

Fourth Quarterly Best Practice Meeting November 1, 2012 at Noon - Courtroom 2

Agenda:

WiFi in the Court

Case Up Load – Changes

Documents that do not need the case number if docketed with Case Upload

Request for Wage Order

Plan

B21

Training for New Filers

Rules Published for Comment – Period Closes February 15, 2013

238 Page Document

Bankruptcy Rules 1014, 7004, 7008, 7012,

7016, 7054, 8001-8028,

9023, 9024, 9027, and

9033, and Official Forms

3A, 3B, 6I, 6J, 22A-1, 22A-2,

22B, 22C-1, and 22C-2

One Proposed Amendment is to Rule 7004(e) – reducing from 14 to 7 days the time which a party may serve a summons after its issuance. (Bankruptcy Rules calculate the defendant's time to respond from the date a summons is issued and not the date it is served). The change is intended to reduce the likelihood that a defendant will have inadequate time to respond.

Effective with the Filing of New Cases on or after November 1, 2012

Median Family Income Data Change for Means Testing

General Order 9 – Striking Claims

Flagging Cases as a Repeat Filer – 8 years all chapters

Flagging Cases with a Previous Discharge - 8 years all chapters

Effective with Filing of New Chapter 11 on November 21, 2012

Fee Increase \$1,213.00

Effective with the Filing of New Cases on or after December 1, 2012

Official Form Changes – 7, 9A-9I, 10 & 21

Orders Conditionally Granting Paying Filing Fees in Installments

Second Amended General Order 1 – Filing Pay Advices and Tax Returns in CM/ECF

General Order 10 – Negative Notice Motion to Determine Final Cure Payment

Noticing by Court of Original Plan ONLY

Size of Plan

Certificate of Service – via the US POSTAL SERVICE

Cumulative Statement of Amendment – MUST Accompany the amendment to the petition, list, schedule, or statement – describing the specific amendment being made.

Notice of Amended Schedules (not D,E, or F- Post Conditional Confirmation)

CaseUpload - (Used by EasyFiling / Best Case and other bankruptcy prep packages) has a number of additions making case opening less time consuming. You can also use CaseUpload – Manually.

You may file the **Plan, the Request for Wage Order, and the Application of Initial Debtor Attorney's Fees, without a case number** as long as they are filed **with** CaseUpload. If you file these documents *after CaseUpload* they must include a case number.

You may file the B21 – with CaseUpload. It will be docketed as a private restricted event.

You may file private documents as a Filer Agent.

Currently, to docket the Certification of Payment Advices and the Certification of Tax Returns which are docket text only events with CaseUpload you must attach a blank pdf document or any pdf document of your choice for the event to docket. The attached document will not actually go into the case. It is merely used to make the CaseUpload feature docket the text only entry.

Beginning December 1, 2012 – You will NO LONGER email the tax documents or pay advices to the trustee. Instead you will upload these documents into CM/ECF. The Certification Event will be changed to receive the REDACTED documents in ECF. YOU MUST REDACT the tax returns and pay advices in the event copies are requested from the trustee. (The submission will be handled in the Second Amendment to GENERAL ORDER 1 – Filing Pay Advices and Tax Returns.

File a New Bankruptcy Case

Case information

c:\Debtor.txt

Petition

c:\Petition.pdf

List of creditors

c:\Creditor.txt

Request for Wage Order

c:\Request for Wage Order.pdf

Chapter 13 Only - Application for Initial Debtor Attorney Fees

c:\Chapter 13 Only.pdf

Certification of Submission of Payment Advices to Trustee

c:\Use any pdf document - It will NOT actually be uploaded. Blank.pdf

Certification of Submission of Tax Documents to Trustee

c:\Use any pdf document - It will NOT actually be uploaded. Blank.pdf

Chapter 13 Plan

c:\Chapter 13 Only.pdf

Certificate of Credit Counseling for Debtor

c:\Debtor Credit Counseling.pdf

Certificate of Credit Counseling for Joint Debtor

c:\Joint Debtor Credit Counseling.pdf

Form B21 Social Security Number or other Individual Taxpayer-Identification Number

c:\B21 PRIVATE ENTRY.pdf

New Forms - Effective December 1, 2012. Attached are examples of the forms covered in the Best Practice meeting. Highlighting the changes made to the forms.

