


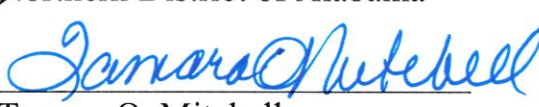
IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

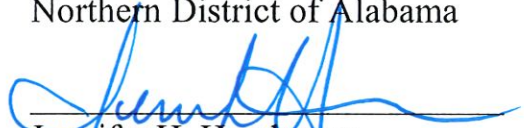
DELEGATION OF 11 U.S.C. SECTION 1183 SMALL BUSINESS  
REORGANIZATION ACT OF 2019 TRUSTEE APPOINTING  
AUTHORITY

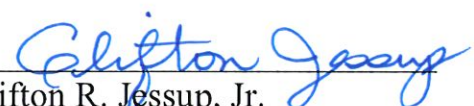
In all Small Business Reorganization Act of 2019 cases, the United States Bankruptcy Administrator for the Northern District of Alabama shall have the authority to appoint Trustees pursuant to 11 U.S.C. §1183. Standing Chapter 13 Trustees and Panel Chapter 7 Trustees are not prohibited from appointment under this authority.


Dated:

  
James J. Robinson  
Chief U.S. Bankruptcy Judge  
Northern District of Alabama

  
Tamara O. Mitchell  
U.S. Bankruptcy Judge  
Northern District of Alabama

  
Jennifer H. Henderson  
U.S. Bankruptcy Judge  
Northern District of Alabama

  
Clifton R. Jessup, Jr.  
U.S. Bankruptcy Judge  
Northern District of Alabama

  
D. Sims Crawford  
U.S. Bankruptcy Judge  
Northern District of Alabama

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

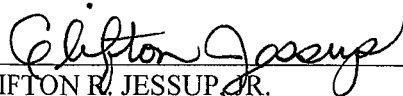
In the Matter of:	}	
Administrative Order	}	Administrative Order No. 19-02
Regarding Chapter 13 Procedures and	}	Northern Division Only
Compensation for Debtors' Attorneys	}	
in Chapter 13 Cases	}	

**ADMINISTRATIVE ORDER REGARDING  
CHAPTER 13 PROCEDURES AND COMPENSATION  
FOR DEBTORS' ATTORNEYS IN CHAPTER 13 CASES**

**IT IS HEREBY ORDERED**, effective January 1, 2020, as follows:

1. **Deadline to File Amended Chapter 13 Plan.** An amended Chapter 13 plan must be filed by **12:00 p.m., Noon, CDT**, no less than **two (2) business days** prior to the scheduled confirmation hearing.
2. **Reduction of Compensation for Debtors' Attorneys for Failure to Timely File Amended Chapter 13 Plans and Reasonable Cause:**
  - i. If counsel for a debtor fails to comply with the deadline established herein for filing an amended Chapter 13 Plan, the amount of compensation awarded to counsel pursuant to Local Rule 2016-1(l) shall be and is hereby reduced by \$250.00, per incident, per case.
  - ii. The Chapter 13 Trustee may request a further reduction in compensation awarded pursuant to Local Rule 2016-1(l), up to \$1,000.00, for reasonable cause. After notice and hearing, the Court will determine the appropriate amount of any fee reduction based upon the totality of the circumstances.
3. **Payment of Attorney's Fees upon Dismissal.** If a Chapter 13 plan is not confirmed, upon Certification by counsel for a debtor that the services rendered in the case equal or exceed \$1,000.00, pursuant to Local Rule 2016-(p), attorney's fees in an amount not to exceed \$1,000.00 are hereby allowed and the Chapter 13 Trustee is hereby authorized to pay said amount as an administrative expense under 11 U.S.C. § 503(b)(2) prior to returning any undistributed funds to a debtor pursuant to 11 U.S.C. § 1326(a)(2).

**IT IS SO ORDERED** this the 14<sup>th</sup> day of November 2019.

  
\_\_\_\_\_  
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 Matters in	}	Administrative Order No. 19-01
Chapter 7 and Chapter 13	}	Northern Division Only

**ADMINISTRATIVE ORDER REGARDING ADDITIONS TO CREDITOR MATRIX**

Pursuant to Rule 1007(a)(1) of the Federal Rules of Bankruptcy Procedure, the debtor in a voluntary case shall file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H as prescribed by the Official Forms, commonly referred to as a Creditor Matrix. Pursuant to Rule 1007(c), the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed either with the petition or within 14 days thereafter.

If the debtor adds any creditors to the Schedules which were not included on the original Creditor Matrix filed with the petition, the debtor is hereby required and directed to mail the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines to such added creditors within three (3) calendar days after the creditor is added to the case and shall immediately file a Certificate of Service reflecting service upon each added creditor. Failure to timely mail the required Notice or to file the Certificate of Service shall constitute cause for dismissal of the case or other appropriate sanctions.

**IT IS SO ORDERED** this the 19<sup>th</sup> day of August 2019.

  
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 Matters in	}	Administrative Order No. 18-01
Chapter 7 and Chapter 13	}	Northern Division Only


**ADMINISTRATIVE ORDER REGARDING DEFICIENT FILINGS  
AND PROCEDURE FOR DISMISSAL OF CASES**

Pursuant to Rule 1007(a)(1) of the Federal Rules of Bankruptcy Procedure, the Debtor(s) in a voluntary case shall file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H as prescribed by the Official Forms, commonly referred to as a Creditor Matrix. Further, pursuant to Rule 1007(c) of the Federal Rules of Bankruptcy Procedure, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed either with the petition or within 14 days thereafter. As a result of repeated violations of these Rules by counsel for Debtors, it is hereby

**ORDERED, ADJUDGED AND DECREED** as follows:

1. Debtor(s) and counsel for Debtor(s) are hereby notified that if the Creditor Matrix is not filed with the petition and/or uploaded to CM/ECF on the same date, the case will be **DISMISSED** without further notice or hearing unless the Debtor(s) files a Motion requesting an extension of time to file and upload the Creditor Matrix which contains adequate cause for such extension. The Court will determine if a hearing is necessary on the Motion, or the Court may grant or deny the requested extension without a hearing based upon the cause alleged in the Motion. The Motion must be filed with the petition or the case will be dismissed.
2. Debtor(s) and counsel for Debtor(s) are hereby notified that if all schedules, statements, and documents required by Rule 1007(c) are not filed within **FOURTEEN (14) DAYS** after the filing date of the petition, the case will be **DISMISSED** without further notice or hearing unless the Debtor(s) files a Motion requesting an extension of time to file the required document(s) which contains adequate cause for such extension. The Court will determine if a hearing is necessary on the Motion, or the Court may grant or deny the requested extension without a hearing based upon the cause alleged in the Motion. The Motion must be filed within **14 DAYS** after the filing date of the petition or the case will be dismissed.

**IT IS SO ORDERED** this the 9<sup>th</sup> day of July 2018.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

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

In Re:	)	
	)	
Western Division Administrative Order	)	
Regarding (I) Attorney's Fees Under § 4.3 of the	)	Administrative Order No. 17-07
Local Form Plan, (II) the Sequence of Payments	)	(Western Division Only)
Under Part 7 of the Local Form Plan, and (III)	)	
Other Chapter 13 Requirements and Procedures	)	
	)	

**WESTERN DIVISION ADMINISTRATIVE ORDER REGARDING (I) ATTORNEY'S FEES  
UNDER § 4.3 OF THE LOCAL FORM PLAN, (II) THE SEQUENCE OF PAYMENTS  
UNDER PART 7 OF THE LOCAL FORM PLAN, AND (III) OTHER CHAPTER 13  
REQUIREMENTS AND PROCEDURES**

This administrative order (this "Order") applies in all chapter 13 cases filed in the Western Division (the "Western Division") of the United States Bankruptcy Court for the Northern District of Alabama (the "District") on or after December 1, 2017, the effective date of the local form chapter 13 plan adopted by the District in accordance with Rule 3015.1 of the Federal Rules of Bankruptcy Procedure (the "Local Form Plan"). The Order also applies in any Western Division chapter 13 case in which chapter 13 debtor(s) (individually or together, a "Debtor") file a chapter 13 plan in the form of the Local Form Plan (a "Plan"), regardless of when the case was filed. Additionally, effective immediately, part III.E, parts III.H through III.V, and the final sentence of part III.A of the Order apply in all Western Division chapter 13 cases. In the event a case is transferred from the Western Division to another division within the District (or to another district) prior to confirmation of a Plan, the Order shall cease to apply in the case. The provisions of the Order shall not be given preclusive effect in the event a creditor or other party in interest timely objects to confirmation of a Plan or to any proposed modification to a Plan. Subject to the foregoing, and pursuant to § 4.3 and part 7 of the Local Form Plan, Rules 3015, 9006, and 9029 of the Federal Rules of Bankruptcy Procedure (the "Rules"), and Rule 102 of the Federal Rules of Evidence, it is ORDERED as follows:

**I. Payment of Attorney's Fees Under § 4.3 of the Local Form Plan**

**A. The Administrative Order Fee Option.** Part I.A of this Order is deemed incorporated, by reference, in a Plan if the Debtor selects the option, in § 4.3 of the Plan, to pay the balance of the requested Debtor's attorney fee "in accordance with any applicable administrative order regarding fees entered in the division where the case is pending" (the "Administrative Order Fee Option"). (See Local Form Plan § 4.3.) If the Administrative Order Fee Option is selected in the Plan, the fee allowed the Debtor's attorney that is payable from the Debtor's estate (the "Fee"), if any, shall be paid as follows, unless otherwise ordered:

1. Beginning with the first post-confirmation distribution made by the chapter 13 trustee serving in the case (the "Trustee") through and including the *earliest* to occur of the (1) the distribution that pays the Fee in full, (2) the Trustee's distribution for the month preceding the month in which fixed payments are to commence under the terms of the Plan, and (3) the Trustee's distribution for the sixth month after the confirmation hearing (the "Initial Fee Period"),<sup>1</sup> the Trustee shall pay to the Debtor's attorney the balance of the Regular Plan Payments (as said term is hereinafter defined) received by the Trustee that remain after the Trustee disburses the amounts set forth in subparagraphs 1, 2, and 3 of part II.A of this Order (the "Initial Fee Payments").
2. After the Initial Fee Period, if the Fee has not been paid in full, the Trustee shall pay to the Debtor's attorney the balance of the Regular Plan Payments (as said term is hereinafter defined) received by the Trustee that remain after payment of the amounts set forth subparagraphs 1, 2, 3, and 5 of part II.A of this Order (the "Residual Fee Payments"). The Residual Fee Payments shall continue until the Fee is paid in full.

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<sup>1</sup> If the Administrative Order Fee Option is selected by a Plan, fixed payments to secured creditors, if any, must begin *no later than* the seventh month following confirmation. The month in which fixed payments are to begin under the Plan is referred to herein as the "Fixed Payment Commencement Date."

**B. The Plan Fee Option.** In lieu of selecting the Administrative Order Option, the Debtor, in § 4.3 of the Plan, may provide for payment of all or a portion of the Fee to the Debtor's attorney at confirmation of the Plan (the "Fee at Confirmation") and grant the Debtor's attorney a monthly fixed payment on the unpaid balance of the Fee (the "Fee Balance"). This option is referred to herein as the "Plan Fee Option." Unless otherwise ordered, the Fee at Confirmation and fixed payments to the Debtor's attorney on the Fee Balance shall be paid by the Trustee, post-confirmation, from Regular Plan Payments received by the Trustee in accordance with the sequence of payments set forth in part II.A of this Order; *provided, however*, in the event the Trustee receives insufficient Regular Plan Payments to pay the Fee at Confirmation in full prior to the Fixed Payment Commencement Date, the portion of the Fee at Confirmation that remains unpaid as of the Fixed Payment Commencement Date (the "Fee Deficiency") shall not be paid under subparagraph 4 of part II.A. Instead, the Fee Deficiency shall be paid from the Regular Plan Payments received by the Trustee that remain after payment of the amounts set forth subparagraphs 1, 2, 3, and 5 of part II.A of this Order (the "Fee Deficiency Payments").

## **II. Sequence of Payments Under Part 7 of the Local Form Plan**

**A. Regular Plan Payments.** Unless otherwise ordered, the Trustee shall disburse payments received by the Trustee under §§ 2.1, 2.2, or 2.3 of a Plan (collectively, the "Regular Plan Payments") in the following sequence:

1. The Trustee shall collect the percentage fee currently due from all Regular Plan Payments at the time that funds are disbursed, until the fee then due is collected in full. (*See* Local Form Plan § 4.1.)
2. If the Plan proposes to pay the chapter 13 case filing fee (the "Filing Fee") through the Plan, the Trustee shall then disburse the Filing Fee installment payments currently due to the clerk of court, until the amounts then due are paid in full. (*See* Local Form Plan § 4.2; Local Rule 1006-1.)

