

Comments are being solicited on proposed Local Rule 2021-1 for a thirty day period ending on February 20, 2013. Comments can be submitted to [web\\_ntp@nmcourt.fed.us](mailto:web_ntp@nmcourt.fed.us). Based on comments received, the Court may reconsider implementation of Local Rule 2021-1. The proposed form of order referenced in 2012-1 is available for review on the court's web site.

Local Rule 2021-1, as proposed, states:

**RULE 2021-1            DEFERRAL OF FILING FEES FOR ILLIQUID ESTATES.**

(a)    **Definition of Fees.** This rule governs deferral of fees due when a case trustee commences an adversary proceeding or files a motion to convert or reopen a case (“Fees”).

(b)    **Deferral of Fees; Motion Requirement.** If a trustee in a chapter 7, 11 or 13 case does not have liquid funds available from the estate to pay the Fees timely, the trustee may file a motion requesting permission to defer payment of the Fees, and serve the motion on the United States Trustee. The motion shall recite that the estate does not have liquid funds available to pay the Fees, and that the Trustee will pay the Fees if and as funds become available from the estate. The trustee's signature on the motion shall constitute a sworn statement by the trustee that there are insufficient liquid funds in the estate to pay the Fees as of the date the motion is filed.

(c)    **Order.** Upon filing a motion to defer payment of Fees, the trustee typically should submit an order conforming to the Order Permitting Deferral of Filing Fee, which may be entered by the Court without notice or hearing. If the trustee submits a different form of order, the Court ordinarily will require notice and an opportunity for a hearing prior to entry of the order.

(d)    **Routine Administrative Expense Payment Limitation.** None of the Fees, whether paid timely or not, shall count against the \$1,000 limit provided by NMLBR 2015-1.