



## MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Chapter 13 Plan Changes for December 2018                      October 22, 2018

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1. In preparation for the December 1, 2018 rule changes, the judges of the court have consulted with the Local Rules Committee of this district to institute amendments to the Chapter 13 Plan dated February 28, 2018.

2. The following amendments to the Plan are:

a. Part 2:

(1) Plan Payments and Length of Plan, Subsection 2.3 Trustee Percentage Fee is moved to Part 4: Treatment of Fees and Priority Debt, Subsection 4.2 Trustee's Fees because the language regarding trustee fees more appropriately belongs in Part 4.

(2) Because Subsection 2.3 is moved, Subsection 2.4 Plan Length is renumbered to Subsection 2.3.

b. Part 3: Treatment of Secured Claims, Subsection 3.6 Surrender of Collateral statement regarding the termination of stay is changed from:

“The debtor(s) agrees to termination of the stay under 11 U.S.C. §362(a) and §1301(a) with respect to the collateral, effective upon confirmation of the plan.”

to

“Upon confirmation of this plan, the stay under § 362(a) will terminate as to the collateral only and the stay under § 1301 will terminate in all respects unless the debt is listed as a classified debt in Paragraph 5.3 of the plan.”

This amendment is made to conform with provisions of the national plan (and to be in harmony with the Georgia Northern Bankruptcy and Georgia Southern Bankruptcy court plans as well).

c. Part 4:

(1) The title of Part 4: "Treatment of Fees and Priority Debt" is changed to "Treatment of Fees and Priority **Claims**" to conform with the national plan.

(2) Subsection 4.1 Attorney's Fees is modified to ensure that the attorney filing the plan conforms with the recently issued Administrative Order #118 on Attorney Fees in Chapter 13 Cases.

(3) Subsection 4.2 Trustee's Fees is added, moved from Subsection 2.3.

d. Part 5: Subsection 5.3 Unsecured Claims is amended as follows:

(1) The title and description of the subsection is changed from:

**"Unsecured Claims:** The following unsecured claims are classified to be paid at 100%. If the debtor(s) is proposing to pay interest on classified claims, or to pay the claims a regular monthly payment, those proposals should appear in **Part 6 Nonstandard Provisions.**"

to

**"Classified Unsecured Claims:** The following unsecured claims are classified to be paid at 100%. If the debtor(s) is proposing to pay less than 100%, or to pay a regular monthly payment, those proposals should appear in **Part 6 Nonstandard Provisions.**

(2) The columns of information in Subsection 5.3 are changed from:

Name of Creditor  
Collateral  
Reason for Classification

to

Name of Creditor  
Reason for Classification  
Estimated Amount of Claim  
Interest Rate (If Applicable)

3. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

DEBTOR

\* Chapter 13  
\* Case No. \_\_\_\_\_

Check if this is a modified plan, and list below the sections of the plan that have been changed.

**CHAPTER 13 PLAN**  
**MIDDLE DISTRICT OF GEORGIA**  
**(NOT OFFICIAL FORM 113)**

**Part 1: Notices**

**To Debtors:**

**This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable.**

*In the following notice to creditors and statement regarding your income status, you must check each box that applies.*

**To Creditors:**

**Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it 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 oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

**The following matters may be of particular importance to you. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan. Any nonstandard provisions placed in any part other than Part 6 are void.**

<b>1.1</b>	<b>Limit the Amount of a Secured Claim:</b> The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.5, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	Not Included
<b>1.2</b>	<b>Avoidance of Liens:</b> The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in the <b>Nonstandard Provisions Part 6.</b>	<input type="checkbox"/> Included	Not Included
<b>1.3</b>	<b>Nonstandard Provisions:</b> The plan sets out <b>Nonstandard Provisions in Part 6.</b>	<input type="checkbox"/> Included	Not Included

**Income status of debtor(s) as stated on Official form 122-C1**

**Check One:**

The current monthly income of the debtor(s) is less than the applicable median income specified in 11 U.S.C. §1325(b)(4)(A).

The current monthly income of the debtor(s) is not less than the applicable median income specified in 11 U.S.C. §1325(b)(4)(A).

**Part 2: Plan Payments and Length of Plan**

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2.1. **Plan Payments:** The future earnings of the debtor(s) are submitted to the supervision and control of the Trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the Trustee the sum of \_\_\_\_\_ . (If the payments change over time include the following.) These plan payments change to \_\_\_\_\_ on \_\_\_\_\_ .

2.2. **Additional Payments:** Additional payments of \_\_\_\_\_ will be made on \_\_\_\_\_ from \_\_\_\_\_ . (Source)

~~2.3. **Trustee Percentage Fee:** The Trustee percentage fee as set by the United States Trustee will be collected from each payment made by the debtor(s).~~

2.34. **Plan Length:** If the debtor's(s') current monthly income is less than the applicable median income specified in 11 U.S.C. §1325(b)(4)(A) the debtor(s) will make a minimum of 36 monthly payments.

If the debtor's(s') current monthly income is not less than the applicable median income specified in 11 U.S.C. §1325(b)(4)(A) the debtor(s) will make payments for a minimum of 57 months.

