

United States Bankruptcy Court, Southern District of Alabama
Quarterly Bankruptcy Section Meeting, May 5, 2026

1. Section chair Brooke Sanchez
2. Judges Oldshue and Callaway
 - New times for Mobile chapter 13 confirmation dockets starting this month (1:15 HAC, 2:45 JCO)
 - Application to employ special counsel – contract must be attached, may be denied otherwise
 - Reaffirmation agreements – don't sign if it's a bad deal (the judges will not rat you out!).
 - New non-negative notice motions for discharge (see attached forms that are on the website)
 1. One debtor deceased or incapacitated in joint case (verified by other debtor)
 2. Debtor deceased or incapacitated in individual case (not verified – attorney signs)
 - New U.S. Attorney address – U.S. Department of Justice, United States Attorney's Office, Southern District of Alabama, 11 N. Water St., Suite 30100, Mobile, AL 36602
 - New homestead exemption for senior (62 up) and disabled debtors
 - Submitting orders within 14 days
 - Petitions filed without schedules or extension of time
 - Timely filing of LBF283 and financial management certificates
 - Case summaries (attached)
 - Case filings (attached) – YTD chapter 13 filings up 4.69%, chapter 7 up 20.55%, chapter 11 up 71%
 - CLE credit and evaluation survey
3. Andrea Redmon, Clerk of Court
 - National sealed document changes
 - Introduction of remote workers on site this week: Kevin Martel, Melissa Romero, and Becky Nahr
4. Mark Zimlich, Bankruptcy Administrator
5. Chris Conte, Chapter 13 Trustee
 - Modification of cases where debtor is paying less than disposable income
 - Documents to be provided to the trustee relating to the amended homestead exemptions available in June
6. Consumer committee – Burruss Riis
7. Business committee – Jay Watkins
8. Bankruptcy at the Beach, Henderson Beach Resort, May 29-30, 2026
9. Open the floor
10. Next meeting Tuesday, August 11, 2026, jury assembly room, second floor of Federal Courthouse, with Microsoft Teams component.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
) Case No. _____
)
 Debtors.)

MOTION FOR DISCHARGE IN CHAPTER 13 CASE
(ONE DEBTOR DECEASED OR INCAPACITATED IN A JOINT CASE)

Debtor _____ moves for a discharge on behalf of both
debtors and certifies as follows:

Part I. Certification Regarding Domestic Support Obligations (check only one)

Pursuant to 11 U.S.C. § 1328(a), I certify that:

- Neither my deceased/incapacitated co-debtor nor I owed any domestic support obligation when we filed our bankruptcy petition, and neither of us have been required to pay any such obligation since then.
- Either my deceased/incapacitated co-debtor or I am or have been required to pay a domestic support obligation. We have paid all such amounts that our chapter 13 plan required us to pay. We have also paid all such amounts that became due between the filing of our bankruptcy petition and today.

If you checked the second box and a debtor is currently required to pay a domestic support obligation, you must provide the information below:

Debtor's current address: _____

Debtor's current employer and the employer's address: _____

Part II. Certification Regarding Section 522(q) (check only one)

Pursuant to 11 U.S.C. § 1328(h), I certify that:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
) Case No. _____
)
Debtor,)

MOTION FOR DISCHARGE IN CHAPTER 13 CASE
(DEBTOR DECEASED OR INCAPACITATED IN AN INDIVIDUAL CASE)

The undersigned attorney moves for a discharge on behalf of the debtor and shows as follows:

Part I. Domestic Support Obligations (check only one)

- The debtor owed no domestic support obligation when the debtor filed his/her bankruptcy petition, and the debtor has not been required to pay any such obligation since then.
- The debtor has been required to pay a domestic support obligation. The debtor has paid all such amounts that her/his chapter 13 plan required the debtor to pay. The debtor also paid all such amounts that became due between the filing of the bankruptcy petition and today.

If the second box is checked and the debtor is alive, provide the information below:

The debtor's current address: _____

The debtor's current employer and the employer's address: _____

Part II. Section 522(q) (check only one)

- The debtor has not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that the debtor or a dependent of the debtor uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$214,000* in value in the aggregate.
- The debtor has claimed an exemption in property pursuant to § 522(b)(3) and state or local law (1) that the debtor or a dependent of the debtor uses as a residence, claims

as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$214,000* in value in the aggregate.