3. The Trustee shall then disburse post-petition adequate protection payments to creditors with allowed claims, if any, as provided in the Debtor's most recent Plan, until the amounts then due are paid in full. (*See, e.g.*, Local Form Plan §§ 2.5, 3.2, and 3.3; *see also* Local Form Plan part 9.)
4. The Trustee shall then disburse the Initial Fee Payments payable to the Debtor's attorney under part I.A of this Order, if any, or the Fee at Confirmation payable to the Debtor's attorney under part I.B of this Order, if any. (*See* Local Form Plan § 4.3; *see also supra* parts I.A.1 and I.B.)
5. The Trustee shall then disburse the following amounts proportionately until the amounts that are then currently due are paid in full:
  - a. The current installment payments to be disbursed by the Trustee, if any, including amounts currently due and any unpaid arrearages (*see* Local Form Plan §§ 3.1, 5.4, and 6.1); and
  - b. The monthly fixed payments on allowed secured claims, if any, including any amounts currently due and any unpaid arrearages (*see* Local Form Plan part 3); and
  - c. The monthly fixed payments to the Debtor's attorney for the Fee Balance, if any, including any amounts currently due and any unpaid arrearages (*see* Local Form Plan § 4.3; *see also supra* part I.B); and
  - d. The monthly fixed payments on other priority unsecured claims and § 503(b) administrative expenses, if any, including any amounts currently due and any unpaid arrearages (*see, e.g.*, Local Form Plan §§ 4.4, 4.5).

The monthly fixed payments identified in this subparagraph 5 of part II.A that are due pursuant to the Plan but are unpaid shall accrue proportionately, based upon the amount of each fixed payment awarded, and shall be paid proportionately by the Trustee on a pro rata



basis from available funds on hand.<sup>2</sup>

6. The Trustee shall then disburse the Residual Attorney Fee Payments or Fee Deficiency Payments payable to the Debtor's attorney, if any, until paid in full. (*See* Local Form Plan § 4.3; *see also* supra parts I.A.2 and I.B.)
7. The Trustee shall then disburse the amounts to be paid to holders of nonpriority unsecured claims not separately classified by the Plan, if any, on a pro rata basis until paid in full. (*See* Local Form Plan part 5.)

**B. Claim Proceeds.** Unless otherwise ordered, the Trustee shall disburse proceeds of claim(s), cause(s) of action, lawsuit(s), settlement(s), or judgment award(s) ("Claim Proceeds") received by the Trustee pursuant to § 2.4 of a Plan ("Committed Claim Proceeds") in the sequence specified by the Plan, if any. (*See* Local Form Plan § 2.4, part 9;<sup>3</sup> *see also id.* at § 5.2.<sup>4</sup>) If the Plan does not include a sequence of payment for Committed Claim Proceeds, Committed Claim Proceeds received by the Trustee shall be held pending further

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<sup>2</sup> For example, if a Plan provides for fixed payments in the amount of \$200.00 to a secured car creditor, \$200.00 to a secured mortgage creditor, and \$100.00 to the Debtor's attorney for the Fee Balance, and, after the Fixed Payment Commencement Date, the Trustee receives a partial Regular Plan Payment in the amount of \$100.00, the Trustee shall disburse, after collecting the Trustee's fee of not more than 10 percent of the disbursements to the creditors (\$9.09), approximately \$36.36 to the secured car creditor, approximately \$36.36 to the secured mortgage creditor, and approximately \$18.18 to the Debtor's attorney. The foregoing scenario assumes the Filing Fee was paid in full prior to the Fixed Payment Commencement Date.

<sup>3</sup> For example, in § 2.4, the Plan may provide: "Non-exempt proceeds of estate causes of action that remain after satisfaction of any and all attorneys' fees and expenses, lien claims, and subrogation claims payable therefrom shall be disbursed in the following sequence: (1) in payment of the percentage fee currently due the Trustee, (2) pro rata to holders of nonpriority unsecured claims not separately classified by the Plan up to 100 percent of the total allowed amount of such claims, (3) in the sequence specified by part II.A of Administrative Order No. 17-07, and (4) the balance, if any, to the Debtor(s)." Or, the Plan may specify a different sequence of payments in § 2.4 (or part 9). The aforementioned sequence is provided for illustrative purposes only and shall not be given preclusive effect in the event a creditor or other party in interest objects to confirmation of a Plan that includes this sequence of payments.

<sup>4</sup> Notably, for "Base" plans, the Local Form Plan provides that Committed Claim Proceeds will be disbursed, like Regular Plan Payments, in accordance with the sequence of payments set forth in part II.A of this Order. (*See* Local Form Plan § 5.2.)

order of the court; provided, however, if all Trustee payments to creditors contemplated by the Plan have been paid in full (referred to herein as "Plan Completion"), the Trustee shall disburse the Committed Claim Proceeds in the following sequence:

1. The Trustee shall collect the percentage fee currently due from Committed Claim Proceeds at the time that such funds are disbursed, until the fee then due is collected in full. (*See* Local Form Plan § 4.1.)
2. The Trustee shall then disburse the amounts necessary to satisfy unpaid compensation awards, subrogation claims, or lien claims payable from the Committed Claim Proceeds, if any.<sup>5</sup>
3. The Trustee shall then disburse, on a pro rata basis, the amounts necessary to pay holders of allowed nonpriority unsecured claims not separately classified by the Plan (the "General Unsecureds"), if any, 100 percent of the total allowed amount of such claims (a "100% General Unsecured Distribution"). (*See* Local Form Plan § 5.3.)
4. Any Committed Claim Proceeds that remain after both Plan Completion and a 100% General Unsecured Distribution occur shall be refunded to the Debtor, and, unless otherwise ordered, the Trustee shall not collect a percentage fee on any such disbursement to the Debtor.

### **III. Other Chapter 13 Requirements and Procedures**

**A. Adequate Protection Payments.** If a Plan provides for adequate protection payments to a creditor, such adequate protection payments shall continue until the Fixed Payment Commencement Date, unless the Plan expressly provides otherwise or otherwise ordered. The Trustee is authorized to make the adequate protection payments proposed to be made to a creditor in a Plan prior to confirmation, so long as

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<sup>5</sup> Often, such awards and claims are paid directly by special counsel or a settlement administrator, pursuant to an order on a motion to approve compromise. Further, the Debtor, in § 2.4 of the Plan, may exclude from the Committed Claim Proceeds the amounts necessary to satisfy compensation awards or subrogation/lien claims.

the creditor has properly filed a proof of claim.<sup>6</sup>

**B. Fixed Payment Commencement Date.** If a Plan provides for fixed payments to a creditor, the Plan must conspicuously and clearly identify the Fixed Payment Commencement Date. For purposes of this requirement, it shall be sufficient to identify the month following confirmation in which fixed payments are to commence (e.g., "the 7th month after confirmation"). If the Plan states that fixed payments will begin "at confirmation" or "upon confirmation," the Fixed Payment Commencement Date shall be the date of the first, post-confirmation distribution by the Trustee.

**C. Identification and Vesting of Committed Claim Proceeds.** If, in § 2.4 of a Plan, the Debtor checks the box indicating that the Debtor will make additional payment(s) to the Trustee from Claim Proceeds, the Debtor shall include, in the space provided, a description of the Committed Claim Proceeds. For purposes of example only, the Plan may provide that "the Debtor shall pay to the Trustee all non-exempt proceeds of estate causes of action that remain after satisfaction of any and all attorneys' fees and expenses, lien claims, and subrogation claims payable therefrom." Alternatively, the Plan may propose to pay proceeds of "pre-petition" or "scheduled" causes of action. A reference to "estate" causes of action will be deemed to include any and all causes of action comprising property of the estate at the time of the confirmation hearing, as well as any and all post-confirmation causes of action that become property of the estate under 11 U.S.C. § 1306(a). Unless the Plan expressly provides otherwise<sup>7</sup> or otherwise ordered—and notwithstanding the entry of a discharge order in, or the closing of, the Debtor's case—the Committed Claim Proceeds shall not vest in the Debtor at confirmation but shall remain property of the Debtor's estate until each of the following occurs: (1) Plan Completion, and (2) a 100% General Unsecured Distribution; provided, however, if the

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<sup>6</sup> This Order and the Local Form Plan supersede and replace Western Division Administrative Order No. 09-04.

<sup>7</sup> Checking the box in part 8 of a Plan to provide that "[p]roperty of the estate will vest in Debtor(s)...[u]pon plan confirmation" is not sufficient for purposes of this requirement.

Debtor's case is dismissed or converted prior to the Trustee's receipt or disbursement of all Committed Claim Proceeds, then 11 U.S.C. § 347 or 11 U.S.C. § 349 shall govern whether any Committed Claim Proceeds remain property of the Debtor's estate.

**D. Additional Distributions to General Unsecureds from Committed Claim Proceeds.**

Unless the Plan expressly states otherwise or otherwise ordered, Trustee disbursements of Committed Claim Proceeds to General Unsecureds, if any, shall be in addition to the amount(s) proposed to be paid to General Unsecureds in § 5.2 of the Plan, if any, up to a 100% General Unsecured Distribution (each, an "Additional Unsecured Disbursement"). (See Local Form Plan §§ 2.4 and 5.2 and part 9.) It shall not be necessary to modify the Plan in the event of an Additional Unsecured Disbursement. The Trustee may, instead, (1) file in the Debtor's case, and serve on all creditors, a notice of any higher percentage or increased pot amount that General Unsecureds will be entitled to receive (upon Plan Completion) as result of the Additional Unsecured Disbursement, and (2) update the Trustee's interim statement (and the Trustee's final report if the Additional Unsecured Disbursement is made after the filing of the final report) to reflect the Additional Unsecured Disbursement and any corresponding increase to the pot or percentage.<sup>8</sup> If disbursements of Committed Claim Proceeds to priority unsecured creditors will enable more of the Debtor's disposable income to be paid to General Unsecureds, the Trustee (or an unsecured creditor) typically must to move to modify the Plan to increase the amount to be paid to General Unsecureds.<sup>9</sup>

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<sup>8</sup> This is not necessary for "Base" Plans or "100% Repayment" Plans. (See Local Form Plan § 5.2.)

<sup>9</sup> If the Plan is a "Base" Plan, such a motion is not required. Further, the Debtor may consent to entry of order that increases the pot or percentage to be paid to General Unsecureds, in which case a motion may not be necessary. If a post-confirmation modification to increase the pot or percentage to be paid to General Unsecureds is agreed to by the Debtor and is feasible, it may be approved, without further notice or opportunity to object, pursuant to Rule 3015(g) (without prejudice to the right of the Trustee or any unsecured creditor to move to further increase the pot or percentage).

**E. Limited Notice of Certain Pre-Confirmation Plan Modifications.** At or prior to the hearing to consider confirmation of a Plan or amended Plan (the "Confirmation Hearing"), the Debtor, or the Debtor's attorney, and the Trustee may make the Plan modifications described in this part III.E (each, a "Trustee Report Modification") by notation on the Trustee's confirmation report and recommendation (the "Trustee Report"),<sup>10</sup> so long as (1) the Trustee Report is signed by the Debtor, or the Debtor's attorney, and the Trustee, or the Trustee's attorney, and (2) the signed Trustee Report is filed in the Debtor's case prior to entry of the confirmation order.<sup>11</sup> Each of the following is considered a Trustee Report Modification: (1) an increase to the Debtor's Regular Plan Payments; (2) an increase to a monthly fixed payment provided for by the Plan (other than an increase to a monthly fixed payment on a Fee Balance); (3) a modification to bring forward (but not to delay) the Fixed Payment Commencement Date; (4) an increase to an adequate protection payment provided for by the Plan; (5) a modification to the treatment of a separately classified claim that is consented to by the claimholder (a "Consensual Treatment Modification"); (6) an increase to the percentage or pot amount proposed to be paid to General Unsecureds (but not a change from a percentage to a pot amount or from a pot amount to a percentage); (7) an agreed reduction to a Fee; (8) an agreed reduction to a Fee at Confirmation; (9) an agreed reduction to a monthly fixed payment on a Fee Balance; (10) the Debtor's agreement to pay to the Trustee, under § 2.4, all non-exempt proceeds of *estate* causes of action, *scheduled* causes of action, or *pre-petition* causes of action that remain after satisfaction of any and all attorneys' fees and expenses, lien claims, and subrogation claims payable therefrom (provided all known causes of action are scheduled and no sequence of payments for Committed Claim Proceeds is added); and (11) other Plan modifications that do not adversely or materially affect non-consenting creditors or parties in interest and are

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<sup>10</sup> The Trustee's Report may be referred to as the Trustee's 341 meeting "bench sheet."

<sup>11</sup> If the signed Trustee Report is not filed prior to the Confirmation Hearing, the court may require that the Trustee, the Trustee's attorney, or the Debtor's attorney announce the modification(s) to the Plan made on the Trustee Report on the record of the Confirmation Hearing.

approved by the court. All Trustee Report Modifications shall be summarized in the proposed, confirmation order submitted by the Trustee's office; provided, however, a Consensual Treatment Modification may be memorialized by a separate consent order approved by the Debtor (or the Debtor's attorney), the Trustee (or the Trustee's attorney), and the affected creditor (a "Consent Order Modification") and need not be memorialized in the confirmation order.<sup>12</sup> Any Trustee Report Modifications not summarized in the confirmation order will not be binding under 11 U.S.C. § 1327 unless separately evidenced by a Consent Order Modification. The Debtor is not required to file an amended Plan (each, an "Amended Plan") for a Trustee Report Modification or Consent Order Modification unless the court orders otherwise at the Confirmation Hearing. Unless otherwise ordered, because no creditors or other parties in interest are adversely or materially affected by Trustee Report Modifications or Consent Order Modifications, and for purposes of the efficiency of the court's consumer bankruptcy dockets, notice of Trustee Report Modifications and Consent Order Modifications is limited as described in this part III.E, and the applicable notices period(s) set forth in Rule 2002 are reduced accordingly, pursuant to Rule 9006(c); provided, however, objections to Trustee Report Modifications and Consent Order Modifications may be made (1) in writing at any time prior to the Confirmation Hearing, (2) orally at the Confirmation Hearing, or (3) within 14 days after the entry of the confirmation order or consent order, as applicable, by filing a motion to alter or amend the confirmation order or consent order pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, as made applicable by Rule 9023.

