

TITLE/METHOD OF CITATION

The rules that follow are adopted as the Local Rules of Bankruptcy Procedure to govern the procedures of the United States Bankruptcy Court for the Middle District of Georgia until further order, and shall be cited as "M.D. Ga. LBR (Number - Extension)." Example: "M.D. Ga. LBR 1007-1."

PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

LBR 1005-1. PETITION - CAPTION

In addition to the requirements of FRBP 1005, the caption of a petition shall indicate the chapter in title 11 in which the petition is being filed. The initials of the bankruptcy judge assigned to the case will be added by the court upon filing.

LBR 1006-1. FEES - INSTALLMENT PAYMENTS

If an applicant for payment of fees in installments fails to specify proposed dates for installment payments, the court may direct that the filing fee be paid in full by the first date set for the meeting of creditors pursuant to § 341 of the Code. If a chapter 13 case is dismissed or converted before confirmation of a plan, any unpaid filing fee shall be paid by the trustee from any funds on hand in the case.

LBR 1007-1. LISTS, SCHEDULES, AND STATEMENTS

(a) **Alphabetical Listing of Creditors.** All creditors listed in Schedules D, E and F shall be arranged in alphabetical order.

(b) **Extension of Time.**

1. The court may, for cause shown, grant an ex parte motion for an extension of time for filing the schedules, statements, and other documents required in Chapter 7, 11, 12 and 13 cases by FRBP 1007(b) to a date not less than five (5) days before the first date set for the § 341(a) meeting. If the time for filing is extended, the debtor shall serve a copy of the schedules and statement of financial affairs on the trustee not later than five(5) days before the first date set for the § 341(a) meeting.

2. Any further extension shall be granted only in accordance with FRBP 9006(b) and upon motion served by the debtor on all parties in interest.

3. Any motion for extension of time shall be made before the expiration of the period of time prescribed for filing the schedules and statement of financial affairs.

(c) Service of Plan Upon Creditors Added by Amendment. If the debtor in a Chapter 13 case adds a creditor by amendment prior to the confirmation of the debtors' plan, the debtor shall immediately serve a copy of the proposed plan on the creditor.

(d) Dismissal of Case For Failure to File Required Documents and Information. Failure by the debtor to file the documents and information required by FRBP 1007 may result in dismissal of the case in accordance with LBR 1017-2.

(e) Filing of Payment Advices or Other Evidence of Payment Received by Debtor from any Employer of the Debtor. Debtor(s) shall not file with the court payment advices as required by § 521(a)(1)(B)(iv). The debtor(s) shall deliver to the Trustee appointed in the case or to the United States Trustee if no Trustee has been appointed in the case, copies of the payment advices no later than 14 days prior to the first meeting of creditors scheduled in the case. The debtor(s) shall also provide copies of payment advices to any interested party that requests this information. For purposes of this requirement, payment information is any evidence that can reasonably be used to determine the amount of income received within 60 days before the date of filing of the petition.

(f) Filing of Amended Schedules in Chapter 13 to Disclose Newly Acquired Assets or Income. All debtors who file for relief under Chapter 13 of the Bankruptcy code must amend their schedules to disclose any and all assets or income in excess of \$5000 obtained after the filing of the case and before the final payment is made to the Chapter 13 trustee under the plan. The amendment to the schedules disclosing after acquired property and income in excess of \$5000 must be filed within 60 days after the asset or income becomes property of the debtor. The amended schedules must be served on Chapter 13 trustee either by mail or electronically. If the debtor fails to comply with this section, the court may dismiss the case after notice and an opportunity to be heard,

even if the debtor has already paid the last payment due under the plan.

NOTE: As amended January 2, 2007 and May 18, 2009.

LBR 1007-2. MAILING - LIST OR MATRIX

(a) Master Mailing List.

1. General Requirements.

A. At the time of filing a voluntary petition or, in an involuntary petition, within 14 days following the entry of an order for relief, the debtor (or upon order of the court, petitioning creditor or partner) shall file a list of creditors which shall include in alphabetical order the name and last known mailing address for every scheduled creditor including individuals and entities co-obligated with the debtor on any debts.

B. The master mailing list, commonly referred to as the matrix of creditors, shall include the agencies and officers of the U.S. Government required to be served pursuant to FRBP 2002(j). Addresses for proper notice to major agencies of the U.S. Government can be obtained from the Clerk's Instructions.

C. If a federal tax debt is owed, all mailing lists shall include the address of the Internal Revenue Service office having responsibility for monitoring the case. Addresses for proper notice to the Internal Revenue Service can be obtained from the Clerk's Instructions.

2. If the debtor is a partnership, the mailing list shall contain the name and current mailing address of each general and limited partner.

3. If the debtor is a corporation, the mailing list shall contain the names and current mailing addresses of the present officers and directors and, if known, the immediate past officers and directors.

4. The mailing list shall contain the name and last known address or place of business of each equity security holder, if applicable.

(b) **Form of Mailing List.** The master mailing list, commonly referred to as the matrix of creditors, shall conform to the requirements found in the Clerk's Instructions.

(c) **Debtor Certification.** The master mailing list shall be accompanied by a certification signed by the debtor attesting that the list contains all known creditors including any individuals and entities co-obligated with the debtor on any debts.

NOTE: As amended September 1, 2000 and May 18, 2009.

LBR 1014-2. VENUE - CHANGE OF DIVISION

(a) **Cases Filed In Improper Division.** Any petition filed in an improper division may be transferred by the clerk to the proper division without notice or hearing.

(b) **Cases Filed In Proper Division.** Any debtor proposing to have a case administered in a division that would not be the proper venue as defined in LBR 1071-1 may file a motion requesting a change of divisional venue. The motion shall be served pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e). The motion for change of divisional venue shall be filed contemporaneously with the commencement of the case.

NOTE: As amended October 23, 2007.

LBR 1015-1. JOINT ADMINISTRATION/CONSOLIDATION

(a) **Husband and Wife.** The estates of married debtors who file a joint petition shall be jointly administered without further order of the court.

(b) **Separate Administration in A Joint Case.**

1. **Separation of Estates.** A joint petition which was filed and jointly administered pursuant to LBR 1015-1(a) may be separately administered upon motion by a debtor, trustee, other parties in interest or on the court's own initiative. Notice of the separation of the estates will be given to all parties in interest and will specify any additional case numbers to be used to reference the separate estates. If a debtor, trustee, or other party in interest wishes to separate the estates, the motion shall be filed pursuant to LBR 9007-1.

2. Fees Due Upon Separation of a Joint Case. When a joint case is ordered to be administered separately based upon a request by the debtor, a fee will be charged equal to one half the current filing fee for the chapter in which the joint case was commenced. All other orders separating cases otherwise jointly administered will not result in the assessment of an additional filing fee.

3. Amended Schedules and Modified Plans Upon Separation of a Joint Case. When a joint case is ordered to be administered separately, the debtors shall file amended schedules reflecting the financial status of the separate estates within 14 days following entry of the order. If the case is filed in Chapter 11, 12, or 13, separate modified plans must also be filed within the 14 days following entry of the order. Plans must specify which estate will be responsible for each secured debt.

NOTE: As amended September 1, 2000, September 2, 2002 and May 18, 2009.

LBR 1015-2. RELATED CASES

A motion requesting joint administration of two or more pending bankruptcy cases must specify the following:

1. Name and case number of cases sought to be jointly administered;
2. The proposed style and case number of the jointly administered case;
3. Whether the case will be consolidated procedurally and/or substantively;
4. Any administrative or scheduling orders previously entered in the affected cases that may require modification and the proposed modification;
5. Any amendments to mailing lists in the affected cases for future noticing requirements.

LBR 1017-1. CONVERSION - REQUEST FOR/ NOTICE OF

(a) Conversion of Chapter 7 Case. A debtor may convert a Chapter 7 case to a case under Chapter 11, 12, or 13, by filing of a motion with notice to all interested parties pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e).

If no objection is filed, the court will enter an order granting the conversion.

(b) Conversion of Chapter 11 case to a case under Chapter 7.

A debtor may convert a Chapter 11 case to a case under Chapter 7 by filing a notice of conversion, filed by the debtor with the clerk of court. If there is no pending motion to dismiss in the Chapter 11 case, the effective date of conversion shall be the date the notice of conversion is filed. If a motion to dismiss is pending in a Chapter 11 case at the time the debtor requests conversion, all interested parties shall be served pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e). If no objection is filed, the court will enter an order granting the conversion, and the case will be converted as of the date of the order.

NOTE: As amended October 23, 2007 and May 18, 2009.

LBR 1017-2. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS

(a) Voluntary Dismissal of a Chapter 7 Case.

1. A motion for voluntary dismissal of a Chapter 7 case must be served pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e).
2. Prior to the voluntary dismissal of a Chapter 7 case, all administrative expenses must be paid.
3. If the Chapter 7 trustee does not consent in writing to the dismissal, the court will schedule a hearing.

(b) Voluntary Dismissal of a Chapter 12 or Chapter 13 Case Previously Converted from Chapter 7.

1. A motion by a debtor to dismiss a Chapter 12 or Chapter 13 case that was previously converted from Chapter 7 must specify the grounds for the motion.
2. A motion for voluntary dismissal of a Chapter 13 case previously converted from a Chapter 7 case must be served pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e).
3. If the Chapter 7 trustee originally appointed in the Chapter 7 case and the Chapter 13 trustee do not consent in writing to the dismissal, the court will schedule a hearing.

