

SOUTHERN DISTRICT of GEORGIA
United States Bankruptcy Court

LOCAL RULES for BANKRUPTCY
and the ADMINISTRATION of the COURT

LBR 1002-1. COPIES OF PETITION

- (a) Chapter 7 and Chapter 12 Petitions. An original and two (2) copies shall be filed with the Court.
- (b) Chapter 13 Petitions. An original and one (1) copy shall be filed with the Court.
- (c) Chapter 9 and Chapter 11 Petitions. An original and five (5) copies shall be filed with the Court.

LBR 1007-1. FILING OF LISTS, SCHEDULES AND STATEMENTS

Dismissal of Case. In any case where lists, schedules and statements are not filed at the time of the filing of a voluntary petition, an order of dismissal shall be entered unless the same are filed within fourteen (14) days after the filing of the petition, or a motion to extend time for filing lists, schedules and statements has been filed prior to the expiration of the fifteen day period.

LBR 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES OR STATEMENTS

(a) Notice to Affected Parties. Where the debtor files an amendment to the petition, lists, schedules or statements previously filed, the debtor shall send notice of the same to the United States Trustee, any trustee appointed, and to any and all entities affected by the amendment. When the debtor adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor shall serve upon each newly listed creditor a copy of the following:

- (1) The amendment;
- (2) The meeting of creditors notice;
- (3) The order granting discharge (if any); and
- (4) Any other document affecting the rights of said creditors.

(b) Filing of Amendment With Clerk's Office.

(1) Number of Copies Required. All amendments shall be filed with the same number of copies as required for the original petition.

(2) Proof of Service. Amendments of the kind specified in subdivision (a) of this rule shall be accompanied by the debtor's proof of service evidencing that the required notice was given.

(c) Amendment Fee. Amendment fee of \$30.00 will be waived upon full compliance with this rule.

LBR 2002-1. ENTITIES ENTITLED TO NOTICE; REQUESTS FOR NOTICE, CHANGES OF ADDRESS

(a) Chapter 7 Cases. In Chapter 7 cases, all notices required by Bankruptcy Rule 2002(a), except clause 4 thereof, and which are mailed after the expiration of the time for the filing of proofs of claim pursuant to Bankruptcy Rule 3002(c) may, unless otherwise ordered by the Bankruptcy Court be mailed only to:

(1) creditors whose claims have been filed;

(2) creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(6); and

(3) any entities which have requested notice.

(b) Change of Address. Any party in interest who desires that its address for notices be changed from the address shown on any proof of claim, request for notice, or other pleading previously filed by such party must file such request with the Clerk and serve a copy of same on the debtor's attorney, the United States Trustee, and the case Trustee. Changes of address must be separately filed in each case file and adversary proceeding showing the proper case number or adversary number. Filing in the main case alone is not sufficient. A party shall not be entitled to notice at the new address in the absence of complete compliance with this rule.

LBR 2003-1. CONFLICTS--FIRST MEETING OF CREDITORS

When an attorney has a Court appearance which is scheduled for the same time as a s 341 meeting, counsel should give prompt written notice of the conflict to the case trustee, the Chapter 13 Trustee, and/or the United States Trustee as is appropriate. Notice to the Bankruptcy Judge to whom the case is assigned without notice to the appropriate trustee is insufficient. In the absence of specific contrary directions from the Court the attorney shall appear at the Court proceeding and arrange for substitute counsel at the 341 meeting.

LBR 2015- 1 FINAL REPORTS AND APPLICATIONS FOR FINAL DECREES IN CHAPTER 11 CASES

(a) The trustee or debtor-in-possession shall file the report required by Bankruptcy Rule 2015(a)(5) within thirty (30) days of the entry of the order of confirmation.

(b) Within 180 days of the entry of the order of confirmation, the trustee or debtor-in-possession shall file, pursuant to 11 U.S.C. s 1106, an application for a final decree in the form prescribed by the Court, unless the Bankruptcy Court orders otherwise.

LBR 2090-1 ADMISSION OF ATTORNEYS

(a) Any attorney who is admitted to the bar of the United States District Court for the Southern District of Georgia pursuant to Rule LR 83.3 of the District Local Rules for Attorneys is admitted to the bar of the Bankruptcy Court.

(b) Any attorney who is not admitted pursuant to subparagraph (a) shall be permitted to appear and participate in a bankruptcy case or proceeding only upon compliance with Rule LR 83.4 of the District Local

Rules for Attorneys, and payment of the prescribed fee for admission pro hac vice as set from time to time by the District Court.

LBR 2091-1. WITHDRAWAL OF COUNSEL

Attorneys desiring to withdraw from representation of a party in this Court shall demonstrate that they have complied with Rule LR 83.7. The application shall be presented to and acted upon by the Bankruptcy Judge.

