

**LOCAL RULES
OF THE UNITED STATES
BANKRUPTCY COURT**

**NORTHERN DISTRICT
OF ALABAMA**



Cite as "Bankr. N.D. Ala. R. [Number]."

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RULE 1001-1

PURPOSE AND SCOPE OF RULES

(a) **General.** Terms defined in 11 U.S.C. § 101, *et seq.* or the Federal Rules of Bankruptcy Procedure and the rules of construction in 11 U.S.C. § 102 apply to these Local Bankruptcy Rules.

(b) **Definitions.** In these Local Bankruptcy Rules, the following definitions apply:

- (1) "Bankruptcy Rules" mean the Federal Rules of Bankruptcy Procedure;
- (2) "CM/ECF" means Case Management / Electronic Case Filing;
- (3) "Court" means the United States Bankruptcy Court for the Northern District of Alabama;
- (4) "Rule" or "Rules" mean these Local Bankruptcy Rules;
- (5) "Section" means a section or subsection of the Code;
- (6) "Trustee" means --
 - (A) in a chapter 7 case, a trustee appointed or elected under Section 701, 702, or 703;
 - (B) in a chapter 11 case, a trustee appointed under Section 1104;
 - (C) in a chapter 12 case, a trustee appointed under 28 U.S.C. § 586(b); and
 - (D) in a chapter 13 case, a trustee appointed under 28 U.S.C. § 586(b).

(c) **Application.** These Rules govern practice and procedure in all cases and proceedings pending and filed in this Court in accordance with Section 105(a) and Bankruptcy Rule 9029. The Court will apply and interpret the Rules consistently with applicable law. In all instances not provided for by these Rules or the Bankruptcy Rules, the Court may regulate its practice in any manner consistent with these Rules and the Bankruptcy Rules.

(d) **Effective Date.** These Rules supersede and rescind administrative orders entered prior to the effective date of these Rules, July 1, 2010, except for the following administrative orders:

- Administrative Order 09-04 (In re: Adequate Protection Payments in Chapter 13 Cases);

- Administrative Order 09-01 (In re: Revocation of Administrative Order 07-03 and Administrative Order 07-07);
- Administrative Order 08-01 (In re: New Electronic Transcript Policy);
- Administrative Order 07-06 (In re: Assignment of Certain Bankruptcy Cases in the Southern Division);
- Administrative Order 07-02 (In re: Summary of Schedules Required Upon Filing Schedules and All Amended Schedules);
- Administrative Order 06-07 (In re: Pre-Confirmation Disbursement of Payments Received for Ongoing Domestic Support Obligations);
- Administrative Order 05-07 (In re: Procedures for Criminal Referrals);
- Administrative Order 05-06 (In re: Debtors Asserting an Exception to the Limitation of the Automatic Stay Under 11 U.S.C. § 362(l) and Procedure for Receiving Rent Deposits); and
- Administrative Order 04-001 (Certification of Acceptance and Rejection of Chapter 11 Plans).

These and all applicable administrative orders can be found on the Court's website at <http://www.alnb.uscourts.gov/court-info/local-rules-and-orders/general-orders>.

(Eff. 7/ 1/ 2010)

RULE 1006-1 **PAYMENT OF FILING FEE IN INSTALLMENTS**

(a) **Fees Owed from Previous Case.** If a debtor files an application to pay case filing fees in installments and the debtor owes an unpaid fee from a previous case filed within five calendar years, the Court will deny the application and allow the debtor fourteen days from the petition date to pay

the entire filing fee. If the entire filing fee is not paid, the Court may dismiss the case without a hearing. An order denying the debtor's application will be entered on the CM/ECF docket report of the case.

(b) Minimum Installment Payments. In all cases where subdivision (a) does not apply, a debtor's application to pay the case filing fee in installments may be approved, without a hearing, only if it complies with the following requirements:

- (1) a minimum payment of twenty-five percent of the total case filing fee shall be paid within 30 days of the petition date;
- (2) installments shall be paid not less often than every 30 days;
- (3) the number of installments shall not exceed four, and the final installment shall be due not later than 120 days from the petition date; and
- (4) no installment shall be less than twenty-five percent of the total case filing fee unless a lesser amount will pay the filing fee in full.

(c) Case Filing Fees Paid Through a Chapter 13 Trustee.