(c) **Trustee Fee Allowable Upon Dismissal.** If a Chapter 13 case is dismissed prior to confirmation of a Chapter 13 plan, or prior to any disbursement to creditors, the Chapter 13 trustee shall be allowed to retain up to \$100.00 as an administrative expense without further motion or order of the court.

(d) **Voluntary Dismissal of Chapter 11 Case.**

1. A debtor's motion to dismiss a Chapter 11 case shall specify the grounds for the motion.

2. The debtor shall obtain a hearing date for the motion and serve the motion for voluntary dismissal, along with a notice of hearing pursuant to LBR 9004-1 and/or LBR 2002-1(e).

(e) **Motion by Chapter 7 Trustee to Dismiss Case for Failure to Attend the Meeting of Creditors Held Pursuant to § 341 of the Code.** A motion to dismiss a Chapter 7 case by the Chapter 7 trustee for failure of the debtor to appear at the meeting of creditors pursuant to § 341 of the Code shall be served on all entities required by FRBP 2002(a) and shall comply with LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e).

(f) **Dismissal For Failure to File Documents and Information Required by 11 U.S.C. § 521 and FRBP 1007.** If the information and documents required by § 521 and FRBP 1007 are not filed upon the commencement of the case, the Clerk will notify the debtor and debtor's counsel that the missing information shall be filed within fourteen (14) days from the date of the notice. If the information and documents are not filed within the fourteen (14) days of the date of the notice, and the debtor has not requested a hearing during the 14 days, the bankruptcy case may be dismissed by the Court without further notice or hearing.

(g) **Automatic Dismissal Pursuant to § 521: Motions to Dismiss for Insufficiency of Information Required by § 521.** No case shall be automatically dismissed without a written order of the court. The court shall deem the information required to be filed by § 521 and FRBP 1007 to be sufficient unless the Court has dismissed the case pursuant to LBR 1017-2(f), or a motion to dismiss is filed respecting the sufficiency of the information by the 45th day after the filing of the petition.

(h) Effect of Dismissal on Related Adversary Proceedings and Pending Motions. After dismissal of a bankruptcy case, any pending adversary proceedings will be dismissed by the court unless the court determines that it should retain jurisdiction. All pending motions will be deemed moot unless within 14 days of the order of dismissal the movant files a request that the motion remain active pending further order of the court.

NOTE: As amended October 23, 2007 and May 18, 2009.

LBR 1019-1. CONVERSION - PROCEDURE FOLLOWING

(a) Notice of Conversion. All conversions pursuant to §§ 1208(a) or 1307(a) of the Code, shall be in the form of a notice of conversion, filed by the debtor with the clerk of court. The notice shall include a certification that all parties in interest have been served. The effective date of conversion shall be the date the notice of conversion is filed.

(b) Trustee Fee Allowable Upon Conversion. If a Chapter 13 case is converted prior to confirmation of a Chapter 13 plan, or prior to any disbursement to creditors, the Chapter 13 trustee shall be allowed to retain up to \$100.00 as an administrative expense without further motion or order of the court.

(c) Motion to Convert. *Abrogated by amendment dated May 16, 2007: See LBR 1017-1*

(d) Duty of Trustee Upon Conversion. Upon conversion of a case from Chapter 13 or Chapter 7 to any other chapter in title 11, the trustee shall file an account of all receipts and disbursements made in the case and a report on the administration of the case pursuant to § 704(9) of the Code. The trustee is discharged from the case 30 days after the filing of the required reports.

(e) Disposal of Pending Motions to Dismiss Upon Conversion. All pending motions to dismiss filed by the trustee prior to the conversion of a case will be deemed terminated as moot.

(f) Duty to Amend. Upon conversion of a case, the debtor shall, within 14 days of the effective date of conversion, file inventories, schedules, and statements of financial

affairs as may be applicable, or amend such items to include any interest in property acquired since the entry of the order for relief in the original chapter. The amendments shall account for any material additions, deletions, or other changes in the debtor's assets or liabilities. The amendments shall add to the mailing matrix any post-petition, pre-conversion creditors. If no amendments or additional inventories, schedules, or statements are necessary, the debtor shall file a certificate to that effect within the 14-day period.

(g) Duty to Attend Scheduled Meeting of Creditors Held Pursuant to § 341 of the Code. The filing of a motion to convert a Chapter 7 case shall not relieve the debtor and debtor's counsel from attending the meeting of creditors scheduled in the Chapter 7 case unless the motion has been granted prior to the meeting of creditors.

NOTE: As amended September 1, 2000, September 2, 2002 and May 16, 2007.

LBR 1071-1. DIVISIONS - BANKRUPTCY COURT

All bankruptcy petitions in the Middle District of Georgia shall be filed in the division in which the domicile, residence, principal place of business, or principal assets of the person or entity that is filing the case have been located for the greater portion of the prior 180 days; or in the division in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership. If the proper venue for the bankruptcy case is outside of the Middle District of Georgia, the case shall be assigned by the clerk's office to the division closest to the debtor's domicile, residence, principal place of business, or principal assets. A listing of divisional boundaries for the Middle District of Georgia can be found in the Clerk's Instructions.

NOTE: As amended May 18, 2009

PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

LBR 2002-1. NOTICE TO CREDITORS & OTHER PARTIES IN INTEREST

(a) Noticing of FRBP 2002(a) Matters. The clerk of the Bankruptcy Court shall serve the notices required by FRBP 2002(a)(1) and 2002(a)(7). If additional creditors are added by amendment after the commencement of the case, the attorney for the debtor shall give the notices required by FRBP 2002(a)(1) and FRBP 2002(a)(7). The party filing any motion or application shall serve any other notice required by FRBP 2002(a).

(b) Noticing of FRBP 2002(b) Matters. The party filing any motion or application shall serve any notices required by FRBP 2002(b) including notice under FRBP 2002(b)(2) for any creditor added to the case by amendment.

(c) Other Notices. The clerk of the Bankruptcy Court shall serve the notices required by FRBP 2002(e), 2002(f)(1), 2002(f)(2), 2002(f)(3), 2002(f)(4), 2002(f)(5), 2002(f)(6), 2002(f)(8), 2002(f)(9), 2002(f)(10), 2002(f)(11), 2002(o), 3002(c)(5), 3004, 4007(c), 4007(d), 7054(b), 8004, and 9022(a). The party filing any motion or application shall serve any other notice required by FRBP 2002 that is not otherwise specified in this or other sub-parts of this rule.

(d) Certificate of Service. The party filing any motion or application who is required by this rule to serve notices shall, upon completion of the service required by this rule, file a certificate of service with the court.

(e) Service.

1. Whenever a pleading or other paper is filed electronically, the electronic case filing system automatically generates a notice of electronic filing at the time of the docketing.

2. Participation in the court's electronic filing system by receipt of a login and password provided by the court shall constitute a request for service and notice by electronic means as provided under FRBP 9036. Participants in the electronic case filing system, by possessing a login and password from the court, agree to receive notice and service by electronic means through

the notice of electronic filing for notices both from the court and from other system participants, wherever located.

3. An attorney filing a pleading or other paper electronically resulting in a notice of electronic filing shall be deemed to have served the notice on participants of the court's system and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage pre-paid. For all remaining recipients of service or notice, the filing attorney shall serve the pleading or the paper upon those recipients in accordance with applicable bankruptcy rules.

4. The following language is recommended for participants of this electronic case filing system for certificate of service purposes:

"I hereby certify that the following parties have been served with the [designate the pleading or notice]. Those not served by electronic means by the court's electronic filing system have been served as follows:"

(f) Content of Notice. All notices except those notices served electronically pursuant to FRBP 9036 shall comply with the provisions of LBR 9004-1.

(g) Matters Requiring Expedited Settings. In all cases where a party files a pleading and seeks to expedite its consideration by the court, a separate motion for expedited hearing must be filed contemporaneously with the affected pleading, containing sufficient information on its face to permit the court to determine the necessity for expedited treatment. All motions to expedite shall have a separate certification regarding the request for emergency hearing and a proposed order sent to the court's ECF system. The certificate shall substantially comply with the form certificate found in the Clerk's Instructions.

(h) Returned Notices. Notices from the court as generated by and mailed out of the Bankruptcy Noticing Center including notice of any orders entered by the court shall contain a return address for the attorney representing the debtor. If the debtor is pro se, the notices will be returned to the clerk of court. If a notice is returned to debtor's attorney as undelivered, the debtor's attorney shall be responsible for

determining the correct address for the addressee on each returned notice. The debtor's attorney shall re-serve the notice and certify such service by filing a certificate of service. At the time of the certification, the debtor's attorney shall also provide the clerk with any corrected address. If corrected addresses are unavailable, counsel for debtor shall inform the clerk by filing an appropriate certification, and the clerk is then authorized to remove any such address from the mailing list. If the debtor is pro se, the clerk's office will attempt to resolve any undelivered notices. If unable to locate a corrected address for a returned notice, the clerk is authorized to remove any such address from the mailing list.

