IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

In re:

Revocation of Administrative Order and Revised Procedural and Administrative Matters	))))	Administrative Order No. 05-08 (Eastern Division)

ADMINISTRATIVE ORDER

IT IS HEREBY ORDERED:

The previously issued Administrative Order dated May 4, 2005 which revoked prior Administrative Orders and implemented new procedures is hereby **VACATED** and **SET ASIDE**.

IT IS HEREBY FURTHER ORDERED:

A. DEFICIENT OR INCOMPLETE PETITIONS, LISTS, STATEMENTS, AND SCHEDULES

1. Upon the filing of a voluntary petition for relief under any chapter of the Bankruptcy Code, the debtor must file all documentation required by the Bankruptcy Code, the Bankruptcy Rules, and the local Bankruptcy Rules.

2. In the event the petition is incomplete or fails to comply with the Bankruptcy Code, Bankruptcy Rules, or Local Bankruptcy Rules, the clerk shall provide a deficiency notice to the debtor and the attorney for the debtor accompanied by a notice which will make provision for an opportunity for hearing on the dismissal of the debtor's case for failure to file all required documents timely. The notice shall contain a provision stating that the debtor's case may be dismissed if all required documents are not filed within fifteen (15) days from the date of the filing of the petition. If all documents are filed timely, the hearing on dismissal may be removed from the Court's calendar without further notice.

B. DOCUMENTATION IN COMPOSITION CHAPTER 13 CASES

Within ten (10) days of the filing of a petition for relief under Chapter 13 of the Bankruptcy Code in a case in which the plan proposes to pay less than 100% to unsecured creditors, or within ten (10) days of the filing of a motion to modify the plan in a Chapter 13 case which reduces the proposed distribution to unsecured creditors to be less than 100%, the debtor must provide to the Chapter 13 Trustee and file with the clerk the following additional documentation:

1. The two (2) most recent pay stubs for the debtor and debtor's spouse, even if the debtor's spouse is not a codebtor;
2. All w-2 statements or income tax returns for the last calendar year for the debtor and the debtor's spouse, even if the debtor's spouse is not a codebtor;
3. A recent appraisal or statement from the tax assessor as to the value of each parcel of real estate in which the debtor owns an interest
4. A statement of the equity in any mobile home owned by the debtor.

Before filing these documents, the debtor shall redact all but the last four digits of the social security number and any account numbers, the names of all minor children and the month and date of any birth date. Further these documents shall be filed using the appropriate docket event so this information is protected for privacy purposes pursuant to the Interim Guidelines Regarding Tax Information of the Director of the Administrative Office of the United States Courts. If the debtor fails to properly file the additional documentation at the time of the filing of the plan or the motion to modify, the plan may not be confirmed or the motion to modify may not be granted.

C. MOTIONS TO SUSPEND PAYMENTS, MOTIONS TO REDUCE PAYMENTS, AND MOTIONS TO MODIFY A CONFIRMED PLAN IN A CHAPTER 13 CASE

Except as otherwise directed by the Court, when the following motions are filed, the clerk shall send a notice to the parties to whom notice is properly given advising the party that a motion has been filed and that the party has twenty (20) days from the date of the notice to object to the filed motion and to request a hearing:

1. Motions to Suspend Payments
2. Motions to Reduce Payments
3. Motions to Modify Plan whether included with an Amendment to Schedules or not

If no objection is timely filed, the motion may be granted. The clerk shall set all objections filed for a hearing. The clerk shall not send such a notice on Amendments to Schedules which do not contain a Motion to Modify a Confirmed Plan.

D. PAYMENT OF PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS ON PERSONAL PROPERTY IN CHAPTER 13 CASES

1. The Chapter 13 Plan Summary proposed and filed by the debtor may provide for payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) through the Chapter 13 Trustee.

2. The Chapter 13 Plan Summary proposed and filed by the debtor may provide for payments of pre-confirmation adequate protection payments governed by 11 U.S.C.§ 1326(a)(1)(C).

3. The Chapter 13 Trustee is directed to make the pre-confirmation payments on personal property described above as proposed in a debtor's Chapter 13 Plan Summary if a proper Proof of Claim has been filed.

E. DEBTOR(S) STATEMENT TO BE FILED IN CHAPTER 13 CASES.

In compliance with 11 U.S.C. § 1328(a), debtor(s) shall file a statement in substantial conformity with the statement attached to this Order and marked as Exhibit A.

F. DEPOSITS WITH COURT REGISTRY

In accordance with Federal Rule of Bankruptcy Procedure 7067, all interpleader funds or funds in the nature of an interpleader proceeding shall be deposited in the court registry without further order, if an adversary proceeding is pending or is contemporaneously filed wherein interpleader funds are tendered to the clerk.

G. EFFECTIVE DATE OF THIS ORDER

This order shall be effective October 17, 2005.

Dated this the 14th day of October, 2005.

BENJAMIN COHEN
Chief United States Bankruptcy Judge

TAMARA O. MITCHELL
United States Bankruptcy Judge

THOMAS B. BENNETT
United States Bankruptcy Judge

EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

In re:

) Case No.
)
)
)

STATEMENT OF DEBTOR(S)
THAT PLAN PAYMENTS ARE COMPLETE AND THAT A DISCHARGE IS DUE TO BE ENTERED PURSUANT TO 11 U.S.C. § 1328(a) & (h)

Comes now the above-named Debtor(s) and represents to the Court as follows:

1. The chapter 13 plan payments in this case are complete; and

2. All amounts payable before the date of this certification, if any, for domestic support obligations pursuant to 11 U.S.C. § 1328(a) have been paid.

Dated:

_____
Debtor

_____
Debtor

_____
_____
_____
Name and Address of Attorney