

GENERAL ORDERS FOR THE SOUTHERN DISTRICT OF GEORGIA

GENERAL ORDER NUMBER 2017-2

Order on Compensation of Debtor's Attorneys in Chapter 13 Cases

To fulfill the requirements of 11 U.S.C. § 330(a), the Court periodically reviews the reasonableness of compensation awarded by the Court to counsel representing Chapter 13 debtors. Having conducted such periodic review, **IT IS HEREBY ORDERED** that:

1. General Order 2010-3, filed December 22, 2010, is vacated.
2. The Court has not reviewed the relevant factors regarding compensation of Chapter 13 debtor's counsel in over six years. On June 30, 2017, the judges in this district held an en banc hearing in the miscellaneous proceeding of *In the Matter of Attorney Compensation in Chapter 13 Cases*, Misc. Proc. No. 17-00201, in which evidence and arguments were presented. The evidence establishes that the prevailing hourly rate for counsel practicing in the Southern District of Georgia for attorneys of comparable skill, expertise, and reputation has increased a significant amount since the last time the no look fee was considered. The evidence further establishes that amendments to the Federal Rules of Bankruptcy Procedure and Bankruptcy Forms as well as changes to local procedures have increased the amount of time and expense attorneys must devote to represent Chapter 13 debtors in a professional manner.
3. As a result, effective in all Chapter 13 cases filed on or after July 24, 2017, a claim for attorney's fees for services rendered and expenses advanced to a Chapter 13 debtor will be deemed automatically approved by the Court in the absence of an objection, so long as said claim does not exceed the sum of four thousand five hundred dollars (\$4,500.00) (commonly referred to as the no look fee). The fee is expected to provide for payment of costs and expenses (other than the initial case filing fee) and for all services rendered to the debtor from the filing of the petition to the closing of the case. The fee contemplates appearance by counsel of record for the debtor at the § 341 meeting and all hearings and contemplates the new responsibilities placed upon debtors' counsel with respect to the amendments to the Federal Rules of Bankruptcy Procedure taking effect December 1, 2017.
4. Debtors' attorneys are directed to file written statements pursuant to 11 U.S.C § 329 and Federal Rule of Bankruptcy Procedure 2016(b) disclosing the fee arrangements with their clients. This Order does not establish a minimum fee for the representation of Chapter 13 debtors in this district. Debtors' attorneys may represent debtors for a lower fee, and the Court urges attorneys to do so when circumstances indicate that the result will be a less substantial expenditure of the attorney's time and expense.
5. Pursuant 11 U.S.C. § 330 and Federal Rule of Bankruptcy Procedure 2016, in the event a debtor's attorney determines that an award of \$4,500.00 does not adequately compensate the attorney for legal services rendered, the attorney may petition for reasonable attorney's fees disclosing all time expended in such representation from the beginning of the case.
6. The Court also may reduce an attorney's fee for cause if the Court determines the work performed does not justify the amount of such fee. In addition, the Court may, for cause, sua sponte, or upon the recommendation of the Chapter 13 trustee, U.S. trustee, or any other party in interest, revoke the no look fee privilege and require a formal fee application in all cases filed by an attorney and/or an attorney's firm.

Dated this 17th of July, 2017.

Susan D. Barrett Chief,
Chief United States Bankruptcy Judge

Edward J. Coleman III
United States Bankruptcy Judge

Michele J. Kim
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2017-1

Order on Motion for Relief from Stay (Vacating General Order 2013-2)

IT IS HEREBY ORDERED: that attorneys are required to utilize the court's Order on Motion for Relief from Stay (Local Form B-55) in Chapter 13 cases and consumer Chapter 7 cases. Modifications and/or nonconforming terms may be placed only in the "Other Provisions" section of the Local Form B-55 or attached as a separate page to the form. Use of Local Form B-55 is permitted, but not required, in Chapter 11, Chapter 12, and non-consumer Chapter 7 cases.

This order shall be effective April 20, 2017, and vacates General Order 2013-2.

Susan D. Barrett Chief,
United States Bankruptcy Judge

Edward J. Coleman III
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Dated this 20th day of April, 2017.

GENERAL ORDER NUMBER 2016-2

Electronic Case Files and Administrative Procedures (Vacating General Order 2010-1)

Federal Rule of Bankruptcy Procedure 5005(a)(2), authorizes the Court to establish practices and procedures for filing, signing, and verifying documents by electronic means.

Effective November 4, 2005, in the Southern District of Georgia, previous General Order 2005-7, Order Adopting Case Management/Electronic Case Files System (CM/ECF) and Local Bankruptcy Rules for Electronic Case Files allowed documents to be filed, signed, and verified by electronic and other means.