Note: B10 – Claim Form that a creditor's authorized agent no longer needs to attach the power of attorney with the claim form. In addition, documentation is now required for claims based on an open- and or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence.

Examples attached: 9A, B10 and B21

Other forms that are changing not discussed – B7, 9B – 9I.

The Court's website has a link to the current forms (National Forms) and the pending forms (National Forms Effective December 1, 2012)

[Home](#)

Forms

[National Forms](#)

Official court forms approved by the Judicial Conference of the United States for use in all District Court/Bankruptcy Courts.

[National Forms Effective December 1, 2012](#)

The following amendments to the Official Bankruptcy Forms will take effect on **December 1, 2012**

EXPLANATIONS

B9A (Official Form 9A) (12/12)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must file a complaint -- or a motion if you assert the discharge should be denied under § 727(a)(8) or (a)(9) -- in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		PROOF OF CLAIM
Name of Debtor: _____		Case Number: _____
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): _____		COURT USE ONLY
Name and address where notices should be sent: _____ Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): _____ Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: _____ (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: _____	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		Amount entitled to priority: \$ _____
*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

- I am the creditor. I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: _____

Title: _____

Company: _____

Address and telephone number (if different from notice address above): _____

(Signature)

(Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

Do not file this form as part of the public case file. This form must be submitted separately and must not be included in the court's public electronic records. Please consult local court procedures for submission requirements.

United States Bankruptcy Court

_____ District Of _____

In re _____,)
 [Set forth here all names including married, maiden,)
 and trade names used by debtor within last 8 years])
)
 Debtor) Case No. _____
 Address _____)
 _____) Chapter _____
)
 Last four digits of Social-Security or Individual Taxpayer-)
 Identification (ITIN) No(s), (if any): _____)
 _____)
 Employer Tax-Identification (EIN) No(s), (if any): _____)
 _____)

STATEMENT OF SOCIAL-SECURITY NUMBER(S)

(or other Individual Taxpayer-Identification Number(s) (ITIN(s)))

1. Name of Debtor (Last, First, Middle): _____
(Check the appropriate box and, if applicable, provide the required information.)

- Debtor has a Social-Security Number and it is: _____
(If more than one, state all.)
- Debtor does not have a Social-Security Number but has an Individual Taxpayer-Identification Number (ITIN), and it is: _____
(If more than one, state all.)
- Debtor does not have either a Social-Security Number or an Individual Taxpayer-Identification Number (ITIN).

2. Name of Joint Debtor (Last, First, Middle): _____
(Check the appropriate box and, if applicable, provide the required information.)

- Joint Debtor has a Social-Security Number and it is: _____
(If more than one, state all.)
- Joint Debtor does not have a Social-Security Number but has an Individual Taxpayer-Identification Number (ITIN) and it is: _____
(If more than one, state all.)
- Joint Debtor does not have either a Social-Security Number or an Individual Taxpayer-Identification Number (ITIN).

I declare under penalty of perjury that the foregoing is true and correct.

X _____ Date
 Signature of Debtor

X _____ Date
 Signature of Joint Debtor

****Joint debtors must provide information for both spouses.***

Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.

National Proposed Amendments for Public Comment

On August 15, 2012, the public comment period opens for proposed amendments to Appellate Rule 6; Bankruptcy Rules 1014(b), 7004(e), 7008, 7012, 7016, 7054, 8001-8028, 9023, 9024, 9027, and 9033, and Official Forms 3A, 3B, 6I, 6J, 22A-1, 22A-2, 22B, 22C-1, and 22C-2; Criminal Rules 5(d) and 58; and Evidence Rules 801(d)(1)(B) and 803(6)-(8).