**F. Filing and Service of the Plan.** If the Plan is filed with the Debtor's petition, the clerk's office will serve the Plan with the notice of commencement of the Debtor's case on the Trustee and all creditors and parties in interest identified on the official mailing matrix for the case (collectively, the "Service

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<sup>12</sup> If the consent order memorializing a Consent Order Modification is not entered on the docket of the case prior to the Confirmation Hearing, the court may require that the attorney for the Debtor or the affected creditor announce the terms of the Consent Order Modification on the record of the Confirmation Hearing.

Parties"). Pursuant to Local Rule 3015-1(b), if the Plan is not filed with the petition, the Debtor, or the Debtor's attorney, must serve the Plan on the Service Parties and attach a certificate of service evidencing the same to the Plan (a "Matrix Certificate of Service"). The Debtor, or the Debtor's attorney, should include all creditors and parties in interest (e.g., codebtors, utilities, etc.) on the official mailing matrix to ensure proper notice of the Plan and the Confirmation Hearing. Regardless of when the Plan is filed, if the Plan includes any of the following provisions (each, a "Rule 7004 Service Provision"), the Debtor must serve the Plan on the affected creditor or party in interest (each, an "Affected Party") in the manner provided for service of a summons and complaint by Rule 7004 and file a separate certificate of service that substantially complies with the certificate of service found at 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) (a "Supplemental Certificate of Service"): <sup>13</sup> (1) a provision that seeks to limit the amount of a secured claim which may result in partial or no payment at all to the secured creditor, whether set out in § 3.2 or part 9 of the Plan; (2) a request, in § 3.4, to avoid, in whole or in part, a judicial lien or nonpossessory, nonpurchase-money security interest; or (3) a non-standard provision, in part 9, that requires Rule 7004 service of the Plan on the Affected Party (a "7004 Non-Standard Provision"). A request, in part 9, to value surrendered collateral (such as a request to surrender collateral in full satisfaction of the Affected Party's entire claim or to limit the amount of the Affected Party's unsecured deficiency claim to the total claim less the retail value of the surrendered collateral) is considered a 7004 Non-Standard Provision, and service of the Plan on the Affected Party must be made in accordance with Rule 7004 and evidenced by a Supplemental Certificate of Service. A Supplemental Certificate of Service must also be filed (regardless of when the Plan is filed) if the Plan proposes to grant a creditor relief from the codebtor stay of 11 U.S.C. § 1301 (such as in § 3.5) (a "Codebtor Relief Provision") to evidence service of the Plan containing the Codebtor Relief Provision on all affected codebtors. A Supplemental Certificate of Service is not a substitute for a Matrix Certificate of

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<sup>13</sup> The Supplemental Certificate of Service should be attached to and filed with the Plan.

Service, and if the Debtor, or the Debtor's attorney, fails to file the Plan with the petition, both a Matrix Certificate of Service and a Supplemental Certificate of Service must be filed with the Plan.

**G. Filing and Service of Amended Plans; Deadline for Objecting to Amended Plans.** If the Debtor files an Amended Plan, the Debtor shall serve the Amended Plan on all Service Parties and attach a Matrix Certificate of Service evidencing the same to the Amended Plan. If the Amended Plan includes a Rule 7004 Service Provision or a Codebtor Relief Provision, then service of the Amended Plan must comply with Local Rule 3015-1 and part III.F hereof, and the requisite Supplemental Certificate of Service must be attached to and filed with the Amended Plan. After an Amended Plan is filed, the court typically will enter an order fixing the deadline for filing objections to the Amended Plan, on not less than 21 days' notice to all Service Parties.<sup>14</sup> The court will not confirm an Amended Plan before any court ordered objection deadline expires, nor will the court confirm an Amended Plan before holding a hearing to consider each timely filed objection to the Amended Plan.

**H. Amended Plan Payments.** If the Debtor files an Amended Plan prior to the Confirmation Hearing, the Regular Plan Payments that come due after the date the Amended Plan is filed must be made in the amount stated in the Amended Plan, which may be higher or lower than the amount stated in the original Plan. If successive Amended Plans are filed, any Regular Plan Payment that comes due must be made in the amount stated in the most recently filed Amended Plan.

**I. Requests to Continue the First Setting of a Confirmation Hearing.** Subject to court approval, the first setting of the Confirmation Hearing in a case (the "Original Confirmation Hearing") may be continued before the scheduled date and time thereof, *if, and only if*, the Original Confirmation Hearing can be rescheduled to a date that (1) is not later than 45 days after the date of the 341 meeting of creditors and (2)

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<sup>14</sup> If a Confirmation Hearing is not scheduled when the Debtor files an Amended Plan, the court will not enter such an order. Instead, the clerk's office will notice a hearing to consider confirmation of the Amended Plan on 28 days' notice to all Service Parties.



is not sooner than 30 days<sup>15</sup> after the date of the order continuing the Original Confirmation Hearing.

**J. Continuances of Confirmation Hearings Generally.** If a request for a continuance of a Confirmation Hearing is made and approved in advance of the scheduled date and time of the Confirmation Hearing, the court will enter an order and notice of rescheduled hearing that provides notice to all Service Parties of the date and time of the rescheduled Confirmation Hearing. So long as the Service Parties received at least 28 days' notice of the Original Confirmation Hearing and the Original Confirmation Hearing was convened, the Confirmation Hearing may be continued on *less than* 28 days' notice to the Service Parties. The Confirmation Hearing also may be convened and rescheduled by announcement on the record of the Confirmation Hearing, without further notice.<sup>16</sup>

**K. Extension of Confirmation Objection Deadline for Objections Based on Unanticipated Claims.** If any of the following types of claims is filed in a Debtor's case on or after expiration of the deadline for filing objections to confirmation (each, an "Unanticipated Claim"), the objection deadline is deemed extended, for cause, to the date and time of the Confirmation Hearing for any objection to confirmation based on an Unanticipated Claim by a party other than the holder, servicer, or filer of the Unanticipated Claim: (1) a secured or priority claim that is not provided for by the Plan (or Amended Plan); (2) with respect to claims that are separately classified by the Plan (or Amended Plan), a claim that exceeds the amount listed by the Plan (or Amended Plan), creating a feasibility issue; or (3) with respect to General Unsecureds, a claim that exceeds the amount listed in the Debtor's schedules, creating a feasibility issue.

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<sup>15</sup> Rule 2002(b) requires 28 days' notice of the hearing to consider confirmation of a chapter 13 plan. Two days is added to allow for service of the order by the Bankruptcy Noticing Center.

<sup>16</sup> To the extent the Rule 2002(b) notice requirements apply to adjournments of the Confirmation Hearing after the court has convened Original Confirmation Hearing, the requirements are hereby reduced/limited on the terms of paragraph III.J, for cause, to facilitate confirmation within a reasonable period of time. *See* Rule 9006(c).

**L. Confirmation Hearings.** Excepting cases in which the 341 meeting of creditors is conducted in Jasper, Alabama,<sup>17</sup> Confirmation Hearings typically are scheduled for 1:30 p.m. (the "1:30 Docket") and 1:45 p.m. (the "1:45 Docket") on Tuesdays.<sup>18</sup> The 1:30 Docket shall be for Original Confirmation Hearings only. If the Original Confirmation Hearing is continued in accordance with part III.I hereof, it will remain on the 1:30 Docket. All other continued Confirmation Hearings will be set on the 1:45 Docket (or on a different date and time to be heard with other pending matters).

**M. Cases Recommended for Confirmation.** If the Trustee recommends a Plan or Amended Plan for confirmation and, on or before the second business day before the Confirmation Hearing (the "Recommendation Deadline"), the Trustee files a Trustee Report in the case that memorializes any Trustee Report Modifications and states the Trustee's recommendation (a "Trustee Recommendation"),<sup>19</sup> both the Debtor and the Debtor's attorney are excused from appearing for the Confirmation Hearing (so long as there are no pending objections to confirmation or other matters set). If a Trustee Recommendation is not filed on or before the Recommendation Deadline, the Debtor's attorney (or, if the Debtor is not represented by an attorney, the Debtor) is required to appear for the Confirmation Hearing unless (1) the Trustee and any party that has objected to confirmation have agreed that the Trustee may orally request a continuance of the Confirmation Hearing on the record; or (2) there are no pending objections to confirmation, and the Trustee has confirmed that he or she will orally recommend confirmation. The court may collectively call cases recommended for confirmation at the beginning of each confirmation docket in lieu of calling each such case

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<sup>17</sup> The Trustee conducts 341 meetings in two locations—Tuscaloosa, Alabama and Jasper, Alabama. Confirmation hearings in Jasper cases are typically set for hearing at 1:30 p.m. on the third Thursday of the month.

<sup>18</sup> A Western Division planning calendar (the "Planning Calendar"), which lists upcoming docket dates and times, is available on the court's website ([www.alnb.uscourts.gov](http://www.alnb.uscourts.gov)) on the information page for Judge Jennifer H. Henderson.

<sup>19</sup> If there are no Trustee Report Modifications, the Trustee Report may take the form of a text entry on the docket of the case that notes the Trustee Recommendation, rather than a separate document.

individually. Whether called individually or collectively, the court will convene the Confirmation Hearing in each case, and, if the court does not confirm a case that the Trustee has recommended for confirmation, the court will reschedule the Confirmation Hearing to permit the Debtor or the Debtor's attorney an opportunity to address any impediments to confirmation.

**N. Added Creditors.** If the Debtor's attorney amends any schedule to include an additional creditor, the Debtor's attorney shall promptly serve the Plan or Amended Plan, as well as any order fixing a deadline for objections to such Plan or Amended Plan, on the added creditor and file proof of service evidencing the same. If the added creditor is affected by a Rule 7004 Service Provision, the certificate of service must substantially comply with the Supplemental Certificate of Service. The clerk's office will notify the added creditor of the date and time of the 341 meeting of creditors and the date and time of the Confirmation Hearing. If an added creditor receives less than 28 days' notice of the Confirmation Hearing or less than 21 days' notice of the deadline for filing objections to the operative Plan or Amended Plan, the Debtor's attorney (or, if the Debtor is not represented by an attorney, the Debtor) shall notify the court on the record of the Confirmation Hearing.

**O. Dismissal Prior to Confirmation; Allowance of Administrative Expenses.** If a case is dismissed prior to confirmation, the Trustee shall disburse monies on hand in the following sequence: (1) in payment of any administrative expenses of the Trustee allowed under paragraphs (1)(A), (2), and (6) of 11 U.S.C. § 503(b), (2) pro rata to holders of other allowed administrative expenses under 11 U.S.C. § 503(b), and (3) the balance, if any, to the Debtor.<sup>20</sup> Unless otherwise ordered, and subject to objection, if dismissal of a case occurs prior to confirmation, then (1) if the disclosure of compensation for the Debtor's attorney so provides, the Debtor's attorney is allowed an administrative expense in the amount of \$1,000.00 or in the amount of the Fee, whichever is less, pursuant to 11 U.S.C. § 503(b), and (2) the unpaid balance of the Filing

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<sup>20</sup> See 11 U.S.C. § 1326(a)(2); 11 U.S.C. § 503(b).

Fee, if any, is allowed as an administrative expense pursuant to 11 U.S.C. § 503(b). The Trustee, the Debtor, and all other parties in interest shall have 14 days from the date of the order dismissing the case to object to any administrative expenses allowed by this subpart. The Debtor's attorney may file a fee application for any fees sought over \$1,000.00, but such fee application must be filed within 14 days of the order of dismissal. The Trustee shall have 14 days from the date of the order dismissing the case to file an application for allowance of any administrative expense(s) of the Trustee. The court retains jurisdiction, pursuant to 11 U.S.C. § 349, to consider any timely objections and applications filed pursuant to this subpart.

**P. Trustee Interim Statements.** In connection with any hearing or determination in a case, and unless a party in interest objects, the court shall deem admitted into evidence the Trustee's interim statement for the case (each, an "Interim Statement") and the facts that can be readily determined from the Interim Statement, without requiring the Trustee to formally offer and authenticate the Interim Statement. It is the practice of the undersigned to print an Interim Statement (in the form used by the Trustee) one to four business days in advance of any hearing in a case (for review prior to and during the hearing). The court also routinely prints and reviews Interim Statements (in the form used by the Trustee) to ascertain whether or not Debtors have complied with orders of the court setting deadlines for payments to the Trustee. Any party in interest that objects to the court reviewing or deeming admitted an Interim Statement may file a written objection in the case or orally object on the record of any hearing, and part III.P of this order shall not be given preclusive effect in the event an interested party timely raises an objection to the court's review or admission (deemed or otherwise) of an Interim Statement.