Effective October 1, 2010, absent good cause shown and the permission of the Court, attorneys in good standing admitted to practice before this Court, including attorneys admitted pro hac vice, were required to file, sign, and verify documents only by electronic means to the extent and in the manner authorized by previous General Order 2010-1, and the Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in the United States Bankruptcy Court for the Southern District of Georgia ("Administrative Procedures").

IT IS THEREFORE ORDERED:

1. The Court adopts revisions to the Administrative Procedures, set forth as Exhibit A, and CM/ECF Local Rules, set forth as Exhibit B, to account for changes in rules and policies. This Order vacates General Order 2010-1, and is effective December 1, 2016.
2. Absent a judicial waiver, all attorneys in good standing admitted to practice before this Court, including attorneys appearing pro hac vice, trustees or examiners serving in any case pending in the Court, and the United States trustee shall file, sign, and verify documents only by electronic means to the extent and in the manner authorized by this General Order, the Administrative Procedures, and CM/ECF Local Rules of the Court.
3. Creditors that file fifteen (15) or more proofs of claim during any 12-month period must file claims electronically. Attorneys who file claims for themselves, their firms, or on behalf of any other entity shall file all claims electronically, regardless of number.
4. Attorneys not admitted to practice in the Southern District of Georgia, and other non-attorney filers such as creditors, may request limited user access to file documents by electronic means to the extent and in the manner authorized by this General Order and the Administrative Procedures.
5. The official record of the Court as required by Fed. R. Bankr. P. 5003 shall be the electronic file maintained by the Court and such paper files as are permitted by the Administrative Procedures.
6. The Clerk's Office will implement and publish the Administrative Procedures, register attorneys, and issue individual logins and passwords consistent with those procedures to permit electronic filing and notice of pleadings and other documents.

7. The login and password used to electronically file or submit any document by a filer who is a registered participant in the Court's CM/ECF system shall constitute the signature of that filer for purposes of the application of Federal Rule of Bankruptcy Procedure 9011 and other applicable rules. The registered filer whose login and password are used to accomplish an electronic filing certifies that the filer and the filer's law firm, if applicable, have authorized the filing.

8. No filer shall knowingly permit or cause to permit his/her login or password to be used by anyone other than an authorized employee of his/her law firm.

9. The electronic filing of a pleading or other paper in accordance with the Court's Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under the Federal Rules of Bankruptcy Procedure.

10. Electronic filing does not alter the filing deadline.

11. The Clerk's Office shall enter all orders, decrees, judgments, and proceedings of the Court, in accordance with the Administrative Procedures and CM/ECF Local Rules, which shall constitute entry of the orders, decrees, judgments, and proceedings on the docket kept by the Clerk under the Federal Rules of Bankruptcy Procedure. Any order filed with the electronic signature of a judge shall have the same force and effect as if the judge had affixed his or her signature to a paper order.

12. The Notice of Electronic Filing (NEF) generated by CM/ECF constitutes service and notice of a document, pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Bankr. P. 9036, on registered CM/ECF users, with the exception of service of a summons and complaint pursuant to Fed. R. Bankr. P. 7004. The three added days, pursuant to Fed. R. Bankr. P. 9006(f), do not apply to deadlines to act or proceed after electronic service. For all remaining recipients of service or notice unable to receive a NEF, the filing party shall serve the pleading or paper upon all such entities in accordance with applicable bankruptcy rules. When mailing paper copies of documents that have been electronically filed, the filing party must include the NEF to provide the recipient with proof of the filing.

13. Receipt of a CM/ECF login and password constitutes a request for electronic service and electronic notice pursuant to the Federal Rules of Bankruptcy Procedure.

14. An attorney filing a Verified Pleading should thereafter maintain in his or her office the original Verified Pleading in its entirety for at least five (5) years after the conclusion of all appeals or the expiration of time for filing a timely appeal, whichever is later. The filing of a Verified Pleading constitutes a representation by the attorney who files it that the attorney has in his/her possession at the time of filing the fully executed original Verified Pleading and that he/she agrees to maintain it for the five (5) year period set forth above. A pleading or document that a person signs and thereby verifies, certifies, declares, affirms, or swears under oath or penalty of perjury concerning the truth of the matters set forth in that pleading or document is a "Verified Pleading."

Susan D. Barrett Chief,
United States Bankruptcy Judge

Dated this 30th day of November, 2016.