The ALSB website has a link to the 238 page document on the proposed Amendments for Public Comment. In the Best Practice Forum the Clerk mentioned one proposed amendment to Rule 7004(e) reducing from 14 to 7 days the time which a party may serve a summons after its issuance.

Local Rules and Orders

Local Rules and General Orders for the U.S. Bankruptcy Court Southern District of Alabama.

National Proposed Amendments for Public Comment

The Judicial Conference Advisory Committees on Appellate, Bankruptcy, Criminal, and Evidence Rules have proposed amendments to their respective rules and requested that the proposals be circulated to the bench, bar, and public for comment.

The following rules were approved for publication by the Judicial Conference Committee on Rules of Practice and Procedure on June 11, 2012. The public comment period opens August 15, 2012, and closes February 15, 2013.

Two General Orders for comment

Second Amended General Order 1 – Allowing for the submission of pay advices and tax returns in CM/ECF instead of emailing the documents to the trustee.

General Order 10 – Negative Notice Motion to Determine Final Cure Payment

We set a number of the Notice of Final Cure of Mortgage Payments for hearing today in order to let attorneys know how we will be handling them in the future.

The notice from the trustee triggers a requirement for the mortgage creditor to respond to the notice. As we read Bankruptcy Rule 3002.1, there is no provision for an order to be entered solely upon a statement by the creditor that the creditor agrees there is no default without a motion.

If the creditor states that there is a default, then a hearing and an order determining the correct arrearage amount will be required. We will set those matters for hearing within the 21 day period required by the Rule.

If the creditor states that there is no default, the rule can be read to allow a debtor to file a motion to determine whether there is a cure and get an order stating that there is no arrearage owed. The rule, at 3002.1, paragraph (h) states only that the court can determine whether the debtor has cured any default and paid all required post-petition amounts upon motion of the debtor or trustee. It does not say that such a motion may only be filed if there is a dispute about whether the arrearage has been paid.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

Second Amended LOCAL GENERAL ORDER NO. 1

1. Local Bankruptcy Rule 1007(b)-1 is amended as follows:

(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 filed with the court via the appropriate restricted entry in CM/ECF unless otherwise ordered. The advices shall be filed at least seven (7) days prior to the meeting of creditors in appropriate chapter 7, 11, 12 and 13 cases. Debtors shall also file any tax returns (or transcripts, if applicable) required under applicable law for the most recent tax year ending immediately before the commencement of the case for which a tax return was filed with the court via the appropriate restricted entry in CM/ECF unless otherwise ordered. Creditors may request copies of payment advices or other evidence of payment from the debtor and may request copies of tax returns from the debtor and any request shall be considered timely if received at least fourteen (14) days before the first date set for the meeting of creditors.

2. This order is effective for all payment advices and tax returns filed on or after December 1, 2012.

Dated: _____

MARGARET A. MAHONEY
CHIEF U.S. BANKRUPTCY JUDGE

WILLIAM S. SHULMAN
U.S. BANKRUPTCY JUDGE

*To change the submission of pay advices and tax returns via email to the trustee to filing with the court via a secured restricted entry in CM/ECF.

Court policy regarding Notices of Final Cure:

1. If a debtor or the trustee does not file a motion to determine whether an arrearage has been paid, the court will NOT issue any order so determining nor set the matter for hearing.
2. If a debtor or the trustee files such a motion, the court will issue an order stating that the arrearage has been cured as stated in the trustee's notice of final cure. In essence, we are saying we will issue comfort orders to debtors. The motions must be noticed to the affected creditor and the trustee.
3. As of now, such motions will be set for hearing because the motions are not listed in our Local Rule 9007-1 that allows for certain motions to be done on negative notice. However, we will shortly be amending (December 1, 2012- General Order 10) the Local Rule by General Order to include Motions to Determine Final Cure as Negative Notice Motions. When that General Order is effective, such motions will be able to be noticed and an order entered without a hearing so long as there is no objection filed.
4. If the creditor responds to the trustee or debtor's notice of final cure that an arrearage remains, those disputes will be set for hearing in all cases.