**Part 3: Treatment of Secured Claims**

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**From the payments so received, the Trustee shall make disbursements to allowed claims as follows:**

3.1. **Long Term Debts:** The monthly payments will be made on the following long-term debts (including debts secured by the debtor's(s') principal residence): (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH OF FIRST PAYMENT	MONTHLY	CHECK IF PRINCIPAL
	UNDER PLAN	PAYMENT AMOUNT	RESIDENCE

3.2. **Arrearages:** After confirmation, distributions will be made to cure arrearages on long term debts (including debts secured by the debtor's(s) principal residence) where the last payment is due after the last payment under the plan. If no monthly payment is designated, the arrearage claims will be paid after the short term secured debts listed in Section 3.3 and 3.5

NAME OF CREDITOR	ESTIMATED INTEREST AMOUNT      RATE DUE            (if applicable)	COLLATERAL	MONTHLY PAYMENT IF ANY
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3.3. **Claims Not Subject to Cram Down:** The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. *See* § 1325(a). The claims listed below will be paid in full as allowed.

NAME OF CREDITOR	AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
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3.4. **Preconfirmation Adequate Protection:** Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
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3.5. **Secured Creditors Subject to Cramdown:** After confirmation of the plan, the following secured creditors who are subject to cramdown, with allowed claims will be paid as follows:

If the value is less than the amount due, the secured claim is modified to pay the value only as secured.  
 If the value is listed as \$0.00 the creditor's allowed claim will be treated as unsecured.  
 If the value is greater than or equal to the allowed secured claim, the claim will be paid in full.  
 If you do not intend to cram down the claim, enter "debt" as the value.

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
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3.6. **Surrendered Collateral:** The following collateral is **surrendered to the creditor**. If the debtor(s) is surrendering the collateral for a specific payment credit or in full satisfaction of the debt, a statement explaining the treatment should be indicated in **Part 6 Nonstandard Provisions**. ~~The debtor(s) agrees to termination of the stay under 11 U.S.C. §362(a) and §1301(a) with respect to the collateral, effective upon confirmation of the plan.~~ An allowed unsecured claim resulting from the disposition(s) of the collateral will be treated as unsecured.  
 Substitute redlined text with: Upon confirmation of this plan, the stay under § 362(a) will terminate as to the collateral only and the stay under § 1301 will terminate in all respects unless the debt is listed as a classified debt in Paragraph 5.3 of the plan.

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
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3.7. **Debts Paid by Debtor:** The following debts will be paid directly by the debtor(s):

NAME OF CREDITOR	COLLATERAL
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3.8. **Liens Avoided:** The judicial liens or non-possessory, non-purchase security interests that are being avoided are listed in **Part 6 Nonstandard Provisions**.

**Part 4: Treatment of Fees and Priority Claims**

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4.1. **Attorney Fees:** Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of \_\_\_\_\_ to be paid as follows:  
 (SELECT ONE)

Pursuant to the Single Set Fee option in the Administrative Order on Attorney Fees in Chapter 13 Cases.

Hourly billing: Attorneys are required to file an application for compensation with the Court, including an itemization of their time, in accordance with the Administrative Order on Attorney Fees in Chapter 13 Cases.

4.2 **Trustee's Fees:** Trustee's fees are governed by statute and may change during the course of the case.

4.3. **Domestic Support Obligations:** The following domestic support obligations will be paid over the life of the plan as follows: These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will include interest at the rate of \_\_\_\_\_ %. **(If this is left blank, no interest will be paid.)**

NAME OF CREDITOR	PAYMENT AMOUNT
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4.4. **Priority Claims:** All other 11 U.S.C. § 507 priority claims, unless already listed under 4.2 will be paid in full over the life of plan as funds become available in the order specified by law.

**Part 5: Treatment of Non Priority Unsecured Claims**

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5.1. **Payment Parameters: Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative; debtor(s) will pay the highest of the three):**

(a) Debtor(s) will pay all of the disposable income as shown on Form 122C of \_\_\_\_\_ to the non-priority unsecured creditors in order to be eligible for a discharge, unless debtor(s) includes contrary provisions in **Part 6 Nonstandard Provisions** along with sufficient legal reason justifying the excusal from meeting this requirement.

(b) If the debtor(s) filed a Chapter 7 case, the priority and other unsecured creditors would receive \_\_\_\_\_. Debtor(s) will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge in this case.

(c) The debtor(s) will pay \_\_\_\_\_ to the general unsecured creditors to be distributed prorata.

5.2. **General Unsecured Creditors:** General unsecured creditors whose claims are duly proven and allowed will be paid (**CHOOSE ONLY ONE**):

(a) \_\_\_\_\_ % dividend as long as this dividend exceeds the highest amount, if any, shown in paragraph 5.1(a), 5.1(b), or 5.1(c) and the debtor(s) makes payment for the applicable commitment period as indicated in **Part 2 Section 2.4**.

(b) The debtor(s) anticipates unsecured creditors will receive a dividend of \_\_\_\_\_ %, but will also pay the highest amount shown in paragraph, 5.1(a), 5.1(b) or 5.1(c) above. All creditors should file claims in the event priority and secured creditors do not file claims and funds become available for distribution.

5.3. **Classified Unsecured Claims:** The following unsecured claims are classified to be paid at 100%. If the debtor(s) is proposing to pay less than 100%, or to pay a regular monthly payment, those proposals should appear in **Part 6 Nonstandard Provisions**.

