

*This rule provides that a conversion of a Chapter 11 to Chapter 7 is done voluntarily by the debtor and is effective on the date of the notice of conversion provided there is no motion to dismiss the Chapter 11 pending at the time of the conversion. If there is a motion to dismiss, a hearing is scheduled and the conversion is effective as of the date of the order.*

**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.

*This rule addresses the situation that if the proper venue for bankruptcy cases is outside the Middle District of Georgia, the clerk's office will be assigning that case to the division closest to the debtor's actual residence or venue.*

**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.

*The change in this rule is to sub-paragraph (c) which is to add additional types of notices that the clerk's office will be responsible for sending.*

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

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

**(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.

*It is recommended that this rule be abrogated since most of its provisions have been placed in the actual official rule and the clarifications contained in our local rule are no longer necessary.*

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

~~(a) **Request for an Election.** A request to convene a meeting of creditors to elect a trustee in a Chapter 11 reorganization case shall be filed with the court and shall be transmitted to the United States trustee in accordance with FRBP 5005 within the time prescribed by § 1104(b) of the Code. Pending court approval of the person elected, the person appointed trustee pursuant to § 1104(d) of the Code shall serve as trustee.~~

~~(b) **Manner of Election and Notice.** An election of a trustee under § 1104(b) of the Code shall be conducted in the manner provided in FRBP 2003(b)(3) and FRBP 2006. Notice of the meeting of creditors convened under § 1104(b) of the Code shall be given in the manner and within the time provided for notices under FRBP 2002(a). A proxy for the purpose of voting in the election may be solicited by a committee appointed under § 1102 of the Code and by any other party entitled to solicit a proxy under FRBP 2006.~~

~~(c) **Application for Approval of Appointment and Resolution of Disputes.** If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the court, the United States Trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under FRBP 2007.1(b), except that the application does not have to contain the names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee shall promptly file a report informing the court of the dispute. If no motion for the resolution of the dispute is filed within 10 days after the date of the creditor's meeting called under § 1104(b) of the Code, the person appointed by the United States Trustee in accordance with § 1104(d) of the Code and approved in accordance with FRBP 2007.1(b) shall serve as trustee.~~

*This rule has changed simply to add that the requirements contained in the rule for disclosure statement content does not apply to a small business case as provided under Federal Rule 3017.1.*

**LBR 3016-2. DISCLOSURE STATEMENT - GENERAL**

Disclosure statements **other than in a small business case as governed by FRBP 3017.1** 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.

*The only change to this rule is to add a new paragraph (e) which provides that the automatic stay pursuant to Section 362(c)(3) will not automatically terminate after 30 days if during the 30 days, a request for an extension of the stay has been filed.*

**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.

*We are eliminating from this rule a 30 day deadline since that does not always apply to the trustee. The actual bankruptcy rule provides when objections have to be filed so we simply state that the notice of any amended schedule complies with our local rule requirements.*

**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; ~~objections to the amended schedule shall be filed within 30 days from the date of service of such notice. The notice required by this rule and said notice shall substantially comply with the requirements of LBR 9004-1 and LBR 9007-1 and/or LBR 2002-1(e).~~

*The main change in this rule occurs in paragraph (c) and has to do with a change in the mandatory language. If the court adopts this change, all motions or other contested matters that might otherwise have been done by negative notice will still be allowed to be done by negative notice but a hearing date will be specified within the notice should an objection be filed. This mirrors what we are currently doing with motions to extend the stay where the debtor provides a notice that they wish the stay to be extended and also provide for a hearing date within those first 30 days in the event an objection is filed to their request. If no one objects to the request within the negative notice time period, the hearing is simply removed from the calendar.*

**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:

~~\_\_\_\_\_ {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 REQUEST FOR A HEARING ON OR BEFORE \_\_\_\_\_ [SEE (c)7 BELOW].~~

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

~~\_\_\_\_\_ ANY REQUEST FOR A HEARING 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 THAT RELIEF.~~

**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 7 DAYS PRIOR TO THE HEARING DATE NOTED HEREIN. 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** IT ON OR BEFORE THE 7<sup>TH</sup> DAY PRIOR TO THE HEARING 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 7 DAYS PRIOR TO THE HEARING DATE NOTED HEREIN. 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). ~~\_\_\_\_\_ [SEE (c)7 BELOW and LBR 3007-1]. YOU MUST CONTACT THE BANKRUPTCY COURT AND OBTAIN A HEARING DATE AND SERVE NOTICE OF THAT HEARING DATE AT THE SAME TIME AS THE RESPONSE IS SERVED. IF YOU ARE NOT REPRESENTED BY AN ATTORNEY, THE COURT WILL ISSUE AND SERVE NOTICE OF THE HEARING DATE TO CONSIDER THE OBJECTION AND RESPONSE.~~

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

7. Notice Period. The party preparing the notice shall insert the appropriate deadline for response that is applicable to the motion filed. Unless a rule specifies otherwise, the time allowed shall be 20 days from the date of the issuance of the notice.



*The change here is to go along with the LBR 9004 change in that a party objecting to a requested form of relief does not need to obtain a hearing date since our new procedure would already have the hearing date specified.*

**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, ~~a hearing will be scheduled with notice to all parties in interest~~ the hearing will be held at the date, time and location as provided in the notice. ~~The party filing the objection or response shall obtain a hearing date from the court, prepare and serve a notice of hearing. The notice of hearing provided for herein need only state that a hearing will be held and set out the location, hearing date, and time the hearing is scheduled to commence. Any objection or response shall be served on the movant not later than the date such objection or response is filed with the court.~~

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

*This is the new proposed rule.*

**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 10 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 \$1000 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 \$1000 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.