**Amounts are subject to adjustment on 4/1/2028 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

Part III. Financial management course

The debtor filed a certificate of financial management or, if not, the undersigned has filed a motion for exemption from financial management course.

Part IV. Debtor's circumstances (check one)

- The debtor is deceased. Date of death: _____
- The debtor is incapacitated and cannot certify to the facts alleged in this motion.

Describe the debtor's incapacity: _____

Part V. Signature of Attorney

Date: _____

Attorney for the Debtor

Recent Decisions of the Bankruptcy Court of the Southern District of Alabama

Updated April 21, 2026

The following case summaries are intended solely to assist the bankruptcy bar in identifying cases with pertinent issues and facts. These summaries might not include or reflect any subsequent case history or appeals. It is the user's responsibility to examine the full opinion to determine the court's holding. Later changes in the bankruptcy code or state law may also render cases obsolete.

498. In re Sciple, Case No. 25-20279 (HAC) April 14, 2026

The word "seal" after a debtor's signature is not enough by itself to create a contract under seal under Alabama law. The 10-year statute of limitations of Alabama Code § 6-2-33 for contracts under seal thus did not apply to a promissory note that had matured more than six years before the bankruptcy.

497. In re Curry, Case No. 25-13286 (HAC) April 10, 2026

A married debtor must report a non-filing spouse's income on the chapter 7 means test even if the non-filing spouse does not contribute to household expenses.

496. In re Wood, Case No. 1:25-cv-435-TFM-B (S.D. Ala. Apr. 7, 2026), on appeal from Case No. 25-12000 (HAC)

The debtor appealed the bankruptcy court's order granting a creditor relief from stay. While the appeal was pending, the bankruptcy court granted the chapter 13 trustee's motion to dismiss the case for failure to make plan payments. The district court thus dismissed the debtor's appeal as moot.

495. In re Moore, Case No. 18-4074 (HAC) March 23, 2026

A creditor argued that a chapter 13 debtor was not entitled to a discharge because she was in postpetition mortgage arrears. The court found that postpetition mortgage payments paid directly by a debtor are not "payments under the plan" under Bankruptcy Code § 1328 and that a debtor's failure to make such payments standing alone does not merit denial of a debtor's discharge.

494. In re Nicholson, Case No. 25-10937 (JCO) March 6, 2026

The court denied the debtor's motion to vacate the notice of termination of automatic stay under the plain language of the conditional denial order. The order required the cure amount to be received by the twentieth day from the date the notice was issued, and the debtor was not entitled to an extra three days for service by mail under Bankruptcy Rule 9006(f).

493. Owens v. Midland National Life Insurance Company, AP No. 25-1007 (HAC) February 25, 2026

The chapter 7 trustee executed a broad release in favor of the debtor in settlement of pending federal court litigation. But the trustee contended that the release did not cover

insurance commissions due to the debtor and his company because they were not contemplated by the release and she had not abandoned them. The court analyzed Alabama law governing releases and found that a general release signed by the trustee naming the debtor as a released party was unambiguous and included any right that the trustee had to insurance commissions owed to the debtor. The court also found that the debtor's single-member LLC was an affiliate of the debtor under the Bankruptcy Code and Alabama's Business Code. Thus the general release of affiliates also included any right that the trustee had to insurance commissions owed to the LLC. The trustee did not have to comply with the formal abandonment requirements of the Bankruptcy Code and Rules because the claims at issue were part of a settlement which was noticed to all creditors and approved by the court after a hearing.

492. In re Taylor, Case No. 22-12688 (JCO) February 18, 2026

The court sustained the debtor's objection to a creditor's late-filed proof of claim. Service on the attorney who represented the creditor in a prepetition state court proceeding did not meet the requirements of Rule 1007. However, the creditor knew of the bankruptcy before the claims bar date but did not file a proof of claim until two years later.

491. In re Nichols, No. 25-12469 (HAC) February 18, 2026

A creditor timely filed a proof of claim based on a purchase-money security interest in an ATV. The debtor objected to the claim and asked the court to reclassify the claim as unsecured because the creditor's financing statement lapsed before the debtor filed for bankruptcy. The court overruled the objection and allowed the claim as filed because the creditor's security interest in the ATV was automatically perfected when the debtor purchased the ATV. Under Alabama Code § 7-9A-515(c), a creditor does not lose its already-perfected purchase-money security interest in consumer goods when it elects to file a financing statement and the financing statement then lapses.