(1) For chapter 13 cases filed on or after December 1, 2015, a debtor may pay the chapter 13 case filing fee through the trustee assigned to the case if the debtor's chapter 13 plan so provides if each of the following requirements is met:

- (A) the debtor files an application to pay the case filing fee in installments that complies with subparagraph (b) of this Local Rule and is granted by the Court;
- (B) the debtor signs and files with the application to pay the filing fee in installments Local Form 1006-1(c), acknowledging and agreeing to the trustee's collection of the statutory percentage fee on any filing fee installments made through the chapter 13 trustee's office;

(C) the debtor's chapter 13 plan specifies that the chapter 13 trustee shall make all case filing fee installment payments to the Clerk of Court; and

(D) the debtor's chapter 13 plan provides for monthly plan payments in amounts sufficient to enable the chapter 13 trustee to timely pay all installments of the case filing fee to the Clerk of Court, as well as the trustee's percentage fee for said payments.

(2) If the debtor is represented by an attorney, Local Form 1006-1(c) must be signed both by the debtor and by the debtor's attorney. If the chapter 13 case is a joint case, both debtors must sign Local Form 1006-1(c).

(3) If a debtor signs Local Form 1006-1(c) and files the form in the debtor's chapter 13 case, the standing chapter 13 trustee assigned to the case is authorized to remit filing fee installment payments to the Clerk of Court, both before and after confirmation, from the payments made by the debtor to the trustee. In such cases, the trustee shall remit payment of each filing fee installment to the Clerk of Court electronically in the month sufficient funds become available to pay the installment, or in the following month. The trustee is authorized to pay the trustee's percentage fee at the time of each remittance of a chapter 13 case filing fee installment to the Clerk of Court, whether the remittance is made pre-confirmation or post-confirmation.

(4) Only chapter 13 case filing fees may be paid through the debtor's chapter 13 plan. No other fees payable to the Clerk of Court are permitted to be paid through a debtor's chapter 13 plan.

(Eff. 12/1/2015)

RULE 1014-1 **TRANSFER OF CASES**

A debtor or party in interest may request to transfer a case to another division of this Court in accordance with the principles set forth in Bankruptcy Rule 1014.

(Eff. 7/ 1/ 2010)

RULE 1071-1 **DIVISIONS OF THE BANKRUPTCY COURT**

This Court is divided into four divisions, Eastern, Northern, Southern, and Western, as follows:

- The Eastern Division consists of the following counties: Calhoun, Cherokee, Clay, Cleburne, DeKalb, Etowah, Marshall, Saint Clair, and Talladega. Its office is located in Anniston, Alabama.
- The Northern Division consists of the following counties: Colbert, Cullman, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Morgan, and northern Winston. Its office is located in Decatur, Alabama.
- The Southern Division consists of the following counties: Blount, Jefferson, and Shelby. Its office is located in Birmingham, Alabama.
- The Western Division consists of the following counties: Bibb, Fayette, Greene, Lamar, Marion, Pickens, Sumter, Tuscaloosa, Walker, and southern Winston. Its office is located in Tuscaloosa, Alabama.

(Eff. 7/ 1/ 2010)

RULE 1073-1 **VENUE OF CASES**

(a) **Venue Within the District.** The county in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of the case have been located

for the 180 days immediately preceding the commencement of the bankruptcy case, or for a longer portion of such 180 day period than the residence or principal place of business of such person or entity was located in any other division; or in which there is pending a case under title 11 concerning such person's or entity's affiliate, general partner, or partnership shall be used to determine venue of cases within the district according to the geographic divisions within the district as defined in Rule 1071-1. In the event venue is contested, the factors of 28 U.S.C. § 1408 as applied to divisions will be used to determine venue within the district.

(b) Cases Filed by Non-CM/ECF Registered Users. A division office may accept for filing, on behalf of any other division office, an original petition and accompanying documents under any chapter of the Code if the filer of the petition is a pro se individual or an attorney who is not a CM/ECF registered user and who has obtained a waiver from the clerk's office to file documents in conventional format. Venue of such cases shall be in accordance with Rule 1073-1(a).

(Eff. 7/ 1/ 2010)

RULE 2016-1 COMPENSATION OF PROFESSIONALS

(a) General. All applications made pursuant to Sections 330 and 331 for compensation for professional services rendered, with the exception of applications from Trustees seeking compensation as limited by Section 326, must comply with this Rule. If a professional, whose compensation is subject to approval under Section 330, accepts a retainer from any source for future services in a case in this Court, the professional must obtain Court approval before drawing against the retainer.

