



***UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA***

*Local Rules*

**EFFECTIVE DATE:** April 20, 2009

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**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**Local Bankruptcy Rule 1007(b)-1  
LISTS, SCHEDULES AND STATEMENTS**

(a) All lists and schedules pertaining to real estate filed by the debtor in any bankruptcy case must contain the address of the real property (street, road or 911 number) and also shall contain sufficient information to particularly identify each individual parcel of real property.

(b) Parties shall submit master address lists in the format and manner prescribed by the Clerk of Court.

(c) The Debtor shall sign, with an original ink signature, his or her Petition and all Schedules, Statements of Financial Affairs, Forms BA-1 and BA-2, and all amendments to such documents. Debtor's counsel shall maintain such documents, with actual ink signatures, for not less than six (6) years from the date of the closing of the bankruptcy case. Such documents shall be made available for inspection and copying by the Bankruptcy Administrator, Department of Justice and interested parties upon payment of a reasonable retrieval fee.

(d) In cases filed under Chapters 7 and 11 of the Bankruptcy code, Debtors or their attorney shall list on the matrix of creditors the tax assessor or revenue commissioner of the county or counties in which estate property is located.

(e) Copies of payment advices and other evidence of payment received within sixty (60) days before the date of the filing of the petition by the debtor from any employer of the debtor shall be provided to the Chapter 7 trustee or the Bankruptcy Administrator in an individual or joint Chapter 11 case, at least seven (7) days prior to the meeting of creditors. In Chapter 13 cases, the debtors shall file payment advices and other evidence of payment received from employers via the mailbox or e-mail account designated by the Chapter 13 Trustee at least seven (7) days prior to the meeting of creditors. Said documents shall not be filed with the court unless otherwise ordered. The debtor shall file a certification or notice with the court evidencing compliance with this rule. Creditors may request copies of payment advices or other evidence of payment from the debtor and that

request shall be considered timely if received at least fifteen (15) days before the first date set for the meeting of creditors.

**Local Bankruptcy Rule 1009-1**  
**AMENDMENT TO PETITIONS, LISTS, AND SCHEDULES**

(a) If a debtor or the debtor's attorney amends any schedule to include an additional creditor, the debtor or the debtor's attorney shall send a summary of amendment which, in a chapter 11 or chapter 13 case, includes the notice described in paragraph (b) to any affected party and to the trustee. The summary of amendment must contain a clear statement of what creditor(s) is added, including the name and address of the creditor, the amount owed and the type of claim added.

(b) The notice to be included is:

NOTICE OF AMENDMENT TO SCHEDULES

The debtor has amended his or her bankruptcy schedules to include additional creditors. This amendment may decrease the amount paid to you under any plan. If you have any objections to the amendment, you must file them in writing, stating the specific ground(s) upon which your objection is based with the Clerk of Court, 201 S t. Louis Street, Mobile, AL 3 6602, and serve a copy on the debtor and the debtor's attorney. You must file an objection within 10 days of the date you receive your copy of the amendment.

(c) When a petition, list, schedule, or statement is amended as provided by Fed. R. Bankr. P. 1009, it shall be accompanied by a Cumulative Statement of Amendment which describes each specific amendment which is being made and which has previously been made.

(d) In each instance in which the schedules, statement of affairs, statement of executory contracts or lists are amended, each schedule affected by the amendment shall be re-filed in its entirety, unless otherwise authorized by the court. Such amendments shall consist of all pages of each schedule, statement, or list being amended, and shall not be submitted on a line-by-line basis.

**Local Bankruptcy Rule 2016-1**  
**COMPENSATION OF PROFESSIONALS**

If a professional, whose compensation is subject to approval under section 330 of the Bankruptcy Code, has accepted a retainer from any source for future services in a bankruptcy case in this court, the professional must obtain court approval before making any draw against the retainer funds.

**Local Bankruptcy Rule 2090-1**  
**ATTORNEYS - ADMISSION TO PRACTICE AND PRO HAC ADMISSION**

Admission to practice before the Bar of the U.S. District Court of the Southern District of Alabama shall constitute admission to practice before this court. Members of the Bar of this court shall comply with all of the requirements of S.D. AL. LR 83.5 and that rule is incorporated by reference into this rule.

