

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

WESTERN DIVISION NEGATIVE NOTICE LIST¹
(Updated February 9, 2022; Effective February 9, 2022)²

In addition to the matters covered by the Western Division Negative Notice Forms (which are posted on the court's website on Judge Henderson's information page), and the matters authorized to be considered on negative notice under the Local Rules, the Western Division permits the following Requests to be filed and considered under the Negative Notice Procedure established by AO 20-01.³ The requisite negative notice legend shall provide for a **21-day** response period unless a shorter or longer response period is specified.

Chapter 7 Bankruptcy Cases

Interim and final applications to approve compensation/reimbursement of expenses pursuant to 11 U.S.C. §§ 330, 331
Motions for leave to withdraw as counsel
Motions for relief from the stay of 11 U.S.C. § 362(a) (<i>provided</i> the movant affirmatively waives all applicable 11 U.S.C. § 362(e) deadlines)
Motions to approve a compromise or settlement pursuant to Fed. R. Bankr. P. 9019
Motions to compel abandonment pursuant to 11 U.S.C. § 554(b)
Objections to claim based on expiration of an applicable statute of limitations (30-day objection period)
Trustee motions/notices to abandon property pursuant to 11 U.S.C. § 554(a) (14-day objection period, pursuant to Fed. R. Bankr. P. 6007(a))

Chapter 13 Bankruptcy Cases

11 U.S.C. § 362(c)(3) motions to extend the stay (<i>provided</i> the motion is supported by an attached affidavit or declaration and filed on the petition date) (14-day objection period, pursuant to Local Rule 4001-1)
11 U.S.C. § 362(c)(4) motions for the stay to take effect (<i>provided</i> the motion is supported by an attached affidavit or declaration and filed within 30 days after the petition date) (14-day objection period, pursuant to Local Rule 4001-1)
Motions for leave to withdraw as counsel
Motions for relief from the co-debtor stay of 11 U.S.C. § 1301
Motions for relief from the stay of 11 U.S.C. § 362(a) as to collateral that the debtor(s)' plan proposes to surrender (<i>provided</i> the movant affirmatively waives all applicable 11 U.S.C. § 362(e) deadlines)
Motions for relief from the stay of 11 U.S.C. § 362(a) as to property covered by a lease that the debtor(s)' plan proposes to reject (<i>provided</i> the movant affirmatively waives all applicable 11 U.S.C. § 362(e) deadlines)
Motions for the refund/disbursement of monies held by the chapter 13 trustee

¹ "Negative notice" refers to the process by which interested parties are given notice of a filing and of the opportunity to object and request a hearing (in the absence of which the relief requested may be granted without a hearing). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in Western Division Administrative Order No. 20-01 ("AO 20-01").

² This update adds to the list of Requests that may be filed and considered under the Negative Notice Procedure.

³ An ad hoc committee of Western Division attorneys, in consultation with the clerk's office, the Bankruptcy Administrator, the chapter 13 trustee, and the court, has prepared several sample Requests (and proposed orders on Requests) that are approved by the court and posted on the court's website. Use of these sample forms is permitted but not required; whereas, for matters covered by a Western Division Negative Notice Form, use of the court-approved form is required for consideration of the matter on negative notice.

Motions/objections pursuant to 11 U.S.C. § 1329(a)(3), and/or 11 U.S.C. § 502(j), to reduce the amount of payments on a claim provided for by the plan, and/or to reconsider a claim, based on payment/satisfaction of the claim other than under the plan (30-day objection period)
Motions/objections to determine the amount of a secured claim pursuant to 11 U.S.C. § 506(a) (30-day objection period)
Motions pursuant to Fed. R. Bankr. P. 9023 and Fed. R. Civ. P. 59 to set aside an order granting a chapter 13 trustee motion to dismiss the debtor(s)' case (<i>provided</i> the debtor(s)' plan is confirmed and all claims bar dates have expired)
Motions to authorize/approve trial and permanent mortgage loan modification agreements
Motions to modify confirmed chapter 13 plans to: increase, reduce, suspend, or otherwise modify the debtor(s)' regular plan payments; extend or reduce the debtor(s)' plan term; modify the distribution to holders of allowed non-priority unsecured claims not separately classified by the plan; modify monthly fixed payments provided for by the plan; cure arrears on a long-term debt provided for by the plan; or change the disbursing agent for maintenance payments on a long-term debt provided for by the plan
Motions to shorten the time for holders of unlisted, pre-petition, non-priority, unsecured claims to file 11 U.S.C. § 523(a)(3) nondischargeability complaints (<i>provided</i> the requested reduction shall not apply if the creditor's claim is disallowed based on untimeliness)
Motions to sell property pursuant to 11 U.S.C. § 363(b) (<i>provided</i> all liens will be paid in full or otherwise consensually satisfied at closing)
Motions to surrender collateral in full or partial satisfaction of a secured creditor's claim (30-day objection period)
Objections to claim based on expiration of an applicable statute of limitations (30-day objection period)
Objections to claim on the basis that the debt is not a debt of the debtor(s) (30-day objection period)