

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

In the Matter of:	{	
Procedural and Administrative Matters	{	Administrative Order No. 16-04
	{	Northern Division Only
	{	

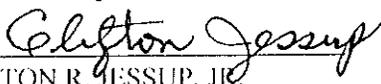
**AMENDED ADMINISTRATIVE ORDER RESTATING PLEADINGS  
PERMITTED TO BE FILED WITH NEGATIVE NOTICE**

**IT IS HEREBY ORDERED** that Administrative Order No. 16-01 is amended as provided herein. The pleadings set forth below may be filed with Negative Notice. The party filing a pleading with negative notice must serve the pleading upon (a) the Debtor; (b) the claimant; (c) the Trustee; (d) creditors and interested parties according to the Clerk's mailing matrix; and (e) any other entity requesting notice. The notice must advise the parties of the date by which a response is required, but **the notice shall not include a hearing date**. If a timely response is filed, the Court will schedule the matter for hearing.

1. All Chapter 7 Motions to Lift the Automatic Stay.
2. Chapter 13 Motions to Lift the Automatic Stay or Co-Debtor Stay only when the Debtor proposes to surrender the collateral pursuant to the Plan.
3. Objections to Claims based on the following grounds:
  - a. Interest Rate;
  - b. Surrender of Collateral;
  - c. Automatic Stay having lifted;
  - d. Repossession of collateral;
  - e. Statute of Limitations;
  - f. Claim paid direct by a third party;
  - g. Claim paid direct by Debtor(s) as provided in the Plan;
  - h. Claim filed in the wrong case;
  - i. Transferred claim in a severed case;
  - j. Claim is a duplicate of another claim;
  - k. 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;
  - l. Claim is not entitled to secured status;
  - m. Claim is for an unsecured debt that was incurred prior to the filing of a prior bankruptcy case in which the Debtor received a discharge; or
  - n. Claim is not entitled to priority status.
4. Motion to Modify Chapter 13 Plan to Reduce Payments or Surrender Collateral.

5. Chapter 13 Trustee Motions to Modify Chapter 13 Plan for the following purposes:
- a. To modify or remove fixed payments to creditor;
  - b. To cure default in Plan payments;
  - c. To increase Base amount to be paid through Plan:
    - i. To include additional proceeds and assets;
    - ii. To pay unscheduled claims;
    - iii. To pay postpetition mortgage arrearage;
    - iv. To pay a specified dividend to unsecured creditors pursuant to the confirmed Plan;
  - d. To increase Plan payments; or
  - e. To reduce Plan term.
6. Motion to Avoid Lien under 11 U.S.C. § 522(f).
7. Motion to Avoid Lien coupled with Objection to Claim.
8. Motion to Suspend Chapter 13 Plan Payments, provided that:
- a. The Motion may not request more than a three month suspension of Plan payments with negative notice;
  - b. The Motion must specifically plead cause or reason for the suspension with supporting facts sufficient to allow the Trustee and creditors to evaluate the merits of the Motion;
  - c. The Motion must propose a three month payment monitoring period upon resumption of Plan payments;
  - d. The Debtor's counsel must contact the Trustee upon expiration of the negative notice period for an updated Plan payment amount; and
  - e. The Order Approving the Motion must be submitted to the Court within **seven (7) calendar days** of expiration of the negative notice period by **Counsel for the Debtor(s)** or the Motion will be denied.

IT IS SO ORDERED this the 3<sup>rd</sup> day of August 2016.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

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

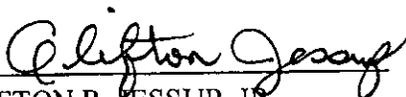
In the Matter of: {  
Procedural and Administrative Matters { Administrative Order No. 16-03  
{ Northern Division Only  
{

**ADMINISTRATIVE ORDER VACATING**  
**ADMINISTRATIVE ORDERS 10-01 AND 10-2**

**IT IS HEREBY ORDERED** that the following Administrative Orders which are applicable only in the Northern District of Alabama, Northern Division are hereby **VACATED**:

1. **Administrative Order No. 10-01** regarding the Submission of Complete Schedules and Statements within Fourteen Days of Filing Initial Petition; and
2. **Administrative Order 10-02** regarding Chapter 13 Status Conferences and the payment of mortgage payments through the Chapter 13 Trustee's Office.