(b) Application Cover Sheet. Except for compensation in chapter 13 cases described in subdivision (l) of this Rule, each application must begin with an application cover sheet. This

document and all forms referenced in these Rules can be found on the Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms. Each cover sheet must include:

- (1) The name of applicant;
- (2) The date the application for employment was filed;
- (3) The date of the order authorizing employment and the authorized terms and conditions of employment, if any;
- (4) To whom the services were provided;
- (5) The period for which compensation is sought;
- (6) The amount of compensation and expenses sought;
- (7) A designation of whether the application is a final or interim application and, if an interim application, designate whether it is a second, third, etc. application;
- (8) If not the first application filed in the case by the applicant, a disclosure of the dates, periods, compensation, and expenses allowed for each of the prior applications;
- (9) The aggregate amount of compensation and expenses allowed to date; and
- (10) The aggregate amount of compensation and expenses paid to date.

The Bankruptcy Administrator's office must review every application and report to the Court whether the application complies with this Rule.

(c) **Narrative Summary.** With the exception of interim applications for an amount less than \$25,000.00 or final applications for compensation where the cumulative total of compensation sought in the final application and in any interim applications is less than \$25,000.00, each application must include a narrative summary that includes the following:

- (1) A summary of compensation requested, which explains the general nature of the work performed;

(2) A description of the individuals who performed the services for which compensation is sought including the following for each:

(A) Name;

(B) Position within the organization such as partner, associate, paralegal, legal assistant, or law clerk;

(C) Hourly rate at which each customarily bills time;

(D) The total hours worked by the individual during the time period addressed by the application;

(E) The qualifications and experience of each individual who performed work for which compensation is requested, especially the extent of all bankruptcy experience or other specialized experience actually used during the course of the individual's employment in the case; and

(F) A statement of prevailing market rates in the relevant professional community for similar services performed by professionals with reasonably comparable skills, experience, and reputation to the individuals who performed the services for which compensation is requested as well as a statement of the cost in the community of comparable services in nonbankruptcy cases. If the rates or costs are challenged, the applicant shall provide admissible evidence at a hearing; and

(3) A discussion of the twelve factors first enunciated in Johnson v. Ga. Highway Express, Inc., 488 F.2d 714, 717-19 (5th Cir. 1974), a civil rights case, and made applicable to compensation determinations in bankruptcy in Am. Benefit Life Ins. Co. v. Baddock (In re First Colonial Corp. of Am.), 544 F.2d 1291, 1298-99 (5th Cir. 1977).

(d) Project Summaries. With the exception of interim applications for an amount less than \$25,000.00 or final applications for compensation where the cumulative total of compensation sought in the final application and in any interim applications is less than \$25,000.00, each application must include a summary for each project within the case. The form located on the Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms is an acceptable form for project summaries. Each summary should include the following:

- (1) A title for each project;
- (2) The general nature of the project and circumstances involved;
- (3) The amount of the requested compensation attributable to the project;
- (4) The amount of time attributable to the project;
- (5) The objective of the project, such as what the applicant had originally hoped (or hopes if the project is not complete) to accomplish as a result of the effort consumed by the project;
- (6) Any particular problems or difficulties encountered; and
- (7) The disposition (or expected disposition) of the project, including what was actually accomplished as a result of the effort put into the project.

(e) Summary of Expenses. With the exception of interim applications for an amount less than \$25,000.00 or final applications for compensation where the cumulative total of compensation sought in the final application and in any interim applications is less than \$25,000.00, each application must include a summary of expenses. The form located on the Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms is an acceptable form for summaries of expenses. A summary should include the following:

- (1) Expense items grouped by category;
- (2) The total charges for each category;

- (3) A brief explanation of the necessity for the expense category; and
- (4) An explanation of the method of calculation of the total for each category.

(f) Actual Chronological Time Entries. Copies of billing records incorporating contemporaneously generated time entries must be attached to the application. All time entries should describe the tasks performed. Each entry should indicate what type of work was done, such as a telephone call, research, conference, document drafting, or attendance at a hearing or a deposition. Each entry should also include the date the work was done, the time spent performing the work, the individual who performed the work, the subject matter of the work, and, if not readily apparent, the benefit to the estate resulting from the work or the relevance of the work to the administration of the estate. For example:

- (1) When describing a telephone conversation, the applicant should name all participants to the conversation and the date and subject matter of the conversation;
- (2) Entries for drafting and reviewing documents should specify the documents involved and the matters to which they pertain;
- (3) Entries for appearing in Court and at depositions should indicate the nature of the hearing attended or the name of the individual deposed and the project to which the hearing or deposition is related. If more than one applicant from the same organization participated in the hearing or deposition and that applicant also requests compensation because of such participation, the application should clearly indicate why the participation of both applicants was necessary;
- (4) When describing conferences or meetings, the applicant should name all participants and note the subject matter and purpose of the conference or meeting. If more than one applicant from the same organization participated in the conference or meeting and that applicant also

requests compensation because of such participation, the application should clearly indicate why the participation of both applicants was necessary; and

(5) Time entries for research should note the subject matter of the research and the use of the material.