**Q. Hearing Dockets.** The clerk's office maintains a court calendar at [www.alnb.uscourts.gov/court-calendar](http://www.alnb.uscourts.gov/court-calendar), which displays upcoming hearings (by date, judge, and location). The court's daily hearing docket, listing all matters set for hearing that day (each, a "Hearing Docket"), may be generated and printed by accessing the above-reference link. In advance of a hearing date, the Hearing Docket will be numbered. Ordinarily, for each time slot, matters are grouped and organized (oldest to newest) by

case number. Although cases typically are called (by docket number and Debtor name) in the number order listed on the Hearing Docket, the court may hear matters out of order.

**R. Hearings on Motions to Dismiss; Post-Confirmation Increases to Regular Plan Payments.** Typically, the court sets two hearing times each month for hearings on motions to dismiss chapter 13 cases (each, a "Dismissal Docket").<sup>21</sup> The first Dismissal Docket is for initial hearings on motions to dismiss, and the second Dismissal Docket is for continued hearings on motions to dismiss. The Trustee is authorized to self-calendar and self-notice hearings on Trustee motions to dismiss. With limited exceptions, the Trustee shall notice a pre-confirmation motion to dismiss a chapter 13 case for the date and time of the Confirmation Hearing and a post-confirmation motion to dismiss for the date and time of a Dismissal Docket. A *Consent to Action at Hearing on Trustee's Motion to Dismiss* (a "Consent to Action") for the Western Division is available on the court's website ([www.alnb.uscourts.gov](http://www.alnb.uscourts.gov)). The attorney for a Debtor is expected to appear for the hearing on any motion to dismiss the Debtor's case (or make arrangements for another attorney to appear) unless a duly executed Consent to Action is timely filed in the case. If, in a Consent to Action or orally on the record of a dismissal hearing, the Trustee, the Debtor, or the Debtor's attorney requests that the court increase the amount of the Debtor's Regular Plan Payments so that the Debtor's case remains feasible, the court may order the Regular Plan Payment amount increased, without providing creditors an opportunity to object or request a hearing. In such instances, the applicable notice period(s) are reduced for cause, pursuant to Rules 3015(b) and 9006(c), as no creditors are adversely or materially affected.

**S. Consensual Requests for Continuances,<sup>22</sup> Requests to Vacate Hearings on Settled Matters, and Requests to Grant Motions by Consent.** With the exception of hearings on Trustee motions to dismiss (*see* part III.R hereof), (1) requests to continue hearings by consent, (2) requests to vacate hearings

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<sup>21</sup> Refer to the Planning Calendar for the dates of the court's dismissal dockets.

<sup>22</sup> Non-consensual requests for continuances must be made by motion and will only be granted for good cause shown.

from Hearing Dockets (i.e., requests to cancel hearings) on the basis of settlement, and (3) requests to grant motions by consent of all interested parties in advance of a scheduled hearing, may be requested by e-mail to the courtroom deputy. A request to continue a hearing will be considered consensual if: (1) in the case of a Confirmation Hearing or a hearing on a motion/application noticed to all creditors (e.g., a motion to modify plan, to approve compromise, etc.), the Debtor, movant (if any), all responding parties, and the Trustee consent, or (2) in the case of a hearing on a motion/objection that seeks relief against a particular party (e.g., an objection to claim, motion to value, motion for relief, etc.), the Debtor, the movant/objector, the party against whom relief is sought, and the Trustee consent. All such e-mails requests should: (1) be sent to [crdeputyjhh@alnb.uscourts.gov](mailto:crdeputyjhh@alnb.uscourts.gov), (2) include in the subject line, or in the body of the e-mail, the name of the Debtor, the case number, the hearing date and time, and, if known, the Hearing Docket number(s), and (3) copy all consenting/settling parties or their counsel. When an e-mail address is not available for a consenting party (or their counsel), the party submitting the e-mail request to the courtroom deputy may mail, fax, or hand deliver a copy of the e-mail request to said party (or counsel), in which case the body of the e-mail should indicate that a copy was transmitted to the party (or counsel) and state the method of transmission (e.g., cc: [PARTY/COUNSEL NAME] via facsimile to [FAX NUMBER]). Although there is no deadline for submitting such consensual requests to the courtroom deputy, if a request is not received in time for the clerk's office/courtroom deputy to enter an order (continuing the hearing or granting the motion by consent) or courtroom deputy note (reflecting that the matter is settled and the hearing cancelled), the hearing will not be vacated from the Hearing Docket, and an attorney for one of the parties must appear for the hearing to report the settlement or request the continuance or consented to relief. Hearing Dockets are typically printed and placed in the courtroom no later than 30 minutes prior to the time of the first hearing for the day. No hearings will be vacated after the Hearing Docket is printed and placed in the courtroom. Attorneys are encouraged to submit all such consensual requests by noon the business day before the hearing, if possible, to allow sufficient time for the clerk's office/courtroom deputy to enter any necessary orders/courtroom

deputy notes.

**T. Settlement of Chapter 13 Motions for Relief from Stay and Codebtor Stay.** If, in an e-mail advising the courtroom deputy that a motion for relief from the stay and the codebtor stay is settled and requesting that the hearing thereon be vacated from the Hearing Docket, the requesting attorney affirmatively represents that the Trustee, the Debtor, and the affected codebtor(s) are in agreement, the courtroom deputy may vacate the hearing from the Hearing Docket and enter a courtroom note that the matter is settled. As set forth above in part III.S, the attorney sending the e-mail should copy counsel for all other parties on the e-mail, as well as any unrepresented parties. If an e-mail address is unavailable for an unrepresented party, the text of the e-mail should indicate that a copy of the e-mail was delivered to the party and state the method of transmission (e.g., cc: [NAME], codebtor, by U.S. mail to [ADDRESS]). If the settling parties are unable to confirm whether or not a codebtor consents to the terms of a settlement agreed to by the Debtor, the hearing on the motion will only be vacated if the parties indicate in the e-mail that the order will unconditionally deny the request for codebtor relief. If the order will include a conditional denial of the request for codebtor relief or a grant of the request for codebtor relief and the parties do not represent that the codebtor consents, the court will hold the hearing to call for the codebtor, and counsel for one of the settling parties will need to appear for the hearing.

**U. Requirements for Proposed Orders.** Each proposed order should identify the person that prepared the order. Additionally, for consent orders, all consenting parties or their attorneys should sign the proposed order (electronic signatures for attorneys are acceptable; handwritten signatures are required for unrepresented parties);<sup>23</sup> provided, however, in lieu of a signature block for an unrepresented party, the proposed order may include the following statement: "[INSERT NAME], attorney for the [INSERT PARTY, e.g., "debtor"], represents to the court that [INSERT NAME], the [INSERT PARTY, e.g., "codebtor"],

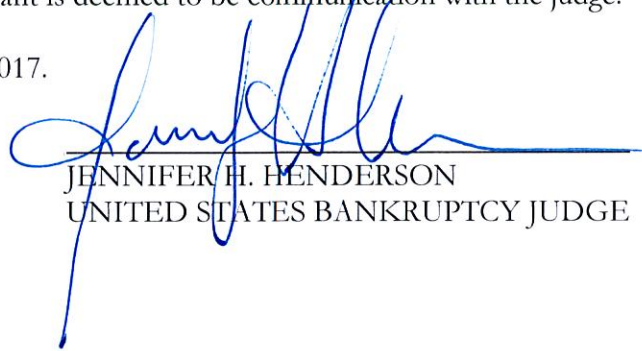
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<sup>23</sup> If a handwritten signature is required, the signed order should be submitted in .pdf format and an unsigned version submitted in Word or WordPerfect format.

consents to the entry of this agreed order." The order should include the signature of the attorney making the representation. Proposed orders should be submitted in Word or WordPerfect format to [ordersjhh@alnb.uscourts.gov](mailto:ordersjhh@alnb.uscourts.gov), with all consenting parties copied on the submission.

**V. Ex Parte Communications.** All parties should respect the prohibition against ex parte communication (Rule 9003(a)) and avoid communications concerning matters other than procedural or scheduling matters. Emails should not be used to communicate with chambers staff regarding a case. Communication with a law clerk or judicial assistant is deemed to be communication with the judge.

DONE this the 29<sup>th</sup> day of November, 2017.



JENNIFER H. HENDERSON  
UNITED STATES BANKRUPTCY JUDGE



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

In the Matter of:	}	
	}	
Attorney's Fees under § 4.3 of the	}	Administrative Order No. 17-06
Local Chapter 13 Plan and the Sequence	}	Northern Division Only
Payments under Part 7 of the Local	}	
Chapter 13 Plan	}	

**ADMINISTRATIVE ORDER REGARDING: (1) ATTORNEY'S  
FEES UNDER § 4.3 OF THE LOCAL CHAPTER 13 PLAN, AND  
(2) SEQUENCE OF PAYMENTS UNDER PART 7 OF THE  
LOCAL CHAPTER 13 PLAN**

This Administrative Order is effective December 1, 2017 as to all Chapter 13 cases filed in the Northern Division of the United States Bankruptcy Court for the Northern District of Alabama regardless of when the Chapter 13 case was filed. In the Northern Division, pursuant to § 4.3 of the local form Chapter 13 plan adopted by the Northern District of Alabama pursuant to Rule 3015.1 of the Federal Rules of Bankruptcy Procedure (the "Local Chapter 13 Plan"), the balance of the fee owed to Debtor(s)' attorney shall be payable in accordance with this Administrative Order as provided herein.

Unless otherwise ordered, the Chapter 13 Standing Trustee shall disburse payments received by the Trustee under §§ 2.1, 2.2, or 2.3 of a Plan in the following sequence:

1. The Trustee shall collect her percentage fee currently due from all Plan payments at the time that funds are disbursed, until the fee then due is collected in full.
2. If the Plan proposes to pay the Chapter 13 Case filing fee through the Plan, the Trustee shall then disburse the filing fee installment payments currently due to the Clerk of the Court, until the amounts then due are paid in full.
3. The Trustee shall then disburse post-petition adequate protection payments to secured or lease creditors with allowed claims, if any, as provided in the Debtor(s)' most recent Plan, until the amounts then due are paid in full.


4. Beginning with the first post-confirmation distribution made by the Trustee, the Trustee shall pay the balance of the fee owed to the Debtor(s)' attorney as awarded in the Confirmation Order from the balance of the Plan payments received by the Trustee that remain after the Trustee disburses the amounts set forth in paragraphs 1, 2 and 3 above, until the allowed attorney fee is paid in full.
5. The Trustee shall then disburse pursuant to the Confirmation Order or a subsequent Order of the Court the following amounts proportionately until the amounts that are then currently due are paid in full:
  - a. The monthly fixed payments on allowed secured claims, if any, including any amounts currently due and any unpaid arrearages; and
  - b. The monthly fixed payments on allowed priority unsecured claims for domestic support and § 503(b) administrative expenses, if any, including any amounts currently due and any unpaid arrearages.

The monthly fixed payments identified in paragraph 5 that are due pursuant to the Confirmation Order or a subsequent Order of the Court but are unpaid shall accrue proportionately, based upon the amount of each fixed payment awarded, and shall be paid proportionately by the Trustee on a pro rata basis from available funds on hand.

6. The Trustee shall then disburse the amounts to be paid to holders of allowed priority unsecured claims, if any, on a pro rata basis until paid in full.
7. The Trustee shall then disburse the amounts to be paid to holders of allowed separately classified nonpriority unsecured claims, if any, on a pro rata basis until paid in full.
8. The Trustee shall then disburse the amounts to be paid to holders of allowed nonpriority unsecured claims not separately classified by the Plan, if any, on a pro rata basis or as provided in the Debtor(s)' most recent Plan.

9. The provisions of this Administrative Order shall not be given preclusive effect in the event a creditor or other party in interest timely objects to confirmation of a Debtor(s)' Plan, or to any proposed modification to a Debtor(s)' Plan.