(i) Undeliverable Notices. If an insufficient creditor address is provided to the court, which cannot be mailed by the National Bankruptcy Noticing Center, debtor's attorney will be notified that the address is insufficient and the Notice of the § 341(a) Meeting of Creditors for the particular creditor involved was undeliverable. The attorney shall immediately ascertain the correct address for such creditor and serve the Notice of the § 341(a) Meeting of Creditors at the correct address. The attorney shall file a Certification regarding service of such notices in a form specified in the Clerk's Instructions.

NOTE: As amended September 1, 2000, September 2, 2002, January 2, 2007 and May 18, 2009.

LBR 2007.1-1. TRUSTEES AND EXAMINERS (CH. 11)

NOTE: Rule abrogated May 18, 2009

LBR 2014-1. EMPLOYMENT OF PROFESSIONALS

(a) By Whom Application Made. An application to approve the employment of a professional person shall be made and signed by the entity or court approved counsel for the entity seeking to employ that person; (e.g., trustee, debtor in possession, committee, etc.)

(b) Content of Application. An application to employ a professional person shall, in addition to the information required by FRBP 2014, also contain the following information:

1. The date of the filing of the petition and chapter in which the petition was filed;

2. The mailing address and telephone number of the professional person to be employed;

3. The name(s) of any other professionals in the same profession employed pursuant to court order by the same applicant and, if there is any overlap in proposed services, an explanation of why additional professionals are needed and how duplication of service will be avoided;

4. A description of any compensation or promise of compensation, or of any security or pledge given to the professional. The term "general retainer" is not a suitable description;

5. The statements required by FRBP 2014(a) and 2016(b) shall be attached to the application.

(c) Nunc Pro Tunc Application.

1. If an application for approval of employment of a professional person is made within 14 days after the filing of the case or within 14 days of commencement of the professional's services, it shall be deemed contemporaneous.

2. If an application for approval of the employment of a professional person is made more than 14 days after the filing of the case or more than 14 days after commencement of the professional's services, and the application requests that the approval be nunc pro tunc, the following information shall be required:

(A) An explanation of why the application was not filed earlier;

(B) An explanation of why the order authorizing employment is required nunc pro tunc;

(C) An explanation, to the best of the applicant's knowledge, how the approval of the application will or will not prejudice any parties in interest.

3. Applications to approve the employment of professional persons nunc pro tunc shall be approved only on notice and opportunity for hearing. All parties in interest in the case must be served with notice of the

application. The notice shall substantially comply with the provisions of LBR 9004-1 and 9007-1.

(d) Professionals Employed Without an Application.

Professionals who are deemed full-time employees of the debtor at the time of the order for relief are not required to be appointed by order of the court. However, any material change in employment terms or conditions occurring after the filing of the petition shall be disclosed by way of a notice served pursuant to LBR 9004-1 and LBR 9007-1. A debtor in possession or trustee of an operating business may also apply for an order waiving the provisions of this rule as to professionals of a type who are regularly employed in the ordinary course of debtor's business and who are to provide services not directly related to the reorganization proceedings; (e.g., collection agents or attorneys, accountants, geologists, appraisers, realtors, eviction attorneys, etc.) Any such application shall be served pursuant to LBR 9004-1 and LBR 9007-1.

NOTE: As amended May 18, 2009.

LBR 2015-3. TRUSTEES - REPORTS AND DISPOSITION OF RECORDS

A trustee or custodian in possession of books and records of the debtor may destroy, abandon, store or return to the debtor all or any portion of those books and records upon motion and notice served pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e). Such notice shall include a description of the books and records.

NOTE: As amended October 23, 2007.

LBR 2016-1. COMPENSATION OF PROFESSIONALS

(a) Compensation Payable Upon Dismissal or Conversion of Chapter 13 Cases. Upon dismissal or conversion of a Chapter 13 case before confirmation of the debtor's plan, and prior to the Chapter 13 trustee refunding any funds on hand to the debtor, the trustee shall disburse the funds in the following priority:

1. The Chapter 13 trustee shall pay any unpaid portion of the filing fee.
2. The Chapter 13 trustee shall be allowed to retain up to \$100.00 as an administrative expense without further motion or order of the court.

3. (A) The Chapter 13 trustee is authorized to pay from the remaining funds on hand an attorney fee of \$700, less any fee paid as disclosed in the FRBP 2016 disclosure, to the attorney for the debtor, without any further motion, application, or order of this court.

(B) If the Chapter 13 trustee has cause to believe the \$700 fee is inappropriate, the Chapter 13 trustee shall file a request with the court to reduce the amount to be paid pursuant to this Rule.

(C) If the attorney for the debtor requests a fee in excess of \$700, the attorney shall file an attorney fee application.

(b) Applications for Interim Compensation. Each application for interim compensation shall disclose the following:

1. The amount and date of all previous fee awards.
2. An itemized statement of attorney time expended since the last fee award.
3. Total attorney time expended in the case as of the date of the current application.

NOTE: As amended January 2, 2007.

LBR 2091-1. ATTORNEYS - WITHDRAWALS

No attorney or law firm, having filed a petition or other pleading on behalf of a debtor or having made an appearance for a creditor in a contested matter or adversary proceeding, shall thereafter abandon the case or adversary proceeding in which the appearance was made, or withdraw as counsel for any party therein, except by order of court obtained after giving notice pursuant to LBR 9004-1 and 9007-1 and/or LBR 2002-1(e).

NOTE: As amended October 23, 2007.

PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

LBR 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

(a) **Interest in Proofs of Claim.** All claims filed shall conform with § 502 of the Code and with the applicable Federal Rules of Bankruptcy Procedure, and may not include any claim for un-matured interest. Any creditor who calculates interest by using the "add on interest" method shall rebate interest from its claim by using the pro rata method.

(b) **Electronic Filing of Claims.** Entities that file fifteen (15) or more proofs of claim during any 12 month period must file the claims electronically or obtain a Judicial Waiver. If such entities file paper claims without a Judicial Waiver, the court will consider striking the documents. Attorney's that file claims for themselves, their firms, or on behalf of any other entity must file all claims electronically regardless of number.

(c) **Extension of Time to File.** Creditors added to a bankruptcy case by amendment later than 60 days before the original bar date shall be allowed 60 days from the date of the filing of the amendment to file a proof of claim.

(d) **Bar Date for Filing Claims in Chapter 11 Reorganization Cases.** For all bankruptcy petitions filed in Chapter 11 of the Code, the bar date for filing of proofs of claim or interest shall be 90 days from the first scheduled meeting of creditors. For cause shown, the court will consider extending the time to file proofs of claim upon the filing of an appropriate motion or request within the 90-day period.

NOTE: As amended January 2, 2007 and as amended October 23, 2007.

LBR 3007-1. CLAIMS - OBJECTIONS

(a) **Response Required.** Objections to claims shall be served pursuant to LBR 9004-1 and LBR 9007-1 or LBR 2002-1(e). A respondent shall have 30 days to file a response. The United States or an officer or agent thereof shall respond not later than 35 days after service of the objection.

(b) **Proposed Order.** If the respondent to an objection to claim does not file a response within a time specified herein, the objecting party shall promptly send to the court a

proposed E-Order adjusted to the facts alleged in the objection.

(c) Notice of Hearing. A respondent shall contact the Bankruptcy Court and obtain a hearing date and shall serve notice of that hearing date at the same time as the response is served. If the respondent is pro se, the clerk will issue and serve notice of the hearing date to consider the objection and response.

(d) Notice of Time to Object. The objecting party shall inform the respondent of the requirements of this rule by serving an appropriate notice that complies with the requirements of LBR 9007-1.

NOTE: As amended January 2, 2007.

LBR 3009-1. DIVIDENDS - CHAPTER 7

The United States Trustee shall file with the court a copy of all proposed plans of disbursement in Chapter 7 asset cases.

LBR 3010-1. DIVIDENDS - SMALL

A trustee shall not be required to obtain prior permission in order to disburse any dividends to creditors in amounts less than specified under FRBP 3010.

LBR 3011-1. UNCLAIMED FUNDS

The disposition of unclaimed funds tendered to the court is governed by 28 U.S.C. § 2041 and § 2042. All unclaimed funds paid into the court shall be deposited into the court's registry account. The clerk of court is hereby authorized, without further order, to transfer funds from this account to the U.S. Treasury in accordance with the procedures and guidelines set out by the Administrative Office of the United States Courts for the handling of unclaimed funds. All other withdrawals of funds to be paid to claimants of those funds shall be by separate order of the court.

LBR 3012-1. VALUATION OF COLLATERAL

(a) Chapter 13 Cases. The value of collateral in all Chapter 13 cases will be determined at the confirmation hearing and will be incorporated into the court's order confirming the plan. The values set by the debtors in their Chapter 13 plans may be adopted by the court, unless a written objection is

filed by the holder of the secured claim, and evidence concerning value is presented by the holder of the claim at the confirmation hearing. Any allegation of value contained in a proof of claim filed by a creditor will not be deemed an objection to debtor's valuation.

(b) Chapter 12 Cases. The value of collateral in all Chapter 12 cases will be determined prior to the hearing on confirmation of the Chapter 12 plan. The values set by the debtors in their Chapter 12 plans may be adopted by the court, unless a written objection is filed by the holder of the secured claim. If an objection is filed, a hearing will be scheduled with notice to all parties in interest. At the hearing, the objecting party must present evidence concerning value. Any allegation of value contained in a proof of claim filed by a creditor will not be deemed an objection to debtor's valuation.

