

LOCAL RULE 1016-1

Procedure Upon the Death or Incapacity of a Debtor During the Pendency of a Bankruptcy Case.

- (a) Notice of Death. In a bankruptcy case which has not been closed, a notice of death of the debtor [Fed. R. Civ. P. 25(a), Fed. R. Bankr. P. 7025] shall be filed ~~within sixty (60) days of~~ within thirty (30) days of the death, or confirmation of the death, by the counsel for the debtor. ~~the death of a debtor by the counsel for the deceased debtor or the person who intends to be appointed as the representative for or successor to a deceased debtor.~~ The Notice of Death shall be served on the trustee, U.S. Trustee, and all other parties in interest. A copy of the death certificate (redacted as appropriate) shall be filed as an exhibit to the Notice of Death. Substitutions of parties, if any, should be filed in accordance with Fed. R. Civ. P. 25.

The Notice of Death may be combined with the single motion permitted by paragraph (b) of this Rule. If so combined, the title to the motion and notice of motion shall be: “**NOTICE OF DEATH AND MOTION FOR** [state relief requested].” The death certificate (redacted as appropriate) shall be filed as an exhibit to such motion.

- (b) Single Motion For Omnibus Relief Upon Death of Debtor. When the debtor has died or has become incompetent prior to a closing of a bankruptcy case, the provisions of Federal Rule of Civil Procedure 18(a) [Fed. R. Bankr. P. 7018, 9014(c)] apply to the following claims for relief which may be requested in a single motion:
- 1) Substitution as the representative for or successor to the deceased or legally incompetent debtor in the bankruptcy case [Fed. R. Civ. P. 25(a), (b); Fed. R. Bankr. P. 1004.1 & 7025];
 - 2) Continued administration of a case under chapter 11, 12, or 13 [Fed. R. Bankr. P. 1016];
 - 3) Waiver of post-petition education requirement for entry of discharge [11 U.S.C. §§ 727(a)(11), 1328(g)]; and
 - 4) Waiver of the certification requirements for entry of discharge in a Chapter 13 case, to the extent that the representative for or successor to the deceased or incompetent debtor can demonstrate an inability to provide such certifications [11 U.S.C. § 1328].