**IT IS SO ORDERED** this the 15<sup>th</sup> day of April 2016.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of: {  
Procedural and Administrative Matters { Administrative Order No. 16-01  
{ Northern Division Only  
{

**AMENDED ADMINISTRATIVE ORDER RESTATING PLEADINGS  
PERMITTED TO BE FILED WITH NEGATIVE NOTICE**

**IT IS HEREBY ORDERED** that Administrative Order No. 15-08 is amended as provided herein. The following pleadings may be filed with Negative Notice:

1. All Chapter 7 Motions to Lift the Automatic Stay.
2. Chapter 13 Motions to Lift the Automatic Stay only when the Debtor proposes to surrender the collateral pursuant to the Plan.
3. Objections to Claims based on the following grounds:
  - a. Interest Rate;
  - b. Surrender of Collateral;
  - c. Automatic Stay having lifted;
  - d. Repossession of collateral;
  - e. Statute of Limitations;
  - f. Claim paid direct by a third party;
  - g. Claim paid direct by Debtor(s) as provided in the Plan;
  - h. Claim filed in the wrong case;
  - i. Transferred claim in a severed case;
  - j. Claim is a duplicate of another claim;
  - k. 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;
  - l. Claim is not entitled to secured status;

- m. Claim is for an unsecured debt that was incurred prior to the filing of a prior bankruptcy case in which the Debtor received a discharge; or
- n. Claim is not entitled to priority status.

4. Motion to Modify Chapter 13 Plan to Reduce Payments or Surrender Vehicle.

5. Chapter 13 Trustee Motions to Modify Chapter 13 Plan for the following purposes:

- a. To modify or remove fixed payments to creditor;
- b. To cure default in Plan payments;
- c. To increase Base amount to be paid through Plan:
  - i. To include additional proceeds and assets;
  - ii. To pay unscheduled claims;
  - iii. To pay postpetition mortgage arrearage;
  - iv. To pay a specified dividend to unsecured creditors pursuant to the confirmed Plan;
- d. To increase Plan payments; or
- e. To reduce Plan term.

6. Motion to Avoid Lien under 11 U.S.C. § 522(f).

7. Motion to Avoid Lien coupled with Objection to Claim.

The party filing the Objection or Motion with negative notice must serve the pleading upon (a) the Debtor; (b) the claimant; (c) the Trustee; (d) any committee appointed in the case; and (e) any other entity as the Court may direct. The notice must advise the parties of the date by which a response is required, but **the notice shall not include a hearing date**. If a timely response is filed, the Court will schedule the matter for hearing.

**IT IS SO ORDERED** this the 16<sup>th</sup> day of February 2016.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of: }  
Procedural and Administrative Matters } Administrative Order No. 15-08  
 } Northern Division Only  
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**ADMINISTRATIVE ORDER RESTATING PLEADINGS  
PERMITTED TO BE FILED WITH NEGATIVE NOTICE**

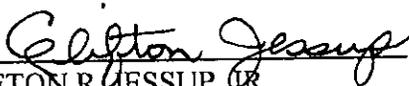
**IT IS HEREBY ORDERED** that the following pleadings may be filed with Negative Notice:

1. All Chapter 7 Motions to Lift the Automatic Stay
2. Chapter 13 Motions to Lift the Automatic Stay only when the Debtor proposes to surrender the collateral pursuant to the Plan
3. Objections to Claims based on the following grounds:
  - a. Interest Rate;
  - b. Surrender of Collateral;
  - c. Automatic Stay having lifted;
  - d. Repossession of collateral;
  - e. Claim paid direct by a third party (the Automatic Stay must lift);
  - f. Claim paid direct by Debtor(s) as provided in the Plan;
  - g. Claim filed in the wrong case;
  - h. Transferred claim in a severed case;
  - i. Claim is a duplicate of another claim;
  - j. 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;
  - k. Claim is not entitled to secured status;
  - l. Claim is for an unsecured debt that was incurred prior to the filing of a prior bankruptcy case in which the Debtor received a discharge; or
  - m. Claim is not entitled to priority status.
4. Trustee's Objection to Claim based on Statute of Limitations
5. Motion to Modify Chapter 13 Plan to Reduce Payments or Surrender Vehicle
6. Motion to Avoid Lien under 11 U.S.C. § 522(f)

7. Motion to Avoid Lien coupled with Objection to Claim

The party filing the Objection or Motion with negative notice must serve the pleading upon (a) the Debtor; (b) the claimant; (c) the Trustee; (d) any committee appointed in the case; and (e) any other entity as the Court may direct. The notice must advise the parties of the date by which a response is required, but **the notice shall not include a hearing date**. If a timely response is filed, the Court will schedule the matter for hearing.