GENERAL ORDER NUMBER 2016-1

ORDER REGARDING DEPOSIT AND INVESTMENT OF REGISTRY FUNDS

The Court, having determined that it is necessary to adopt local procedures to ensure uniformity in the deposit, investment, and tax administration of funds in the Court's Registry,

IT IS ORDERED that the following shall govern the receipt, deposit, and investment of registry funds:

I. Receipt of Funds

- A. No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.
- B. The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.
- C. Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court

pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

II. Investment of Registry Funds

- A. Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.
- B. Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.
- C. The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.
- D. Money from each case deposited in the CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.
- E. An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.
- F. For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the Fed Invest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

III. Fees and Taxes

- A. The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.
- B. The custodian is authorized and directed by this Order to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

IV. Transition from Former Investment Procedure

- A. The Clerk of Court is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.
- B. Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date of this order will be placed in the CRIS DOF.
- C. Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.
- D. This Order supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds, including General Order 2012-2.

Dated this 17th day of November, 2016

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

ADMINISTRATIVE ORDER 2016-1

Inaccessibility of Clerk's Office During Hurricane Matthew

Due to emergency conditions resulting from Hurricane Matthew in this district and the direct consequences thereof, the federal courthouses in Savannah and Brunswick, Georgia, and the offices of the Clerk of Court in those locations were closed on October 6 and 7, 2016. Additionally, the court experienced consistent technical difficulties with its electronic filing systems, starting at 6p.m. (EDT) on October 5, 2016, and lasting for the remainder of the week, rendering the Clerk's office inaccessible throughout the district within the meaning of Fed. R. Bankr. P. 9006(a)(3). Accordingly, it is

ORDERED that because of the closing of the Savannah and Brunswick courthouses and the consistent technical failures throughout the district with the court's electronic filing systems, filing deadlines occurring on or after 6:00 p.m. (EDT) on October 5, 2016 through October 7, 2016, in the U. S. Bankruptcy Court for the Southern District of Georgia are extended in accordance with Fed. R. Bankr. P. 9006(a)(3).

Dated this 19th day of October, 2016.

Susan D. Barrett
Chief United States Bankruptcy Judge

GENERAL ORDER NUMBER 2015-5

Order Requiring Payment of Chapter 13 Filing Fees Directly to Clerk and Order Vacating General Order 1995-3

Effective March 1, 2016, the filing fees for filing a case under Chapter 13 of Title 11 of the United States Code prescribed by 28 U.S.C. § 1930 shall no longer be paid through the Chapter 13 plan.

It is hereby **ORDERED** that said filing fees shall be paid directly to the Clerk, United States Bankruptcy Court for the Southern District of Georgia, upon commencement of the Chapter 13 case provided; however, pursuant to Federal Rule of Bankruptcy Procedure 1006(b), said filing fees may upon application be paid in installments not to exceed 120 days from the date of filing of the Chapter 13 petition.

It is further **ORDERED** that General Order 1995-3 is VACATED.

Dated this 20th day of November, 2015.

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2015-4

Amended Order Regarding Lease and Adequate Protection Payments and Order Vacating General Order 2005-5

11 U.S.C. § 1326(a) provides that Chapter 13 debtors shall make certain payments "directly" to certain lessors or creditors, "unless the Court orders otherwise."

After due consideration the Court enters this Order for the purpose of permitting debtors in their Plan to elect whether to (1) remit those payments "directly" or (2) remit those payments to the Trustee, earmarked for the purpose set forth by Congress.

This action is based in part upon the following considerations and is authorized by § 1326 and § 105:

1. **Judicial Economy.** No mandatory provision, either allowing or prohibiting these payments to be handled by the Chapter 13 Trustee, can possibly meet the particular needs of every case. Failure to order in advance that debtors may elect the method most likely to permit their Plans to succeed will inevitably lead to countless motions to obtain this permission on a case-by-case basis, consuming untold hours of judicial and administrative resources and driving the cost of Chapter 13 proceeds to debtors, creditors, and counsel higher than can be justified .
2. **Record-keeping and Evidentiary Considerations.** Chapter 13 Trustees act as fiduciaries, and are uniquely qualified to receive and disburse funds, and to provide reliable records of all such payments. All parties in Chapter 13 cases justifiably rely heavily upon the integrity of these transactions and the records that the Trustee maintains and provides, at no additional cost, to all parties in interest.
3. **Creditors' Interests Protected.** In the case of adequate protection payments, because debtor's obligation to make these payments is not triggered until a claim is "allowed" and because claims are not "allowed" until filed (§ 502), it may be impossible for a debtor to know when to begin making such payments "directly". Payment to the Trustee of funds estimated to cover these claims will ensure debtors do not become delinquent under this provision simply because they lack any notice of an obligation to commence making them.
4. **Hearing on Objections.** Confirmation hearings will be conducted prior to the deadline for filing claims. As a result, the Court can timely adjudicate any dispute over the amount and method of payment of these claims at confirmation, should a timely objection to the Plan be filed by any creditor.