**Local Bankruptcy Rule 2090-2**  
**ATTORNEYS - DISCIPLINE AND DISBARMENT**

S.D. AL. LR 83.6 is incorporated by reference into this rule.

**Local Bankruptcy Rule 3010-1**  
**DIVIDENDS - CHAPTER 13**

(a) The chapter 13 trustee shall commence payments under a confirmed Chapter 13 Plan as soon as practicable after the claims bar date.

(b) After thorough review by the Chapter 13 Trustee, in any case pending where the unsecured Creditors have been satisfied and sufficient funds are available to pay out the Plan, the Trustee shall remove the preference payments, as established in the Confirmation Order and use such funds to pay the secured debts so the case can be closed.

**Local Bankruptcy Rule 3015-1**  
**CHAPTER 13 PLANS**

(a) Chapter 13 plans providing for payments to be made "outside the plan" or "direct" shall be construed by the Court to mean the described payments are within the plan but are to be made directly by the debtor to the specified creditors.

(b) The Court may from time to time approve a Model Plan Form. Any plan which varies from this District's Model Plan Form shall state in the appropriate section for Other Plan Provisions in bold "**This Plan has been modified from the Model Plan Form**" and a Notice of Modification to Model Form Plan shall be attached thereto specifying the modification in detail.

**Local Bankruptcy Rule 3015-3**  
**CHAPTER 13-CONFIRMATION**

(a) Any party objecting to confirmation of a proposed Chapter 13 plan of Reorganization shall file a written objection using the CM/ECF Electronic Case Filing System not later than 12:00 p.m. (noon) two business days prior to the date set for hearing on confirmation. Additionally, such an objection shall be electronically mailed to [obj@ch13mob.com](mailto:obj@ch13mob.com). If an objection is not filed as required by this rule, it shall be deemed not timely filed and the Court may overrule the objection unless good cause is shown otherwise.

(b) Chapter 13 confirmation hearings shall be held on the same date as the meeting of creditors. Any objections to such consolidated setting must be made by the same date and time for objecting to confirmation of the debtor's plan as noted on the Notice of Meeting of Creditors.

**Local Bankruptcy Rule 3022-1**  
**CLOSING INDIVIDUAL CHAPTER 11 CASES**

(a) In cases filed by an individual under Chapter 11 of the Bankruptcy Code, the Clerk of Court shall administratively close the case after confirmation and upon the recommendation of the Bankruptcy Administrator that the case should be closed.

(b) Upon application by the debtor with certification that all plan

payments have been made, the debtor may move to reopen the case and request entry of an Order of Discharge.

**Local Bankruptcy Rule 4001-1**  
**AUTOMATIC STAY- RELIEF FROM**

(a) Upon the filing of a Motion for Relief from the Automatic Stay imposed by 11 U.S.C. Section 362 or from the Co-Debtor Stay imposed by 11 U.S.C. Section 1301, the preliminary hearing shall be consolidated with the final hearing unless directed otherwise by the Court in the Court's notice of hearing on such Motion. The Movant shall serve the Motion upon the following parties with an appropriate certificate of service: the Debtor, Debtor's Counsel and any Co-Debtor, the Debtor in Possession, the Trustee, any Committee appointed in the case, the Bankruptcy Administrator (if a Chapter 11, 12, or 9 proceeding), and such other parties as the Court may direct.

(b) All Motions for Relief From the Automatic Stay or the Co Debtor stay shall state with particularity the grounds for the motion. The moving party shall attach to the motion or to an affidavit submitted in support of the motion copies of any documents in support of its claim that it has an interest in the debtor's property. Mortgages on real property shall show the recording information. All affidavits or other pleadings shall be served on all adverse parties at least three (3) days prior to the hearing.