**IT IS SO ORDERED** this this 28<sup>th</sup> day of November 2017.

  
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CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

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

IN RE: }  
 }  
Sequence of Payments by the } Administrative Order No. 17-05  
Chapter 13 Standing Trustee } (Eastern Division Only)  
 }

**ADMINISTRATIVE ORDER ESTABLISHING THE SEQUENCE OF PAYMENTS BY  
THE CHAPTER 13 STANDING TRUSTEE**

This Order incorporates the distribution sequence as set out 11 U.S.C. § 1325(a)(5)(B)(iii)(I), as explained in *In re Kirk*, 465 B.R. 300 (Bankr. N.D. Ala. 2012). This order supplements but does not replace or repeal Administrative Order 10-04 entered on July 1, 2010. This Order applies only in Chapter 13 cases pending in the Eastern Division, and is incorporated by reference into the district-wide Chapter 13 Plan for Chapter 13 cases pending in the Eastern Division. The following sequence of payments is authorized for the Chapter 13 Standing Trustee's distribution of funds:

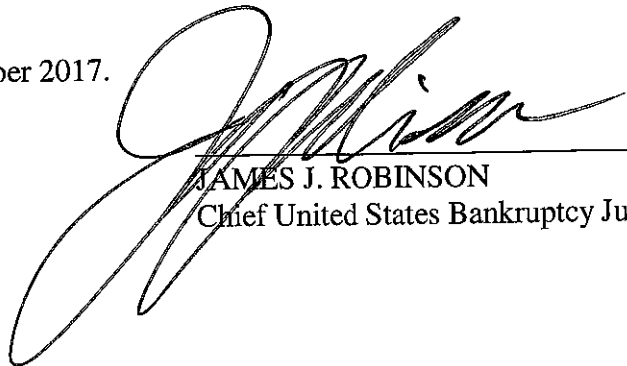
- I. From payments received by the Trustee, the Trustee shall collect her percentage fee currently due from all payments under the Plan.
- II. From pre- and post-confirmation payments made under the Plan, the Trustee shall distribute —
  - (A) Before any other distributions, any unpaid filing fees to the Clerk of the Court due under 28 U.S.C. § 1930(a)(1)(B);
  - (B) Commencing as soon as is practicable following confirmation, monthly payments on claims due under Code § 1326(b); provided that if secured claims are to be paid under the Plan, payments made pursuant to this paragraph shall be made concurrently with each monthly payment to secured claimholders; and provided further that if excess funds remain on hand after paying Trustee's fees, filing fees, all scheduled pass-through maintenance residential mortgage payments that have come due even if no proof of claim has been filed, pre-confirmation adequate protection payments due under the Plan, and the initial fixed monthly payments to secured creditors as set forth in the Plan, then, unless otherwise provided in the Plan or confirmation order, any excess funds on hand may be paid toward the attorney's fee due under the Plan;
  - (C) Commencing with the first distribution after confirmation and monthly thereafter, payments to the holder of each allowed secured claim (provided no objection is pending), in the respective amounts shown in the Plan as confirmed or as later modified, and pursuant to Code § 1325(a)(5)(B)(iii)(I), such payments shall continue for each consecutive month thereafter until said claim is paid in full.

(D) In the manner provided in the Plan, to holders of claims entitled to priority under Code § 507, provided that in any event payment of such claims shall comply with Code § 1322(a)(2) and (4);

(E) Any remaining funds, pro rata to holders of allowed non-priority, unsecured claims; and

(F) Any debt or claim not addressed by the confirmation order shall be administered in accordance with the Plan and applicable laws.

Dated this 9th day of November 2017.



JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

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

In Re:	)	
	)	
Sequence of Payments for the Distribution of	)	Administrative Order No. 17-07
Attorney Fees to Debtors' Attorneys by the	)	(Southern Division Only)
Chapter 13 Standing Trustee	)	
	)	

**ADMINISTRATIVE ORDER AUTHORIZING AND ALLOWING  
THE SEQUENCE OF PAYMENTS FOR THE DISTRIBUTION OF ATTORNEY FEES  
TO DEBTORS' ATTORNEYS BY THE CHAPTER 13 STANDING TRUSTEE**

This Order amends and replaces Administrative Order 16-02 entered on February 19, 2016 to ensure consistency with Rule 3015.1 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rules 1006-1 and 5081-1. The provisions of this Administrative Order are applicable only in Chapter 13 cases filed in the Southern Division. The following sequence of payments is authorized for the Chapter 13 Standing Trustee's distribution of funds in cases where the original petition was filed on or after December 1, 2017, if the plan or modified plan approved by the Court so provides:

- I. From payments received by the Trustee, the Trustee shall collect his percentage fee currently due from all Payments Under the Plan at the time that funds are disbursed until said fee is collected in full;
- II. From payments received by the Trustee, the Trustee shall then disburse any case filing fees that are currently due under 28 U.S.C. Chapter 123 and Local Rule 1006-1;
- III. From payments received by the Trustee, the Trustee shall then disburse adequate protection payments to secured or lease creditors with allowed claims as provided in the debtor's most recent plan until the amounts that are then currently due are paid in full;
- IV. From payments received by the Trustee, the Trustee shall then disburse the initial payment of attorney fees to debtor's attorney as awarded in the Confirmation Order, if an initial payment is awarded, until the initial payment is paid in full;
- V. From payments received by the Trustee, the Trustee shall then disburse pursuant to the

Confirmation Order or a subsequent Order of the Court the following amounts proportionately:

- a. The monthly fixed payments awarded to secured creditors with filed, allowed claims including any amounts currently due and any unpaid arrearages; and
- b. The monthly fixed payments awarded to priority unsecured creditors with filed, allowed claims including any amounts currently due and any unpaid arrearages; and
- c. The monthly fixed payments awarded to debtor's attorney for the unpaid balance of attorney fees including any amounts due and any unpaid arrearages; and
- d. The monthly fixed payments awarded for any other administrative expense including any amounts currently due and any unpaid arrearages.

The monthly fixed payments identified above in Paragraph V shall continue until the amounts that are then currently due are paid in full.


VI. The monthly fixed payments identified in Paragraph V above that are due pursuant to the Confirmation Order or a subsequent Order of the Court but are unpaid shall accrue proportionately based upon the amount of each fixed payment awarded, and shall be paid proportionately by the Trustee on a pro rata basis from available funds on hand.<sup>1</sup>

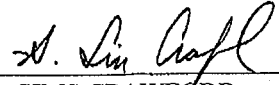
VII. The provisions of this Administrative Order shall not be deemed collateral estoppel or res judicata as to a creditor, a creditor's attorney, or another party in interest who files an objection to confirmation or an objection to modification of a Chapter 13 plan pursuant to the United States Bankruptcy Code or other applicable law.

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<sup>1</sup> For example: If the Confirmation Order provides for fixed payments in the amount of \$200 to a secured car creditor, \$200 to a secured mortgage creditor, and \$100 to debtor's attorney for the balance of the attorney fee awarded in the Confirmation Order, and the Trustee has received a partial plan payment in the amount of \$100, the Trustee shall disburse, after payment of Trustee fees, approximately \$40 to the secured car creditor, approximately \$40 to the secured mortgage creditor, and approximately \$20 to the debtor's attorney.

Dated this the 2<sup>nd</sup> day of October, 2017.

  
\_\_\_\_\_  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
\_\_\_\_\_  
D. SIMS CRAWFORD  
United States Bankruptcy Judge



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

In re:	)	
	)	
Compensation for Debtors' Attorneys	)	Administrative Order No. 17- <u>03</u>
in Chapter 13 Cases	)	(Southern Division Only)
	)	
	)	

**ADMINISTRATIVE ORDER SUPPLEMENTING  
LOCAL BANKRUPTCY RULE 2016-1**

This Order replaces Administrative Order 11-02 entered on December 16, 2011.

The United States Bankruptcy Court for the Northern District of Alabama has adopted Local Bankruptcy Rule 2016-1 which provides for an award of an attorney fee in Chapter 13 cases without the filing of a fee application so long as debtor's counsel complies with the Rule. It appears to this Court that in addition to the provisions of the Rule, which will continue to be applicable in all cases assigned to this Court in the Southern Division, in some cases a fee enhancement may be appropriate while in other cases a substantial fee reduction may be appropriate. Thus, this Order will supplement that Local Rule and authorize both the enhancements and the reductions, and provide, outline and define factors and criteria that will be utilized and applied in determining the fees to be awarded to attorneys for debtors in Chapter 13 cases assigned to the undersigned Judges in the Southern Division when the attorneys seek a fee based on the Local Rule without the filing of a fee application.

**A. FEE ENHANCEMENTS**

The Court will consider each case to determine whether a fee enhancement is appropriate. This determination will generally occur at the time of confirmation but will not necessarily be limited to that time frame. This enhancement will be in the sole and complete discretion of the Court. The factors and criteria that the court will consider include but are not limited to the following:

1. The Chapter 13 plan is confirmed without objection or all objections to confirmation are resolved at least 7 days prior to the date of confirmation;
2. The complexity and size of the case, including the complexity of the proposed distributions under the debtor's plan;
3. The amount of fees that the debtor has paid to attorneys for prior cases.
4. The amount of fees paid pre-petition;
5. Whether the petition, plan, schedules and all documents were timely filed, complete, legible, and provided sufficient information for the Court and Trustee to properly analyze the case and plan;

6. Whether any filing fees due were timely remitted, and
7. Whether the attorney appeared timely at scheduled hearings.

The amount of any enhancement may vary depending on the circumstances of each case and shall also be in the sole and complete discretion of the Court. Further, attorneys that represent Chapter 13 debtors shall advise their clients of potential fee enhancements or shall notify the Court that an enhancement is waived.

## **B. FEE REDUCTIONS**

The Court has been and continues to be cognizant of the overuse of "emergency filings"; attorneys too often file a case that they deem an emergency in order to file the bare minimum to get a case number and have a case filing. While this Court fully supports the opportunity to protect debtors by these emergency filings, it also appears to this Court that some may be abusing the process. An emergency filing must include the following forms that are properly completed and signed: petition, Form B 121 (Statement of Social Security Number), and Matrix. If a case is an emergency, and if all documents are not filed, the clerk's office enters a notice of deficiency and the CM/ECF system provides on the docket report the date by which the schedules and other remaining documents are due.

In addition to schedules and documents being filed untimely, some that are filed are not legible, are scanned in at an angle or wrong side up, and often have missing information. The Court will review the cases and may reduce the attorney fee based on any deficiencies and any failure to timely correct the deficiencies. The factors and criteria that the Court will consider include but are not limited to the following:

1. The completeness of the schedules and the timeliness of the filing of all schedules and required documents, and the accuracy of the docket events selected compared to the actual PDF document that is filed;
2. The number of prior cases for a debtor filed by the same attorney and the fees paid in prior cases;
3. Whether the attorney appears timely at scheduled hearings;
4. Whether the terms of the plan are clear, concise, adequate and complete;
5. The number of confirmation hearings required to get a plan confirmed if the delay is based on the failure of the debtor's attorney to timely provide information, file documents or amend the plan;
6. Whether the debtor's attorney has failed to resolve any procedural issues pre-confirmation;
7. The time elapsed from the filing of an objection to confirmation until the time of filing an amended plan or additional documents, if either or both resolve the issue, and
8. Whether a hearing is required on confirmation only to resolve a mathematical dispute between the Trustee and the debtor's attorney

regarding the amount of the plan payment and/or fixed payments, and the dispute is ultimately resolved in favor of the Trustee.

The amount of any reduction may vary; however, if schedules are not timely filed (i.e., by the date the CM/ECF system provides for them to be filed - this is generally NOT the hearing date) then an initial reduction of \$500.00 will be made, and a further reduction of \$100.00 per day may be made for every day the schedules are not filed. In addition, if the schedules are filed but have information missing (examples: dates obligations were incurred, dependents, sufficient description of collateral, etc.) more reductions shall be made and will generally start at no less than \$100.00 for each problem or deficiency. Further, if a plan must be amended because it is incomplete, contains information that is clearly incorrect (example: a fixed payment that is to begin before the case was even filed) or omits available information, and the attorney clearly failed to proof read or check the plan or amended plan before filing it, substantial fee reductions will be made.

### C. TRUSTEE RECOMMENDATION

The Chapter 13 Trustee shall make a notation on the 341 bench sheet or by separate pleading if he recommends an enhancement or a reduction. Any such recommendation is contingent on all factors being satisfied as noted in this Order. This recommendation shall be considered but shall not be binding on the Court.

### D. EFFECTIVE DATE

This Order shall be effective immediately in all currently pending Chapter 13 cases in the Southern Division, as well as in all new Chapter 13 cases filed in the Southern Division that are assigned to either of the undersigned Judges.

Dated this the 2<sup>nd</sup> day of October, 2017.

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

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

In re:  
Procedural and Administrative Matters     )     Administrative Order No. 17-02  
  )     (Southern Division Only)  
  )

**ADMINISTRATIVE ORDER**

This Order replaces Administrative Orders 07-06, entered April 19, 2007; 10-05, entered July 1, 2010; and 10-06, entered July 28, 2010.

Rule 9029 of the Federal Rules of Bankruptcy Procedure authorizes this Court to establish and promulgate local rules of practice and procedure not inconsistent with the Federal Rules of Bankruptcy Procedure and subject to the requirements of Rule 83 of the Federal Rules of Civil Procedure.

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

**A. PROCEDURE FOR ASSIGNMENT OF CERTAIN BANKRUPTCY CASES IN THE SOUTHERN DIVISION**

1. Any case filed by the same debtor within twelve months of the date of entry of an order of dismissal or discharge of a prior case shall be assigned to the same judge from the prior case.
2. Any case filed by the same debtor within twelve months of the date of closing a prior case shall be assigned to the same judge from the prior case.
3. Any case filed by a debtor that already has a case pending shall be assigned to the same judge as the pending case.
4. If any such case has been assigned either by the random or by the automatic assignment and is inconsistent with this Order, the clerk's office shall reassign the case consistent with this Order.

**B. DEFICIENT OR INCOMPLETE PETITIONS, LISTS, STATEMENTS, AND SCHEDULES**

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.

**C. DOCUMENTATION REQUIRED FOR PERCENTAGE, POT, AND BASE PLANS IN 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 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 Guide to Judiciary Policy. 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.