(g) Actual Expense Items Grouped By Category. All expense items must be itemized with the nature of and the necessity of each expense explained. All items should be grouped by category. Category names should be consistent with the summary category names in subdivision (d) of this Rule. Total amounts for all line item expenses in a particular category should reconcile with the summary category amounts in the expense summary. Each expense itemization should contain the following:

- (1) The date and a description of the expense;
- (2) The specific matter to which the expense relates, excluding de minimis photocopies or de minimis postage;
- (3) The justification for the expense if not readily apparent and an explanation of the expense if it is unusual in type or amount; and
- (4) Copies of all receipts excluding de minimis expenses.

(h) Minimum Time Blocks. When preparing the application, the applicant should consider that Section 330(a) authorizes compensation for services only to the extent the services are actually performed. The use of minimum time blocks to report services may frustrate Section 330(a) and should be avoided. The use of minimum time blocks of .1 hours is acceptable.

(i) Lumping. Applications must separately indicate itemized time for performing each discrete task. Grouping tasks in a single description within one total time allotment is known as lumping and does not comply with Bankruptcy Rule 2016(a). The primary problem with lumping is that it

precludes the Court from determining the exact time spent performing a single task and prevents the Court from assessing the reasonableness of the time spent or compensation requested for performing the task. The Court may be unable to segregate compensable services from noncompensable services or be unable to identify services for which the applicant would otherwise be paid if properly described.

(j) Verification. The application must contain a statement that verifies the information contained in the application.

(k) Filing and Service. At the time of filing, the applicant must serve a copy of each application upon the following:

- the Trustee;
- the Bankruptcy Administrator;
- the debtor; and
- any committee appointed in the case.

The applicant must attach a certificate of service to the application.

(l) Compensation for Debtors' Attorneys in Chapter 13 Cases. An attorney in a chapter 13 case is relieved from filing a detailed application for compensation as required by Bankruptcy Rule 2016 if the attorney complies with all of the following conditions and requirements:

- (1) Files a Bankruptcy Rule 2016(b) Disclosure of Compensation reflecting that the attorney will perform all required and necessary services for the debtor including, but not limited to,
 - (A) Counseling with the debtor;
 - (B) Preparing and filing the chapter 13 petition and other documents;

- (C) Attending the meeting(s) of creditors and confirmation hearing(s) (the attorney of record or an attorney with the law firm of record must appear and comply with this requirement);
- (D) Reviewing and filing claims and objecting to claims as necessary;
- (E) Filing amendments, motions, adversary proceedings, answers in adversary proceedings, or any other required pleadings;
- (F) Attending all hearings when required;
- (G) Assisting the debtor in petitioning the Court to employ special counsel, to seek approval of settlements or compromises, and to request approval of compensation for special counsel;
- (H) Vigorously pursuing all objections to claims and adversary proceedings filed on behalf of the debtor to a final order or judgment; and
- (I) Vigorously defending all adversary proceedings filed against the debtor to a final order or judgment.

(2) Charges total compensation that does not exceed the amount set forth on the Court's website at www.alnb.uscourts.gov/content/rule-2016-1-compensation-professionals. The compensation charged must be commensurate with the nature and complexity of the case and be based upon the reasonably anticipated amount of time to be expended on the case.

(3) Provides competent services consistent with and in compliance with the Code and Bankruptcy Rules.

(4) Includes in the chapter 13 plan a detailed proposal consistent with the Code providing how the Trustee will distribute and pay compensation to the attorney and disclosing whether any portion of the compensation was paid pre-petition.

If a debtor's attorney fails to comply with this subdivision (l), the Court may refrain from awarding compensation, reduce compensation, or require the attorney to file an application for compensation. Attorneys are prohibited from advising clients or the public that this Court requires any minimum or maximum compensation for a chapter 13 case. This Rule does not seek to set any compensation in any chapter 13 case, and it does not and is not intended to set any minimum or maximum compensation in any chapter 13 case filed in this Court.

(m) Seeking Additional Compensation. If a debtor's attorney is awarded compensation pursuant to subdivision (l) of this Rule and thereafter seeks additional compensation, the attorney must file a detailed application for compensation for all compensation in the case as described in this Rule and pursuant to Bankruptcy Rule 2016(a) and applicable law. The attorney seeking additional compensation must be prepared at the hearing to provide evidence as to the extraordinary tasks required in the case and the reason additional compensation is sought and due.