(c) An attorney filing a Motion For Relief from Stay and/or Co-Debtor Stay seeking foreclosure or repossession of a mortgage, security interest or leasehold interest shall also file a Fact Summary in the same form as Appendix "A" to these Rules. The Summary shall be filed at least 14 days prior to the first hearing date on the Motion. The Summary shall be filed using the Court's Electronic Case Filing ("ECF") System. The Movant's attorney shall ensure that when the Summary is filed, it is filed as a separate event from the Court's ECF system, not as an attachment to the Motion. The summary shall be served on the Debtor's attorney using the Court's ECF system.

(d) Any Order granted under this rule shall not operate to waive any right a debtor may have with respect to property under non-bankruptcy law, including the right to notice of sale, notice of disposition of property, or rights of redemption.

**Local Bankruptcy Rule 5005-1**  
**FILING PAPERS - REQUIREMENTS**

All pleadings, motions, briefs, and discovery requests and responses shall be filed electronically. If a pleading, motion, brief, or discovery request or response does not comply with this rule and is tendered to the clerk for filing, the clerk shall accept and docket the same and shall inform the person filing of the requirement of this rule. Such tender shall be deemed the "filing" defined by Fed. R. Civ. P. 3 and 5(e), as incorporated by Fed. R. Bankr. P. 7003 and 7005. The party so informed will be allowed 10 days to substitute conforming papers. If the party does not file the conforming paper as ordered, the court will strike the pleading, motion or brief from the record.

**Local Bankruptcy Rule 7004-1**  
**SUMMONS**

(a) The courtroom deputy for each respective judge will generate a summons form and will provide this form to attorneys in adversary cases after all preliminary matters have been heard. The attorney will then serve the summons as required. Once served, the attorney shall file a certificate of service in the proper case in the Court's electronic case files system.

(b) Service of any pleading or notice of hearing on an insured depository institution in a contested matter or adversary proceeding in accordance with Fed. R. Bankr. P. 7004(h) shall be made by the movant. The movant shall provide the court with proof of service as required by Fed. R. Bankr. P. 7004(h).

(c) Service upon a federal office or agency must be made upon the United States Attorney General as well as the Office or Agency as applicable and as required by Federal Rule of Bankruptcy 7004 (b)(4)(5).

**Local Bankruptcy Rule 7026-1**  
**DISCOVERY - REQUIRED DISCLOSURES**

Every complaint filed to commence an adversary proceeding governed by Part VII of the Federal Rules of Bankruptcy Procedure shall contain a statement whether the pleader stipulates that Fed. R. Civ. P. 26(a)(1) will not apply to the adversary proceeding. The initial pleading or motion filed in response to a complaint filed to commence an adversary proceeding governed by Part VII of the Federal Rules of Bankruptcy Procedure shall contain a statement whether the responding pleader or movant stipulates that Fed. R. Civ. P. 26(a)(1) will not

apply to the adversary proceeding. A failure to include the statement as required by this rule in a complaint, pleading or motion shall be construed as a stipulation that Fed. R. Civ. P. 26(a)(1) will not apply.

Upon motion by a party or upon its own motion, the court will determine whether all parties to an adversary proceeding have stipulated that Fed. R. Civ. P. 26(a)(1) will not apply to the adversary proceeding. Upon consideration of such motion or on its own motion, and after due consideration of the objection of any party to the applicability of Fed. R. Civ. P. 26(a)(1), the court will enter an order directing whether and to what extent Fed. R. Civ. P. 26(a)(1) will apply to the adversary proceeding as the court determines appropriate in the circumstances of the action. (Revised September 17, 2001)

**Local Bankruptcy Rule 9007-1**  
**NEGATIVE NOTICE PROCEDURE**

(a) The following motions, objections, and other matters may be considered by the court without an actual hearing under the negative notice procedure described in this rule if no party in interest files a written objection stating a specific ground or grounds on which the objection is based:

(1) Motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Fed. R. Bankr. P. 4001(d).

(2) Motions to avoid liens on exempt property pursuant to Fed. R. Bankr. P. 4003(d).

(3) Motions to use, sell, or lease property not in the ordinary course of business pursuant to Fed. R. Bankr. P. 6004(a) but not motions to sell property free and clear of liens or other interests pursuant to Fed. R. Bankr. P. 6004(c).

