equity holder, creditor, debtor or guarantor of the debtor;

(4) The employee's work experience, with emphasis on how this experience qualifies or impacts the employee in the present position;

(5) The length of service with debtor;

(6) The present compensation, including contractual bonuses and benefits, monetary and otherwise (and if the employee has a written employment agreement, it shall be attached to the motion);

(7) The requested compensation (including benefits, monetary and otherwise);

(8) How the requested increase in compensation (or the amount requested) will benefit and impact

the debtor;

(9) The consequences to the debtor of denying the request; and,

(10) The timing of the payment of the compensation and any conditions precedent.

(b) Compliance with this rule should not be construed as suggesting that the Court will grant the motion.

RULE 9001-1 Definitions

(a) Large Bankruptcy Case. Upon a motion by a party-in-interest, or upon the Court's own initiative, the Court may enter an order without a hearing designating a chapter 11 case as a "Large Bankruptcy Case."

(b) First Day Motion. A "First Day Motion" is a motion filed by a debtor for relief which the debtor believes is so important to the initial stages of the case that the best interests of the bankruptcy estate warrant granting a hearing on the motion upon shortened or limited notice.

RULE 9010-1 Appearance by Attorney

(a)(1) Except as otherwise provided by law, appearance before the Court on behalf of a person or entity may be made only by an attorney admitted to the bar of, or permitted to practice before, the United States District Court for the Eastern District of Michigan, under E.D. Mich. LR 83.20. A corporation, partnership, or other entity other than an individual may not file a petition or other pleading, nor appear as a debtor, plaintiff, defendant or other party in an adversary proceeding, unless it is represented by an attorney duly admitted to, and in good standing with, the bar of the United States District Court for this district. None of the following constitutes the practice of law for purposes of

these rules: (i) the signing or filing of a request for service; (ii) the signing or filing of a proof of claim or a ballot; (iii) attendance and participation at a meeting of creditors or an official committee; (iv) the signing or filing of a pleading or paper resolving an objection to a proof of claim; or (v) signing or filing a stipulation adjourning a hearing or extending a deadline.

RULE 9013-1 Service of First Day Motions

First Day Motions and all related papers shall be served on the United States Trustee, all secured creditors, the creditors included on the list filed under Bankruptcy Rule 1007(d) and any adverse party relative to the relief requested in the First Day Motion. This service shall be completed on the same day that the First Day Motion is filed even if the hearing on the First Day Motion has not yet been scheduled by the Court. Service will be considered complete upon confirmable transmission by facsimile, personal service, or upon delivery to an overnight delivery service. If and when the Court schedules a hearing on a First Day Motion, the Movant shall serve a notice of hearing regarding the First Day Motion on the parties identified in this rule, and need not serve a copy of any order scheduling the hearing on any First Day Motion. The order scheduling the hearing shall specify the means and deadline for service of the notice of hearing.

RULE 9013-4 Filing Requirements for First Day Motions

The title of each First Day Motion (and of each proposed order granting a First Day Motion) shall contain the words "First Day." The debtor shall file the original and at least three copies of each First Day Motion. The debtor's counsel shall promptly deliver one copy of each First Day Motion to the United States Trustee's Office and notify the judge's clerk that the First Day Motions have been filed.

As expeditiously as possible, the Court will schedule the First Day Motion for a prompt hearing. A separate motion requesting that the Court schedule an expedited hearing on a First Day Motion is not required. The term “First Day Motion” shall also be included on all exhibits, budgets, proposed orders, affidavits and all other papers that the debtor files in support of a First Day Motion.

RULE 9013-5 Fixed Hearing Dates in Large Bankruptcy Cases

(a) Upon motion of the debtor, the Court may enter an order establishing fixed dates and times as the scheduled hearing date and time for consideration of all motions and contested matters in a Large Bankruptcy Case.

(b) If the Court establishes fixed dates, the following procedures will apply unless the Court orders otherwise:

(1) Any notice of a hearing shall conspicuously contain above the title of the notice the date and time that the hearing will be held in the event that an objection is filed in accordance with applicable rules.

(2) Any motion or contested matter filed and properly served in accordance with applicable rules, and as to which the applicable response time will elapse at least three business day before a fixed hearing date, may be set for hearing on such a fixed date.

(3) If the requisite time period set forth in Local Rule 9014-1(b)(2) has passed, the movant may present a certificate of no response before or at the hearing.

(4) Debtor’s counsel shall file and serve upon all affected parties at least 5 days before the hearing a list of all matters scheduled to be considered by the Court. The list shall set forth all motions and responses and whether the matter is resolved, disputed or adjourned. The Court will

post the information on the Court's internet website.

(5) If a party intends to present an order at the hearing different from the order attached to the motion, debtor's counsel shall state on the list filed in accordance with subparagraph (b)(4) above that a different order will be presented for entry.

(6) Debtor's counsel together with any affected party or parties may, without leave of the Court, unless the Court orders otherwise, adjourn any matter to a subsequent fixed hearing date. If a matter is adjourned, debtor's counsel shall immediately update the list filed in accordance with subparagraph (b)(4) above.

(7) Upon request, the Court may allow counsel to participate in any hearing by telephone.

(c) The establishment of fixed dates for hearings will not preclude any party in interest from requesting and obtaining a different date for a hearing on a particular matter.

APPENDIX 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
_____ DIVISION

In re:

_____ ,

Debtor.

_____ /

Case No. _____

Chapter 11

Hon. _____

**COVER SHEET FOR MOTION TO USE CASH
COLLATERAL OR TO OBTAIN CREDIT**

The debtor has filed a motion to use cash collateral or to obtain postpetition financing, which is attached to this Cover Sheet. In accordance with LBR 4001-2(b) (E.D.M.), the debtor has identified below, by page and paragraph number, the location in the proposed order accompanying the motion of each of the following provisions:

Provision	Contained in Proposed Order	Location in Proposed Order
(1) Provisions that grant liens on the estate's claims and causes of action arising under Chapter 5 of the Code.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(2) Provisions that grant cross-collateralization protection to the prepetition secured creditor (i.e., clauses that secure prepetition debt with categories of collateral that were not covered by the secured party's lien prepetition) other than liens granted solely as adequate protection against diminution in value of a prepetition creditor's collateral.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(3) Provisions that establish a procedure or conditions for relief from the automatic stay.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(4) Provisions regarding the validity or perfection of a secured creditor's prepetition liens or that release claims against a secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(5) Provisions that prime any lien without that lienholder's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

(6) Provisions that relate to a sale of substantially all of the debtor's assets.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(7) Provisions for the payment of professional fees of the debtor or any committees, including any carve-outs for such payments.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(8) Provisions for the payment of prepetition debt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(9) Provisions that waive the debtor's exclusive right to file or solicit acceptances of a plan during the time periods specified in 11 U.S.C. § 1121.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(10) Provisions that require the debtor's plan to be on terms acceptable to the secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(11) Provisions that require or prohibit specific terms in the debtor's plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(12) Provisions establishing that proposing a plan inconsistent with the order constitutes a default.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(13) Provisions that waive surcharge under 11 U.S.C. § 506(c).	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(14) Provisions that address the rights and obligations of guarantors or co-obligors.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(15) Provisions that prohibit the debtor from seeking approval to use cash collateral without the secured creditor's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(16) Provisions that purport to bind a subsequent trustee.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(17) Provisions that obligate the debtor to pay any of a secured creditor's professional fees.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

Date: _____

[Debtor's counsel]