IT IS THEREFORE ORDERED that pursuant to 11 U.S.C. §§ 1326 and 105, commencing October 17, 2005 , debtors are authorized to designate in their Chapter 13 Plans whether lease and adequate protection payments shall be made "directly" to the creditor or remitted to the Trustee.

If these payments are remitted to the Trustee they shall be paid to the creditor designated in the Plan after a claim is allowed until confirmation or further order of this Court. Creditor's rights in these funds shall be governed by the terms of a confirmed Plan, or further order of Court after notice and time for objections.

IT IS FURTHER ORDERED that General Order 2005-5 is VACATED.

Dated this 20th day of November, 2015.

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

Discharge Requirements

Discharge in Chapter 11, 12 and 13 Cases. A discharge cannot be entered for an individual debtor unless the debtor files a certification of eligibility for discharge. In Chapter 11 and 12 cases, the certification should be filed contemporaneously with a motion for discharge. In Chapter 13 cases, the certification should be filed within thirty (30) days after the filing of the trustee's notice of completion of plan payments.

(a) Certifications. All certifications shall substantially conform to the proper local form and contain the following statements:

- (1) a statement concerning payment of domestic support obligations;
- (2) a statement concerning compliance with 11 U.S.C. §§ 1141(d)(5)(C), 1228(1), or 1328(h), and § 522(q);
- (3) in Chapter 11 or Chapter 13 cases, a statement concerning completion of an instructional course concerning personal financial management described in 11 U.S.C. §111;
- (4) in Chapter 13 cases, a statement concerning compliance with § 1328(f)'s requirement of no discharge if the debtor received a discharge in a prior bankruptcy case filed within the prescribed periods.

(b) Service. The debtor shall serve the certification of eligibility for discharge on the United States Trustee, the trustee, all domestic support obligation recipients, and all parties in interest. Unless a party in interest timely files an objection to the certification of eligibility for discharge, the court may find without a hearing that there is no reasonable cause to believe that:

- (1) Section 522(q)(1) may be applicable to the debtor; and
- (2) There is pending any proceeding in which the debtor may be found guilty of a felony of the kind specified in §522(q)(1)(A) or liable for a debt of the kind described in §522(q)(1)(B).

Hardship Discharge.

(a) Certifications. A motion for hardship discharge under §1228(b) or §1328(b) shall conform to the proper local form. In addition to the certifications listed above, the motion shall include the following statements:

- (1) a factual statement showing entitlement to discharge under §1228(b) or §1328(b); and
- (2) a statement concerning satisfaction of the best interest of creditors test under §1325(a)(4).

(b) Service. The debtor shall serve the motion for hardship discharge on the United States Trustee, the trustee, all domestic support obligation recipients, and all parties in interest.

This order shall be effective January 4, 2016.

IT IS FURTHER ORDERED that General Order 2007-8, filed October 17, 2007, is vacated.

Dated this 20th day of November, 2015.

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2015-2

Automatic Dismissals

11 U.S.C. § 521 (i) requires that an individual debtor file certain papers within forty-five (45) days of the filing of a petition or the case is automatically dismissed. In confirmed Chapter 13 cases where it appears that the debtor(s) has timely filed the required documents, the confirmation order will include language indicating that the case is not subject to dismissal under § 521 (i)(1), and that the debtor is not required to file any further document pursuant to § 521 (i)(2).

In individual Chapter 7 cases where it appears that the debtor has timely filed the required documents, no sooner than 45 days following the filing of the petition the Court will enter an order indicating that the case is not subject to dismissal under § 521 (i)(1), and that the debtor is not required to file any further document pursuant to § 521 (i)(2).

This order shall be effective January 4th, 2016.

IT IS FURTHER ORDERED that General Order 2007-5, Automatic Dismissals, filed March 2, 2007, is vacated.

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated this 20th day of November, 2015.

GENERAL ORDER NUMBER 2015-1

This General Order establishes revisions to Clerk's Office procedures for the filing of creditor mailing matrices, schedules, and statements.

1) This order vacates General Order 2005-4 dated August 23, 2005.

2) Creditor Mailing Matrix. The accuracy and completeness of creditor mailing matrices are the shared responsibility of the debtor and debtor's attorney. The Court will rely on the creditor mailing matrix as submitted by the debtor and debtor's attorney. The creditor mailing matrix must be consistent with the schedules provided with the petition. Parties may review the Court's mailing matrix for any registered preferred addresses. If an incomplete or inaccurate mailing matrix is submitted, it is the debtor's responsibility to send notice of the meeting of creditors to the creditors not served by the Court, and then file a Certificate of Service with the Court.