(4) Notices of abandonment pursuant to Fed. R. Bankr. P. 6007(a) and motions to compel abandonment pursuant to Fed. R. Bankr. P. 6007(b).

(5) Motions to approve compromises or settlements pursuant to

Fed. R. Bankr. P. 9019(a).

(6) Objections to claims pursuant to Fed. R. Bankr. P. 3007 other than objections joined with a demand for relief of the kind specified in Fed. R. Bankr. P. 7001.

(7) Applications for compensation or reimbursement pursuant to Fed. R. Bankr. P. 2016, when permissible.

(8) Motions to extend the time for filing claims pursuant to Fed. R. Bankr. P. 3002(c) or Fed. R. Bankr. P. 3003(c).

(9) Motions to extend the time for the filing of dischargeability complaints under Fed. R. Bankr. P. 4007.

(10) Motions to increase the exclusivity periods for filing a chapter 11 plan pursuant to section 1121(d) of the Bankruptcy Code.

(11) Motions for extension of the time for the assumption or rejection of executory contracts or leases pursuant to section 365(d)(1) of the Bankruptcy Code.

(12) Approval of trustees' final accountings and compensation when permissible under the Rules of Bankruptcy Procedure.

(13) Objections to exemptions pursuant to Fed. R. Bankr. P. 4003(b).

(14) Motions to increase or decrease payments to be made under a plan in a chapter 13 case.

(15) Motions to reopen cases pursuant to section 350.

(16) Motions to change the venue of a case from one division in this district to another.

(17) Motions to assume or reject executory contracts pursuant to section 365.

(18) Motions to redeem personal property pursuant to section 722.

(19) Motions to abandon property pursuant to section 554.

(b) Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

(1) Be filed in the Court Electronic Case Filing System and shall be served, in the manner and on the parties as required by the provisions of the Federal Rules of Bankruptcy Procedure, Local Rule, or any order of court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service.

(2) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in a form substantially as follows:

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a written objection within [number] days from the date of service of this paper. If you object to the relief requested in this paper, you must file your written objection stating the specific ground or grounds on which your objection is based with the Clerk of the Court at 201St. Louis Street, Mobile, AL 36602, and serve a copy on the movant's attorney, [name and address, and any other appropriate persons].

If you file and serve a written objection stating the specific ground or grounds on which your objection is based within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file a proper written objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

(3) Be filed with a proposed form of order granting the relief sought, a copy of which shall also be served with the motion, objection or other matter. In addition to any other requirements, the proposed form of order shall recite that:

(A) The motion, objection, or other matter, together with the proposed form of order, was served upon all interested parties with the negative notice legend informing the parties of their opportunity to object within 20 (or other) days of the date of service;

(B) No party filed a written objection stating a specific ground or grounds on which the objection is based within the time permitted; and

(C) The court therefore considers the matter to be unopposed.

(4) The number of days in which parties may object that is placed in the negative notice legend shall be 20 days except:

(A) In the case of motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Fed. R. Bankr. P. 4001(d), the time shall be 15 days;

(B) In the case of objections to proofs of claim pursuant to Fed. R. Bankr. P. 3007, the time shall be 30 days;

(C) In the case of disclosure statements filed pursuant to Fed. R. Bankr. P. 3016(c), the time shall be 25 days.

(c) In the event a party in interest files a written objection stating the specific ground or grounds on which the objection is based within the time permitted in the negative notice legend, the court will schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(d) In the event no party in interest files a written objection stating the specific ground or grounds on which the objection is based within the time permitted in the negative notice legend as computed under Fed- R. Bankr. P. 9006(a) and (f), the court will consider the matter in chambers without further notice or hearing upon the proposed form of order granting the relief submitted by the movant after the expiration of the applicable time period for response or objection.

(e) Nothing in this rule is intended to preclude the court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

**Local Bankruptcy Rule 9009-1**  
**OFFICIAL FORMS**

The Court may from time to time promulgate forms that shall be known as Local Bankruptcy Forms. As consistent with applicable law, the Court may make use of these forms by parties and applicants mandatory.