NAME OF CREDITOR	REASON FOR CLASSIFICATION	ESTIMATED AMOUNT OF CLAIM	INTEREST RATE (IF APPLICABLE)
			%
			%
			%
			%

5.4. **Executory Contracts and Unexpired Leases:** The executory contracts and unexpired leases listed below are assumed. All other executory and unexpired leases are rejected. If the debtor(s) wishes to cure a default on a lease, an explanation of those payments should be included in **Part 6 Nonstandard Provisions**.

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
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- 5.5. **Property of the Estate:** Unless otherwise ordered by the Court, all property of the estate, whether in the possession of the Trustee or the debtor(s), remains property of the estate subject to the Court’s jurisdiction, notwithstanding §1327(b), except as otherwise provided in **Part 6 Nonstandard Provisions** below. Property of the estate not paid to the Trustee shall remain in the possession of the debtor(s). All property in the possession and control of the debtor(s) at the time of confirmation shall be insured by the debtor(s). The Chapter 13 Trustee will not and is not required to insure such property and has no liability for injury to any person, damage or loss to any such property in possession and control of the debtor(s) or other property affected by property in possession and control of the debtor(s).
- 5.6. **Validity of Liens or Preference Actions:** Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens or preference actions will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference action will be grounds for modification of the plan.

**Part 6: Nonstandard Provisions**

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**Nonstandard Provisions:** Under Bankruptcy Rule 3015(c), all nonstandard provisions are required to be set forth below. *These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked and any nonstandard provisions placed elsewhere in the plan are void.*

**Part 7: Signatures**

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- 7.1. **Certification:** The debtor's(s') attorney (or debtor(s), if not represented by an attorney) certifies that all provisions of this plan are identical to the Official form of the Middle District of Georgia, except for language contained in **Part 6: Nonstandard Provisions**.

Debtors

\_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Date

Debtor's(s') Attorney

\_\_\_\_\_  
Signature of debtor's(s') attorney

\_\_\_\_\_  
Date



# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Amendments to LBR 1007-1

October 22, 2018

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1. Recently, the judges took up the suggestion to abrogate LBR 1007-1(a), which requires that all creditors listed on Schedules D, E/F be listed in alphabetical order. Because that requirement is specifically included on the new Schedule forms for both individual and non-individual debtors, we propose to abrogate our LBR 1007-1(a) and renumber the remaining provisions of the rule.
2. Subsection (c) will be moved to the new LBR 1009-1(a), Amendments to Lists and Schedules (which will be a new LBR), because the subsection concerns creditors added by schedule amendment and is more appropriate to that (new) local rule.
3. Subsection (f) will be moved to the new LBR 1009-1(b), because the subsection pertains to amendments to Schedules and is more appropriately placed in the new LBR 1009-1. The sentence concerning service will be abrogated as duplicative of FRBP 1009(a), which addresses service of amended schedules.
4. The proposed rule amends LBR 1007-1(b)(1) by removing the phrase “in Chapter 7, 11, 12, and 13 cases” as superfluous.
5. The proposed rule amends LBR 1007-1(b)(2) to include a reference to FRBP 1007(c) because only referencing FRBP 9006(b) does not cover all possibilities for extensions of time.
6. The proposed rule abrogates LBR 1007-1(b)(3) because it runs afoul of FRBP 9006(b), which allows a party to seek an extension after the deadline has expired (requiring a showing of excusable neglect).

7. The amended rule is:

**LBR 1007-1. Lists, Schedules, and Statements (amended December 1, 2018)**

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

**(ab) Extension of Time.**

(1) The Court may, for cause shown, grant a 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 days before the first date set for the § 341(a) Meeting of Creditors. 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 days before the first date set for the § 341(a) Meeting of Creditors.

(2) Any further extension shall be granted only in accordance with ~~FRBP 1007(c)~~ and 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 debtor's plan, the debtor shall immediately serve a copy of the proposed plan on the creditor. [moved to (new) LBR 1009-1(a)]~~

**(bd) 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.

**(ce) Filing of Payment Advices or Other Evidence of Payment Received by the Debtor From Any Employer of the Debtor.** For purposes of the requirement to file payment advices under § 521(a)(1)(b)(iv), 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 shall amend their schedules to disclose any and all assets in excess of \$10,000 or any income in excess of \$10,000 per year obtained after the filing of the case and before the final payment is made to the Chapter 13 Trustee under the plan. The amendment shall be filed within 60 days after the asset becomes property of the debtor or the debtor becomes eligible to receive the income. The amended schedules shall be served on the Chapter 13 Trustee either by mail or electronically. The Chapter 13 Trustee has 90 days after the amendment is filed to file a modification to the plan or take whatever action the Trustee deems necessary based upon the amended schedules. If the debtor fails to comply with this subsection, 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.~~ **[moved to (new) LBR 1009-1(b) with modification to language]**

8. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.



# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed New LBR 1009-1 Amendments/Lists & Schedules    October 22, 2018

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1. In an ongoing review of the Local Rules of this court, the judges of this court propose the addition of LBR 1009-1 Amendments to Lists and Schedule to place two subsections of current LBR 1007-1 under a new local rule which deals specifically with Amendments to Lists and Schedules, in conformance with the Uniform Local Rule Numbering System.