(n) Electing to File Applications for Compensation in Chapter 13 Cases. A chapter 13 debtor's attorney may elect not to seek compensation under subdivision (l) of this Rule. In that event, the attorney must file a detailed application for all compensation in the case as described in this Rule and pursuant to Bankruptcy Rule 2016(a) and applicable law.

(o) Review of Applications for Compensation in Chapter 13 Cases. The Trustee must review each request or application for compensation described in subdivisions (l), (m), and (n) of this Rule based on the complexity of the case, the services provided by the debtor's attorney, and relevant factors regarding awards of compensation, including the attorney's skill, experience, and competence. The Trustee must object to the requested compensation if the request appears to be unreasonable, excessive, or inconsistent with the Code or Bankruptcy Rules. The Trustee must advise the Court if the attorney fails to appear in person at any creditor meeting or hearing.

(p) **Dismissal or Conversion.** In the event no plan is confirmed and the case is dismissed or converted, the Court may award compensation in accordance with the Code, the Bankruptcy Rules, and applicable law.

(Eff. 7/ 1/ 2010)

RULE 2090-1 **ATTORNEYS' ADMISSION TO PRACTICE AND *PRO HAC VICE* ADMISSIONS**

(a) Admissions to practice in the United States District Court for the Northern District of Alabama will constitute admission to practice before this Court. Members of this Court's bar must comply with all requirements of the applicable Local Rule of the District Court for the Northern District of Alabama regarding admission, and such rule is incorporated by reference into this Rule, except as otherwise provided herein.

(b) Any attorney who is not a member of the bar of the United States District Court for the Northern District of Alabama may seek *pro hac vice* admission to the Bankruptcy Court if admitted to the United States District Court for the district in which (or before the highest court in the state in which) such person resides or regularly practices law. The request for admission may be made by motion filed with the Bankruptcy Court in the applicable proceeding and payment of the prescribed fee to the United States District Court. An attorney admitted to appear pursuant to this Rule is deemed to have submitted to the Bankruptcy Court's disciplinary jurisdiction.

(c) As long as the matters, proceedings, cases and appearances are within the Bankruptcy Court unless a judge of this Court orders otherwise, Local Counsel is not required as otherwise provided by the Local Rules of the United States District Court for the Northern District of Alabama. If, however, the reference is withdrawn, an appeal is filed or there is any appearance for any purpose in the District Court, then an attorney admitted *pro hac vice* shall comply with that Court's Rule

requiring local counsel.

(Eff. 7/ 1/ 2016)

RULE 3007-1 **OBJECTIONS TO CLAIMS**

(a) **General.** An objection to claim is a contested matter governed by Bankruptcy Rule 9014 and should state with particularity the grounds for the objection.

(b) **Notice, Service and Hearing.** Except as provided in subdivision (c) of this Rule, upon filing any objection to claim, the clerk's office or some other person as the Court may direct must prepare a notice of hearing on the objection and transmit the notice to the following:

- the debtor or the debtor in possession;
- the claimant;
- the Trustee;
- any committee appointed in the case; and
- any other entity as the Court may direct.

The party filing the objection to claim must serve the objection upon the aforesaid parties and must attach a certificate of service to the objection. The hearing will be a final evidentiary hearing, and parties must be prepared for trial.

(c) **Negative Notice Allowed for Certain Objections.**

(1) A party may use negative notice for an objection to claim based on the following grounds, provided the party's objection and notice substantially comply with the objection to claim and notice forms found on this Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms:

- (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, and, if the ground for the objection to claim is because the claim is not entitled to secured status because the claimant's lien on the debtor's property was avoided by an order previously entered by this Court, the party filing the objection to claim must attach the applicable order;

(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; or

(F) the claim is not entitled to priority status.

(2) The party filing the objection to claim must serve the objection and the notice upon the following:

- the debtor or the debtor in possession;
- the claimant;
- the Trustee;
- any committee appointed in the case; and
- any other entity as the Court may direct.

(3) The notice must advise the parties of the date by which a response is due, that the Court may set a hearing date on the objection through a subsequent notice, and that the failure to

file a response with the Court by the given date may result in the Court sustaining the objection to claim without a hearing.

(4) Any responses to the objection to claim must be served upon the following:

- the debtor or the debtor in possession;
- the Trustee;
- any other affected creditors;
- any committee appointed in the case; and
- any other entity as the Court may direct.

The responding party must attach a certificate of service to the response.

(5) If no response is filed to the objection to claim, the party filing the objection to claim must submit a proposed order no sooner than 30 days after the objection was filed and served and no later than 45 days after such filing and service. The proposed order must substantially comply with the objection to claim order form found on this Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms.

