

August 16, 2012

Agenda:

Application of Allowance of Fees from Chapter 13

Go Live on 5.0 August 25, 2012 – The CM/ECF system will be shutdown at 3:00 PM CST on August 24, 2012 to prepare for the installation of CM/ECF 5.0. The system will be operational at 1:00 PM CST if no issues are encountered during the installation process.

Proposed New General Order 9 - Re: Claims

Amendment to LBR 5005-1

ELECTRONIC FILING OF CLAIMS

(a). Electronic Filing of Claims. Entities that file 15 or more proofs of claim during any 12-month period shall file the claims electronically or obtain a Judicial Waiver. Attorneys who file claims for themselves, their firms, or on behalf of any other entity shall file all claims electronically regardless of number. If paper claims are filed in violation of this Rule without a Judicial Waiver, the Court shall consider striking the documents.

New Events in CM/ECF

Extend Time to File Reaffirmation - *The Event will prevent the filing of a reaffirmation in case that has been discharged.*

Reopen and Set Aside the Discharge - *(Primarily for Reaffirmations)*

New Digit Assignment Contacts in Clerk's Office – 251-441-5391

All Cases Ending in 0 & 05, 15, 25, 35, 45	Linda Denny	x 4125
All Cases Ending in 1 & 55, 65, 75, 85, 95	Rachel Holmes	x 4107
All Cases Ending in 2 & 7, 17, 27	Karen Folds	x 4141
All Cases Ending in 3 & 37, 47, 57, 67	Florence McShane	x 4145
All Cases Ending in 4 & 77, 87, 97	Pauline Heffernan	x 4110
All Cases Ending in 6 & 8, 18, 28, 38, 48	Toni Williams	x 4105
All Cases Ending in 9 & 58, 68, 78, 88, 98	Velda Nixon	x 4123

Other Miscellaneous Items

Motions Granted that could affect Schedules D, E, or F

For Example Motion to Amend Schedules or add creditor - If granted new language is being added to the orders that will require a granted amendment to be filed within 14 days and pay the appropriate fee. If the amendments are not filed within 14 days and the fee has not been paid, the clerk's office has been instructed to set a Show Cause hearing.

Negative Notice 9007-1

Note: that the attached list of Negative Notice items are from the Current Local Rules - December 1, 2009. The Highlighted area next to a negative notice is the judge's instructions to the clerk's office of when to automatically set a negative notice item for hearing. You may save yourself some time by not filing the exceptions Or Items 12 & 15 as Negative Notice as they will be set for hearing. When the local rules are updated these changes will appear in the new local rules.

Future Best Practice Forum Dates in Mobile:

November 1, 2012 - ALSB Quarterly Best Practice Forum - Courtroom 2

- (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), **except in chapter 13 cases.**
- (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), **except in chapter 13 cases.**
- (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), **except by chapter 7 trustees when the notice or motion is filed in conjunction with the Final Report.**
- (5) Motions to approve compromises or settlements pursuant to Fed. R. Bankr. P. 9019(a), **except in chapter 13 cases.**
- (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, **except in chapter 11 cases.**
- (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 **by the chapter 13 trustee** 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, **if the reopening fee is paid when the motion is filed.**
- ~~(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, **except by chapter 7 trustees when the motion is filed in conjunction with the Final Report.**
- (20) Motion for Discharge for Chp 12 & 13 and Debtor's Certifications Regarding Domestic Support Obligations.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

LOCAL GENERAL ORDER NO. 9

Amendment to LBR 5005-1

ELECTRONIC FILING OF CLAIMS

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Considering the foregoing, it is HEREBY ORDERED that this rule is adopted effective as of October 1, 2012.

Dated: _____

MARGARET A. MAHONEY
CHIEF U.S. BANKRUPTCY JUDGE

WILLIAM S. SHULMAN
U.S. BANKRUPTCY JUDGE