3) Pursuant to Bankruptcy Rule 1007, schedules and statements shall be filed with the petition or within fourteen (14) days of the filing of the petition. If required schedules and statements are not filed within fourteen (14) days, the case will be dismissed with prejudice barring refiling of a petition for 180 days. For more information on procedural matters counsel may contact the Clerk's Office or visit the Court's web site at www.gas.uscourts.gov. Dated this 23rd day of October, 2015.

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2013-1

IT IS HEREBY ORDERED that when a Chapter 13 plan is filed, the Trustee will direct the debtor's employer to withhold from debtor's wages an amount equal to the proposed payments under the debtor's plan. Debtor's employer will act on the Trustee's Notice to Commence Withholding as provided for in this Order.

If the debtor does not wish to be subjected to wage withholding, a motion must be submitted with the petition for direct pay to the Trustee setting forth why wage withholding would not be in the best interest of the debtor, the creditors, or the Chapter 13 Trustee. Absent the filing of such a motion, withholding will commence the first pay period following the filing of the plan and service of the Notice to Commence Wage Withholding on the debtor's employer.

The debtor shall notify the Chapter 13 Trustee of any changes in employment and/or withholding subsequent to the filing of the plan whereby the Chapter 13 Trustee shall file an amended Notice to Commence Wage Withholding with the Court.

IT IS FURTHER ORDERED that General Order 2007-2, Chapter 13 Plan Payments, filed March 2, 2007, is vacated.

Susan D. Barrett
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2012-1

Implementing Federal Rule of Bankruptcy Procedure 3002.1

This order is promulgated to provide for the uniform implementation of Rule 3002.1 of the Federal Rules of Bankruptcy Procedure, which became effective on December 1, 2011.

Pursuant to Rule 3002.1 (c), the holder of a claim that is secured by a security interest in the debtor's principal residence and is provided for in the debtor's plan under 11 U.S.C. § 1322(b)(5)

shall file and serve on the debtor, debtor's counsel, and the trustee a notice itemizing all fees, expenses, or charges (1) that were incurred in connection with the claim after the bankruptcy case was filed, and (2) that the holder asserts are recoverable against the debtor or against the debtor's principal residence.

IT IS HEREBY ORDERED that the chapter 13 trustee shall not pay any fees, expenses, or charges disclosed by a creditor pursuant to Rule 3002.1(c) unless the debtor's plan is modified after the filing of the notice to provide for payment of such fees, expenses, or charges.

Rule 3002.1 (f) states that

[w]ithin 30 days after the debtor completes all payments under the plan, the trustee shall file and serve on the holder of the claim [that is secured by a security interest in the debtor's principal residence and is provided for in the debtor's plan under 11 U.S.C. § 1322(b)(5)], the debtor, and debtor's counsel a notice stating that the debtor has paid in full the amount required to cure any default on the claim.

IT IS FURTHER ORDERED that the chapter 13 trustee shall file the form notice attached hereto and entitled "Notice of Completion of Plan Payments and Notice of Final Cure Payment" within 30 days after the debtor's completion of plan payments.

IT IS FURTHER ORDERED that upon the granting of stay relief in favor of a creditor that holds a claim secured by a security interest in the debtor's principal residence and that is provided for in the debtor's plan under 11 U.S.C. § 1322(b)(5), further compliance with the requirements of Rule 3002.1 are waived as to such creditor and as to the chapter 13 trustee.

Susan D. Barrett
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Dated this 4th day of December, 2012.
Savannah, Georgia

GENERAL ORDER NUMBER 2010-2

Order Permitting Chapter 13 Trustee to Approve Real Estate Loan Modification and the Incurring of Debt

The Court recognizes that after the filing of a petition under chapter 13 of the bankruptcy code it may be necessary for a debtor to enter into agreements with creditors to modify security interests in real property of the debtor or to incur consumer debt to obtain goods or services necessary to the debtor's performance under a chapter 13 plan . As set forth in 11 U. S. C. § 1305(c), where prior approval of the trustee is practicable to obtain,

IT IS HEREBY ORDERED that the case trustee is authorized, without further order of this Court, to grant permission to the debtor to enter into agreements to modify a security interest in the debtor's real property or to incur debt as set forth in 11 U. S. C. § 1305. Nothing in this General Order is to prevent the trustee from denying a request from the debtor to so modify or to incur debt, or prevent the debtor from filing a motion seeking Court approval of a debtor's request to so modify or to incur debt. Applications depicting the approval of the chapter 13 trustee to so modify or to incur debt may be filed with the Clerk 's office in accordance with the Court's filing procedures.

Susan D. Barrett
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Dated this 19th day of November, 2010.

