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

In re:

Procedural and Administrative Matters	)	Administrative Order No. 10-05[1]
	)	(Southern Division)
	)	

ADMINISTRATIVE ORDER

IT IS HEREBY ORDERED that, effective July 1, 2010, the following rules will apply to all cases and proceedings pending in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division.

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 Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules.

2. In the event the petition is incomplete or fails to comply with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, 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 fourteen 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 fourteen 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

[1] This Administrative Order contains the same content as Administrative Order 09-02 entered on March 2, 2009, with the exception of Section E in Administrative Order 09-02. Section E addressed registry funds, and Local Rule 7067-1, effective July 1, 2010, now addresses this topic. Otherwise, this Administrative Order simply updates the time periods to seven day increments in accordance with the Statutory Time Period Technical Amendments Act of 2009 and makes minor formatting adjustments consistent with other Administrative Orders and the Local Rules effective July 1, 2010.

creditors, or within fourteen 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 most recent pay stubs for the debtor and debtor's spouse, even if the debtor's spouse is not a co-debtor;
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 co-debtor;
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; and
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 day 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:

1. Motions to Suspend Payment,
2. Motions to Reduce Payments, and
3. Motions to Modify Plan (whether included with an Amendment to Schedules),

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-one days from the date of the notice to object to the filed motion and to request a hearing. The clerk shall not send such a notice on Amendment to Schedules which do not contain a Motion to Modify a Confirmed Plan.

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 Amendment to Schedules that do not contain a Motion to Modify a Confirmed Plan.

D. PAYMENTS 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)(C).

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 proper proofs of claim are filed.

Dated this the 1st day of July, 2010.

BENJAMIN COHEN
Chief United States Bankruptcy Judge

TAMARA O. MITCHELL
United States Bankruptcy Judge

THOMAS B. BENNETT
United States Bankruptcy Judge