2. The proposed rule moves LBR 1007-1(c) Service of Plan Upon Creditors Added by Amendment to LBR 1009-1(a).

3. The proposed rule also moves LBR 1007-1(f) Filing of Amended Schedules in Chapter 13 to Disclose Newly Acquired Assets or Income to LBR 1009-1(b). The reference to "...disclose any and all assets in excess of \$10,000..." is amended to state "...disclose all assets valued in excess of \$10,000..." to eliminate superfluous language and specify that the rule applies to assets *valued* in excess of \$10,000.

4. The sentence in the new LBR 1009-1(b) regarding service is abrogated because FRBP 1009(a) already addresses service of amended schedules and our local rule statement is therefore duplicative.

5. The proposed new rule is:

**LBR 1009-1. Amendments to Lists and Schedules (added December 1, 2018)**

**(a) Service of Plan Upon Creditors Added by Amendment [formerly LBR 1007-1(c)].** If the debtor in a Chapter 13 case adds a creditor by amendment prior to the confirmation of the debtor's plan, the debtor shall immediately serve a copy of the proposed plan on the creditor.

**(b) Filing of Amended Schedules in Chapter 13 to Disclose Newly Acquired Assets or Income.** [formerly LBR 1007-1(f)]

All debtors who file for relief under Chapter 13 shall amend their schedules to disclose any and all assets **valued** in excess of \$10,000 or any income in excess of \$10,000 per year obtained after the filing of the case and before the final payment is made to the Chapter 13 Trustee under the plan. The amendment shall be filed within 60 days after the asset becomes property of the debtor or the debtor becomes eligible to receive the income. ~~The amended schedules shall be served on the Chapter 13 Trustee either by mail or electronically.~~ The Chapter 13 Trustee has 90 days after the amendment is filed to file a modification to the plan or take whatever action the Trustee deems necessary based upon the amended schedules. If the debtor fails to comply with this subsection, 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.

6. Please disseminate this proposed modification to the Local Bankruptcy Rules Committee and I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.



# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Amendment to LBR 3007-1

October 22, 2018

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1. In April 2016, the Court modified LBR 3007-1 to ensure proper service of claim objections on the United States, an officer or agency of the United States, state or municipal corporations and other governmental entities, and insured depository institutions.
2. In December 2017, FRBP 3007 was amended to specifically include the United States, an officer or agency of the United States, and insured depository institutions in FRBP 3007(a)(2) Manner of Service. Therefore, much of our local rule is duplicative of the federal rule.
3. Because FRBP 3007 does not require FRBP 7004 service requirements on state and municipal corporations, we are removing the requirement from our local rules.
4. The proposed rule, which amends LBR 3007-1, is:

## **LBR 3007-1. Claims – Objections (updated April 18, 2016 and December 1, 2018)**

~~(a) **Service Required.** Objections to claims shall be served pursuant to LBR 9007-1 or LBR 2002-1(e). The objecting party must serve copies of the objection to claim and the papers that must accompany it by mailing the copies to the creditor at the address for notices that appears on the proof of claim or transfer of claim. If the attorney for the creditor has appeared in the case, the objection shall also be served on the attorney. Additionally:~~

~~—(1) if a creditor is the United States or an officer or agency of the United States, service shall comply with FRBP 7004(b)(4) or 7004(b)(5);~~

~~—(2) if a creditor is a state or municipal corporation or other governmental organization thereof, service shall comply with FRBP 7004(b)(6); and~~

~~—(3) if a creditor is an insured depository institution to which FRBP 7004(h) applies, service shall comply with FRBP 7004(h).~~

**(ab) Proposed Order.** If the respondent to an objection to claim does not file a response within the time specified in the notice of the objection, the objecting party shall promptly send to the Court a proposed E-Order adjusted to the facts alleged in the objection.

**(be) Reference Claim Numbers.** All claim objections and proposed orders shall reference the specific claim number of the objected claim in the title of the claim objection and proposed order.

5. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle.George@gamb.uscourts.gov](mailto:Kyle.George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.





# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Amendments to LBR 3015-2 and 3015-3 October 22, 2018

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1. At our recent Judges Meeting, the judges took up the suggestion to amend LBR 3015-2 and 3015-3 (Modifications to Plan and Confirmations, respectively) in order to bring our local rule in compliance with federal rule.

2. FRBP 3015(f), which was modified in December 2017, sets a deadline for objections to confirmation in Chapter 13 cases of 7 days before the date set for hearing on confirmation. In reviewing our local rules prior to the December 2018 changes, we noted that our current local rules had not incorporated the change to FRBP 3015(f) made in December 2017. The proposed changes to our local rules will bring them in harmony with the federal rules.