490. In re Breland, AP No. 25-1036 (JCO) February 5, 2026

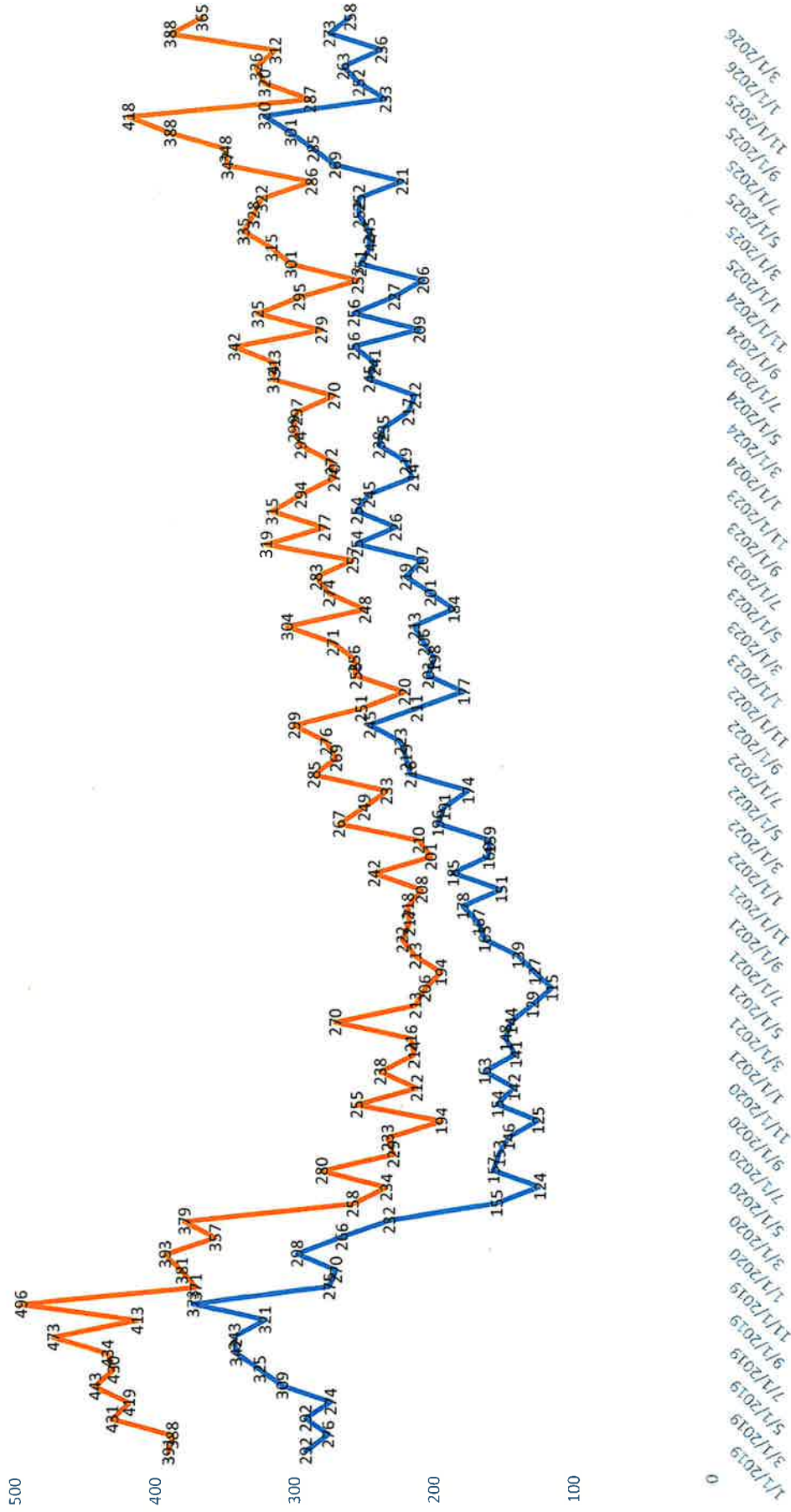
The court abstained from hearing an action removed from state court because (1) bankruptcy courts have limited jurisdiction; (2) the allegations did not arise under the provisions of Title 11; (3) the claims were essentially postpetition, postconfirmation state law claims based on alleged breach of contract by a non-debtor third party; (4) the claims did not involve substantive rights created by bankruptcy law; and (5) since the underlying bankruptcy was complete, the outcome of the proceeding would not have any effect on the estate.