GENERAL ORDER NUMBER 2009 -1

Order Amending Time Deadlines in Local Rules and General Orders

On March 26, 2009, the Supreme Court approved changes to Federal Rule of Bankruptcy Procedure 9006 as well as changes to similar appellate, civil, and criminal rules, which address the manner by which time is calculated in the federal courts. On May 7, 2009, the Statutory Time Period Technical Amendments Act of 2009 was enacted (Pub. L. No. 111-016). The law adjusts the time periods in twenty-eight statutes, including nine sections of the Bankruptcy Code, which are impacted by the upcoming federal rule changes. Both the statutory and rule changes will take effect on the same date, December 1, 2009.

Under the current federal rules, intermediate weekends and holidays are excluded when calculating time periods fewer than eight days. The amended rules count intermediate weekends and holidays for all time periods. In addition, deadlines of fewer than thirty days will be amended to substitute a deadline that is a multiple of seven days so that the expiration of the deadline ordinarily will occur on a weekday.

In connection with the upcoming federal rule changes, this Court has reviewed Local Bankruptcy Rules as well as all General Orders that are in effect as of the date of this Order. As a result,

IT IS HEREBY ORDERED that, effective December 1, 2009, Local Bankruptcy Rules and General Orders will be amended to be consistent with the federal rules changes, and all time periods of fewer than thirty days will be amended to substitute a deadline that is a multiple of seven days. Specifically, the time periods set forth in the following Local Rules and General Orders will be amended as follows:

Local Bankruptcy Rule 1007-1, Filing of Lists, Schedules and Statements, Dismissal of Case: time period of fifteen days is amended to fourteen days.

General Order 2007-8, Order Directing Clerk to Send Notice Required Under 11 U.S.C. § 727(a)(12), 1228(f), and 1328(h): time period often days is amended to fourteen days.

General Order 2007-7, Order Extending Time to File Notice of Intent to Request Redaction and Statement of Redaction: time periods of five days and ten days are amended to seven days and fourteen days, respectively.

(Form Associated with) General Order 2007-5, Notice of Time to Object to a Finding of Debtor's Compliance with the Requirements of 11 U.S.C. § 52 1(i): time period of twenty days is amended to twenty-one days.

General Order 2007- 4 (and Associated Forms), Amendment of ECF Local Rule 7 and Debtor's Declaration Regarding Electronic Filing: time period of fifteen days is amended to fourteen days.

(Notice Associated with) General Order 2005-1 , Appropriate Use of Negative Notice: time periods of ten and twenty days are amended to fourteen and twenty-one days, respectively.

Dated this 20th day of November, 2009.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2008-3

Regarding Interim Bankruptcy Rule 1007-I and Amended Bankruptcy Form 22A

On October 20, 2008, the President signed the National Guard and Reservists Debt Relief Act of 2008, Pub.L.No.110-438. The Act, which amends section 707(b)(2)(D) of the Bankruptcy Code, provides a temporary exclusion from the bankruptcy means test for

certain members of the National Guard and reserve components of the Armed Forces called for no less than ninety (90) days to active duty or homeland defense activity. The amendment applies only to cases commenced in the three-year period beginning on December 19, 2008, the effective date of the Act.

In conjunction with this Act, the Judicial Conference of the United States has approved [Interim Bankruptcy Rule 1007-I](#), and an amendment to [Official Form 22A, Statement of Current Monthly Income and Means Test Calculation](#). The amended form includes a new Part IC for qualifying debtors to invoke the exclusion from the means test. Coinciding with the effective date of the Act, the amended form will be effective on December 19, 2008.

IT IS ORDERED that [Interim Bankruptcy Rule 1007-I](#), as set forth in Attachment A, shall apply to cases and proceedings in this Court effective December 19, 2008, and absent further order of this Court shall remain in effect until replaced by an amended Bankruptcy Rule.

Dated this 16th day of December, 2008.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2008-2

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("the Act") was enacted into law on April 20, 2005, and the Judicial Conference of the United States prepared Interim Bankruptcy Rules for cases filed on or after October 17, 2005 ("Interim Rules"), to implement the substantive and procedural changes mandated by the Act.

On October 13, 2005, upon the recommendation of the Committee on Rules of Practice and Procedure of the Judicial Conference, the Bankruptcy Court for the Southern District of Georgia adopted these Interim Rules in General Order 2005-2.

New rules and amendments to the Federal Rules of Bankruptcy Procedure will take effect on December 1, 2008, and will supercede the Interim Rules.

IT IS THEREFORE ORDERED that General Order 2005-2 is vacated as of December 1, 2008.

