

**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),

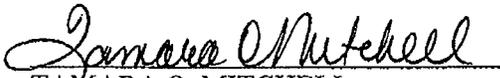
the clerk shall send a notice to the parties to whom notice is properly given advising the party that a motion has been filed and that the party has twenty-one days from the date of the notice to object to the filed motion and to request a hearing. The clerk shall not send such a notice on Amendment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

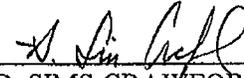
G. FILING A CONSENT TO ACTION IN CHAPTER 13 CASES

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 2nd 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.**