**Local Bankruptcy Rule 9029-1**  
**LOCAL RULES - GENERAL**

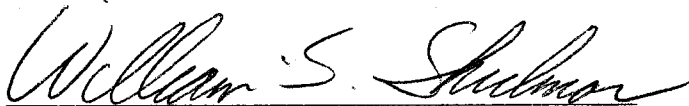
(a) These rules govern practice and procedure in all cases and proceedings in the United States Bankruptcy Court for the Southern District of Alabama in accordance with section 105(a) of the Bankruptcy Code and Fed. R. Bankr. P. 9029.

(b) These rules apply generally to all bankruptcy cases and proceedings. Upon application of a party in interest and for good cause shown, the court may excuse a party in interest from compliance with a requirement of these rules provided compliance with such requirement is not both separately mandated by the Federal Rules of Bankruptcy Procedure and outside the discretion of the court to excuse under the Federal Rules of Bankruptcy Procedure.

(c) These rules shall be interpreted in all circumstances to maintain their consistency with all acts of Congress and the Federal Rules of Bankruptcy Procedure and to avoid prohibition or limitation of the use of the Official Forms. In all cases not provided for by these Local Bankruptcy Rules or the Federal Rules of Bankruptcy Procedure, the court may regulate its practice in any manner not inconsistent with these rules or the Federal Rules of Bankruptcy Procedure.

(d) These rules supersede and rescind all local rules and general orders entered prior to the effective date of these rules except those local general orders subsequently ratified and renumbered by this court upon adoption of these Local Bankruptcy Rules.

Date: *April 20, 2009*



William S. Shulman  
Chief U.S. Bankruptcy Judge



Margaret A. Mahoney  
Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

_____	*	
<b>Debtor(s).</b>	*	
_____	*	<b>Bankruptcy Case No.</b> _____
<b>Movant.</b>	*	
_____	*	
<b>Name of Creditor or Claimant</b>	*	
<b>(if different from Movant)</b>	*	

**FACT SUMMARY FOR MOTION FOR RELIEF FROM AUTOMATIC STAY  
TO FORECLOSE SECURITY AND LEASEHOLD INTERESTS  
IN CHAPTER 7 AND CHAPTER 13 CASES**

Date and Type of Loan/Credit Transaction: \_\_\_\_\_ and \_\_\_\_\_  
 Type of Collateral: \_\_\_\_\_ Monthly Payment: \_\_\_\_\_  
 Amount Financed: \_\_\_\_\_ APR or Interest Rate: \_\_\_\_\_  
 Term of Loan: \_\_\_\_\_ Months or \_\_\_\_\_ Years  
 Payoff Amount: \_\_\_\_\_ As of \_\_\_\_\_  
 Value of Collateral: \_\_\_\_\_ Method of Valuation: \_\_\_\_\_

**Delinquent Pre-Petition Payments:**  
 What Month(s)? \_\_\_\_\_  
 Amount: \_\_\_\_\_  
 Claim Filed: \_\_\_\_\_ Yes or \_\_\_\_\_ No  
 Date Claim Filed: \_\_\_\_\_

**Delinquent Post-Petition Payments:**  
 What Month(s)? \_\_\_\_\_  
 Amount: \_\_\_\_\_  
 Claim Filed: \_\_\_\_\_ Yes or \_\_\_\_\_ No  
 Date Claim Filed: \_\_\_\_\_  
 Other Charges & Costs (itemize) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount & Number of Post-Petition Payments Received: \_\_\_\_\_ and \_\_\_\_\_  
 Amount held in Suspense: \_\_\_\_\_

If Lease, Lease Expiration Date: \_\_\_\_\_  
 If Terminated, Lease Termination Date: \_\_\_\_\_

Does Creditor have Proof of Insurance in force: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

Prior Stay Order(s) Involving Movant including Current Case: \_\_\_\_\_ Yes \_\_\_\_\_ No  
 If yes, give case number(s) and date(s) of order(s)  
 Case No.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Case No.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Case No.: \_\_\_\_\_ Date: \_\_\_\_\_

Date: \_\_\_\_\_ Submitted by: \_\_\_\_\_  
 (Signature)