Dated this 21st day of November, 2008.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

Order Extending Time to File Notice of Intent to Request Redaction and Statement of Redaction

Pursuant to the policy of the Judicial Conference of the United States regarding Electronic Availability of Transcript of Court Proceedings, the Court will allow an attorney for a person, or a pro se litigant, about whom private information is disclosed in a proceeding to request redaction of personal data identifiers from a transcript before it is made available to the public on CM/ECF. Such personal data identifiers include: Social Security numbers; financial account numbers; full dates of birth; full names of minor children; and full home addresses (in criminal cases). The policy of the Judicial Conference of the United States regarding Electronic Availability of Transcript of Court Proceedings sets a deadline of five (5) business days from the filing date of the transcript to file a Notice of Redaction and twenty-one (21) days to file a Statement of Redaction. The Court having determined that additional time is needed for parties to receive adequate notice and opportunity to exercise this right;

IT IS HEREBY ORDERED that any attorney for a party, or pro se litigant, desiring redaction of personal information as set forth above shall file a Notice of Intent to Request Redaction with the Clerk of Court within ten (10) days of the notice of the filing of a transcript. Upon the filing and Notice of Intent to Request Redaction, the party has thirty (30) days to review and mail to the court reporter a Statement of Redaction setting forth the specific pages and specific personal data identifiers to be redacted. Said Statement SHALL NOT be electronically filed.

Dated this 17th day of October, 2007.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2007-3 *(posted March 1, 2007)*

Duty of Debtor(s) to Provide Tax Returns

11 U.S.C. § 521(e)(2)(A) requires debtors to provide, no later than seven (7) days before the date first set for the first meeting of creditors, the trustee a copy of their federal income tax return for the most recent tax year ending immediately before the commencement of the case and for which a federal income tax return was filed. Debtor(s) shall provide copies of such tax returns to the creditor(s) as required by 11 U.S.C. § 521, but SHALL NOT file copies with the Court.

IT IS HEREBY ORDERED that if the Debtor(s) does not comply with 11 U.S.C. §521, the Court may dismiss the case unless the Debtor(s) demonstrates that the failure to so comply is due to circumstances beyond the control of the Debtor(s).

Dated this 1st day of March, 2007.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2007-1 (posted March 1, 2007)

Petitions Filed Without Filing Fees

28 U.S.C. § 1930 sets forth the fee required to be paid upon commencing a case under Title 11. Bankruptcy Rule 1006 [Interim] requires payment of the prescribed fee upon the filing of the case unless an application to pay the fee in installments is filed as authorized by the Rule or unless, in a Chapter 7 case, an application to proceed in forma pauperis is filed in accordance with the Rule.

IT IS HEREBY ORDERED that any petition filed without payment of the appropriate fee, application to pay in installments, or application to proceed in forma pauperis shall be dismissed immediately.

Dated this 1st day of March, 2007.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2005-3 (posted Oct. 13, 2005; *This existing order vacates certain existing General Orders, and adopts a new Chapter 13 Plan and Motion, and a new Modification to Chapter 13 Plan. These new standard Plan and Modification forms are required to be used in all Chapter 13 cases filed on or after October 17, 2005.*)

The following General Orders of this Court are vacated:

General Order 12 (1994)
General Order 1995-2
General Order 1996-2
General Order 1997-1
General Order 2001-1

In all Chapter 13 cases filed on or after October 17, 2005, counsel for the debtors are required to utilize the Chapter 13 Plan and Motion and, if applicable, the Modification to Chapter 13 Plan After Confirmation, promulgated and distributed in this District which is attached hereto and posted on the Court's website at www.gas.uscourts.gov. Counsel's signature on the petition and in any other pleadings in the case shall be deemed to constitute a certification by counsel that the text of the Plan or Modification is identical in every respect to the terms of the standard form Plan or Modification.

If the debtor proposes a Plan or Modification which deviates from the standard form, the Plan or Modification shall contain the following in all capital letters and underlined text:

SEE ATTACHED PAGE FOR NON-STANDARD PLAN PROVISIONS

Failure to comply with the terms of this Order shall be grounds for immediate dismissal of debtor's case and imposition of sanctions on the attorney of record.

This 13th day of October, 2005.

Lamar W. Dais, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

AMENDED GENERAL ORDER NUMBER 2005-1 [Negative Notice Procedures]

(posted Apr. 25, 2005; This order amends General Order 2005-1 establishing negative notice procedures for certain pleadings.)

General Order Number 2005-1 entered on March 23, 2005, is amended to read as follows:

Pursuant to direction of the Court, the Clerk issued a notice of procedural changes January 16, 2001, amended effective January 10, 2005, establishing negative notice procedures with the following types of pleadings:

Motion for Relief from Co-Debtor Stay (Chapter 13)
Objection to Claim (Chapters 7, 11 and 13)
Motion to Redeem Property (Chapters 7 and 13)
Motion to Avoid Lien (Chapters 7 and 13)
Modification of Plan After Confirmation (Chapter 13)
Motion to Approve Compromise or Settlement (Chapter 7)
Motion for Direct Pay (Chapter 13)

IT IS HEREBY ORDERED that any party seeking relief of the nature set forth above file the applicable pleading and adhere to the service and notice procedures set forth on the Court's website, www.gas.uscourts.gov, as those procedures now appear or may hereafter be modified.