(c) Expert Witnesses. In all actions involving valuation of property by an expert witness, seven (7) working days prior to the time of the hearing or trial, the party wishing to introduce the testimony of an expert witness shall file with the court and serve on all parties in interest a sworn written statement of the valuation of the property, qualifications of the appraiser, a copy of any written appraisal, and the method used in making the appraisal. The appraiser must give oral testimony at the time of a hearing or trial, but not testify on direct examination. The party wishing to introduce the valuation of property by an expert witness may, at the time of a hearing or trial, make a summary of the appraisal. The appraiser will then be sworn for the purposes of cross-examination by the adverse parties.

NOTE: As amended September 1, 2000 and May 18 2009.

LBR 3015-1. CHAPTER 13 - PLAN

(a) Chapter 13 Plan Forms. All Chapter 13 plans shall substantially conform to the plan form contained in the Clerk's Instructions.

(b) Long-Term Debt Paid Through Plan. All Chapter 13 plans shall provide that when a pre-petition arrearage exists for claims treated pursuant to § 1322(b)(5) of the Code as of the date of the bankruptcy filing and such arrearage is four (4) monthly payments or more under the terms of the applicable note or contract, the payments which come due after the filing of the bankruptcy shall be maintained during the plan and

shall be paid by the Chapter 13 trustee unless otherwise ordered by the court. The Chapter 13 trustee is authorized to disburse to the holder of such claim the payment amounts under the applicable note or contract which come due after the filing of the bankruptcy but before the confirmation of the plan. The Chapter 13 trustee is authorized to collect the percentage fee in effect at the time of the disbursement on all payments made pursuant to this rule. Such disbursements shall be made within a reasonable time after receipt of payment from the debtor unless otherwise ordered by the court. Such disbursements will be made to the creditor's address as listed in the debtor's schedules if no proof of claim has been filed by the creditor.

(c) Length of Plan. All Chapter 13 plans must provide for payments over a period of not less than 36 months unless the plan provides that the value of the property to be distributed under the plan on account of any claim is not less than the amount of such claim. Unless the court orders otherwise, if the dividend provided in the confirmed plan is less than 100% and is met before 36 monthly payments are made by the debtor to the Chapter 13 trustee, the debtor, in order to be eligible for a discharge under § 1328(a) of the Code, must continue to make payments until 36 monthly payments have been made or a 100% dividend is paid.

(d) Pre-Confirmation Adequate Protection and Lease Payments.

1. General. The Chapter 13 plan shall provide that § 1326(a)(1) pre-confirmation adequate protection payments are to be paid in the plan and through the Chapter 13 Trustee. The plan shall identify the creditors entitled to the payments and the amounts proposed. The debtor must immediately commence plan payments to the Chapter 13 Trustee and may not reduce payments to the Chapter 13 Trustee under § 1326(a)(1)(B)&(C) without an order of the court.

2. Payment by the Chapter 13 Trustee. The Chapter 13 Trustee is authorized to pay § 1326(a)(1) pre-confirmation payments set forth in the proposed plan and to collect the Chapter 13 Trustee's usual fee thereon without an order of the court. No payment shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to creditors within thirty (30) days of the filing of the proof of claim unless sufficient funds to make such payments have not been received by the Chapter 13 Trustee within seven (7)

working days prior to the end of the thirty (30) day period. The Chapter 13 Trustee is authorized to deduct from an allowed claim the § 1326(a)(1) pre-confirmation payments made by the Chapter 13 Trustee. The deduction is made as of the date of payment.

3. If a creditor obtains an order for payments under § 1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the Chapter 13 Trustee, upon dismissal of the case, any payments due and owing from funds collected by the Chapter 13 Trustee under § 1326(a)(1)(A), less the Chapter 13 Trustee's fees.

NOTE: As amended January 2, 2007.

LBR 3015-2. CHAPTER 13 - MODIFICATIONS TO PLAN

A request to modify a plan pursuant to § 1329 of the Code shall be served by the proponent of the modification on the trustee and on all parties in interest affected by the modification pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e). For all post confirmation modifications the debtor shall prepare and file a budget of current income and expenses.

NOTE: As amended September 1, 2000 and January 2, 2007.

LBR 3015-3. CHAPTER 13 - CONFIRMATIONS

(a) All creditor objections to confirmation of a Chapter 13 plan shall comply with the following:

1. All creditor objections are to be filed and served 7 days prior to the first confirmation hearing held in the case unless a modification of plan has been filed prior to the confirmation hearing. If such modification is filed, the objection deadline shall be 21 days from the date of the modification.

2. FRBP 9006 shall be applicable in determining the timely filing of creditor objections.

3. The first confirmation hearing held in the case for the purposes of this rule is deemed to be the later of the hearing date set by the court and contained in the notice of the meeting of creditors pursuant to § 341 of the Code or, in the event the meeting of creditors is adjourned, the confirmation date announced at the

completed meeting of creditors. For purposes of § 1324(b) of the Code, the date of the meeting of creditors shall be the date the meeting of creditors is concluded.

4. All objections to confirmation and any request to file an objection after the deadline set above shall be served on the debtor, counsel for the debtor, and the Chapter 13 trustee.

5. Since the hearing to consider confirmation of a plan has been noticed to all interested parties, any objections to confirmation of a plan will not need to contain a notice of hearing otherwise required by LBR 9007-1.

NOTE: As amended September 1, 2000, September 2, 2002 January 2, 2007 and May 18, 2009.

LBR 3016-2. DISCLOSURE STATEMENT - GENERAL

Disclosure statements shall, to the extent applicable, be complete in one document including any attached exhibits and shall include the following information:

1. A short chronological history of the debtor's business and the material factors that led to the filing of a bankruptcy petition;
2. A description of the available assets, their value at the time the case was filed, their value at the time of filing the plan and the source of the valuations;
3. The anticipated future of the business;
4. The source of all information stated in the disclosure statement;
5. A disclaimer to the effect that the court's approval of the disclosure statement does not constitute an endorsement of any of the representations contained in either the disclosure statement of the plan, nor does it constitute an endorsement during the case;
6. The present condition of the debtor while in Chapter 11, including a summary of material changes to the assets and liabilities during the case;

7. The estimated return to creditors in a Chapter 7 liquidation;
8. The accounting method utilized to produce financial information and the name of the accountants (if any) responsible for such information;
9. The proposed future management of the debtor;
10. The Chapter 11 plan or a summary thereof;
11. The estimated administrative expenses, including attorneys' and accountants' fees and a summary of all fees allowed in the case through the date the plan was filed;
12. The collectible status of accounts receivable;
13. Financial information, data, valuations and projections relevant to the debtor's current and future operations;
14. Information relevant to the risks posed to creditors in the plan;
15. The actual or projected realizable value from recovery of preferential or otherwise voidable transfers;
16. Litigation likely to arise in a non-bankruptcy context;
17. Tax attributes of the debtor;
18. The relationship of the debtor with affiliates;
19. A summary of significant orders entered during the case.

LBR 3017-2. DISCLOSURE STATEMENT - SMALL BUSINESS CASE

NOTE: Rule abrogated January 2, 2007.

LBR 3018-1. BALLOTS - VOTING ON PLANS

For all confirmation hearings the plan proponent must prepare a written ballot summary in substantially the same form as contained in the Clerk's Instructions. At the confirmation hearing, the original ballot summary and one copy will be submitted

to the court. At that time it will be marked as an exhibit for the plan proponent. *NOTE: As amended September 1, 2000.*

LBR 3019-1 CHAPTER 11 MODIFICATION TO PLAN.

Unless the Court orders otherwise, a motion to modify plan filed pursuant to § 1127 of the Code shall be served by the proponent of the modification on all parties in interest pursuant to LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e).

NOTE: As added by amendment January 2, 2007.

LBR 3022-1. FINAL REPORT/DECREE (CH. 11)

(a) Projected Dates for Completion of Substantial Consummation. Non-Individual Chapter 11 debtors shall file with the clerk within 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for completion of substantial consummation as defined in § 1101(2) of the Code. The report shall describe the action that is to be taken to complete substantial consummation. If the projected date for completion of substantial consummation must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward consummation of the plan, the action remaining to be taken to complete substantial consummation, and the reasons for the delay.

(b) Application for Final Decree. Upon completion of substantial consummation as defined in § 1101(2) of the Code, the debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with § 704(9) of the Code, file an application for final decree, and submit a proposed final decree.

(c) Projected Dates for Completion of all Payments Under the Confirmed Plan. An Individual Chapter 11 debtor shall file with the clerk within 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for completion of all payments under the confirmed plan. If the projected date for completion of all payments under the confirmed plan must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward completion of the plan payments, and the reasons for the delay.

(d) Application for Discharge. Upon completion of all payments under the confirmed plan, the debtor shall comply with the procedures contained in the Clerk's Instructions,

file a final report and final account in compliance with § 704(9) of the Code, and file a Certificate of Plan Completion and Request for Discharge.

NOTE: As added by amendment October 23, 2007 and May 18, 2009.

LBR 3070-1. CHAPTER 13 - PAYMENTS

(a) Payroll Deductions. In every case filed in Chapter 13 of the Bankruptcy Code, the court may enter an order requiring any entity from whom the debtor receives income to pay as much of that income to the Chapter 13 trustee as is necessary to fund the plan.