### **3. Changes to LBR 3015-2 Modifications to Plan.**

a. Our current Motions to Modify Chapter 13 Plan Before Confirmation state that if an entity wants to file an objection to the modification of plan, "...you or your attorney shall file with the court a written objection or response within 21 days of service of this notice..." In light of FRBP 3015(f), this is not correct. The language in the form has been modified to state that the response must be filed "...no later than 7 days before the date set for the confirmation hearing..."

b. Additionally, any response or objection should be served on the debtor and trustee in accordance with FRBP 3015(f). This change has been noted in the LBR 3015-2 notice forms.

c. We are striking the reference in the Motion to Modify Chapter 13 Plans Before Confirmation notice forms to FRBP 9006(f), because FRBP 9006(f) applies only when a deadline is calculated from service. Under the recent amendment to FRBP 3015(f), the objection deadline referred to in the form is not tied to service. Rather, the deadline is due 7 days prior to the confirmation hearing, so FRBP 9006(f) does not apply [this change does not affect our procedures for post-confirmation modifications, which do include the 3 day rule of FRBP 9006(f)].

d. Proposed changes to the rule are highlighted in red as follows:

**LBR 3015-2. Chapter 13 – Modifications to Plan (updated July 5, 2017 and December 1, 2018)**

(a) **Content of a Plan Modification** A modification of a plan pursuant to § 1323 or § 1329 shall include a description of each proposed change or modification. This requirement cannot be satisfied by simply attaching the new proposed plan to the modification.

(b) **Service of the Modification** The modification 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 9007-1 or LBR 2002-1(e).

(c) **Amended Budgets** For all post-confirmation modifications the debtor shall prepare and file a budget of current income and expenses.

(d) **Notices – Form.**

(1) All notices of motions to modify Chapter 13 plans *post-confirmation* shall use the language described in LBR 9004-1(c)(5)(B).

(2) All notices of motions to modify Chapter 13 plans *before* confirmation shall substantially conform to one of two options:

(A) Notice of Motion to Modify Chapter 13 Plan Before Confirmation with Rescheduled Confirmation Date shall be used if the timing of the notice **requires a rescheduling** of the Confirmation Hearing as follows:

**(Remainder of Page Intentionally Left Blank – the noticing form is on the next page)**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION**

In re: : BANKRUPTCY CASE  
: :  
IMA SAMPLE : NO: 17-10000 \_\_\_\_ (presiding judge initials)  
: :  
Debtor(s) : CHAPTER 13 PROCEEDING

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN BEFORE CONFIRMATION  
WITH RESCHEDULED CONFIRMATION DATE**

(Movant), DEBTOR(S) IN THE ABOVE-STYLED BANKRUPTCY MATTER, HAS FILED DOCUMENTS WITH THE COURT TO MODIFY DEBTOR'S CHAPTER 13 PLAN PRIOR TO CONFIRMATION.

**YOUR RIGHTS MAY BE AFFECTED. You should read these documents 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 not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the motion may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.**

The original confirmation hearing was scheduled for \_\_\_\_\_(date), 20\_\_\_. If you do not want the court to grant this motion, or if you want the court to consider your views on the motion, then you or your attorney shall file with the court a written objection or response **no later than 7 days before the date set for the rescheduled confirmation noted below hearing within 21 days of service of this notice and attend the rescheduled confirmation hearing. If you are receiving this notice by mail, you may add 3 days to the response date, in accordance with FRBP 9006(f).** The objection or response should be sent to:

[Clerk, U. S. Bankruptcy Court  
Middle District of Georgia or  
P. O. Box 1957  
Macon, Georgia 31202]  
478-752-3506

[Clerk, U. S. Bankruptcy Court  
Middle District of Georgia  
P. O. Box 2147  
Columbus, Georgia 31902]  
706-649-7837

**The rescheduled confirmation hearing shall 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 shall send it early enough so the court will **receive** the objection or response on or before the response date stated above.

Any response or objection shall also be served on the **debtor and trustee.**

**If you or your attorney does 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 relief.**

This notice is sent by the undersigned pursuant to LBR 3015-2(d)(2)(A).

Dated this \_\_\_\_\_

/s/ Electronic Attorney Signature  
ELECTRONIC ATTORNEY, 123456  
Attorney for Debtor(s)  
Address Line 1

Address Line 2  
City, State, Zip  
(XXX) XXX-XXXX  
Email.address@serviceprovider.com

(B) Notice of Motion to Modify Chapter 13 Plan Before Confirmation – No Rescheduling Required shall be used if the timing of the notice does not require a rescheduling of the Confirmation Hearing as follows:

**(Remainder of Page Intentionally Left Blank – the noticing form is on the next page)**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION**

In re: : BANKRUPTCY CASE  
: :  
IMA SAMPLE : NO: 17-10000 \_\_\_\_ (presiding judge initials)  
: :  
Debtor(s) : CHAPTER 13 PROCEEDING

NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN BEFORE CONFIRMATION

(Movant), DEBTOR(S) IN THE ABOVE-STYLED BANKRUPTCY MATTER, HAS FILED DOCUMENTS WITH THE COURT TO MODIFY DEBTOR'S CHAPTER 13 PLAN PRIOR TO CONFIRMATION.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these documents 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 not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the motion may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.