(6) If the objection, notice, or proposed order does not comply with the applicable forms found on this Court's website, or if any information required by these forms is not provided, or if procedures required by this Rule are not strictly followed, the clerk's office will issue a deficiency notice. If the deficiency or error is not corrected within 2 business days, the objection may be dismissed, denied, or overruled, without prejudice, without further notice or hearing.

(Eff. 7/ 1/ 2010)

RULE 3015-1**CHAPTER 13 PLAN**

(a) **Chapter 13 Plan Form.** A chapter 13 plan must substantially comply with the fillable pdf plan found on the Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms.

(b) **Chapter 13 Plans.** If a chapter 13 plan is not filed with the petition or an amended plan is filed before confirmation, the debtor must serve copies upon the following:

- the Trustee;
- all creditors; and
- any other party in interest.

The debtor must attach a certificate of service to any such plan or amended plan filed at any time other than with the petition.

(Eff. 7/ 1/ 2010)

RULE 3015-2**CHAPTER 13 CONFIRMATION OF PLAN**

(a) **Objections to Confirmation.** An objection to confirmation of the plan or to the attorney's compensation proposed in the plan should state with particularity the grounds for the objection. An objecting party should serve the objection upon the following:

- the debtor;
- the Trustee;
- affected creditors; and
- any other entity as the Court may direct.

An objecting party must attach a certificate of service to the objection.

(b) **Waiver of Objections.** An objection may be deemed waived unless a written objection is timely filed, served upon all proper parties, and the objector appears and prosecutes the objection at any hearing set on such objection.

(Eff. 7/ 1/ 2010)

RULE 4001-1 **RELIEF FROM AUTOMATIC STAY**

(a) **General.** A motion for relief from the automatic stay or from the codebtor stay is a contested matter governed by Bankruptcy Rule 9014.

(b) **Notice, Service of Motion and Hearing.** Upon the filing of such a motion, the preliminary hearing will be consolidated with the final hearing unless the Court orders otherwise. The clerk's office or some other person as the Court may direct must prepare a notice of such hearing and transmit a copy of the notice to the following:

- the movant;
- the debtor or the debtor in possession;
- the Trustee;
- any committee appointed in the case, or, if no committee is appointed and it is a chapter 9 or 11 case, then on all creditors; and
- any other entity as the Court may direct.

The movant must serve a copy of the motion upon all of the aforesaid parties and attach a certificate of service to the motion. The hearing will be a final evidentiary hearing, and parties must be prepared for trial.

(c) **Fact Summary Sheet.** For a motion for relief from stay, a motion for relief from the codebtor stay, a motion to renew a relief from stay motion, or a motion for adequate protection filed

in a chapter 7 or 13 case, the movant must complete and file a fact summary sheet. The fact summary sheet must substantially comply with the fact summary sheet form found on this Court's website at 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.

(Eff. 12/ 1/ 2015)

RULE 4001-1.1 **MOTIONS TO EXTEND STAY OR MOTIONS FOR THE STAY
TO TAKE EFFECT: NOTICE REQUIREMENTS**

(a) **General.** A motion to extend the automatic stay or for the stay to take effect must include the following information:

- (1) The case number, filing date, and dismissal date of the case(s) dismissed within the preceding 1-year period;
- (2) Basis for dismissal of the prior case(s);
- (3) Whether the extension is sought as to one or all creditors; and, if the extension is sought for less than all creditors, the identity of the creditor(s) for whom the extension is sought and an explanation why the extension is sought as to the creditor(s) identified;
- (4) The change in personal or financial affairs of the debtor since the dismissal of the prior case(s); and

(5) Any additional supporting information.

(b) Service. Any party that files a motion to extend the automatic stay or for the stay to take effect must serve a copy of the motion upon the following:

- the debtor;
- the Trustee;
- all creditors; and
- any other entity as the Court may direct.

The movant must attach a certificate of service to the motion. A motion to extend the automatic stay or for the stay to take effect should be filed with the original bankruptcy petition or immediately thereafter to ensure timely completion of the hearing as the Code requires.

(c) Notice of Hearing. The clerk's office or some other person as the Court may direct will prepare and send a notice of hearing with no fewer than 14 days notice prior to the hearing date. The notice must be sent to the following:

- the debtor;
- the Trustee;
- all creditors; and
- any other entity as the Court may direct.