(b) Suspension of Chapter 13 Plan Payments. The Chapter 13 trustee shall have the authority to grant to debtors reasonable moratoriums in Chapter 13 payments for a period not to exceed 60 days. This moratorium shall be granted without notice, but the grounds for the moratorium shall be noted in the trustee's records.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

LBR 4001-1. AUTOMATIC STAY - RELIEF FROM

(a) Contents of Motions for Relief from Stay. Motion seeking relief from the automatic stay as to property of the estate must specify the relief requested and include the following:

1. A description of the security interest(s) claimed by the creditor in the subject property ("collateral").
2. The creditor's estimate of value of the collateral and the basis of that valuation.
3. A statement of the indebtedness claimed to be due and owing with an itemization showing principal and advances, accrued interest, attorney's fees, and costs.
4. A statement of the amount of any other secured claims against the property (if known), and whether any such claim is superior or inferior to the movant's claim.
5. If relief is sought pursuant to § 362(d)(1) of the Code for cause, including lack of adequate protection, a factual statement of the grounds for such relief.
6. Motions seeking relief under § 362(d) of the Code, shall comply with the requirements of LBR 9004-1(a)1 and shall include a notice of hearing pursuant to LBR 9004-1(c)6.
7. Relief from stay allowed pursuant to § 1301(d) can only be granted by order of the court.

(b) Agreements Providing for Relief from the Automatic Stay or for the Provision of Adequate Protection. All motions for approval of an agreement to provide adequate protection, for the modification or termination of the stay provided in § 362 of the Code, for the use of cash collateral, or for the approval of an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property shall be served on or consented to by the following entities:

1. In a Chapter 11 or a Chapter 9 case, any committee appointed under the United States Bankruptcy Code or the

authorized agent for the committee, or, if no committee has been appointed, the 20 largest unsecured creditors contained in the list filed pursuant to FRBP 1007(d), the trustee, any individuals or entities requesting notices pursuant to FRBP 2002(I), and any other individuals or entities that the court may direct.

2. In Chapters 7, 12 and 13, all agreements, as set out above, must be consented to by the trustee appointed in the case, unless the trustee has been served with agreement and the trustee has expressly abandoned the asset, filed a report of no assets in a Chapter 7 case, or indicated in writing that the trustee has no opposition to the motion. No further service on any other entity shall be required unless otherwise ordered by the court.

(c) Payment of Secured Claims after Motion for Relief is Granted or Collateral Surrendered. In a Chapter 13 case, after a motion for relief from stay has been granted, or after confirmation of a plan or a modified plan that provides for surrender of secured collateral, the Chapter 13 trustee is authorized, following written notice to any such creditor, to suspend payments on any claim filed by such creditor. Actual possession of the collateral by the creditor is not a prerequisite for the application of this rule. The creditor may reinstate its right to receive payment on the claim by notifying the Chapter 13 trustee in writing, with a copy to the court, that it believes it is entitled to payment under the plan, and the creditor furnishes an accounting of all proceeds, if any, received from the sale of the collateral.

(d) Ex Parte Relief from Stay to Obtain Possession of Certain Uninsured Collateral.

1. Except in Chapter 11 cases, if collateral securing a claim, including property which is the subject of a lease, is a motor vehicle, trailer, boat, or an airplane, and if there is a contractual obligation by the debtor to provide collision and comprehensive insurance and the same is not in effect, then the creditor may file with the Bankruptcy Court a motion for ex parte relief from the stay pursuant to § 362(f) of the Code to obtain possession of the collateral or leased property.

2. The Bankruptcy Court may, in its discretion, apply this rule to a Chapter 11 case.

3. Any motion for ex parte relief from the stay under this rule shall be verified and shall:

A. Include the following:

(1) A description of the collateral or leased property;

(2) A statement of the amount of the claim and the basis on which the claim is secured;

(3) An affidavit setting forth the basis on which the moving party believes that the collateral or leased property is not insured with full comprehensive insurance;

(4) A statement that the moving party or its attorney has given or attempted to give oral notice to the debtor's attorney or the debtor, if the debtor is not represented, and to the case trustee, that the motion is being filed, and;

(5) A statement specifying the failure, if any, of the debtor to produce proof of insurance at the time of the meeting of creditors pursuant to § 341 of the Code as required by LBR 4070-1.

B. Be accompanied by a proposed order which shall provide that:

(1) The debtor or trustee is prohibited from using the collateral or leased property unless and until adequate evidence of full collision and comprehensive insurance is presented to the movant or movant's counsel;

(2) The debtor or trustee, whichever is in actual physical possession of the collateral or leased property, shall notify the movant or movant's counsel of the location of the collateral;

(3) The debtor or trustee, whichever is in actual physical possession of the collateral or leased property, shall surrender it to the movant within 72 hours, unless within that

time the movant or movant's counsel is provided with adequate evidence of collision and comprehensive insurance or, the debtor or trustee requests a hearing concerning same;

(4) The movant is authorized to take physical possession of collateral or leased property required to be surrendered under this rule, and to hold same, at movant's risk, provided that the movant may not dispose of the collateral or leased property unless and until the automatic stay is modified, terminated or expires as a matter of law and provided that, if the debtor provides adequate evidence of full collision and comprehensive insurance prior to the expiration or termination of the automatic stay, then the movant must return the property to the debtor;

(5) The movant or movant's counsel shall serve copies of the motion and proposed order promptly on the debtor, the debtor's attorney, and the trustee, and shall provide telephonic notice to the debtor's attorney and, if the trustee is in actual physical possession of the property, to the trustee.

- (e) **Automatic Termination of the Stay Pursuant to Section 362(c)(3).** Notwithstanding the provision of 11 U.S.C. Section 362(c)(3), if a party in interest has filed a motion requesting continuation of the automatic stay before the expiration of the 30 days from the date the case was filed, the automatic stay shall not terminate except by order of the court.

NOTE: As amended September 1, 2000, January 2, 2007 and May 18, 2009.

LBR 4002-1. DEBTOR - DUTIES

(a) **Duty to Keep Address Current.** Whenever debtor's mailing address changes while a bankruptcy case is pending, the debtor shall notify the court, the trustee, and the debtor's attorney of record.

(b) **Duty to Maintain Books and Records.** Unless the trustee appointed by the court takes possession of books and records of an estate, it shall be the duty of the debtor to maintain,

preserve and keep in safe storage all such books and records during the time the case is pending.

(c) Duty to Produce Records. Upon request and without order of the court, the debtor shall make his books and records available to the trustee. The records shall be produced within 14 days of the request and shall include the following types of records:

1. Books, records, and other documents reflecting title, encumbrances, the nature, extent, value and location of all assets;
2. All nonexempt instruments and a cashiers check or money order for all nonexempt cash and deposits;
3. A complete inventory of the assets of the estate unless that inventory is set forth in the schedules;
4. Copies of any inventories prepared by or for the debtor within the preceding 12 months;
5. The debtor's federal income tax returns for the 3-year period preceding the date of filing of the petition;
6. Bank statements, canceled checks, and deposit slips for the 12-month period prior to the date of the petition.

NOTE: As amended May 18, 2009.

LBR 4003-1. EXEMPTIONS

(a) Schedule C. Schedule C shall contain the following:

1. A detailed list of all property or assets claimed as exempt by the debtor.
2. Each asset's value shall be stated in dollar amounts. If the value of any asset claimed to be exempt is not known, the debtor shall state the exemptible sum in dollars.
3. Exemptions will be limited to the dollar amount claimed as exempt even if the asset exempted is later discovered to have had a greater value than the amount listed in the schedules.

4. If exempting future proceeds of an unliquidated claim or of a cause of action, the debtor shall fully describe any such claim or cause of action.

(b) Notice of Amendment of Schedule C Exemptions and Deadline for Objections. If Schedule C is amended, notice to all parties in interest in the case shall be sent by the debtor.

NOTE: As amended October 23, 2007 and May 18, 2009.

LBR 4003-2. LIEN AVOIDANCE

Motions to avoid liens under § 522(f) of the Code shall be served with a notice to respond that complies with requirements of LBR 9004-1. The motion shall be served pursuant to LBR 9007-1 and/or LBR 2002-1(e). In chapter 13 cases, debtor(s) may propose to avoid liens in the chapter 13 plan. The plan must specify the creditors whose liens are affected by such provisions in the plan.

NOTE: As amended October 23, 2007.

LBR 4004-3. GRANT OF DISCHARGE

The court will delay entry of the order of discharge as provided by FRBP 4004(c)(2) for the initial 30 days and will grant only one additional motion filed within the 30 days seeking an additional delay of the entry of the order of discharge to a date certain.

NOTE: As added by amendment January 2, 2007.

LBR 4008-1. REAFFIRMATION

In any case commenced on or after October 17, 2005, no reaffirmation agreement will be enforceable unless it complies with the following:

- (1) A reaffirmation agreement shall include a certification by debtor's attorney if the attorney assisted in the negotiation of the reaffirmation agreement. If the certification indicates that in the attorney's opinion the reaffirmation agreement will not create an undue hardship on the debtor, the agreement will be enforceable, and
- (2) All disclosures prescribed by § 523 shall be contained in the reaffirmation agreement, and

(3) If a reaffirmation agreement does not contain a certification from debtor's attorney or the attorney indicates that the agreement will create an undue hardship on the debtor, the agreement is not enforceable unless the court approves the agreement. The debtor or creditor must file a separate motion for court approval. Any such motion must be filed prior to the entry of the order of discharge. The court, after a hearing, will issue an appropriate order on the reaffirmation agreement.