The confirmation **hearing remains is** scheduled for \_\_\_\_\_ (date), 20\_\_\_. If you do not want the court to grant this motion, or if you want the court to consider your views on the motion, then you or your attorney shall file with the court a written objection or response **no later than 7 days before the date set for the confirmation hearing noted above** ~~within 21 days of service of this notice~~ **and attend the scheduled confirmation hearing.** ~~If you are receiving this notice by mail, you may add 3 days to the response date, in accordance with FRBP 9006(f).~~ The objection or response should be sent to:

[Clerk, U. S. Bankruptcy Court  
Middle District of Georgia or  
P. O. Box 1957  
Macon, Georgia 31202]  
478-752-3506

[Clerk, U. S. Bankruptcy Court  
Middle District of Georgia  
P. O. Box 2147  
Columbus, Georgia 31902]  
706-649-7837

If you mail your response or objection to the court for filing, you shall send it early enough so the court will **receive** the objection or response on or before the response date stated above.

Any response or objection shall also be served on the **debtor and trustee.**

**If you or your attorney does 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 relief.**

This notice is sent by the undersigned pursuant to LBR 3015-2(d)(2)(B).

Dated this \_\_\_\_\_

/s/ Electronic Attorney Signature  
ELECTRONIC ATTORNEY, 123456  
Attorney for Debtor(s)  
Address Line 1  
Address Line 2  
City, State, Zip  
(XXX) XXX-XXXX  
Email.address@serviceprovider.com

#### 4. Changes to LBR 3015-3 Chapter 13 Confirmation.

a. A review of LBR 3015-3 reveals that this local rule needs major revisions in order to not be redundant or contain incorrect or superfluous instructions.

(1) LBR 3015-3(a)(1) is abrogated because it is not in conformance with FRBP 3015(f).

(2) LBR 3015-3(a)(2) is abrogated because the confirmation date is already determined under FRBP 3015(f).

(3) LBR 3015-3(a)(3) is abrogated because it is duplicative of FRBP 3015(f).

(4) LBR 3015-3(a)(4) is abrogated because it is unnecessary to contain a notice of a hearing that has already been set.

b. LBR 3015-3(b) will remain in effect as is.

c. Proposed changes to the rule are highlighted in red as follows:

#### **LBR 3015-3. Chapter 13 – Confirmations (updated July 5, 2017 and December 1, 2018)**

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

~~—(1) All creditor objections shall be filed and served seven 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 service of the notice of the modification. Any objection to a plan or modification not filed timely may be overruled by the Court.~~

~~—(2) 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 § 341(a) Meeting of Creditors or, in the event the Meeting is adjourned, the confirmation date announced at the completed Meeting.~~

~~—(3) 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.~~

~~—(4) Because the hearing to consider confirmation of a plan has been noticed to all interested parties, any objections to confirmation of a plan need not contain a notice of hearing otherwise required by LBR 9007-1.~~

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

3. Because of this rule change, we will also change the language on our Notice of Chapter 13 Bankruptcy Filing form which will reflect the deadline of “Objections to confirmation are due

seven days before the date set for the hearing on confirmation, unless the court orders otherwise.”

4. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.





# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Abrogation of LBR 4002-1(a)

October 22, 2018

1. At our recent Judges Meeting, the judges took up the suggestion to abrogate LBR 4002-1(a), which requires that debtors update with the Clerk's office the debtor's mailing address if it changes during the case. FRBP 4002(a)(5) Duties of Debtor already requires that "...In addition to performing other duties prescribed by the Code and rules, the debtor shall....(5) file a statement of any change of the debtor's address." Therefore, our local rule is duplicative of the federal rule and the judges recommend abrogation of this rule.

2. The proposed rule, which abrogates LBR 4002-1(a), is:

**LBR 4002-1. Debtor – Duties (updated December 1, 2018)**

~~(a) **Duty to Keep Address Current.** Whenever the 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.~~

**(ab) Duty to Maintain Books and Records.** Unless the Trustee appointed by the Court takes possession of books and records of an estate, the debtor shall maintain, preserve and keep in safe storage all such books and records during the time the case is pending.

**(be) 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, and the nature, extent, value and location of all assets;
- (2) A complete accounting of all cash on hand;

(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 three-year period preceding the date of filing of the petition;

(6) Bank statements and canceled checks for the 12-month period prior to the date of the petition.

3. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle.George@gamb.uscourts.gov](mailto:Kyle.George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.



# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Amendment to LBR 4003-2

October 22, 2018

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1. Recently, the judges took up the suggestion to amend LBR 4003-2 Lien Avoidance. The revised FRBP 4003(d) makes clear that § 522(f) lien avoidances may be accomplished via the Chapter 13 Plan. Therefore, the judges propose to strike the duplicative language in our LBR 4002-3.

2. The proposed rule, which amends LBR 4003-2, is:

**LBR 4003-2. Lien Avoidance (updated December 1, 2017 and December 1, 2018)**

~~Motions to avoid liens under § 522(f) 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 or LBR 2002-1(e). In Chapter 12 and Chapter 13 cases, If the debtor may proposes to avoid liens in the Chapter 12 or 13 plan, The plan shall specify the creditors by name whose liens are affected by such provisions in the plan and such provisions shall apply only apply to those liens that can be avoided under § 522(f). Any other liens other than those that are avoidable under § 522(f) shall not be included in such lien avoidance provisions in the Chapter 12 or Chapter 13 plan.~~

3. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.



## MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Amendment of LBR 5005-4 Electronic Filing October 22, 2018

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1. The December 1, 2018 federal rule changes include a major revision to FRBP 5005 Filing and Transmittal of Papers. As the Committee Note says, “Electronic filing has matured. Most districts have adopted local rules that require electronic filing and allow reasonable exceptions as required under the former rule. The time has come to seize the advantages of electronic filing by making it mandatory in all districts, except for filings made by an individual not represented by an attorney. Paper filing must be allowed for good cause. And a local rule may allow or require paper filing for other reasons.”

2. Our court’s local rule has long required attorneys to file electronically and allows exceptions for good cause (the judicial waiver requirement). As such, much of the local rule is now redundant to the federal rule and much of it will be eliminated. Portions of the local rule that address timeliness of filings or approvals of emailed or faxed filings will be retained in the local rule.

3. However, over the course of time, our local rule has taken on more of a “procedural manual” look and feel rather than being purely a rule. Thus, much of the information contained in our local rule on electronic filing is still valid, as the rule provides procedural information. Accordingly, much of the rule that is not redundant to the new federal rule and is procedural in nature will be shifted to the Clerk’s Instructions, where it aptly belongs.

4. Our local rule on electronic filing will therefore be concise with only references to items not specified in the federal rule.

5. The current local rule with amendment markup is:

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**LBR 5005-4. Electronic Filing (updated November 20, 2014 [and December 1, 2018](#))**

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

~~(1) The Court shall 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 of Court. 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 of Court 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.~~

~~(2) 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 dDocuments first filed in paper form when allowed under FRBP 5005(a)(2), they shall be converted to electronic form by the Clerk's office and the electronic document shall 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.~~

~~(3) Filing a document electronically does not alter the filing deadline for that document. Electronic filings shall be completed in the Court's system before midnight in order to be considered timely filed that day.~~

~~(4) All orders, decrees, judgments, and proceedings of the Court shall be filed in accordance with these Rules, which shall constitute entry on the docket kept by the Clerk of Court under FRBP 5003 and FRBP 9021. All signed orders shall be filed electronically by the Court or Court personnel. Any order signed and 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.~~

~~(5) 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.~~

~~(6) 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, shall register as Filing Users of the Court's electronic case filing system and shall file all documents by use of the Court's electronic filing system. Registration is in a form prescribed by the Clerk of Court. A Judicial Waiver may be requested by any attorney. The procedure for Judicial Waiver can be found in the Clerks Instructions.~~

(27) A party to a pending action or an individual or entity that files documents with the Court frequently as determined by the Clerk of Court and who is not represented by an attorney may register as a Filing User in the electronic case filing system. Registration shall be in the form prescribed by the Clerk of Court [in the Clerk's Instructions](#).

~~(8) Registration of the Filing User constitutes:~~

~~\_\_\_\_\_ (i) Waiver of the right to receive notice by first class mail and consent to receive notice electronically; and~~

~~\_\_\_\_\_ (ii) 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 and to service of a motion or a contested matter pursuant to FRBP 9014. The named respondent in a contested matter under FRBP 9014 must receive service by first class mail. If a debtor is the respondent to a motion or contested matter under FRBP 9014, the attorney for debtor can still receive service by electronic means. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under FRBP 9022.~~

~~(b) Signatures:~~

~~(1) The electronic filing of a petition, pleading, motion, claim, or other paper that would bear a signature of an attorney or unrepresented party who is a registered participant of the electronic case filing system shall constitute the signature of that attorney or unrepresented party for purposes of the application of FRBP 9011 and other applicable rules. The signature indicated on the document submitted for filing must match the identity of the individual registered as the CM/ECF electronic filer.~~

~~(2) All pleadings and documents electronically filed shall contain either a scanned image of a signature as a part of that document, or for registered users, an indication of the name of the filer with their signature represented by “/s/ Jane Doe” in a location where the original signature would have occurred.~~

~~(3) Filing of pleadings, documents, and other papers that require original or verified signatures:~~

~~\_\_\_\_\_ (i) Electronic Filing by Registered Users:~~

~~(3) Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in this electronic case filing system. An original copy containing an original signature must be retained by the attorney who files such a petition, pleading, document, or other paper for one-year after the closing of the case. If the case is later reopened, the one year retention period for documents already on file is not extended. However, any new filings as defined herein filed after~~

the case is reopened shall be retained by the attorney who files such a petition, pleading, document, or other paper for one year after the re-closing of the case.

~~(ii) Filings Initially Received in Paper Format.~~

~~(4) For filings initially received in paper format as allowed under FRBP 5005(a)(2), and admitted by the court for good cause, (The court will retain the original documents bearing original signatures of any paper filings where such signatures are a required verification under FRBP 1008 or an unsworn declaration as provided under 28 U.S.C. § 1746 for 6 months after the filing has been converted to an electronic image.~~

~~(be) Receipt of Filings by Facsimile Filings or Emailed Pleading or Document.~~

~~Only with prior approval, 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 by through a facsimile machine or sent by email to the appropriate court email inbox at [EmergencyFilings@gamb.uscourts.gov](mailto:EmergencyFilings@gamb.uscourts.gov). No facsimile or emailed pleading or document shall be accepted or deemed filed without prior approval. The pleading, complaint, petition or other document to be filed shall be authorized to be received for filing by a judge of this Court, the Clerk of Court, or by the Clerk's designee. Such authorization shall be obtained prior to the sending of the document and shall 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. In the event the filer is a non-attorney, discretion shall be used to determine whether to approve the receipt of the document by facsimile or email.~~