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

1. The Chapter 13 plan proposed and filed by the debtor may provide for pre-confirmation lease payments on personal property under 11 U.S.C. § 1326(a)(1)(B).
2. The Chapter 13 plan proposed and filed by the debtor may provide for pre-confirmation adequate protection payments on personal property under 11 U.S.C. § 1326 (a)(1)(C).
3. The Chapter 13 trustee is directed to make the pre-confirmation lease and adequate protection payments on personal property described above as proposed in a debtor's Chapter 13 plan if proper proofs of claim are filed.

**E. NOTICE OF OBJECTION DEADLINE AND CONFIRMATION HEARINGS IN CHAPTER 13 CASES**

Upon the filing of an amended Chapter 13 plan, the Court may, in its discretion, and where appropriate, shorten the notice time for

1. The deadline for filing an objection to confirmation, and

2. The continued confirmation hearing.

**F. 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 Plan. If no objection is timely filed, the motion may be granted. The clerk shall set all objections filed for a hearing.

**G. FILING A CONSENT TO ACTION IN CHAPTER 13 CASES**

An attorney may file a Consent to Action at Hearing on a Trustee's Motion to Dismiss in Chapter 13 cases. The Consent must substantially comply with the fillable PDF form found on the Court's website at <http://www.alnb.uscourts.gov/forms/all-forms>. If the Consent is complete, and filed properly and timely, the debtor and debtor's counsel do not have to appear at the hearing. Counsel shall be sure to notify the debtor if he or she does not need to be present.

If the Consent is not timely filed, is not properly filed, is incomplete, or if the form has been altered in any way, then the Trustee's Motion to Dismiss will be heard as scheduled and noticed. If the debtor and debtor's counsel fail to appear, the Court may still proceed with the hearing.

Dated this the 2<sup>nd</sup> day of October, 2017.

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

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

In re:

) Case. No.  
)  
Debtor. )

**CONSENT TO ACTION AT HEARING ON  
TRUSTEE'S MOTION TO DISMISS**

Comes now the Debtor and hereby consents to the following action being taken in this case at the hearing on the Trustee's Motion to Dismiss:

- The case may be dismissed.
- The case shall be converted to one under chapter 7 at the Debtor's request.
- The Debtor shall resume his/her regular payments to the Trustee.  
The Debtor consents that the Trustee's Motion to Dismiss will be conditionally DENIED pending compliance by the Debtor with these conditions: (1) the Debtor shall cause a full plan payment to be received in the Trustee's office before 4:00 p.m., 30 days from the date of the hearing on the Trustee's Motion to Dismiss; and, (2) the Debtor shall cause all plan payments due during the next 12 months to be received in the full amounts due in the Trustee's office before 4:00 p.m. on the dates due. The Debtor further consents that if he/she fails to satisfy these conditions, the Trustee may file a Notice of Continuing Default with the Court, with copies to the Debtor and Debtor's attorney, after which the Court may grant the Trustee's Motion to Dismiss and may dismiss this case without further notice or hearing.
- The Trustee shall issue a payroll deduction order to the employer of the Debtor,  
\_\_\_\_\_ (name of Debtor) at:  
  
\_\_\_\_\_  
(employer's name)  
  
\_\_\_\_\_  
(employer's address)  
  
\_\_\_\_\_  
(employer's telephone number)  
  
The Debtor understands that he/she shall make direct payments to the Trustee until the employer begins the deductions.
- The Debtor consents to increase Chapter 13 plan payments to \_\_\_\_\_.

DATE:

CONSENTED TO BY:

\_\_\_\_\_  
DEBTOR\*

\_\_\_\_\_  
CHAPTER 13 TRUSTEE

\_\_\_\_\_  
DEBTOR\*

\_\_\_\_\_  
ATTORNEY FOR DEBTOR(S)

**\*This form must be signed by the Debtor.**

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

In the Matter of:	{	
Procedural and Administrative Matters	{	Administrative Order No. 17-01
	{	Northern Division Only
	{	

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

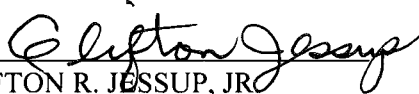
**IT IS HEREBY ORDERED** that Administrative Order No. 16-04, Amended Administrative Order Restating Pleadings Permitted to be filed with Negative Notice, is revoked. The pleadings set forth below may be filed with Negative Notice. The party filing a pleading with negative notice must serve the pleading 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, **UNLESS THE CREDITOR IS A GOVERNMENT ENTITY**, based on the following grounds:<sup>i</sup>
  - 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. Motions 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. **Motions to Avoid Lien under 11 U.S.C. § 522(f), UNLESS THE CREDITOR IS A GOVERNMENT ENTITY.**
  7. **Motions to Avoid Lien coupled with Objection to Claim, UNLESS THE CREDITOR IS GOVERNMENT ENTITY.**
  8. **Motions 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.
  9. **APPLICATIONS TO AMEND SCHEDULES TO ADD CREDITORS.**

IT IS SO ORDERED this the 8<sup>th</sup> day of June 2017.

  
 CLIFTON R. JESSUP, JR.  
 United States Bankruptcy Judge

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<sup>i</sup> All changes are in bold and capitalized. Objections to Claims and Motions to Avoid Liens filed against the Internal Revenue Service, the State of Alabama, or any other government entity will be scheduled for hearing when filed, even if the pleading is filed with negative notice.

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

**IN RE:** :  
 :  
**Deposit and Investment of** : **Administrative Order No. 16-05**  
**Registry Funds** : **(All Divisions)**  
 :

**ADMINISTRATIVE ORDER REGARDING DEPOSIT AND  
INVESTMENT OF REGISTRY FUNDS**

Because the United States Bankruptcy Court for the Northern District of Alabama, (the “Court”), has determined that it is necessary to adopt local procedures to ensure uniformity in the deposit, investment, and tax administration of funds in the Court’s Registry,

**IT IS ORDERED** that the following shall govern the receipt, deposit, and investment of registry funds:

**I. Receipt of Funds**

- a) No money shall be sent to the Court or its officers for deposit in the Court’s registry without a court order signed by the presiding judge in the case or proceeding;
- b) The party making the deposit or transferring funds to the Court’s registry shall serve the order permitting the deposit or transfer on the Clerk of Court; and
- c) Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

**II. Investment of Registry Funds**

- a) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Rule 7067 of the Federal Rules of Bankruptcy Procedure, the Court Registry Investment System (“CRIS”), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized;

- b) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a “Disputed Ownership Fund” (hereinafter “DOF”), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements;
- c) The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director’s designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court;
- d) Money from each case deposited in the CRIS shall be “pooled” together with those on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group;
- e) An account for each case will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account’s principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel; and
- f) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

### **III. Fees and Taxes**

- a) The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court’s Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases and

b) The custodian is authorized and directed by this Order to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

#### **IV. Transition from Former Investment Procedure**

a) As of the date of this Order, the Clerk of Court did not have any invested funds to transfer to CRIS;

b) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 made on or after April 1, 2017 will be placed in the CRIS DOF; and

c) This Order supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds.

Dated this the 21st day of November, 2016.

/s/ James J. Robinson  
JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

/s/ Tamara O. Mitchell  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

/s/ Jennifer H. Henderson  
JENNIFER H. HENDERSON  
United States Bankruptcy Judge

/s/ Clifton Jessup  
CLIFTON R. JESSUP, JR  
United States Bankruptcy Judge

/s/ D. Sims Crawford  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

c: Clerk of Court

**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
	{	

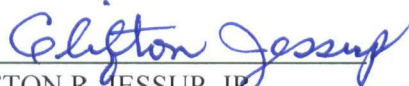
**AMENDED ADMINISTRATIVE ORDER RESTATING PLEADINGS**  
**PERMITTED TO BE FILED WITH NEGATIVE NOTICE**

**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**

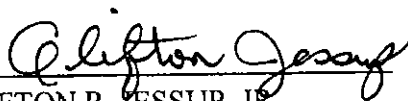
In the Matter of: {  
Procedural and Administrative Matters { Administrative Order No. 16-03  
{ Northern Division Only  
{

**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.

  
\_\_\_\_\_  
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:

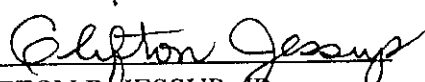
- a. To modify or remove fixed payments to creditor;
- b. To cure default in Plan payments;
- c. To increase Base amount to be paid through Plan:
  - i. To include additional proceeds and assets;
  - ii. To pay unscheduled claims;
  - iii. To pay postpetition mortgage arrearage;
  - iv. To pay a specified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

In re:

Director's Procedural Form 2830

)  
)

Administrative Order No. 15-10<sup>1</sup>  
All Divisions

**ADMINISTRATIVE ORDER REGARDING**  
**CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING**  
**DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)**


On or about March 8, 2007, this Court entered Administrative Order 07-03, and on or about November 5, 2007, this Court entered Administrative Order 07-07, regarding the Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object required in all Chapter 7 and Chapter 13 bankruptcy proceedings. Since that time, the Court has concluded that these Administrative Orders are moot due to the creation of the Director's Procedural Form 2830 for Chapter 13 bankruptcy proceedings and the minimal percentage of cases in which 11 U.S.C. § 727(a)(12) [with reference to 11 U.S.C. § 522 (q)] applies in Chapter 7 bankruptcy proceedings.

NOW, THEREFORE, IT IS ORDERED

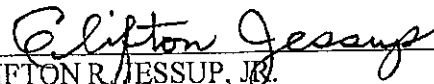
1. Director's Procedural Form 2830 is required in all Chapter 13 bankruptcy proceedings as of January 1, 2009;
2. When required by 11 U.S.C. § 727(a)(12) and 522(q), Chapter 7 debtors will file a form similar to Director's Procedural Form 2830 meeting the requirements of said Bankruptcy Code section; and
3. This order revokes prior Administrative Order 09-01.

Dated this the 21<sup>st</sup> day of December, 2015.

  
\_\_\_\_\_  
JAMES K. ROBINSON  
Chief United States Bankruptcy Judge

  
\_\_\_\_\_  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
\_\_\_\_\_  
JENNIFER A. HENDERSON  
United States Bankruptcy Judge

  
\_\_\_\_\_  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

<sup>1</sup> This Administrative Order contains the same content as Administrative Order 09-01 entered on January 9, 2009. This Administrative Order simply updates the references to the Director's Procedural Form 2830, re-named and re-numbered effective December 1, 2015.

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

In re:


Summary of Schedules Required	)	Administrative Order No. 15-09 <sup>1</sup>
Upon Filing Schedules and All	)	All Divisions
Amended Schedules	)	


**ADMINISTRATIVE ORDER**  
**REQUIRING THE FILING OF A SUMMARY OF SCHEDULES**  
**UPON FILING SCHEDULES AND AMENDED SCHEDULES**

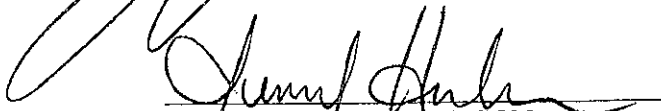
28 U.S.C. §159 requires the filing of a Summary of Your Assets and Liabilities and Certain Statistical Information (Official Form 106Sum) or Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum). Upon the filing of Bankruptcy Schedules and any Amended Schedule(s), the debtor is hereby **ORDERED** to file the applicable Summary of Schedules. BAPCPA and the statistical requirements imposed upon the Courts necessitates the filing of the Summary of Schedules each time the Schedules or Amended Schedules are filed with the Court so that the proper and amended totals may be submitted to the Administrative Office of the United States Courts.

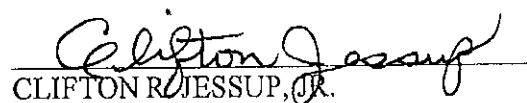
This Order is effective immediately and revokes prior Administrative Order 07-02.

Dated the 4<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
JAMES I. ROBINSON  
Chief United States Bankruptcy Judge

  
\_\_\_\_\_  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
\_\_\_\_\_  
JENNIFER W. HENDERSON  
United States Bankruptcy Judge

  
\_\_\_\_\_  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

<sup>1</sup> This Administrative Order contains the same content as Administrative Order 07-02 entered on February 28, 2007. This Administrative Order simply amends the references to the "Summary of Your Assets and Liabilities and Certain Statistical Information" (Official Form 106 Sum) and "Summary of Assets and Liabilities for Non-Individuals" (Official Form 206 Sum), re-named and re-numbered effective December 1, 2015.

**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
	}	
	}	

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

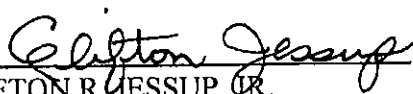
**IT IS HEREBY ORDERED** that the following pleadings may be filed with Negative Notice:

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.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

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

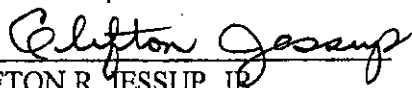
In the Matter of:	}	
Adequate Protection Payments	}	Administrative Order No. 15-07
in Chapter 13 Cases	}	Northern Division Only

**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.

  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

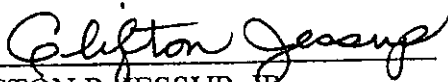
**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

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.