(4) No reaffirmation agreement filed after the entry of the order of discharge shall be enforceable unless the agreement was entered into prior to the discharge and contains the certificate of the debtor's attorney indicating that the reaffirmation agreement will not create an undue hardship on the debtor.

NOTE: As amended January 2, 2007.

LBR 4070-1. INSURANCE

At the meeting of creditors scheduled pursuant to FRBP 2003, the debtor shall present proof of insurance or other adequate protection of all secured collateral that is property of the estate provided such insurance or other protection is required by the security agreement.

LBR 4071-1 AUTOMATIC STAY - VIOLATION OF

(a) Duty of Creditors Upon Notice. Upon notification that a bankruptcy has been commenced, all creditors shall take all appropriate steps to cease any and all collection efforts and shall take all necessary action to release garnishments that are in violation of 11 U.S.C. §362. For purposes of this rule, notice includes the official notice from the court of the commencement of a bankruptcy case or any other notice provided to the creditor by the debtor or debtor's attorney which reasonably alerts the creditor to the existence of a bankruptcy.

(b) Motions to Terminate Garnishment. After the commencement of a bankruptcy, the debtor may seek termination of any pending garnishment by motion which shall set out a showing that:

- 1) The debtor and/or debtor's counsel have contacted the judgment creditor seeking voluntary release of the garnishment;

- 2) That the garnishment and the withholding of any funds from the garnishment are in violation of 11 U.S.C. §362, and
- 3) That the motion to terminate the garnishment has been served on the judgment creditor, the court in which the garnishment is pending, and any entity who has been served as garnishee.

The motion shall include a notice which shall provide 14 days for a response and must be served pursuant to LBR 9004-1 and LBR 9007-1. If no objection is filed to the motion within the 14 days provided, the court may enter an order directing any entity holding garnished funds to release the funds and directing that the garnishment pending shall be terminated.

NOTE: As amended May 18, 2009.

PART V. COURTS AND CLERKS

LBR 5003-1. CLERK - GENERAL/AUTHORITY

Exhibits and/or documentary evidence tendered in any contested matter or adversary proceeding may be deemed obsolete by the clerk upon termination of the contested matter or adversary proceeding and expiration of all time periods for appeal or rehearing. The clerk may destroy such exhibits and/or documents after giving all parties in interest in the contested matter or adversary proceeding 14 days notice of the clerk's intended action. Parties desiring to have any documentary evidence or exhibits returned must contact the court within the 14 days.

NOTE: As amended May 18, 2009.

LBR 5005-2. FILING PAPERS - NUMBER OF COPIES

NOTE: Rule abrogated January 2, 2007.

LBR 5005-4. ELECTRONIC FILING

(a) Filing and Transmittal of Pleadings, Complaints, Petitions, and Other Documents by Electronic Means Utilizing the Court's Electronic Case Filing System.

The court will accept for filing documents submitted, signed or verified by electronic means that comply with the procedures established by the court and published by the clerk. Electronic filing of a document in the electronic case filing system consistent with these rules, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this court, and constitutes entry of the document on the docket kept by the clerk under FRBP 5003. Filing is complete upon the creation of a notice of electronic filing and said notice of electronic filing shall be the filer's receipt that the document has been officially filed.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. In the case of documents first filed in paper form, they will be converted to electronic form and the electronic document will be the official document. Documents filed electronically are deemed filed at the date and time stated on the notice of electronic filing from the court and the filing

date of any paper filings is the date that the paper is received.

Filing a document electronically does not alter the filing deadline for that document. Electronic filings must be completed in the court's system before midnight in order to be considered timely filed that day.

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under FRBP 5003 and FRBP 9021. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

The user login and password required to submit documents to the electronic case filing system serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of FRBP 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with the proceedings before the court.

Attorneys admitted to the Bar of this court (including those admitted *pro hac vice*), United States Trustees and their assistants, private trustees, and others as the court deems appropriate, **must** register as Filing Users of the court's electronic case filing system and must file all documents by use of the court's electronic filing system. Registration is in a form prescribed by the clerk. A Judicial Waiver may be requested by any attorney. The procedure for Judicial Waiver can be found in the Clerks Instructions.

A party to a pending action or an individual or entity that files documents with the court frequently as determined by the clerk and who is not represented by an attorney may register as a Filing User in the electronic case filing system. Registration will be in the form prescribed by the clerk.

Registration of the Filing User constitutes:

- (1) Waiver of the right to receive notice by first class mail and consent to receive notice electronically; and

(2) Waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under FRBP 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under FRBP 9022.

(b) Receipt of Facsimile Filings. Subject to requirements of this rule, a pleading, complaint, petition or other document to be filed with the court may be accepted as timely filed by transmission to the court through a facsimile machine. No facsimile pleading or document will be accepted or deemed filed without prior approval.

(c) Approval of Facsimile. The pleading, complaint, petition or other document to be filed must be authorized to be received for filing by a judge of this court, the clerk of the court, or by the clerk's designee. Such authorization must be obtained prior to the sending of the document and must be based on a showing of time critical need and that the filer is unable to gain access to the court's Electronic Case Filing System.

(d) Procedure for Filing Facsimile Documents. The facsimile copy sent to the court must include (1) a cover sheet that includes a brief statement of the time critical status of the pleading, complaint, petition or other document, (2) the reason the original cannot be filed timely and, (3) the identification of the court individual authorizing its receipt. This cover sheet will be filed with the pleading in the electronic case file. The party sending the facsimile document is solely responsible for insuring that it is fully and accurately received. The docketing of the document will reflect that it is a facsimile document, the name of the court employee who authorized the receipt of the document and the name of the attorney or other individual who sent the document.

(e) Conversion of the Faxed Documents. The pleading, complaint, petition or other document submitted by facsimile will be converted to an electronic image by the court and the electronic image will be the official record of the document.

NOTE: As amended January 2, 2007 and as amended October 23, 2007.

LBR 5075-1 CLERK'S AUTHORITY TO REDACT INFORMATION ON FILE WITH THE COURT

(a) **Redaction by the Clerk.** Any entity wishing to redact information on file with the court can request such redaction by filing a request. Such request shall specify the document containing the information and a contention that the information is one or more of the following types:

- (i) Social Security numbers
- (ii) Financial account numbers
- (iii) Dates of birth or names of minor children

Upon filing such request, the clerk shall remove the subject document from the public docket. The party requesting redaction shall file with the court a replacement document with all necessary redaction properly executed by the filer within 14 days from the date of the request. If no replacement document is filed, the clerk will place the original document back on the public docket.

(b) **Redaction by the Court.** Any other information to be redacted other than that contained in paragraph (a) above shall only be redacted by order of the court and after motion and hearing.

NOTE: As amended May 18, 2009.

LBR 5080-1. FEES - GENERAL

(a) **Fee Schedules.** A list of fees payable to the clerk is available from the Clerk's Instructions.

(b) **Payment of Fees by Third Parties.** Attorneys who receive filing fees from debtors shall pay such funds over to the court at the time of the filing of the petition or, if the petition has already been filed, within fourteen (14) business days from the receipt of the payment from the debtor. Upon dismissal of a Chapter 13 case, the Chapter 13 trustee shall pay any unpaid filing fee from funds on hand at the time of the dismissal.

NOTE: As amended May 18, 2009.

LBR 5081-1. FEES - FORM OF PAYMENT

Registered users of the court's electronic filing system shall pay all filing fees through the Pay.Gov system as set out in the

Clerk's Instructions. All other fees shall be paid in cash or by cashiers check, money order, or check on the account of an attorney of record. No personal check will be accepted.

NOTE: As amended January 2, 2007.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

LBR 6004-1. SALE OF ESTATE PROPERTY

(a) **Notices**. Notices required by FRBP 6004 shall be prepared by the movant.

(b) **Content of Notice**. A notice shall, in addition to the requirements of FRBP 2002(c)(1) and LBR 9004-1, contain the name and address of the proposed buyer, if known, and estimated cost of the sale or lease, including commissions, auctioneers' fees, cost of document preparation and recordation, and other such expenses.

(c) **Chapter 12 and 13 Cases**. Before filing any motion for proposed use, sale or lease of property in a Chapter 12 or Chapter 13 case, the movant shall consult with the trustee and determine, if possible, whether the trustee will consent to the motion. Any such motion shall contain a recital to the effect that such consultation has taken place and, further, shall recite the trustee's position, if known to the movant.

(d) **Sales of Property Subject to Security Interest**. Any motion to sell property that is subject to one or more claims of security interest(s) shall set forth the identity of the creditor(s), the description of property subject to such claim(s), and the amount of such claim(s). Compliance with this rule shall not constitute waiver of the movant's right to object to the validity or priority of such liens.

LBR 6007-1. ABANDONMENT

(a) Abandonment by Chapter 7 Trustee at Meeting of Creditors.

1. At the meeting of creditors pursuant to § 341 of the Code, a trustee in a Chapter 7 case may announce the abandonment of all or any portion of scheduled property of the estate and/or sign an abandonment prepared and presented at the meeting of creditors by any party in interest.

