

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

In Re: ) Administrative Order No. 22-02  
) Eastern Division Only  
Motions to Extend and Impose Stay )

**ADMINISTRATIVE ORDER REGARDING EXTEND AND IMPOSE STAY MOTIONS**

All motions filed by a debtor or other interested party to extend the stay pursuant to 11 U.S.C. § 362(c)(3)(B) or impose the stay pursuant to 11 U.S.C. § 362(c)(4)(B) shall comply with Local Rule 4001-1.1 and Rule 9006(d) of the Federal Rules of Bankruptcy Procedure and shall be set for hearing in accordance with Local Rule 4001-1.1.

**Limited Affidavit Option in lieu of Testimony.** As to any such motion to extend stay filed in a case that was commenced on or after October 1, 2022, and only if the debtor (or each debtor in the event of a joint case) has no more than one prior case under any chapter of title 11 that was pending within the previous ten (10) years but was dismissed, then the debtor(s) shall not be required to attend the hearing on the motion provided that the motion is verified by the debtor, or supported by an affidavit or declaration made under penalty of perjury. The verified motion, or non-verified motion accompanied by the supporting affidavit or declaration, shall be filed and timely served to allow notice of the hearing thereon in accordance with Local Rule 4001.1. The verified motion, affidavit, or declaration must include the information required under Local Rule 4001-1.1.

**Debtor Must Appear Otherwise.** In all other instances, the debtor (at least one joint debtor) shall be required to attend the hearing on the motion to extend stay. Similarly, the debtor (at least one joint debtor) shall be required to attend the hearing on all motions to impose the stay. Motions to extend or impose the stay are not required to be verified or supported with an affidavit but must be so supported only if the debtor seeks to utilize the verification or affidavit in lieu of testimony when allowed under the limited circumstances set forth above.

Counsel for the movant must be present at the hearing on the motion to extend stay or the motion to impose stay even in instances where the verification or affidavit procedure is allowed. Local Rule 4001-1.1 shall remain in full force and effect. This Administrative Order supplants the provisions of Administrative Order No. 21-03 for cases filed in the Eastern Division on or after October 1, 2022. The effective date for this Administrative Order is October 1, 2022.

So ordered this the 1st day of September 2022.

  
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JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN AND EASTERN DIVISIONS**

In Re: ) Administrative Order No. 21-03  
)  
Motions to Extend Stay or Motions to )  
Impose Stay to be Verified or Supported )  
by Affidavit or Other Declaration, )

**ADMINISTRATIVE ORDER**

All motions filed by a debtor or other interested party to extend the stay pursuant to 11 U.S.C. § 362(c)(3)(B) or impose the stay pursuant to 11 U.S.C. § 362(c)(4)(B), shall comply with Local Rule 4001-1.1 and Rule 9006(d) of the Federal Rules of Bankruptcy Procedure, and shall be set for hearing in accordance with Local Rule 4001-1.1. As to any such motion filed on or after October 1, 2021, the debtor(s) shall not be required to attend the hearing on the motion provided that the motion is verified by the debtor, or supported by an affidavit or declaration made under penalty of perjury. The verified motion, or non-verified motion accompanied by the supporting affidavit or declaration, shall be filed and timely served to allow notice of the hearing thereon in accordance with Local Rule 4001.1. The verified motion, affidavit, or declaration must include the information required under this Local Rule 4001-1.1.

Counsel for the movant must be present at the hearing on the motion to extend stay or the motion to impose stay.

Local Rule 4001-1.1 shall remain in full force and effect.

The effective date for this Administrative Order is October 1, 2021.

Dated this the 28th day of June, 2021.

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

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

/s/ James J. Robinson  
JAMES J. ROBINSON  
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:

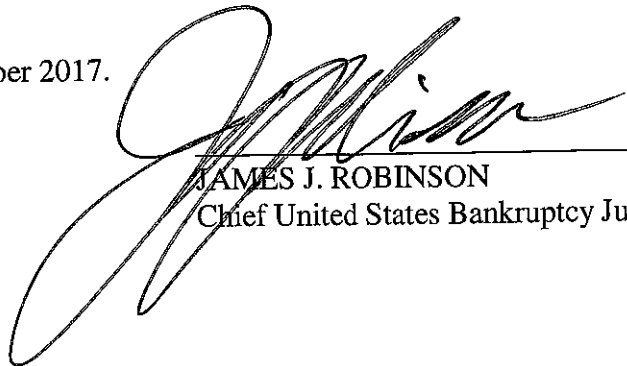
- I. From payments received by the Trustee, the Trustee shall collect her percentage fee currently due from all payments under the Plan.
- II. From pre- and post-confirmation payments made under the Plan, the Trustee shall distribute —
  - (A) Before any other distributions, any unpaid filing fees to 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