**IT IS SO ORDERED** this the 15th day of October 2015.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

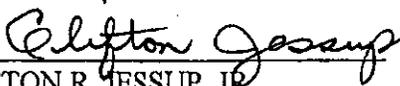
In the Matter of:	}	
Adequate Protection Payments	}	Administrative Order No. 15-07
in Chapter 13 Cases	}	Northern Division Only

**ADMINISTRATIVE ORDER ON PAYMENT OF  
PRE-CONFIRMATION ADEQUATE PROTECTION  
PAYMENTS ON PERSONAL PROPERTY IN CHAPTER 13 CASES**

**IT IS HEREBY ORDERED** that effective October 5, 2015:

1. The Chapter 13 Plan 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).
2. 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 if proper proofs of claim are filed.

**IT IS SO ORDERED** this the 2nd day of October 2015.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
Procedural and Administrative Matters	}	Administrative Order No. 15-06
	}	Northern Division Only
	}	
	}	
	}	

**ADMINISTRATIVE ORDER  
ESTABLISHING PROCEDURAL DEADLINES**

**IT IS HEREBY ORDERED** that, effective immediately, the following pleadings must be submitted or filed on or before the Wednesday before a scheduled Motion docket by 12:00 p.m. noon, Central Time:

1. Motions for Continuance;
2. Proposed Stipulated Settlement Orders;
3. Amended Chapter 13 Plans; and
4. Objections to Confirmation.

If a proposed settlement Order or Motion for Continuance is timely submitted and an Order is entered by Friday, the parties are excused from attending the hearing on the scheduled matter. Otherwise, the parties must attend the scheduled hearing.

**IT IS SO ORDERED** this the 2nd day of October 2015.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

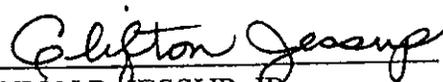
**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
Procedural and Administrative Matters	}	Administrative Order No. 15-05
	}	Northern Division Only
	}	
	}	

**ADMINISTRATIVE ORDER REQUIRING  
PROPOSED ORDERS TO BE SUBMITTED  
WITHIN FOURTEEN CALENDAR DAYS**

**IT IS HEREBY ORDERED** that, effective October 5, 2015, the local practice requiring proposed orders to be submitted to Chambers within three weeks following a hearing is hereby reduced to fourteen calendar days. Unless otherwise directed, a party must submit a proposed order within fourteen calendar days following a hearing via e-mail to [orderscrj@alnb.uscourts.gov](mailto:orderscrj@alnb.uscourts.gov). The proposed order must be submitted in a Word or WordPerfect format. If a proposed order is not timely submitted, the Court may deny the relief requested or take other action.

**IT IS SO ORDERED** this the 2nd day of October 2015.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
Post-Confirmation Mortgage Arrearage	}	Administrative Order No. 15-04
	}	Northern Division Only
	}	
	}	

**ADMINISTRATIVE ORDER ON  
POST-CONFIRMATION MORTGAGE ARREARAGE**

**IT IS HEREBY ORDERED** that, effective September 14, 2015, if a Mortgage Creditor files a Motion for Relief from the Automatic Stay, and the Court finds that good cause exists under 11 U.S.C. § 362(d)(1) to modify the automatic stay to allow the postconfirmation cure of mortgage arrearage, unless the Court orders otherwise, the postconfirmation arrearage shall be paid through the Chapter 13 Plan by the Trustee upon the filing of an additional proof of claim for the arrearage; it is further

**ORDERED** that the Trustee is authorized to Modify the Chapter 13 Plan pursuant to 11 U.S.C. § 1329 as necessary to provide for the postconfirmation arrearage.

**IT IS SO ORDERED.**

Dated this the 9th day of September 2015.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of: }  
Procedural and Administrative Matters } Administrative Order No. 15-02  
 } Northern Division  
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 }

**ADMINISTRATIVE ORDER**

**IT IS HEREBY ORDERED** that, effective July 10, 2015, the following rules will apply to all cases and proceedings pending in the United States Bankruptcy Court for the Northern District of Alabama, Northern Division.

**A. PLEADINGS NO LONGER REQUIRED**

1. Objection to Claim as to interest rate on unsecured claims.
2. Chapter 13 Trustee's Motion to Shorten Time on Objections to Confirmation and Motions to Dismiss. An Objection to Confirmation or Motion to Dismiss must be filed two business days before the hearing scheduled on confirmation of the Chapter 13 Plan.

**B. PROCEDURAL CHANGES**

1. When a Motion to Sever is filed, all claims filed in the Claims Register of the original case will be deemed filed in the severed case. The Clerk's Office will transfer the claims into the Claims Register of the severed case.
2. Orders Sustaining an Objection to Claim based on surrender will provide 90 days for the creditor to file a deficiency claim.