2. An objection to such abandonment must be in writing, filed with the clerk, and served upon the trustee, debtor, debtor's attorney, and any known lien holders within 14 days after the meeting of creditors. If no

such objection is filed and served, the property shall be deemed abandoned without further notice or hearing.

3. If an objection is filed to a proposed abandonment by the trustee, the court shall set a hearing and give notice to all parties in interest.

(b) Other Abandonments.

1. A notice of intent to abandon (filed by the trustee or debtor) or motion to compel abandonment (filed by any other entity) must be filed with the clerk and served on all parties in interest in accordance with these rules. The notice shall substantially comply with the requirements of LBR 9004-1 and LBR 9007-1.

2. The motion or notice shall include a description of the property, state the reason the property should be abandoned, and state the estimated value of the property.

NOTE: As amended May 18, 2009.

PART VII. ADVERSARY PROCEEDINGS

LBR 7001-1. ADVERSARY PROCEEDINGS - GENERAL

In the interest of expediting certain matters covered in Part VII of the Federal Rules of Bankruptcy Procedure, the court will consider a motion by a debtor in Chapter 13 of the Bankruptcy Code to recover an automobile or an item of consumer goods repossessed by a creditor as a contested matter in Part IX of the Federal Rules of Bankruptcy Procedure. Upon the request of any party in interest, any such motion will be deemed an adversary proceeding under Part VII of the Federal Rules of Bankruptcy Procedure.

NOTE: As amended September 1, 2000.

LBR 7005-2. FILING OF DISCOVERY MATERIALS

NOTE: As amended September 1, 2000, FRCP 5 shall control in bankruptcy matters.

LBR 7054-1. COSTS - TAXATION/PAYMENT

(a) **Generally.** The clerk shall tax costs as authorized by law. The request for taxation of costs by the prevailing party shall be made on a Bill of Costs form provided by the clerk. The Bill of Costs form shall be supplemented with citations of authority and copies of invoices and other supporting documentation. Opposing counsel will be given the opportunity to respond to the prevailing party's Bill of Costs.

(b) **Time for Filing.** A Bill of Costs must be filed by the prevailing party within 30 days from the entry of the judgment that awarded the costs. Opposing counsel shall have 21 days from the service of the Bill of Costs to file a response.

NOTE: As amended May 18, 2009.

LBR 7056-1. SUMMARY JUDGMENT

(a) **Statement of Uncontested Facts.** Upon filing any motion for summary judgment pursuant to FRBP 7056, the movant shall file a separate, short, and concise statement of the uncontested facts as to which the movant contends there is no genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions, and affidavits that support such contention.

(b) Response to Statement of Uncontested Facts. The party or parties opposing a motion for summary judgment shall file a separate, short, and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions on file and affidavits that support such contentions. Any such response shall be filed and served within 21 days of service of movant's Statement of Uncontested Facts.

(c) Facts Deemed Admitted. All material facts set forth in the statement served by the moving party may be deemed admitted unless controverted by the statement required to be served by the opposing party or parties.

(d) Failure to Comply. Failure to comply with this rule by the moving party may result in denial of the motion.

**PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY
APPELLATE PANEL**

LBR 8007-2. TRANSMISSION OF RECORD - APPEAL

(a) **Transmittal of Skeletal Record.** Upon the failure of an appellant to properly file a designation of record and issues on appeal as required by FRBP 8006, the clerk shall prepare a skeletal record consisting of the order being appealed, the notice of appeal, and any documents filed after the notice of appeal that relate to the appeal.

(b) **Expedited Appeal.** Any party requesting expedited treatment of an appeal under these Rules shall file with the clerk of the Bankruptcy Court a request for expedited treatment that substantially conforms with the Clerk's Instructions.

LBR 8011-1. MOTION, RESPONSE, REPLY - APPEAL

Except for motions that may be filed directly with the District Court pursuant to FRBP 8005, until an appeal is docketed by the District Court, all pleadings shall be filed with the Bankruptcy Court Clerk.

PART IX. GENERAL PROVISIONS

LBR 9001-1. DEFINITIONS

- (1) "Bankruptcy Code" or "Code" means the United States Bankruptcy Code (Title 11 U.S.C.) as amended;
- (2) "Bankruptcy Court" or "court" means the United States Bankruptcy Court for the Middle District of Georgia;
- (3) "Bankruptcy Judge" or "judge" refers to a United States Bankruptcy Judge in a case or adversary proceeding referred to this Court;
- (4) "Clerk" means the clerk of the United States Bankruptcy Court for the Middle District of Georgia and the deputy clerks;
- (5) "Clerk's Instructions" means written instructions or forms prepared by the clerk's office that give procedural guidelines on specific topics. The instructions are available from the clerk's office;
- (6) "Court" see "Bankruptcy Court";
- (7) "FRBP" means the Federal Rules of Bankruptcy Procedure as adopted by the Supreme Court of the United States;
- (8) "F.R.Civ.P." means the Federal Rules of Civil Procedure;
- (9) "F.R.Evid." means Federal Rules of Evidence;
- (10) "Judge" see "Bankruptcy Judge";
- (11) "LBR" means the Local Bankruptcy Rules for the United States Bankruptcy Court, Middle District of Georgia as adopted by this court.
- (12) "Parties in interest" means such persons as may be required to be served pursuant to any order of the court, the Federal Rules of Bankruptcy Procedure, or Local Bankruptcy Rules, and any other persons or entities that might have an interest in the matter including but not limited to the debtor, debtor's counsel, and the trustee.

(13) "Trustee" means the case trustee serving in a case in Chapter 7, 11, 12, or 13 and includes the U.S. Trustee in Chapter 11 cases.

LBR 9004-1. DOCUMENTS AND PLEADINGS - REQUIREMENTS OF FORM

(a) Multiple Requests for Relief.

1. Motions for relief from stay may not be combined with other forms of relief, except those allowed by §§ 362 and 1205 of the Code. Motions for relief from stay allowed by § 1301 may be combined with motions pursuant to § 362.

2. Objections to confirmation of a Chapter 13 plan may not be combined with other requests for relief.

(b) Waiver of Requirements of § 362(e)

Any waiver of the 30-day requirement of § 362(e) of the Code by the movant shall be recited in the motion and, set out in the title of the motion.

(c) Notices - Form. All notices served shall substantially conform to the following directives:

1. Method of Service. Every notice shall be set out as a separate document from any associated pleading except that a certificate of service may be combined with the notice. The notice may be served separately. If served with associated pleading, the notice shall be the first page or pages of the service packet. However, The notice may be combined with a short pleading if both can be contained on a single page.

2. Designated Authority for a Notice. The notice shall contain language that identifies the authority of the sender for originating the notice by indicating whether the notice is being sent by direction of the court or pursuant to a Local Bankruptcy Rule, Federal Rule of Bankruptcy Procedure, or the Bankruptcy Code. The appropriate citation for any rule or code § shall be specified in the notice.

3. Identity of Sender and Court. The notice shall clearly identify the sender by name, address, and telephone number. The notice shall also set out the name, mailing address, and phone number for the clerk's office.

4. Required Notice Caption. Each notice shall be captioned as it appears on any associated pleading or petition and shall substantially comply with the requirements of FRBP 9004(b).

5. Mandatory Language.

a. Notice of Motion or Objection Other Than Objections to Claims. Unless a hearing is specifically required for the matter being noticed, notice and an opportunity for hearing as contemplated by LBR 9007-1 may be accomplished by the inclusion of the following language presented conspicuously in the notice and fully capitalized:

NOTICE

{Movant} HAS FILED PAPERS WITH THE COURT TO [relief sought in motion or objection].

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO [relief sought in motion or objection], OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE [motion] [objection], THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN OBJECTION OR RESPONSE ON OR **BEFORE** (*Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov*). THE OBJECTION OR RESPONSE SHOULD BE SENT TO THE CLERK OF THE COURT, U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF GEORGIA, PO BOX 1957, MACON, GEORGIA 31202 (*Or Columbus Address*). IF AN OBJECTION OR RESPONSE IS FILED A HEARING ON THE [motion or objection] WILL BE HELD ON (*Date of Scheduled Hearing*) AT (*Time*) AT THE (*Location/Address*).

IF YOU MAIL YOUR RESPONSE OR OBJECTION TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** THE OBJECTION OR RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE

ANY RESPONSE OR OBJECTION MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING RELIEF.

Dated this _____

(Attorney Information)

b. Notice of Objections to Claims. The following language shall be presented conspicuously in the notice of objection to claims and fully capitalized:

{Objecting Party} HAS FILED AN OBJECTION TO YOUR CLAIM IN THIS BANKRUPTCY CASE.

YOUR CLAIM MAY BE REDUCED, MODIFIED OR ELIMINATED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO ELIMINATE OR CHANGE YOUR CLAIM, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN RESPONSE TO THE OBJECTION ON OR BEFORE (***Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov***). THE WRITTEN RESPONSE SHOULD BE SENT TO THE CLERK OF THE COURT, U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF GEORGIA, PO BOX 1957, MACON, GEORGIA 31202 (***Or Columbus Address***). IF A RESPONSE IS FILED A HEARING ON THE OBJECTION TO YOUR CLAIM WILL BE HELD ON (***Date of Scheduled Hearing***) AT (***Time***) AT THE (***Location/Address***).

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** THE RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE.

ANY RESPONSE MUST ALSO BE MAILED TO THE OBJECTING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE OBJECTION TO YOUR CLAIM.