~~(ed) Approval of Facsimile or Emailed Pleading or Document.~~

~~A The pleading, complaint, petition, or other document to be filed with the Court may be filed via facsimile transmission or email only when approved in advance of filing by a judge of this Court, the Clerk of Court, or the Clerk's designee. Such approval shall be authorized to be received for filing by a judge of this Court, the Clerk of Court, or by the Clerk's designee. Such authorization shall be obtained prior to the sending of the document and shall be If approved, the document should be sent by transmission to the Court through a facsimile machine or sent by email to~~

~~(e) Procedure for Filing Facsimile Document.~~

~~The facsimile copy sent to the Court shall 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 shall be filed with the pleading in the electronic case file. The party sending the facsimile document is solely responsible for calling the court to ensure that it is fully and accurately received. The docketing of the document shall 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.~~



**(f) Procedure for Emailing Document.**

~~The email containing the document sent to the Court shall include (1) a brief statement of the reason the filer has requested permission to send the pleading or document by email and, (2) the identification of the Court individual authorizing and/or accepting its receipt. A copy of this email shall be filed with the pleading in the electronic case file. All documents attached to emails and submitted to the court shall be in PDF format. The party sending the emailed document is solely responsible for calling the court to ensure that it is fully and accurately received. The email address at [EmergencyFilings@gamb.uscourts.gov](mailto:EmergencyFilings@gamb.uscourts.gov). The docketing of the document shall reflect that it is an emailed 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. No facsimile or emailed pleading or document shall be accepted or deemed filed without prior approval.~~

**(dg) Conversion of the Faxed Document.**

The pleading, complaint, petition or other document submitted by facsimile shall be converted to an electronic image by the Court and the electronic image shall be the official record of the document.

The amended local rule without mark up is:

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## **LBR 5005-4. Electronic Filing (updated November 20, 2014 and December 1, 2018)**

### **(a) Electronic Filing.**

(1) Documents filed in paper form when allowed under FRBP 5005(a)(2) shall be converted to electronic form by the Clerk's office and the electronic document shall be the official document.

(2) A party to a pending action or an individual or entity that files documents with the Court frequently as determined by the Clerk of Court and who is not represented by an attorney may register as a Filing User in the electronic case filing system. Registration shall be in the form prescribed by the Clerk of Court in the Clerk's Instructions.

(3) Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in this electronic case filing system. An original copy containing an original signature must be retained by the attorney who files such a petition, pleading, document, or other paper for one-year after the closing of the case. If the case is later reopened, the one year retention period for documents already on file is not extended. However, any new filings as defined herein filed after the case is reopened shall be retained by the attorney who files such a petition, pleading, document, or other paper for one year after the re-closing of the case.

(4) For filings initially received in paper format as allowed under FRBP 5005(a)(2), the court will retain the original documents bearing original signatures of any paper filings where such signatures are a required verification under FRBP 1008 or an unsworn declaration as provided under 28 U.S.C. § 1746 for 6 months after the filing has been converted to an electronic image.

### **(b) Filings by Facsimile or Email.**

Only with prior approval, a pleading, complaint, petition or other document to be filed with the Court may be accepted as timely filed by transmission to the Court by facsimile or email to the appropriate court email inbox at [EmergencyFilings@gamb.uscourts.gov](mailto:EmergencyFilings@gamb.uscourts.gov). The pleading, complaint, petition or other document to be filed shall be authorized to be received for filing by a judge of this Court, the Clerk of Court, or by the Clerk's designee. Such authorization shall be obtained prior to the sending of the document and shall 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. In the event the filer is a non-attorney, discretion shall be used to determine whether to approve the receipt of the document by facsimile or email. No facsimile or emailed pleading or document shall be accepted or deemed filed without prior approval.

### **(c) Conversion of the Faxed Document.**

The pleading, complaint, petition or other document submitted by facsimile shall be converted to an electronic image by the Court and the electronic image shall be the official record of the document.

6. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.



# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Proposed Abrogation of LBR 9006-1 Time Periods October 22, 2018

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1. In our review of local rules prior to the December 1, 2018 federal rule changes, the judges of this court identified a local rule as being duplicative of the federal rule and propose to abrogate the rule. Our current LBR 9006-1 Time Periods states:

## **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.

2. The pertinent portions of FRBP 9006 (b) and (c) state:

### (b) ENLARGEMENT.

(1) *In General.* Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, **the court for cause shown** may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect....

### (c) REDUCTION.

(1) *In General.* Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, **the court for cause shown** may in its discretion with or without motion or notice order the period reduced...

3. LBR 9006-1 Time Periods is unnecessary as a local rule because both FRBP 9006 (b) and (c) specifically require a showing of cause before the court should grant a motion to enlarge or reduce a time period. Therefore, LBR 9006-1 is duplicative of FRBP 9006 (b) and (c) and should be abrogated.

4. I would very much appreciate comments back to me via email no later than November 26, 2018. My email address is [Kyle.George@gamb.uscourts.gov](mailto:Kyle.George@gamb.uscourts.gov). Your assistance in this matter is greatly appreciated.