**C. PLEADINGS REMOVED FROM THE NEGATIVE NOTICE LIST**

1. Trustee's Motion to Approve Compromise and Settlement
2. Trustee's Application to Employ Special Counsel
3. Objection to Claim for property taxes on surrendered property
4. Motion for Valuation of Collateral
5. Motion to Add Pre-Petition, Post-Confirmation Creditors
6. Motion to Modify Mortgage

**D. PLEADINGS ADDED TO THE NEGATIVE NOTICE LIST**

1. All Chapter 7 Motions to Lift the Automatic Stay
2. Objection to Claim in a severed case based on the claim being owed by the Joint Debtor in the original case

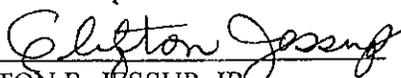
**E. NEGATIVE NOTICE ALLOWED FOR THE FOLLOWING OBJECTIONS AND MOTIONS**

1. A party may use negative notice for an Objection to Claim based on the following grounds:
  - a. Interest Rate;
  - b. Surrender of Collateral;
  - c. Automatic Stay having lifted;
  - d. Repossession of collateral;
  - e. Claim paid direct by a third party (the Automatic Stay must Lift);
  - f. Claim paid direct by Debtor(s) as provided in the plan;
  - g. Claim filed in the wrong case;
  - h. Transferred claim in a severed case.
2. Trustee's Objection to Claim based on Statute of Limitations
3. Chapter 13 Motion to Lift the Automatic Stay based upon collateral being surrendered pursuant to the plan
4. All Chapter 7 Motions to Lift Stay
5. Motion to Modify to Reduce Payments, Surrender Vehicle, or Incur Post-Petition Debt
6. Motion to Avoid Lien
7. Motion to Avoid Lien and Objection to Claim

The party filing the Objection or Motion with negative notice must serve the pleading upon (a) the Debtor; (b) the claimant; (c) the Trustee; (d) any committee appointed in the case; and (e) any other entity as the Court may direct. The notice must advise the parties of the date by which a response is required, that the Court may set a hearing date on the pleading, and that the failure to file a response with the Court by the given date may result in the Court entering an order granting the relief requested without a hearing.

**IT IS SO ORDERED.**

Dated this the 1st day of July 2015.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

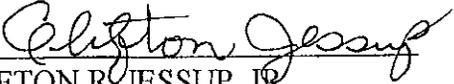
In the Matter of:	}	
Supplementing Local Rule 4001-1	}	Administrative Order No. 15-01
Relief From Automatic Stay	}	Northern Division
	}	

**ADMINISTRATIVE ORDER**

**IT IS HEREBY ORDERED** that, effective July 10, 2015, the Fact Summary Sheet required for the Eastern, Southern, and Western Divisions when filing a Motion for Relief From Stay, a Motion for Relief from the Co-Debtor Stay, or a Motion for Adequate Protection filed in a Chapter 7 or 13 case must also be filed in the Northern Division. The Fact Summary Sheet must substantially comply with the Fact Summary Sheet form found on the Court's website at [http://www.alnb.uscourts.gov/forms/all-forms/localrules\\_forms](http://www.alnb.uscourts.gov/forms/all-forms/localrules_forms). The movant must file and serve the Fact Summary Sheet completed in full at least 14 days prior to the first hearing date on the Motion. The movant must ensure that, when the Fact Summary Sheet is filed, it is filed as a separate event using the proper event from CM/ECF, not as an attachment to the Motion. To file the Fact Summary Sheet, the movant must select "Bankruptcy," "Miscellaneous," and "Fact Summary for Motion for Relief from Stay." The movant will serve the Fact Summary Sheet using CM/ECF. If the movant does not fully complete, timely file, and properly serve the Fact Summary Sheet, the Court may continue, dismiss, or deny the Motion.

**IT IS SO ORDERED.**

Dated this the 1st day of July 2015.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

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

ADMINISTRATIVE ORDER 04-001

**Certification of Acceptance and Rejection of Chapter 11 Plans**

Prior to the hearing on confirmation, the proponent of a Chapter 11 plan shall certify to the Court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan. The original certification shall be filed with the Clerk of the Bankruptcy Court. A copy of the certification shall be served on the debtor, debtor-in-possession, trustee, if any, and any creditors' or equity security holders' committee appointed pursuant to the Code or on the chairperson and counsel for those committees. The Court may find that the plan has been accepted or rejected on the basis of the certification.

Done and entered this the 17<sup>th</sup> day of August 2004.

ENTERED 8/17/04  
UNITED STATES  
BANKRUPTCY COURT  
DECATUR, ALABAMA  
MB  
DEPUTY CLERK  
(32)

J. M. Caddell  
JACK CADDELL  
United States Bankruptcy Judge