



MEMORANDUM

To: Bankruptcy Practitioners, Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Proposed Amendments to LBR 3015-2 and LBR 9004-1 November 16, 2022

1. With the issuance of Administrative Order #145, which, among other things, provides guidance to practitioners regarding whether a hearing should be held telephonically or in-person, the Court has decided to remove the form notices found in LBR 3015-2 and LBR 9004-1 to the Clerk's Instructions to better facilitate any modifications that may arise from time to time.

2. The form notices are modified to formalize the Court's requests to practitioners that language regarding telephonic and in-person hearings be included in the notices to make clear to notice recipients whether the hearing is telephonic or in-person by referring the notice recipient to Administrative Order #145.

3. Because removing the form notices from LBR 3015-2 and LBR 9004-1 to the Clerk's Instructions requires amendments to those local rules, we are giving notice like with any other proposed local rule amendment.

4. LBR 3015-2 is amended to:

LBR 3015-2. Chapter 13 – Modifications to Plan (updated July 5, 2017 and December 1, 2018, and December __, 2022)

(Subparagraphs (a) through (c) are omitted)

(d) Notices – Form.

- (1) All notices of motions to modify Chapter 13 plans *post-confirmation* shall use the language **required by LBR 9004-1(c)(5)(B) which can be found in the Clerk's Instructions under "Notice of Motion or Objection Other Than Objections to Claims."**

(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~~. **The form can be found in the Clerk's Instructions under "Notice of Motion to Modify Chapter 13 Plan Before Confirmation With Rescheduled Confirmation Date."**

(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~~. **The form can be found in the Clerk's Instructions under "Notice of Motion to Modify Chapter 13 Plan Before Confirmation With No Rescheduled Confirmation Date."**

5. LBR 9004-1 is amended to:

LBR 9004-1. Documents and Pleadings – Requirements of Form (updated October 17, 2016, September 18, 2017, and December __, 2022)

(Subparagraphs (a) and (b) are omitted)

(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 an 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 section shall be specified in the notice.

(3) **Identity of Sender and Court**. The notice shall clearly identify the sender by name, address, email 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) ~~The language described below in See LBR 9004-1(c)(5)(B) shall be used in Notices for “Negative Notice” Events.~~ Events not specifically requiring a hearing (“Negative Notice” events) shall use the Notice of Motion as described in LBR 9004-1(c)(5)(B) below. ~~in the Court’s electronic case filing system.~~ A listing of all current Negative Notice events and events that require a hearing can be found in the Clerk’s Instructions.

(B) 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 of Motion,” ~~which can be found in the Clerk’s Instructions.~~

(C) Notice of Objections to Claims. ~~The form “Notice of Objection to Claim,” which can be found in the Clerk’s Instructions, shall be used. The following language shall be presented conspicuously in the notice of objection to claims:~~

(6) Notice of Hearing on All Other Matters. 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 ~~which can be found in the Clerk’s Instructions.~~

6. The notices referred to above are attached with the modifications described.

7. If you have comments or suggestions regarding this new local rule, please contact me via email at Kyle_George@gamb.uscourts.gov no later than December 16, 2022. Your assistance in this matter is greatly appreciated.

**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 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 **and attend the scheduled confirmation hearing.** 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

Parties should consult the Court’s website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

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

**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 hearing noted below **and attend the rescheduled confirmation hearing.** 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].

Parties should consult the Court's website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

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

NOTICE OF HEARING

(Movant) HAS FILED DOCUMENTS WITH THE COURT TO [relief sought in motion or objection].

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 [or other type of pleading] may be obtained upon written request to counsel for the Movant (or Objecting Party) (identified below) or at the Clerk's office.

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 or your attorney shall attend the hearing scheduled to be held on

[Date of Scheduled Hearing] at [Time] at the [Location/Address]. [Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov].

Parties should consult the Court's website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

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 [Enter here the Local Rule, Federal Rule, or other legal authority for issuing this notice.]

Dated this _____

[Attorney Information]

NOTICE OF MOTION

(Movant) HAS FILED DOCUMENTS WITH THE COURT TO [relief sought in motion or objection].

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 [or other type of pleading] may be obtained upon written request to counsel for the Movant (or Objecting Party) (identified below) or at the Clerk's office.

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 shall file with the court a written objection or response on or before [Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov]. 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
P. O. Box 1957
Macon, Georgia 31202]
478-752-3506

or

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

If an objection or response is filed, a hearing on the [motion or objection] shall be held on:

[Date of Scheduled Hearing] at [Time] at the [Location/Address].

Parties should consult the Court's website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

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 movant.

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 or objection and may enter an order granting relief.

This notice is sent by the undersigned pursuant to [Enter here the Local Rule, Federal Rule, or other legal authority for issuing this notice.]

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

NOTICE OF OBJECTION TO CLAIM

[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 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 you do not want the court to eliminate or change your claim, then you or your attorney shall file with the court a written response to the objection on or before **[Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov]**. 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
P. O. Box 1957
Macon, Georgia 31202]
478-752-3506

or

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

If a response is filed, a hearing on the objection to your claim shall be held on:

[Date of Scheduled Hearing] at [Time] at the [Location/Address].

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

Any response shall also be served on the objecting party.

Parties should consult the Court's website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

If you or your attorney does not take these steps, the court may decide that you do not oppose the objection to your claim.

This notice is sent by the undersigned pursuant to [Enter here the Local Rule, Federal Rule, or other legal authority for issuing this notice.]

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