LBR 3001-1. FILING AND SERVICE OF PROOFS OF CLAIM

(a) Generally. Each proof of claim presented for filing must specify the case number of the applicable bankruptcy case and must be properly signed by the claimant or the claimant's authorized agent.

(b) Attachments to Claim. Any attachments to the claim shall be stapled behind the claim in the upper left hand corner. Attachments shall be no larger than 8 1/2 by 11 inches.

(c) Service. All creditors and their counsel who file a proof of claim in this Court are hereby directed to serve by First Class Mail a true copy of said proof of claim and all attachments thereto upon the debtors' counsel of record at the address of said debtors' counsel shown on the Notice of the Creditors Meeting convened pursuant to 11 U.S.C. s 341. The filing of such a proof of claim shall constitute a certificate by said creditor and/or its counsel that this order has been complied with. Said creditors and/or their counsel are, however, directed not to file any separate certificate of service in the Clerk's Office.

LBR 3001-2. INTEREST ON CLAIMS IN CHAPTER 13 CASE

Without in any way limiting or amending any provision of the Code or Rules that govern the filing of proofs of claim, all claims filed in this Court shall be filed for the net principal balance only as of the date of the debtor's filing of his or her case. Unless otherwise ordered by the Bankruptcy Judge, the Chapter 13 Trustee is directed to pay interest at a rate of 12% per annum on all allowed secured claims and is further directed to file objections to or notify debtor's counsel with respect to any claim which is not filed in accordance with the terms of this order. The sanction provisions of Bankruptcy Rule 9011 apply to claims filed in violation of applicable provisions of the Bankruptcy Code and Rules.

LBR 3015-1. FILING AND SERVICE OF MODIFIED CHAPTER 13 PLANS

(a) Distribution of Modified Plan. If, after having filed a Chapter 13 plan, the debtor files a modified plan, the debtor must serve such modified plan on:

- (1) The standing trustee; and
- (2) Any creditor(s) affected by the modification.

(b) Proof of Service. The debtor shall file with the modified plan proof of service evidencing compliance with this rule.

LBR 4001-1. MOTION FOR EX PARTE RELIEF FROM STAY

(a) Generally. Except in Chapter 11 cases, if collateral securing a claim, including property which is the subject of a lease, is an over-the-road vehicle, such as an automobile, motorcycle, trailer, or a boat or an airplane, and if the same is not insured with full collision and comprehensive insurance, then the holder of

such claim may file with the Bankruptcy Court a motion for ex parte relief from the stay of 11 U.S.C. s 362(a) pursuant to 11 U.S.C.s 362(f) to obtain possession of the collateral or leased property.

(b) Chapter 11 Cases. The Bankruptcy Court may, in its discretion, apply this rule to a Chapter 11 case.

(c) Content of Motion. Any motion for ex parte relief from the stay under this rule shall be verified and shall:

(1) Include a description of the collateral or leased property, a statement of the amount of the claim and the basis on which the claim is secured, a statement of the basis on which the moving party believes that the collateral or leased property is not insured with full comprehensive insurance; and a statement that the moving party or its attorney has given or attempted to give oral notice to the debtor's attorney or the debtor, if the debtor is not represented by counsel, that the motion is being filed.

(2) Be accompanied by a proposed order which shall provide that:

(A) The debtor or Trustee is prohibited from using the collateral or leased property unless and until adequate evidence of full collision and comprehensive insurance is presented to the holder of the claim;

(B) The debtor or Trustee, whichever is in actual physical possession of the collateral or leased property, shall notify the holder of the claim of the location of the collateral;

(C) The debtor or Trustee, whichever is in actual physical possession of the collateral or leased property, shall surrender it to the holder of the claim within 72 hours of the date of service of the order, unless within that time (1) the holder of the claim is provided with adequate evidence of full collision and comprehensive insurance or (2) the debtor or Trustee requests a hearing concerning same;

(D) The holder of the claim is authorized to take physical possession of collateral or leased property required to be surrendered under this Rule, and to hold same, provided that the holder may not dispose of the collateral or leased property unless and until the automatic stay is modified or terminated or expires as a matter of law and provided that, if the debtor provides adequate evidence of full collision and comprehensive insurance prior to the expiration or termination of the automatic stay, then the holder of the claim must return the property to the debtor; and

(E) The holder of the claim or its attorney shall serve copies of the motion and order promptly on the debtor, the debtor's attorney, and the Trustee, and shall provide telephonic notice to the debtor's attorney and the Trustee, if the Trustee is in actual physical possession of the property.

