

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

In the Matter of: {
Procedural and Administrative Matters { Administrative Order No. 22-05¹
 { Northern Division Only
 {

**AMENDED AND RESTATED ADMINISTRATIVE ORDER REGARDING PLEADINGS
PERMITTED TO BE FILED WITH NEGATIVE NOTICE**

A. Applicability. For pleadings permitted to be filed with negative notice (“Notice”) in the Northern Division of the Northern District of Alabama, the pleading must include a Notice provision which substantially complies with the requirements set forth herein.

B. Notice, Service, and Hearing.

- i. The Movant must serve the pleading and Notice upon the following:
 - the Debtor;
 - the Claimant;
 - the Trustee; and
 - any other entity required to be served pursuant to the Federal Rules of Bankruptcy Procedure and as the Court may direct.
- ii. The Notice must advise the parties of the date by which a response is due (the “Response Deadline”) and that failure to timely file a response may result in the Court entering an order approving the relief requested without further notice or hearing.
- iii. For Motions to Lift the Automatic Stay, the Notice must include a waiver, stating substantially as follows:

NEGATIVE NOTICE WAIVER: The movant hereby waives any and all applicable 11 U.S.C. § 362(e) deadlines and agrees that the automatic stay shall continue in effect pending the conclusion of any hearing on, and final determination of, this Motion.

- iv. If a response is filed by the Response Deadline, the Court will schedule the matter for hearing within thirty (30) days following the response date.

¹ Administrative Order No. 17-01, Amended Administrative Order Restating Pleadings Permitted to be filed with Negative Notice, is revoked.

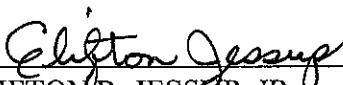
- v. If a response is not timely filed by the Response Deadline, the Court will consider the pleading unopposed and may enter an order approving the requested relief without further notice or hearing. The Court may, however, schedule a hearing even if no response is filed.

C. Pleadings Permitted to be Filed with Negative Notice.

- i. **ALL** Chapter 7 Motions to Lift the Automatic Stay.
- ii. Chapter 13 Motions to Lift the Automatic Stay or Co-Debtor Stay when the confirmed Plan provides for either surrender of the subject collateral or to reject a lease.
- iii. Objections to Claims [*unless the creditor is a government entity*] based on the following grounds:
- Interest Rate;
 - Surrender of Collateral;
 - Automatic Stay having lifted;
 - Repossession of collateral;
 - Statute of Limitations;
 - Claim paid direct by a third party or by the Debtor(s) as provided in the Plan;
 - Claim filed in the wrong case;
 - Transferred claim in a severed case;
 - Claim is a duplicate of another claim;
 - 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;
 - Claim is not entitled to secured status;
 - 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
 - Claim is not entitled to priority status.
- iv. Motions to Modify Chapter 13 Plan to Reduce Payments or Surrender Collateral.
- v. Chapter 13 Trustee Motions to Modify Chapter 13 Plan for the following purposes:
- to modify or remove fixed payments to a creditor(s);
 - to cure a default in Plan payments;
 - to increase the Base amount to be paid through the Plan:
 - (a) to include additional proceeds and assets;

- (b) to pay unscheduled claims;
 - (c) to pay postpetition mortgage arrearage;
 - (d) to pay specific dividends to unsecured creditors pursuant to the confirmed Plan;
- to increase Plan payments; or
 - to reduce Plan term.
- vi. Motions to Avoid Lien under 11 U.S.C. § 522(f) [*unless the creditor is a government entity*].
- vii. Motions to Avoid Lien coupled with an Objection to Claim [*unless the creditor is a government entity*].
- viii. Motions to Suspend Chapter 13 Plan Payments, provided that:
- The Motion may not request more than a three-month suspension of Plan payments with negative notice;
 - 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;
 - The Motion must propose a three-month payment monitoring period upon resumption of Plan payments;
 - The Debtor's counsel must contact the Trustee upon expiration of the negative notice period for an updated Plan payment amount; and
 - 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.
- ix. Applications to Amend Schedules to add creditors.

IT IS SO ORDERED this the 5th day of October 2022.



CLIFTON R. JESSUP, JR.
United States Bankruptcy Judge