Noticing / Cumulative Statement / Certificate of Service:

Noticing Costs – ALSB is second among 94 districts in the highest noticing costs. The average cost of per case is \$62.24. We must bring noticing costs down.

Beginning December 1, 2012 the Clerk's office will no longer mail ANY AMENDED PLAN. The will only mail the original plan. Noticing of an amended plan will be the responsibility of the filer. The filer should include with the filing of the amended plan proof of Certificate of Service.

The clerk's office will no longer be sending Notices to Correct when filers mention that service was given electronically and/or if all parties who required service are not listed. The judges will handle Certificate of Service issues in court from now on when service is in question.

It was stressed in the meeting that filers should not rely on ECF for service. Creditors *not represented by an attorney* do not receive ANY electronic notification (NEF) even when they file a request for service. **ONLY attorneys** (debtor and creditor) can receive electronic notification of events (Motions, Orders, Notices, Misc). The court does not mail via Bankruptcy Noticing Center any motion with the exception of the Negative Notice Motion - **Certifications Re: Domestic Support Obligations and Section 522(q) - LBF283**

Cumulative Statement – Local Rule 1009-1 (c) – *A cumulative statement **MUST** accompany **ALL amendments** to the petition, list, schedule, or statement.* The cumulative statement is always required. The Notice of Amendment to Schedules is only required when the debtor or debtor's attorney amends any schedule to include an additional creditor.

Chapter 13 – Amended Schedules Post Conditional Confirmation – In an effort to assist the 13 Trustee the Clerk's office placed logic on the Amended Schedule event that did not allow the event to be docketed post-conditional confirmation unless a motion had been filed first. Unfortunately, not all amendments to the schedules require a motion. Only amendments to D, E, or F post-conditional confirmation require a motion. This caused some confusion. We apologize. Unfortunately, the end result was still needed. To make the process easier the clerk's office changed the logic on the Amended Schedule event to allow either the filing of a Motion to Amend Schedules Post-Conditional Confirmation or a Notice of Amended Schedules Post-Conditional Confirmation (Not D, E, or F) to be file in advance of the Amended Schedules event. Filing either event first will allow the filer to file Amended Schedules. – This is **ONLY REQUIRED POST-CONDITIONAL CONFIRMATION** in CHAPTER 13.

The Notice of Amended Schedules – An example of the Notice Follows.

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

In Re:

Debtor Name
Debtor Address

*
*
*
*
*
*

Case No. ##-#### JUDGE INITIALS

Chapter 13

Notice of Amended Schedules

Comes Now the Debtor in the above captioned case and amends schedules as follows:

SUMMARY OF SCHEDULES, SCHEDULES I and J AND DECLARATION

Amended Schedule I to reflect current income.

Amended Schedule J to reflect current expenditures.

I, the Debtor in the above matter, certify under penalty of perjury that I have read the foregoing amendment to schedules attached hereto, and that it is true and correct to the best of my knowledge, information and belief.

Dated: _____

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF ALABAMA

LOCAL GENERAL ORDER 10

Amendment of Local Bankruptcy Rule 9007-1

IT IS ORDERED that Local Bankruptcy Rule 9007-1(a) is amended to clarify paragraphs (a)(2), (a)(3), (a)(4), (a)(5), (a)(7), (a)(14), (a)(15), and (a)(19), and to remove paragraphs (a)(12) and (a)(16), and add paragraph (a)(21), and it will read as follows:

- (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), **except in 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 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 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 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 Final Report.**
- (20) Motion for Discharge for Chapter 12 & 13 and Debtor's Certifications Regarding Domestic Support Obligations.
- (21) **Motions to Determine Final Cure pursuant to Fed. R. Bankr. P. 3002.1.**

This Rule shall be effective December __, 2012.

Dated: _____

MARGARET A. MAHONEY
CHIEF U.S. BANKRUPTCY JUDGE

WILLIAM S. SHULMAN
U.S. BANKRUPTCY JUDGE