  
\_\_\_\_\_  
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.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In re:

Appointment of the Clerk for the ) Administrative Order No. 15-03  
Northern District of Alabama )

ADMINISTRATIVE ORDER


In accordance with the authority conferred by 28 U.S.C. § 156(b), it is

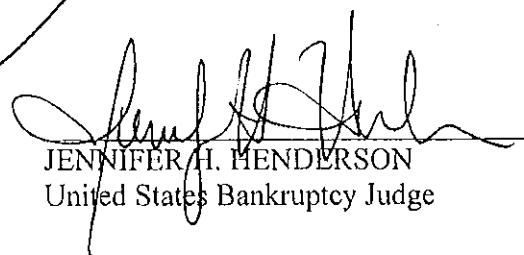
ORDERED that Joseph E. Bulgarella is hereby appointed as Clerk of the United States Bankruptcy Court for the Northern District of Alabama. Mr. Bulgarella shall enter upon the performance of his duties as Clerk of Court on July 27, 2015. It is further

ORDERED that the Clerk of Court shall exercise all powers and perform all duties in accordance with all applicable laws and regulations.

Dated this the <sup>29<sup>th</sup></sup> day of July 2015.

  
\_\_\_\_\_  
JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

  
\_\_\_\_\_  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
\_\_\_\_\_  
JENNIFER H. HENDERSON  
United States Bankruptcy Judge

  
\_\_\_\_\_  
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
	}	
	}	

**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

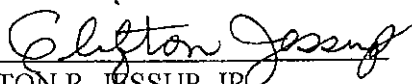
**E. NEGATIVE NOTICE ALLOWED FOR THE FOLLOWING OBJECTIONS AND MOTIONS**

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**

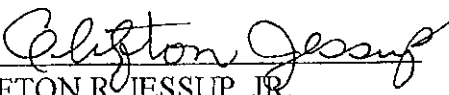
In the Matter of:	}	
Supplementing Local Rule 4001-1	}	Administrative Order No. 15-01
Relief From Automatic Stay	}	Northern Division
	}	

**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.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In re:

Adoption of Rule 1007-I ) Administrative Order No. 12-02  
) (All Divisions)

ADMINISTRATIVE ORDER

**IT IS HEREBY ORDERED** that, effective December 1, 2012, Administrative Order 12-01 shall be superseded and rescinded; and

**IT IS FURTHER ORDERED** that Rule 1007-I, as amended effective December 1, 2012, shall remain in effect until further order of this Court.

**PRIOR HISTORY:** On October 20, 2008, the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438, (the "Act") was enacted into law. The provisions of the Act and Rule 1007-I were effective December 19, 2008. A copy of Rule 1007-I is attached to this Administrative Order. The Act provides a temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called for no less than ninety days to active duty or homeland defense activity following September 11, 2001. The amendment to section 707(b)(2)(D) of the Bankruptcy Code became effective on December 19, 2008, which was sixty days after enactment. The amendment applies only to cases commenced in the three-year period beginning on the effective date of the Act. Subsequently, on December 13, 2011, the National Guard and Reservist Debt Relief Extension Act of 2011, Pub. L. No. 112-64, (the "2011 Act") extended the temporary exclusion for four additional years. For cases and proceedings not governed by the Act or the 2011 Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than Rule 1007-I, shall apply.

The Judicial Conference of the United States approved the new Rule 1007-I and the amendment to Official Form 22A, Statement of Current Monthly Income and Means Test Calculation and transmitted the same to the courts for adoption. Administrative Order 08-03 adopted Rule 1007-I effective December 19, 2008. Administrative Order 10-03 continued the adoption of Rule 1007-I effective July 1, 2010. Rule 1007-I was amended effective December 1, 2010, to extend the time to file the statement of completion of course in personal financial management in a chapter 7 case filed by an individual debtor from forty-five days after the first date set for the meeting of creditors to sixty days after the first date set for the meeting, and Administrative Order 10-07 adopted this amendment and made Administrative Order 10-03 moot. Administrative Order 12-01 addressed the 2011 Act and superseded and rescinded Administrative Order 10-07. Administrative Order 12-02 addresses a conforming amendment, effective December 1, 2012, which removed an inconsistency created by the 2010 amendment.

Dated this the 1<sup>st</sup> day of December 2012.

  
THOMAS B. BENNETT  
Chief United States Bankruptcy Judge

/s/ Benjamin Cohen  
BENJAMIN COHEN  
United States Bankruptcy Judge

/s/ C. Michael Stilson  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

/s/ Jack Caddell  
JACK CADDELL  
United States Bankruptcy Judge

/s/ James J. Robinson  
JAMES J. ROBINSON  
United States Bankruptcy Judge

**Rule 1007-I.<sup>1</sup> Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion<sup>2</sup>**

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\* \* \* \* \*

(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

\* \* \* \* \*

(4) Unless either: (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

\* \* \* \* \*

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<sup>1</sup> Interim Rule 1007-I has been adopted by the bankruptcy courts to implement the National Guard and Reservists Debt Relief Act of 2008, Public Law No: 110-438, as amended by Public Law No. 112-64. The amended Act, which provides a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces, applies to bankruptcy cases commenced in the seven-year period beginning December 19, 2008.

<sup>2</sup> Incorporates (1) time amendments to Rule 1007 which took effect on December 1, 2009, (2) an amendment, effective December 1, 2010, which extended the time to file the statement of completion of a course in personal financial management in a chapter 7 case filed by an individual debtor, and (3) a conforming amendment, effective December 1, 2012, which removed an inconsistency created by the 2010 amendment.

15           (c) TIME LIMITS. In a voluntary case, the schedules,  
16 statements, and other documents required by subdivision (b)(1), (4),  
17 (5), and (6) shall be filed with the petition or within 14 days  
18 thereafter, except as otherwise provided in subdivisions (d), (e), (f),  
19 and (h), and (n) of this rule. In an involuntary case,  
20 the schedules, statements, and other  
21 documents required by subdivision (b)(1) shall be filed by the  
22 debtor within 14 days of the entry of the order for relief. In a  
23 voluntary case, the documents required by paragraphs (A), (C), and  
24 (D) of subdivision (b)(3) shall be filed with the petition. Unless  
25 the court orders otherwise, a debtor who has filed a statement under  
26 subdivision (b)(3)(B), shall file the documents required by  
27 subdivision (b)(3)(A) within 14 days of the order for relief. In a  
28 chapter 7 case, the debtor shall file the statement required by  
29 subdivision (b)(7) within 60 days after the first date set for the  
30 meeting of creditors under § 341 of the Code, and in a chapter 11 or  
31 13 case no later than the date when the last payment was made by  
32 the debtor as required by the plan or the filing of a motion for a  
33 discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The  
34 court may, at any time and in its discretion, enlarge the time to file  
35 the statement required by subdivision (b)(7). The debtor shall file  
36 the statement required by subdivision (b)(8) no earlier than the date  
37 of the last payment made under the plan or the date of the filing of a



38 motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b)  
39 of the Code. Lists, schedules, statements, and other documents  
40 filed prior to the conversion of a case to another chapter shall be  
41 deemed filed in the converted case unless the court directs  
42 otherwise. Except as provided in § 1116(3), any extension of time  
43 to file schedules, statements, and other documents required under  
44 this rule may be granted only on motion for cause shown and on  
45 notice to the United States trustee, any committee elected under  
46 § 705 or appointed under § 1102 of the Code, trustee, examiner, or  
47 other party as the court may direct. Notice of an extension shall be  
48 given to the United States trustee and to any committee, trustee, or  
49 other party as the court may direct.

50 \* \* \* \* \*

51 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS  
52 TEMPORARILY EXCLUDED FROM MEANS TESTING.

53 (1) An individual debtor who is temporarily excluded from  
54 means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file  
55 any statement and calculations required by subdivision (b)(4) no  
56 later than 14 days after the expiration of the temporary exclusion if  
57 the expiration occurs within the time specified by Rule 1017(e) for  
58 filing a motion pursuant to § 707(b)(2).

59 (2) If the temporary exclusion from means testing under  
60 § 707(b)(2)(D)(ii) terminates due to the circumstances specified in

61 subdivision (n)(1), and if the debtor has not previously filed a  
62 statement and calculations required by subdivision (b)(4), the clerk  
63 shall promptly notify the debtor that the required statement and  
64 calculations must be filed within the time specified in subdivision  
65 (n)(1).

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

In Re: )  
)  
)

Unavailability of CM/ECF )  
from November 15, 2010 )  
through November 17, 2010 )  
)

Administrative Order 10-08

Extension of Deadlines That Expired While CM/ECF Was Unavailable

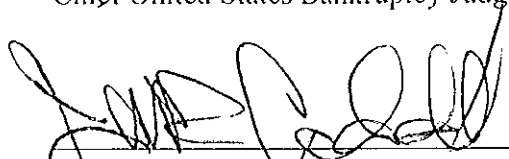
IT IS HEREBY ORDERED that, due to the unavailability of CM/ECF from November 15, 2010 until November 17, 2010, any deadline that expired during that time period is EXTENDED THROUGH AND INCLUDING WEDNESDAY, NOVEMBER 24, 2010; and it is further,

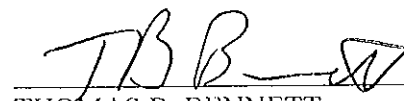
ORDERED that this Order in no way extends or expands deadlines that did not fall between November 15, 2010 and November 17, 2010.

Dated this the 16<sup>th</sup> day of December, 2010.


  
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JACK CADDELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
JAMES J. ROBINSON  
United States Bankruptcy Judge



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 1<sup>st</sup> day of July, 2010.



JAMES J. ROBINSON  
United States Bankruptcy Judge

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

In re:

Revocation of Administrative Order 07-03 )      Administrative Order No. 09-01  
And Administrative Order 07-07            )      All Divisions

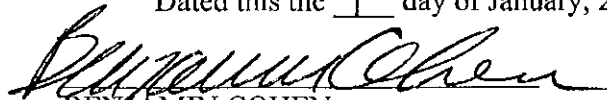
**ADMINISTRATIVE ORDER**  
**REVOKING ADMINISTRATIVE ORDER 07-03**  
**AND ADMINISTRATIVE ORDER 07-07**

On or about March 8, 2007, this Court entered Administrative Order 07-03, and on or about November 5, 2007, this Court entered Administrative Order 07-07, regarding the Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object required in all Chapter 7 and Chapter 13 bankruptcy proceedings. Since that time, the Court has concluded that these Administrative Orders are moot due to the creation of the Director's Procedural Form 283 (12/08) for Chapter 13 bankruptcy proceedings and the minimal percentage of cases in which 11 U.S.C. § 727(a)(12) [with reference to 11 U.S.C. § 522(q)] applies in Chapter 7 bankruptcy proceedings.

NOW, THEREFORE, IT IS ORDERED

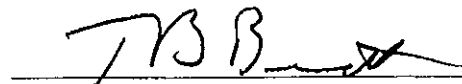
1. Administrative Order 07-03 is VACATED as of January 1, 2009;
2. Administrative Order 07-07 is VACATED as of January 1, 2009;
3. Director's Procedural Form 283 is required in all Chapter 13 bankruptcy proceedings as of January 1, 2009; and
4. When required by 11 U.S.C. §§ 727(a)(12) and 522(q), Chapter 7 debtors will file a form similar to Director's Procedural Form 283 meeting the requirements of said Bankruptcy Code section.

Dated this the 9<sup>th</sup> day of January, 2009.

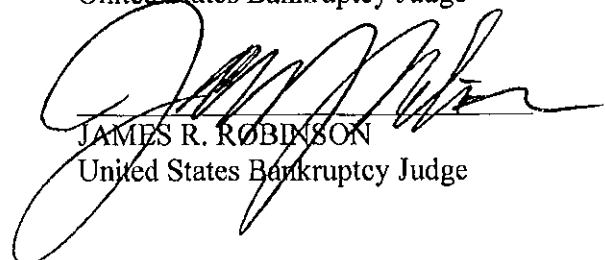
  
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JACK C. CADDELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
JAMES R. ROBINSON  
United States Bankruptcy Judge

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

In re:

New Electronic Transcript Policy            )     Administrative Order No. 08-01  
  )     All Divisions

**ADMINISTRATIVE ORDER**  
**REGARDING NEW ELECTRONIC TRANSCRIPT POLICY**

At its September 2007 session, the U.S. Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings. A new release of CM/ECF, Version 3.2, includes software that facilitates the implementation of this policy. This Administrative Order replaces Administrative Order No. 07-04 regarding electronic transcripts.

**I. Summary**

- A. Electronic Availability of Transcript of Court Proceedings.** The language from the Judicial Conference's September 2007 session regarding electronic availability of transcripts of court proceedings states:
1. A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk.
  2. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
  3. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for downloading from the court's CM/ECF system through the judiciary's PACER system.



B. **Application of Fed. R. Bankr. P. Rule 9037(a), *Redacted Filings*.** This rule, effective December 2, 2007, states:

Unless the court orders otherwise, in an electronic or paper filing made with the court that contains an individual's social security number and taxpayer identification number, or birth date, the name of an individual, other than the debtor, known to be and identified as a minor, or a financial account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social security number and taxpayer identification number;
- (2) the year of the individual's birth
- (3) the minor's initials; and
- (4) the last four digits of the financial account number.