(Eff. 7/ 1/ 2010)

RULE 4002-1 **DEBTOR'S DUTIES**

Upon conversion of a case by an individual debtor to a case under chapter 7, the debtor must within 14 days of the conversion:

- If the original bankruptcy case was filed on or after October 17, 2005, file a Chapter 7

Statement of Your Current Monthly Income (122A-1) and Chapter 7 Means-Test Calculation (122A-2) that is effective as of the conversion date;

- File a statement of compensation regarding compensation paid to professionals during the chapter 13 case, compensation paid for the conversion of the chapter 13 case, and any compensation for the chapter 7 case pursuant to Section 329; and
- File a Summary of Your Assets and Liabilities and Certain Statistical Information (106Sum) pursuant to 28 U.S.C. § 159.

(Eff. 12/ 1/ 2015)

RULE 4003-2 **LIEN AVOIDANCE**

(a) **General.** A proceeding to avoid a nonpossessory lien or judicial lien pursuant to Section 522(f) is a contested matter governed by Bankruptcy Rule 9014.

(b) **Notice, Service and Hearing.** To avoid a lien, a movant must file a motion, a debtor's declaration, and a notice of motion to avoid lien and opportunity for hearing that substantially comply with the lien avoidance forms found on this Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms. The movant must serve the motion, debtor's declaration, and notice upon the following:

- the Trustee;
- affected creditors;
- any committee appointed in the case; and
- any other entity as the Court may direct.

(c) **Content of Notice.** The notice must advise the parties of the date by which an objection is due, that the Court may set a hearing date on the motion through a subsequent notice, and that the

failure to file an objection with the Court by the given date may result in the Court granting the movant the relief requested without a hearing.

(d) Service of Objections. Any objections or responses must be served upon the following:

- the debtor;
- the Trustee;
- any other affected creditors;
- any committee appointed in the case; and
- any other entity as the Court may direct.

The objecting or responding party must attach a certificate of service to the objection or response.

(e) Relief Granted. If no objection or response is filed to the motion, the movant must submit a proposed order no sooner than 30 days after the motion was filed and served and no later than 45 days after such filing and service. The proposed order must substantially comply with the lien avoidance proposed order form found on this Court's website at www.alnb.uscourts.gov/forms/all-forms/localrules_forms.

(f) Deficiency. If the motion, debtor's declaration, notice, or proposed order does not comply with the applicable forms found on this Court's website, or if any information required by these forms is not provided, or if procedures required by this Rule are not strictly followed, the clerk's office will issue a deficiency notice. If the deficiency or error is not corrected within 2 business days, the motion may be dismissed or denied, without prejudice, without further notice or hearing.

(Eff. 7/ 1/ 2010)

RULE 4072-1**CREDITOR CONTACT WITH CHAPTER 13 DEBTOR**

(a) **Information to Creditor.** A secured creditor in a chapter 13 case, without leave of court, may take the following actions:

(1) Make reasonable inquiry to the debtor as to the physical condition of the collateral, the location of the collateral, or insurance coverage on the collateral for the debt; and

(2) Make reasonable contact with the debtor as to payments that a proposed or a confirmed plan provides are to be paid directly to the creditor by the debtor, including the issuance of monthly bills, statements for post-petition payments, and a written notice of a post-petition delinquency (but a copy shall be mailed to any attorney of record for the debtor).

(b) **Information to Debtor.** Upon reasonable request, a secured creditor must provide written account information to the debtor, including the interest paid.

(Eff. 7/ 1/ 2010)

RULE 5005-4**ELECTRONIC FILING**

Documents filed with the Court must be filed through CM/ECF and consistent with the Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management / Electronic Case Filing (CM/ECF) System found on this Court's website at www.alnb.uscourts.gov/forms/all-forms/other_documents. A limited number of documents should not be filed through CM/ECF, and these documents are listed in the Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management / Electronic Case Filing (CM/ECF) System. A party without legal representation may file his or her documents in paper, and the clerk's office will process any such filing through CM/ECF. An attorney may request a waiver to file documents in paper from the clerk's office in limited

circumstances described in the Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management / Electronic Case Filing (CM/ECF) System.

(Eff. 7/ 1/ 2010)

RULE 5073-1 **PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING**

Radio or television broadcasting, taking of photographs, or using any type of recording device in or from the courtrooms or their adjoining areas is not allowed at any time. This restriction does not apply to ceremonial proceedings.

(Eff. 7/ 1/ 2010)

RULE 5081-1 **FORM OF PAYMENT OF FEES**

(a) **Payment of Fees Electronically.** All documents requiring a fee that are filed electronically via CM/ECF must be paid electronically by the filer, with the limited exception that a chapter 13 trustee may electronically pay chapter 13 case filing fee installments on behalf of a debtor who has satisfied all requirements of Local Rule 1006-1(c).

