

January 13, 2009 [www.orb.uscourts.gov](http://www.orb.uscourts.gov)

### **Recent Opinions**

*In re Midgley*, Case No. 05-30162 TMB

January 6, 2009

11 USC §§ 1329, 1325

The debtors' confirmed plan required they provide the trustee with copies of their tax returns, which revealed their gross income for the life of the plan far exceeded projected income per Schedule I. The trustee filed a modified plan seeking some of the excess income for unsecured creditors. The debtors objected, but the court ruled for the trustee, holding that §1329 allows post-petition plan modification based on a change in debtors' finances, and that the trustee's plan did not improperly incorporate the disposable income test of §1325(b).

### **NEW ITEMS:**

#### **Local Bankruptcy Forms**

LBF 335 was updated on January 9, 2009; LBF 335.5 was updated January 1, 2009.

#### **ECF Training**

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training dates are as follows: Portland only: January 14; Portland and Eugene: **February 26**. (Note change in latter date.)

### **PREVIOUSLY PUBLISHED ITEMS:**

The following is a summary of items added in the past several weeks.

#### **Local Bankruptcy Forms**

Several LBFs have been updated for use by December 1, 2008. Click on "11/17/08 - Local Form (LBF) Updates" under Court News & Announcements on the home page. You can then view all forms, recently updated forms, or all forms in a category such as General, Creditor, Debtor, Adversary/Contested, etc.

Updated forms required by December 1, 2008: B10, 391, 521.05, 720.50, 721.3, 753.40, 760.5, 1191.3, and 1355.05.

#### **ECF Online Manuals**

The Certificate of Service of Involuntary Summons was updated 11/13/08. It can be found in both the "Case Opening" and "Miscellaneous" categories of the ECF Manual. Under "Answers, Responses/Objections" the Involuntary Answer was last updated on 10/28/08. For access to all ECF information, click on **ECF** at the top of the home page.

#### **Debtor-Creditor Section Website**

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.

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### **Bankruptcy Court Website - Correction**

ECF training for February: Eugene is February 12; Portland is February 26. Information to the contrary on the website will be corrected soon.