The redaction procedures for transcripts (as well as the 90-day restriction policy) apply only to transcripts of federal courtroom proceedings.

With the exception of transcripts, redaction of the information described in Fed. R. Bankr. P. Rule 9037(a) is the responsibility of the person filing the document. When a transcript is filed, the attorneys and pro se parties who attended the hearing are solely responsible for redaction of the information described in the Rule. Redaction is accomplished only with input from the attorneys and pro se parties who attended the hearing. Transcribers are not responsible for identifying a need for redaction or for redacting transcripts absent a request by an attorney or pro se party.

The court's responsibility is to follow the Judicial Conference guidelines for providing public access to the transcript and for restricting access in accordance with the Judiciary's privacy policy. The clerk is not required to review documents filed with the court for compliance with this rule.

## II. Overview of Process within CM/ECF

- A. Upon the request and purchase of a transcript by a party, the court reporter or transcriber (hereinafter "transcriber") electronically files the transcript of court proceedings with the court using the *Transcript* docket event. This event serves as a notice of the filing of a transcript and includes language that indicates that parties have seven (7) calendar days to file with the court a *Notice of Intent to Request Redaction* of this transcript.

- B. During the 90-day period (which may be extended by the court), access to the transcript in CM/ECF is restricted to four types of users:
- Court staff;
  - Public terminal users;
  - Attorney of record or parties who have purchased the transcript from the transcriber; and
  - Other persons as directed by the court.

Any party needing to review the transcript for redaction purposes may purchase a copy from the transcriber or view the transcript at the public terminal in the clerk's office. If a party purchases the transcript from the transcriber, and he or she is an attorney on the case, he or she will be given remote access to the transcript via PACER and CM/ECF. PACER fees apply at all times when accessing transcripts remotely. Except for public terminal viewers, persons authorized to view or download the transcript can also create hyperlinks to the transcript. The clerk's office will grant the access upon notification from the transcriber that payment was received.

- C. The date the transcript is filed is the starting date for all deadlines related to restriction and redaction of the transcript.
- D. A notice of the filing of the transcript (including notice of the 90-day restriction period and the deadlines related to redaction) is provided via the docket text of the transcript event and the Notice of Electronic Filing (hereinafter "NEF") and a separate notice mailed to pro se parties.
- E. The following deadlines apply to the restriction, redaction, and release of a transcript for public viewing.
1. Within seven (7) calendar days of the filing in CM/ECF of the official transcript, each party wishing to redact a transcript must inform the court, by filing a *Notice of Intent to Request Transcript Redaction* with the clerk, of the party's interest to redact personal data identifiers from the electronic transcript of the court proceedings. If no such notice is filed within the allotted time, the court will assume redaction of personal identifiers from the transcript is not necessary.
  2. If redaction is requested, a party has 21 calendar days from the filing of the transcript, or longer if a court so orders, to file a *Request for Redaction* indicating where the personal identifiers to be redacted appear in the

transcript. To identify parts to be redacted, the party filing the request for redaction should attach a list of information to be redacted with the request. The information should be identified by type of identifier (e.g., minor's name, birth date, etc.) and page and line number where the information appears in the transcript. The party filing the request for redaction must serve the request on the transcriber. The transcriber must redact the identifiers as directed by the party.

These procedures are limited to the redaction of the specific personal data identifiers listed in the rules. If an attorney wishes to redact additional information, he or she may make a motion to the court. The transcript will not be electronically available until the court has ruled on any such motion, even though the 90-day restriction period may have ended.

3. The transcriber must, within 31 calendar days of the filing of the transcript, or longer if the court so orders, perform the requested redactions, and file a *Redacted Transcript* with the clerk. The original unredacted electronic transcript will be retained by the clerk as a restricted document.
4. At the end of the 90-day restriction period, transcript restriction can be removed to allow remote electronic access to the transcript as follows:
  - a. If a redacted version of the transcript is not filed and if there are no other redaction documents or motions linked to the transcript, the unredacted version will be made available via remote electronic access and at the public terminal for viewing and printing.
  - b. If a redacted version of the transcript is filed, the redacted version will be made available via remote electronic access and at the public terminal for viewing and printing. The unredacted version will remain permanently restricted.

### III. General Issues


- A. During the 90-day restriction period, the transcript and any redacted versions will not be available via remote electronic access. An attorney who purchases the transcript during the 90-day period will be given remote electronic access to the transcript and any redacted version filed. Members of the general public, including pro se parties, will not be given remote electronic access to the transcript or any redacted version filed during the 90-day period.

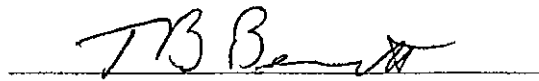
- B. Charges for access through PACER apply during and after the 90-day restriction period. Charges are not capped at 30 pages. The user will incur PACER charges each time the transcript is accessed even though he or she may have purchased it from the transcriber and obtained remote access through CM/ECF. A free copy of the electronic transcript is not available via remote access. After purchasing the transcript from the transcriber, an attorney can receive the original and any redacted transcript in both paper and electronic format.
- C. The redaction-related documents (e.g., notice of intent to redact, etc.) should be in the court record to ensure that the changes to the transcript are documented.
- D. There is no obligation on the part of the clerk's office to perform any redaction. Instead, it rests on the attorneys or pro se parties to tell the transcriber where to redact, and on the transcriber to perform the redaction.

IT IS SO ORDERED, this 19<sup>th</sup> day of September, 2008.

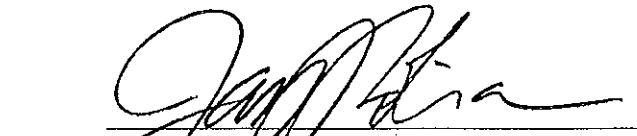
  
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JACK CADDELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
JAMES J. ROBINSON  
United States Bankruptcy Judge

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

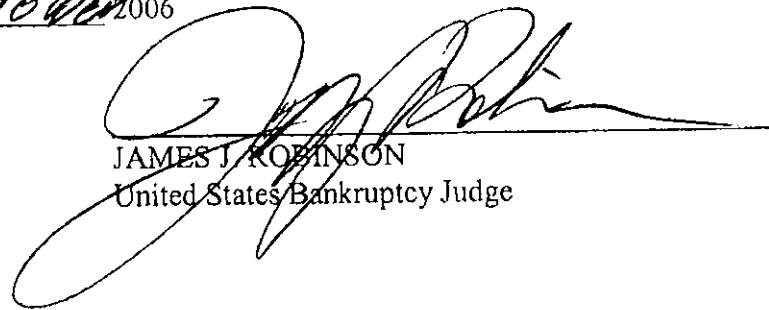
**In re:** )  
 )  
**PRE-CONFIRMATION DISBURSEMENT** ) **Administrative Order No. 06-07**  
**OF PAYMENTS RECEIVED FOR** )  
**ONGOING DOMESTIC SUPPORT** )  
**OBLIGATIONS** )

**ADMINISTRATIVE ORDER AUTHORIZING EASTERN DIVISION  
CHAPTER 13 TRUSTEE TO MAKE PRE-CONFIRMATION DISTRIBUTIONS  
OF PAYMENTS RECEIVED FOR ONGOING/POST-PETITION DOMESTIC  
SUPPORT OBLIGATIONS**

NOW THEREFORE, IT IS ORDERED that after a case is commenced under chapter 13 of Title 11 of the United States Code, and before the Court's confirmation of a plan in such case, if the Standing Chapter 13 Trustee for the Eastern Division of the Northern District of Alabama (the "Trustee") receives sums from or on behalf of the debtor in such case that are intended as payment of the debtor's ongoing domestic support obligations accruing after the petition filing date in such case, the Trustee is authorized, at her discretion and from time to time, to disburse all or any portion of such sums to those recipients described in 11 U.S.C. § 101(14A)(A) who are entitled to receive payment of domestic support obligations from the debtor; PROVIDED HOWEVER, the Trustee shall not disburse sums as aforesaid: (i) until a proof of claim for such domestic support obligations has been filed in the case, or (ii) while there is an outstanding objection to such claim which has not been overruled by the Court.

Nothing in this Order shall be construed as requiring debtors to pay post-petition, pre-confirmation domestic support obligations through the Trustee rather than directly to those recipients described in 11 U.S.C. § 101(14A)(A). This Order shall apply to all pending cases and to cases filed on or after the date of this Order.

Dated this 11<sup>th</sup> day of October 2006



JAMES J. ROBINSON  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In re:

Procedures for Criminal Referrals ) Administrative Order No. 05-07

ADMINISTRATIVE ORDER

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-08, 119 Stat. 23, amended section 158(d) of Title 18 of the United States Code, 18 U.S.C. § 158(d), to require bankruptcy courts to establish procedures for referring, pursuant to section 3057 of Title 18 of the United States Code, 18 U.S.C. § 3057, any case that may contain a materially fraudulent statement in a bankruptcy schedule. These procedures are adopted pursuant to that mandate.

If a judge or the clerk of court identifies any case that may contain a materially fraudulent statement in a bankruptcy schedule, the judge or clerk may refer the matter directly to the individuals designated under section 158(d), or other appropriate individuals or agencies; or, the judge or clerk may, prior to referral, transmit the matter to the Bankruptcy Administrator for further investigation.

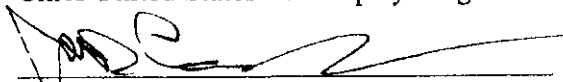
If the matter is referred to the Bankruptcy Administrator, the Administrator shall report his conclusions and recommendations to the individual who transmitted the matter to the Bankruptcy Administrator. The judge or the clerk may then refer the matter himself or herself, may ask the Bankruptcy Administrator to refer the matter, or the Administrator may refer the matter himself.

These procedures are adopted for referrals made pursuant to section 3057 for purposes of the requirements of section 158(d), but may be used for referrals on other grounds.

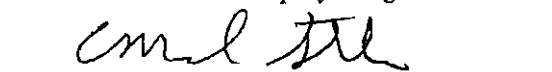
These procedures shall be effective October 17, 2005.



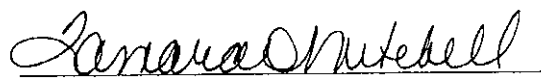
BENJAMIN COHEN  
Chief United States Bankruptcy Judge



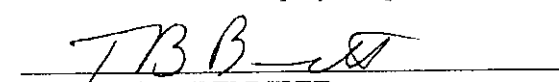
JACK CADDELL  
United States Bankruptcy Judge



C. MICHAEL STILSON  
United States Bankruptcy Judge



TAMARA O. MITCHELL  
United States Bankruptcy Judge



THOMAS B. BENNETT  
United States Bankruptcy Judge

Dated: October 17, 2005

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In re:

Debtors Asserting an Exception to the )  
Limitation of the Automatic Stay Under ) Administrative Order No. 05-06  
11 U.S.C. § 362(l) and Procedure for )  
Receiving Rent Deposits. )

ADMINISTRATIVE ORDER

**WHEREAS**, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 amended 11 U.S.C. § 101 *et seq.* ("Code") including the automatic stay provisions of 11 U.S.C. § 362 in regards to actions to recover possession of residential property occupied by a debtor by the enactment of 11 U.S.C. § 362(l), and

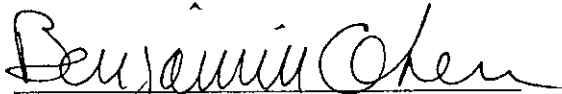
**WHEREAS**, the Court requires uniformity in the procedure for the deposit of rent by Debtors and transmittal of rent to Lessors under § 362(l)(1)(B) and § 362(l)(5)(D) of the Code, it is hereby

**ORDERED**, that any deposit of rent made by or on behalf of a debtor, pursuant to § 362(l)(1)(B) of the Code, must be in the form of a **certified check or money order payable to the order of the Lessor**, and delivered to the Clerk of Court upon filing of the Petition and the certification made under § 362(l)(1)(A) of the Code, and it is further

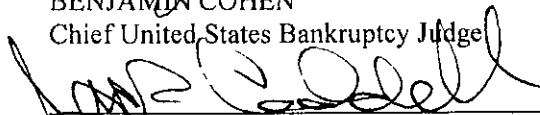
**ORDERED**, that the debtor must file a copy of the Judgment for Possession together with the Petition, and it is further

**ORDERED**, that upon the Clerk's receipt of a **certified check or money order payable to the order of the Lessor**, with a copy of the Judgment for Possession, tendered by a Debtor pursuant to § 362(l)(1) of the Code, the Clerk is directed to promptly transmit by mail the certified check or money order to the Lessor, certified mail/return receipt requested, to the address listed on the Judgment for Possession.

This order shall be effective October 17, 2005.



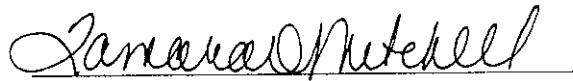
BENJAMIN COHEN  
Chief United States Bankruptcy Judge



JACK CADDELL  
United States Bankruptcy Judge



C. MICHAEL STILSON  
United States Bankruptcy Judge



TAMARA O. MITCHELL  
United States Bankruptcy Judge



THOMAS B. BENNETT  
United States Bankruptcy Judge

Dated: October 17, 2005



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)

JACK CADDELL  
JACK CADDELL  
United States Bankruptcy Judge