(b) **Other Fees Outside of CM/ECF.** For transactions outside of CM/ECF (e.g., requests for copies or certification of documents), payment of fees can be made by certified check, cashier's check, money order, or by check drawn on the account of any officer of the estate or an attorney admitted to practice before this Court. All forms of payment must be drawn to the order of "Clerk, U.S. Bankruptcy Court." Cash payments are not accepted.

(c) **Chapter 11 Quarterly Fees.** Quarterly fees in chapter 11 cases pursuant to 28 U.S.C. §1930(a) must be paid electronically via CM/ECF by the filer.

(Eff. 12/1/2015)

RULE 5092-1 **SEAL OF COURT**

The seal reproduced in Appendix C to these Rules is adopted as the official seal of the Court.
(Eff. 7/ 1/ 2010)

RULE 7067-1 **REGISTRY FUND**

(a) **Clerk's Office to Maintain Registry Account.** Pursuant to Bankruptcy Rule 7067, all interpleader funds or funds in the nature of an interpleader proceeding must be deposited into the Court registry. The clerk's office must deposit the funds in an interest-bearing account to be disbursed only upon further order of the Court.

(b) **Registry Fee.** Pursuant to 28 U.S.C. § 1930, the clerk's office can deduct from income earned on registry funds in an interest-bearing account a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office in accordance with the schedule published periodically by the Director in the Federal Register. The clerk's office will withdraw the fee at the final distribution of funds upon a valid order and deposit it into the United States Treasury.

(Eff. 7/ 1/ 2010)

RULE 9013-3 **CERTIFICATE OF SERVICE**

Any certificate of service filed in this Court must list the names and addresses of all parties served.

(Eff. 7/ 1/ 2010)

RULE 9015-1 **JURY TRIALS**

Pursuant to 28 U.S.C. § 157(e) and the Order of the United States District Court for the Northern District of Alabama dated July 16, 1984, as amended July 17, 1984, attached hereto as Appendix B, the Court may conduct jury trials.

(Eff. 7/ 1/ 2010)

RULE 9070-1 **EXHIBITS**

After final disposition of a contested matter, adversary proceeding, or case, including any appeal or expiration of the time for any appeal, exhibits received into evidence may be withdrawn from the custody of the clerk's office upon submission of a detailed request by the party who offered the same into evidence (or by such other person as may be entitled to the documents). Exhibits not withdrawn within 30 days after final disposition may be destroyed or otherwise disposed of by the clerk's office.

(Eff. 7/ 1/ 2010)

Appendix A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

FILED

JUL 16 1984

In re:

GENERAL ORDER OF REFERENCE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JAMES E. VANDEGRIFT, CLERK

ORDER

Pursuant to 28 U.S.C. § 157(a), as amended by Public Law 98-353, 98 Stat. 333, all cases under title 11 and all proceedings arising under title 11 or arising in or related to a case under title 11 are hereby referred to the Bankruptcy Judges for this district.

SO ORDERED for the court this the 16th day of July, 1984.


Chief Judge

RECEIVED

JUL 17 1984

Clerk, U. S. Bankruptcy Court
Northern District of Alabama
J. W. Gile
Deputy Clerk

AUG 11 1986

CLIFFORD FULFORD
CLERK OF COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

FILED

JUL 17 1984

In re:

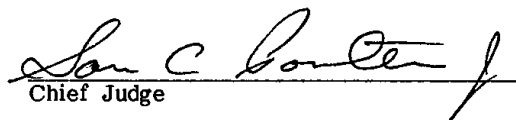
GENERAL ORDER OF REFERENCE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JAMES E. VANDEGRIFT, CLERK

ORDER


The general order of reference entered July 16, 1984 is hereby amended to add that there be hereby referred to the Bankruptcy Judges for this district all cases and matters and proceedings in cases, under the Bankruptcy Act.

SO ORDERED for the court his the 17th day of July, 1984.


Chief Judge

RECEIVED

JUL 18 1984

Clerk, U. S. Bankruptcy Court
Northern District of Alabama
By: 
Deputy Clerk

Appendix B

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA 95 JAN 12 AM 11:00

U.S. DISTRICT COURT
N.D. OF ALABAMA

IN RE:

GENERAL ORDER OF REFERENCE
DATED JULY 16, 1984, AS AMENDED
JULY 17, 1994

ORDER

On behalf of the other judges of this court, the Bankruptcy
Judges for this district are specially designated to conduct jury
trials in accordance with 28 U.S.C. § 157(e).

DATED this 12th day of January, 1995.


Chief Judge

Appendix C

