UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

LOCAL GENERAL ORDER NO. 10 (Amended)

Amendment of Local Bankruptcy Rule 9007-1 and Local General Order 10

IT IS ORDERED that Local Bankruptcy Rule 9007-1(a) and Local General Order 10 are amended to limit the types of objections to claims which may be handled by negative notice and to re-number the paragraphs so that they 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 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) Notice 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) **based on the following grounds:**

(A) the claim is a duplicate of another claim;

(B) the claim was untimely filed, and the claimant is a creditor whose name and address were accurately shown on the debtor's timely filed schedules and matrix;

(C) the claim is satisfied or excessive as evidenced by a refund of payment from the claimant to the trustee or debtor or written notice from the claimant to the trustee or debtor;

(D) the claim is not entitled to secured status because relief from stay has already been granted as to the collateral or the claimant's lien on the debtor's property was avoided by an order previously entered by this court (copy of order must be attached);

(E) the claim is for an unsecured debt or obligation that was incurred prior to the filing of a prior bankruptcy case in which the debtor received a discharge. The party filing the objection to claim must attach copies of the petition filed in the prior case, the schedule listing the debt or obligation, and the discharge order;

(F) the claim is not entitled to priority status; or

(G) in a chapter 7 case, the collateral securing the claim is not part of the bankruptcy estate or is not being administered by the trustee.

Negative notice objections to claims must substantially follow the local form available on the court's website.

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

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

(14) Motions to reopen cases pursuant to section 350, if the reopening fee is paid when the motion is filed.

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

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

(17) Motions to abandon property pursuant to section 554, except by chapter 7 trustees when the motion is filed in conjunction with Final Report.

(18) Motion for discharge for chapter 12 & 13 and debtor's certification regarding domestic support obligations (Local Form LBF283).

(19) Motions to determine final cure pursuant to Fed. R. Bankr. P. 3002.1.

This order is effective January 1, 2017.

Dated:

HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE

JERRY C. OLDSHUE
U.S. BANKRUPTCY JUDGE