489. Bay Enterprises Inc. v. Tucker, AP No. 25-1022 (JCO) December 5, 2025

The court granted the debtor's motion to dismiss a § 523 adversary proceeding. Even construing the facts most favorably to plaintiff, the allegations did not support a plausible claim under § 523(a)(4) because (1) the debt arose from an extension of credit; (2) nothing in the record suggested that the relationship between the parties was more than debtor/creditor; (3) the lien waivers (which the plaintiff alleged created a constructive trust) were delivered *after* the creation of the debt; (4) there was no allegation of any written or technical trust; and (5) there

Monthly bankruptcy filings in the Southern District of Alabama since January 2019

600



13's Total filings

100

Jennifer Morgan

From: reports@alsb.uscourts.gov
Sent: Friday, May 1, 2026 4:34 AM
To: ALSB_Clerk; Henry Callaway; Jerry Oldshue; Jennifer Morgan; Melissa Romero; ALSB IT
Subject: April 2025-2026 Statistical Report For Bankruptcy Cases
Attachments: Stats_04302026_report.pdf

April 2025-2026 Statistical Report For Bankruptcy Cases

2025-2026 YEAR Comparison Report For Bankruptcy Cases

MONTHLY Year To Date Bankruptcy Filings For 2025/2026

Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Totals
2025	302	315	335	328	0	0	0	0	0	0	0	0	1280
2026	326	312	388	365	0	0	0	0	0	0	0	0	1391
Incr/Decr %	7.95%	-0.95%	15.82%	11.28%	0%	0%	0%	0%	0%	0%	0%	0%	8.67%

Chapter 13 Filings 2025/2026

Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Totals
2025	245	244	243	249	0	0	0	0	0	0	0	0	981
2026	261	236	272	258	0	0	0	0	0	0	0	0	1027
Incr/Decr %	6.53%	-3.28%	11.93%	3.61%	0%	0%	0%	0%	0%	0%	0%	0%	4.69%

Chapter 7 Filings 2025/2026

Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Totals
2025	54	69	91	78	0	0	0	0	0	0	0	0	292
2026	63	72	113	104	0	0	0	0	0	0	0	0	352
Incr/Decr %	16.67%	4.35%	24.18%	33.33%	0%	0%	0%	0%	0%	0%	0%	0%	20.55%

Chapter 11 Filings 2025/2026

Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Totals
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2025	3	2	1	1	0	0	0	0	0	0	0	0	7
2026	2	4	3	3	0	0	0	0	0	0	0	0	12
Incr/Decr %	-33.33%	100.00%	200.00%	200.00%	0%	0%	0%	0%	0%	0%	0%	0%	71.43%

Chapter 12 Filings 2025/2026													
Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Totals
2025	0	0	0	0	0	0	0	0	0	0	0	0	0
2026	0	0	0	0	0	0	0	0	0	0	0	0	0
Incr/Decr %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Chapter 9 Filings 2025/2026													
Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Totals
2025	0	0	0	0	0	0	0	0	0	0	0	0	0
2026	0	0	0	0	0	0	0	0	0	0	0	0	0
Incr/Decr %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Year To Date Bankruptcy Cases By Chapter For 2025 / 2026						
Year	Ch. 13	Ch. 7	Ch. 11	Ch. 9	Ch. 12	Total
2025 Filed	981	292	7	0	0	1280
2026 Filed	1027	352	12	0	0	1391
% Diff	4.69%	20.55%	71.43%	0%	0%	8.67%
2025 Closed	879	284	5	0	0	1168
2026 Closed	775	335	11	0	0	1121
% Diff	-11.83%	17.96%	120.00%	0%	0%	-4.02%

2025-2026 MONTHLY Comparison Report For Bankruptcy Cases

Bankruptcy Cases By Chapter For April 2025 / 2026						
Chapter	Ch. 13	Ch. 7	Ch. 11	Ch. 9	Ch. 12	Total