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

In re:

Procedural and Administrative Matters     )  
  )  
  )     Administrative Order No. 10-04<sup>1</sup>  
  )     (Eastern Division)

**ADMINISTRATIVE ORDER**

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

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

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

**B. DOCUMENTATION IN COMPOSITION CHAPTER 13 CASES**

Within fourteen days of the filing of a petition for relief under chapter 13 of the Bankruptcy Code in a case in which the plan proposes to pay less than 100% to unsecured

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<sup>1</sup> This Administrative Order contains the same content as Administrative Order 09-03 entered on March 2, 2009, with the exception of Section E in Administrative Order 09-03. Section E addressed registry funds, and Local Rule 7067-1, effective July 1, 2010, now addresses this topic. Otherwise, this Administrative Order simply updates the time periods to seven day increments in accordance with the Statutory Time Period Technical Amendments Act of 2009 and makes minor formatting adjustments consistent with other Administrative Orders and the Local Rules effective July 1, 2010.

creditors, or within fourteen days of the filing of a motion to modify the plan in a chapter 13 case which reduces the proposed distribution to unsecured creditors to be less than 100%, the debtor must provide to the chapter 13 trustee and file with the clerk the following additional documentation:

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

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

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

Except as otherwise directed by the Court, when the following motions are filed:

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

the clerk shall send a notice to the parties to whom notice is properly given advising the party that a motion has been filed and that the party has twenty-one days from the date of the notice to object to the filed motion and to request a hearing. The clerk shall not send such a notice on Amendment to Schedules which do not contain a Motion to Modify a Confirmed Plan.

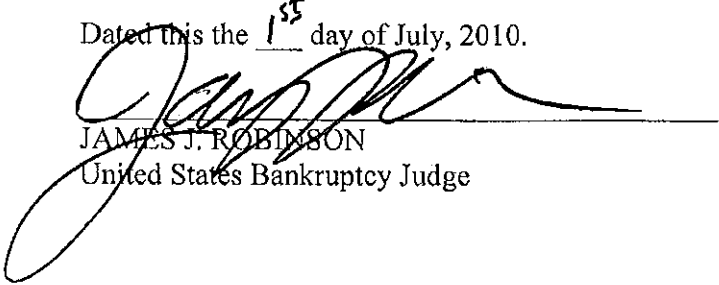
If no objection is timely filed, the motion may be granted. The clerk shall set all objections filed for a hearing. The clerk shall not send such a notice on Amendment to Schedules that do not contain a Motion to Modify a Confirmed Plan.

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

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

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

Dated this the 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  
EASTERN DIVISION**

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

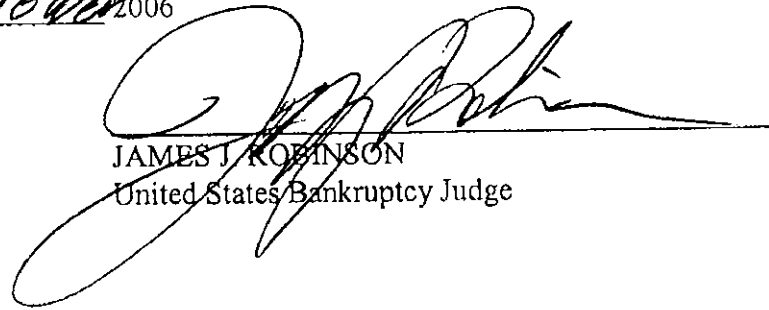
**ADMINISTRATIVE ORDER AUTHORIZING EASTERN DIVISION  
CHAPTER 13 TRUSTEE TO MAKE PRE-CONFIRMATION DISTRIBUTIONS  
OF PAYMENTS RECEIVED FOR ONGOING/POST-PETITION DOMESTIC  
SUPPORT OBLIGATIONS**

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