LBR 4004-1. DISCHARGE HEARINGS

In all cases, no discharge hearings will be routinely assigned. Reaffirmation agreements will be governed by 11 U.S.C. s 524(c) and shall be filed before the expiration of the time for filing objections to discharge. If a reaffirmation agreement is filed in a particular case a discharge hearing will be scheduled. Notices of said discharge hearings will be mailed to debtor, debtor's attorney, and the trustee.

LBR 9029-1. REGULATION OF PRACTICE

Pursuant to Bankruptcy Rule 9029, the Bankruptcy Court may by General Order regulate its practice in any manner not inconsistent with these Rules or the District Court Local Rules. A copy of all current General Orders regulating such practice shall be provided by the Clerk upon request of any party in interest.

LBR 9072-1 SUBMISSIONS OF ORDERS, FINDINGS OF FACT AND CONCLUSION OF LAW

(a) Motion Practice. At the time of filing a motion seeking any relief in this Court, the movant shall file along with the motion, a proposed order containing appropriate recitations of fact and of law in support of the relief sought, consistent with the evidence which movant reasonably believes will be established at the hearing concerning said motion.

(b) Exception. Rule LBR 9072-1(a) shall not apply to motions for relief from a stay filed pursuant to 11 U.S.C. s 362 in cases filed under Chapters 7, 12, or 13, unless the notice of the hearing issued by the Clerk contains an express requirement that a proposed order be filed along with movant's certificate of service.

(c) Adversary Proceedings. In all adversary proceedings, plaintiff and defendant shall separately file with the Court, not later than the date and time scheduled for trial a set of proposed findings of fact and conclusions of law, based on evidence which each reasonably believes will be proven at trial, and containing relevant legal authority to support the conclusions reached.

(d) Counsel Identification. Whenever any proposed order is submitted for entry by the Bankruptcy Court, including a consent order, the proposed order shall identify the attorney who prepared the order, the name of the party represented by such attorney, and shall include the attorney's signature, name, address, telephone number, and Georgia State Bar number, if the attorney is a member of the State Bar of Georgia.

UNIFORMITY OF PRACTICE

In order to insure uniformity of practice in all Courts in the Southern District of Georgia, the intent of these rules is to incorporate as Rules of Practice in Bankruptcy Court, to the maximum extent possible, all applicable rules of the United States District Court. In cases of conflict between these Local Rules and the Federal Rules of Bankruptcy Procedure, except where the Federal Rules of Bankruptcy Procedure permit variations by Local Rule, or in matters not addressed by these Local Rules, the Federal Rules of Bankruptcy Procedure shall govern. Whenever possible, the Local Rules and Federal Rules of Bankruptcy Procedure shall be read consistently. Without in any way limiting the generality of the foregoing, the following District Court Local Rules are applicable in bankruptcy cases and proceedings:

<u>RULE</u>	<u>SUBJECT</u>
LR 2.1	Six Divisions (with the additional subparagraph: "(g) Venue-- Bankruptcy Proceedings. All adversary proceedings and contested matters which are properly filed in this district shall be brought in the division in which the bankruptcy case is pending.")
LR 2.3	Transfer of Civil Case
LR 3.1	Refiled Cases
LR 5.1	Certification of Service

LR 7.1, 7.2, & 7.5	Motions (shall apply only if directed by the Bankruptcy Judge or by the Notice issued by the Bankruptcy Clerk of Court.)
LR 7.1.1	Disclosure Statement
LR 7.3	Orders Made Orally in Court
LR 7.4	Time for Filing Civil Motions
LR 10.1	Pleadings
LR 11.1	Counsel Identification (substituting the reference to Federal Rule of Civil Procedure 11 with Federal Rule of Bankruptcy Procedure 9011)
LR 16.1(b)	Scheduling Order (Exceptions)
LR 16.2	Status Conference
LR 16.3	Time for Filing Motions to Amend or to Join Other Parties
LR 16.4	Pretrial Order
LR 16.5	Pretrial Conference
LR 16.6	Dismissal
LR 26.1	Time Limitations (with the additional subparagraph: "(f) In Bankruptcy cases and proceedings, the Court may shorten the discovery period after conducting a conference pursuant to Federal Rule of Bankruptcy Procedure 7016.")
LR 26.2	Extensions of Time
LR 40.1	Continuances
LR 40.2	Absence of Witnesses
LR 41.1	Dismissal For Want of Prosecution
LR 56.1	Motions for Summary Judgment
LR 67.1	Deposit and Disbursement of Funds
LR 77.1	Proper Notice to Adversary
LR 77.2	Judge to Whom Request Submitted
LR 77.3	Filing of Orders
LR 79.3	Original Transcripts
LR 79.4	Exhibits and Documents
LR 79.5	Closed Files
LR 83	Attorneys, Court Facilities, and Business