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**	**x4145**
All Cases Ending in 4 & 77, 87, 97	**Pauline Heffernan**	**x4110**
All Cases Ending in 6 & 8, 18, 28, 38, 48	**Toni Williams**	**x4105**
All Cases Ending in 9 & 58, 68, 78, 88, 98	**Velda Nixon**	**x4123**

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 13 cases.
(8) Motions to extend the time for filing claims pursuant to Fed R. Banff. 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 madeunder a plan in a chapter 13 case.
(15) Motions to reopen cases pursuant to section 350, [redacted].
~~(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 notice or 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

(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.

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

NOTICE

TO:

RE: The Filing of Paper Proofs of Claim

You have filed a Proof of Claim in this case that was sent to the court in paper form. This court is operating under the Electronic Case Filing system. We receive more than 15 claims per year from you and therefore, it is mandatory that you file all claims through the electronic system. You should make immediate arrangements to obtain a login and password so that future claims can be filed electronically. You can find the instructions for obtaining a login and password from the court web page at www.alsb.uscourts.gov. Failure to file future claims according to the court policy may result in the claims in this or any other cases being stricken by the court. If you intend to file additional documents prior to securing a login, you must request and obtain a Judicial Waiver from the court.

If you have any questions on this matter, do not hesitate to call me.

To _____regarding paper claim filed.

FINAL NOTICE

TO:

FROM: United States Bankruptcy Court, Southern District of Alabama

RE: **The Striking of Paper Proofs of Claim**

You have been advised by this court that paper claims should not be filed by you or on your behalf. This court is operating under the Electronic Case Filing system and it has been determined that the court receives more than 15* claims per year from you. It is mandatory that you file all claims through the electronic system. This Notice is being sent to this office in the event you did not receive notification of the need to file electronic claims.

You have 20 days from the date of this notice to obtain a login and password so that all future claims can be filed electronically. After the 20 days, any claims filed that are not in compliance with the court policy may result in the claims being stricken by the court without further notice or hearing. If the claim is stricken, there will not be an allowed claim for you in the case.

If you feel you received this notice in error, you must contact the under-signed within the next 20 days. For information on how to obtain a login and password, visit www.alsb.uscourts.gov.

Date:

_____

Leonard N. Maldonado
Clerk of Court

*15 Claim limit was adopted effective October 1, 2012

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

IN RE: CHAPTER 13

DEBTOR(S) CASE NUMBER

ORDER STRIKING CLAIM OF _____

It appearing to the Court that on [ ], claimant [ ]was notified by the clerk that all claims not filed electronically may be subject to being stricken pursuant to this Court's Local General Order 9 that establishes mandatory electronic filing procedure. And it further appearing that a claim was filed by [ ] on [ ] and was not docketed in the case by the claimant electronically. And it further appearing that the claim number [ ] should be stricken from this case.

IT IS THEREFORE ORDERED that claim number [ ] filed by [ ] is hereby stricken from the case.

IT IS FURTHER ORDERED that [ ] shall be allowed 60 days from the date of this order to re-file the claim provided it is re-filed in electronic form in accordance with this Court's Policies. Any such re-filed claim shall be deemed allowed as timely filed not withstanding the expiration of any bar date to file claims. [ ] is also entitled to request a Judicial Waiver from the requirements of this Court's rule of mandatory electronic filing by filing a written request for waiver with the Clerk of Court.