

Important Information from the U.S. Bankruptcy Court, Southern District of Alabama

Upcoming Chapter 13 changes. Judges Oldshue and Callaway plan to deconsolidate the Chapter 13 341 meeting and confirmation hearings for cases filed on or after September 1, 2018. Training sessions on the new procedures will be held in Mobile in courtroom 2 at 2:30 p.m. on the following Thursday afternoons: July 26, August 2, and August 9. Training sessions will be held in the Selma courtroom at 10 a.m. immediately after the regular Thursday dockets on July 19 and August 23. All attorneys are strongly encouraged to attend and to bring their staff who need this information. The draft rules and forms will be made available on the court website and at the training sessions. The only new form for debtors is a “final plan summary” which debtors will file as a private event after the confirmation hearing. There are no new forms for creditors, but objections to confirmation will have to be filed 7 days before the confirmation hearing (not the 341). Please contact Babette Adams in the Chapter 13 trustee’s office at (251) 438-4615 x 1113, email badams@ch13mob.com, to reserve a training session spot.

“Consent” motions for relief from stay. In order to better comply with Bankruptcy Rule 4001, the judges have slightly modified the “consent” stay relief filing events. Under the judicial council fee schedules, no filing fee is required for (1) a motion for relief from the co-debtor stay under section 1301; (2) a motion for relief from stay by a DSO creditor or representative; or (3) motion for approval of an agreement as to relief from stay. The court has eliminated the old “consent motion for relief from stay” and created an event which can be used only in Chapter 7’s called “Joint Motion for Approval of Agreement to Lift Stay in a Chapter 7 Case” with wet or electronic signatures on behalf of the creditor, debtor, and Chapter 7 trustee. The event won’t require a fee, and the creditor can send a proposed order to chambers without a hearing, affidavit, or fact summary. There will not be a corresponding event in Chapter 13’s, and all motions for relief from stay in 13’s except those to pursue a divorce will be set for hearing.

Bankruptcy section lunch meeting on July 18th. The bankruptcy section of the Mobile Bar and the court will host a luncheon for attorneys, trustees, and judges at noon on Wednesday, July 18th, in the 2nd floor conference room of the Probation Office at 201 St. Michael Street. Lunch will be available for attendees who RSVP. Lunch menu from Moe's Barbecue: pulled pork, smoked chicken, potato salad, cucumber and tomato salad, bun/cornbread, broccoli and cheese casserole, banana pudding, Oreo chocolate pudding, sweet and unsweetened tea, and lemonade. The cost of the event will be \$17 per person. Checks should be made out to Andrea Redmon. Please RSVP and state if you prefer pork or chicken so that we can order the appropriate amounts. If you have an item for the agenda, please contact section chair Kent McPhail at 251-438-2333. 1 hour CLE credit will be offered.

You can RSVP in person at the bankruptcy court intake counter or call 251-441-5391 and ask to be placed on the list of attendees. Reservations should be made no later than 10:00 am Monday, July 16th.

Thanks,

Andrea D. Redmon
Clerk of Court
United States Bankruptcy Court, Southern District of Alabama
251-436-5403