6. Notice of Hearing. If a hearing is required to be held concerning any matter other than one provided for under LBR 9007-1(c), the notice of hearing shall be served with the motion on all interested parties and shall include the following language presented conspicuously in the notice:

 {Movant} HAS FILED PAPERS WITH THE COURT TO [relief sought in motion].

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO [relief sought in motion], OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE [motion], THEN YOU AND/OR YOUR ATTORNEY MUST ATTEND THE HEARING SCHEDULED TO BE HELD ON (date) , (year) , AT a.m./p.m. IN COURTROOM , UNITED STATES BANKRUPTCY COURT, [*INSERT HERE THE COURT'S STREET ADDRESS*].

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

NOTE: As amended September 1, 2000, September 2, 2002 January 2, 2007, May 18, 2009 and May 22, 2009.

LBR 9004-2. CAPTIONS - GENERAL

(a) **Chapter and Judge Assignment in Caption**. In all pleadings, the caption must indicate the chapter of title 11 in which the case is filed including the initials of the judge assigned to the case.

(b) **Relief Sought Stated in Caption**. All pleadings shall, within their title, specifically designate the relief sought. Substantial variance between the title of a pleading and the relief sought in the body of the pleading may result in dismissal of the pleading or denial of the relief by the

court. The designation of "motion" without further description is not sufficient.

NOTE: As amended January 2, 2007.

LBR 9006-1. TIME PERIODS

All motions to reduce or enlarge a period of time pursuant to FRBP 9006 shall specifically state the grounds for the relief requested.

LBR 9007-1 NOTICE AND OPPORTUNITY FOR HEARING

(a) **Notice - Service.** Unless these rules specifically provide for the persons or entities to be served, when these rules require service of a motion pursuant to this rule, the movant must send a copy of the motion to all parties in interest.

(b) **Notice - Contents.** Any notice served pursuant to this rule shall comply with LBR 9004-1(c)(5).

(c) **Objections or Responses - Service and Hearings.** If an objection or response is filed pursuant to this rule, the hearing will be held at the date, time and location as provided in the notice.

(d) **Relief Granted.** If no objection is filed pursuant to this rule, the court may grant the relief requested without further notice or hearing.

NOTE: As amended September 1, 2000, September 2, 2002 and May 18, 2009.

LBR 9010-1. ATTORNEYS/NOTICE OF APPEARANCE

Abrogated December 11, 2003 by Order of Court.

LBR 9011-1. ATTORNEYS - DUTIES

(a) **Attorney Leaves of Absence.**

1. Attorneys practicing in the Bankruptcy Court for the Middle District of Georgia are expected to be available to personally represent the interests of their clients in matters before the court. Leaves of absence will not be granted by the court. If requested, the court will make reasonable efforts to accommodate an attorney's absence

for personal or professional reasons provided compliance is shown.

2. All requests for leave accommodations will be by letter delivered to the clerk of this court. A notice of conflict or other such notice as may be required or allowed by Georgia State Bar Rules will be acceptable provided that the notice must meet all the requirements of this rule. The request shall specify the inclusive dates covered and shall include a list of all cases involving counsel in which a hearing, meeting of creditors pursuant to § 341 of the Code, FRBP 2004 examination, or other discovery examination has been scheduled during the leave period and the name of the judge handling the matter. If the matter scheduled is contested, the name, address and telephone number of opposing counsel must also be disclosed. It is permissible to recruit substitute counsel to appear, provided substitute counsel is aware of the circumstances of the case and can adequately represent the client's interest in such hearing. If substitute counsel has been recruited, the request for leave shall note the name, address, and telephone number of substitute counsel for each matter.

3. In the event substitute counsel is not available, counsel shall file a motion for continuance in each scheduled hearing and attach a copy of the motion as an exhibit to the leave request. Unless all parties consent to the granting of the motion for continuance, a hearing on any such motion must be scheduled before the beginning of the leave period, with adequate notice of the hearing to the trustee and other parties in interest involved in the contested matter and to other such parties as directed by the court.

4. Subject to the provisions of paragraph 5 below, if a notice scheduling a hearing during a period in which the attorney is absent is issued, the court will make reasonable efforts to advise opposing counsel and/or the trustee and reschedule the hearing.

5. In the event an emergency or urgent matter requires that a hearing be conducted during the period of the attorney's absence, the court retains discretion to schedule a hearing despite the absence. Accordingly, all requests for leave accommodations must be accompanied by a designation of another member of the bar of this court

who has agreed to be available to respond to such an emergency.

6. Counsel must update the above disclosures immediately upon any change of circumstances that occurs after the date of counsel's request.

(b) **Attorney Bar Number**. Each attorney shall include the attorney's state bar number on all documents filed with the court. The state bar number shall be placed on the document in immediate proximity to the attorney's signature.

NOTE: As amended January 2, 2007.

LBR 9011-2. PRO SE PARTIES

All entities other than individuals may appear and be heard before the court only through counsel admitted to practice in the court.

LBR 9013-1. MOTION PRACTICE

(a) **Proposed Order**. Any motion which may be granted without a hearing that is filed shall have a proposed order bearing a title which describes relief granted sent as an E-Order to the court's electronic filing system. If the motion requests alternative relief as allowed under LBR 9004-1(a), the order must dispose of all matters raised in the motion. If a hearing is held on the motion and the proposed order is no longer appropriate to the outcome of the hearing, the movant shall upload an appropriate order at the earliest opportunity.

(b) **Citation of Authority**. All motions should indicate applicable code sections or FRBP which affect the granting or denial of the relief which is sought.

(c) **Notice of Motion**. All motions filed pursuant to this Rule shall be accompanied by a notice that substantially complies with the requirements of LBR 9004-1(b).

NOTE: As amended September 1, 2000 and January 2, 2007.

LBR 9013-3. CERTIFICATE OF SERVICE - MOTIONS

(a) In all motions, briefs and other documents filed with the court when notice to the parties in interest is required under the FRBP or the Bankruptcy Code, or in which the relief requested may adversely affect a party in interest, must contain a certificate of service. The certificate of service shall indicate

specifically the parties served (including their address), the method of service, and the date of service, and shall be signed by an attorney unless the party filing the certificate is pro se.

(b) If a certificate of service is not filed as required by this rule, the clerk shall send notice to the filing party and give 15 days from the date of the notice for the certificate to be filed. If the certificate is not filed within the 15 days and the filing party within the 15 days does not request relief from the requirements of this rule, the motion, brief or other document will be dismissed or stricken without further notice or hearing.

NOTE: As amended January 2, 2007.

LBR 9014-1. CONTESTED MATTERS

Evidentiary hearings will be held in contested matters at the first appearance of the contested matter before the court. If time does not allow for the hearing to be completed, it will be continued by the court to a date specially set for the purpose of completing the hearing.

NOTE: Added by amendment September 2, 2002 and further amended January 2, 2007.

LBR 9015-1. JURY TRIAL

(a) **Authority for Bankruptcy Judges to Conduct Jury Trials.** Section 157 of Title 28 provides that if the right to a jury trial applies in an adversary proceeding before the United States Bankruptcy Court, it may be heard by a bankruptcy judge if specifically designated to do so by the District Court and if all the parties expressly consent to the jury trial being conducted by the bankruptcy judge. The United States District Court for the Middle District of Georgia, by order entered November 18, 1994, designated each of the bankruptcy judges of this court to conduct jury trials.

(b) **Applicability of Certain Federal Rules of Civil Procedure.** Rules 38, 39, and 47-51 F.R.Civ.P., and Rule 81(c) F.R.Civ.P. insofar as it applies to jury trials, apply in cases and adversary proceedings, except that a demand made under Rule 38(b) F.R.Civ.P. shall be filed in accordance with FRBP 5005.

(c) **Consent to Have Trial Conducted by Bankruptcy Judge.** If the right to a jury trial applies and a timely demand has been filed under Rule 38(b) F.R.Civ.P., the parties may consent to

have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement of consent no later than 30 days after the conclusion of the initial pretrial conference.

LBR 9019-1. SETTLEMENTS AND AGREED ORDERS PURSUANT TO FRBP 9019

(a) **Settlement.** If all or part of an adversary proceeding has been compromised or settled, a motion to compromise shall be filed in the bankruptcy case, not in the adversary proceeding. The motion to compromise shall identify the adversary proceeding, in the body of the motion and not in the caption of the motion.

(b) **Notice Required.** Notices regarding motions to compromise a contested matter shall state the nature of the controversy and the terms of the compromise. The movant shall comply with LBR 9004-1 and LBR 9007-1. No notice is required with respect to settlements of actions arising under § 523(a) of the Code, unless directed otherwise by the court. The parties may move the court to waive notice in other matters when appropriate.

(c) **Order Approving Compromise.** An order approving a compromise or settlement shall be entered in the bankruptcy case and a separate disposition will be entered in the adversary proceeding.

NOTE: As amended September 1, 2000.

LBR 9029-1. LOCAL RULES - GENERAL

Scope and Effective Date of Rules. These rules supplement or, as permitted, modify the Federal Rules of Bankruptcy Procedure, effective **March 1, 1998, as amended through May 22 2009** and shall be construed consistently with those rules to promote the just, efficient and economical determination of every action and proceeding. These rules shall govern all actions and proceedings pending or commenced after the effective date cited above.