IT IS FURTHER ORDERED that upon the expiration of the deadline for any objection to the relief sought in such pleading, the Clerk is directed to forward the proposed order granting the relief requested to the presiding Judge in the case who may, without further notice or hearing to any party, enter said order. If an objection is timely filed, the matter will be set for a hearing before the Court pursuant to a notice issued by the Clerk and returned to the moving party for service in accordance with the Bankruptcy Code and Rules.

This 22nd day of April, 2005.

Lamar W. Davis, Jr
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2005-1 (Amended per [General Order 2009-1](#) and amended per [Amended General Order 2005-1](#))
[Negative Notice Procedures]

Pursuant to direction of the Court, the Clerk issued a notice of procedural changes January 16, 2001, amended effective January 10, 2005, establishing negative notice procedures with the following types of pleadings:

Motion for Relief from Co-Debtor Stay (Chapters 12 and 13)
Objection to Claim (Chapters 7, 12 and 13)
Motion to Redeem Property (Chapters 7, 12 and 13)
Motion to Avoid Lien (Chapters 7, 12 and 13)
Modification of Plan After Confirmation (Chapters 12 and 13)
Motion to Approve Compromise or Settlement (Chapter 7)

IT IS HEREBY ORDERED that any party seeking relief of the nature set forth above file the applicable pleading and adhere to the service and notice procedures set forth on the Court's website, www.gas.uscourts.gov under "Local Rules and General Orders," as those procedures now appear or may hereafter be modified. [Click here for Negative Notice Procedures](#)

IT IS FURTHER ORDERED that upon the expiration of the deadline for any objection to the relief sought in such pleading, the Clerk is directed to forward the proposed order granting the relief requested to the presiding Judge in the case who may, without further notice or hearing to any party, enter said order. If an objection is timely filed, the matter will be set for a hearing before the Court

pursuant to a notice issued by the Clerk and returned to the moving party for service in accordance with the Bankruptcy Code and Rules.

This 23rd day of March, 2005.

Lamar W. Davis, Jr
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

ADMINISTRATIVE ORDER NUMBER 2004-1(S)

IN RE: Matters of Chapter 13 Case Administration

ORDER DISCHARGING PREDECESSOR
TRUSTEE AT THE SAME TIME AS THE SUCCESSOR TRUSTEE

Sylvia Ford Brown and M. Elaina Massey, Standing Chapter 13 Trustees for the Southern District of Georgia filed a joint motion to discharge the predecessor Trustee at the same time as the successor Trustee. The Court has read and reviewed the motion and hereby finds that the motion has merit.

IT IS THEREFORE ORDERED that the joint motion is granted.

IT IS FURTHER ORDERED that until further order of this Court, whenever this Court issues an order discharging a Standing Trustee, that same order shall act as a discharge of a predecessor Trustee if there has been one in the case.

IT IS FURTHER ORDERED that the discharge of the predecessor Trustee shall occur contemporaneously with the discharge of the successor Trustee regardless whether the predecessor Trustee was mentioned in the order discharging the successor Trustee.

IT IS FURTHER ORDERED and this Court specifically finds that the same type discharge shall be granted to Barnee C. Baxter who is not a party to this motion, but serves as a Standing Trustee in the Southern District of Georgia.

IT IS SO ORDERED this 15th day of January, 2004

HONORABLE LAMAR W DAVIS, JR.
CHIEF BANKRUPTCY JUDGE

GENERAL ORDER NUMBER 2003-1

Federal Rule of Bankruptcy Procedure 9014(e) effective December 1, 2002 requires the court to "provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify." In order to meet that requirement, it is hereby ORDERED that unless the notice of hearing provides to the contrary, all hearings before the court are evidentiary hearings at which witnesses may testify.

John S. Dalis
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

Entered at Savannah, Georgia
this 7th day of February, 2003.

GENERAL ORDER 1997-3 [Chapter 13 Trustee's Report].

In all Chapter 13 cases confirmed after October 1, 1997, the Chapter 13 Trustee shall file with the Court and serve upon all creditors filing claims as soon as practical following confirmation the [Trustee's report of all claims filed in the case](#) and the Trustee's treatment of such claims under the plan as confirmed.

John S. Dalis
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

SO ORDERED AND DATED AT AUGUSTA, GEORGIA

THIS 29th DAY OF AUGUST, 1997.

GENERAL ORDER 1997-2 [Chapter 13 Proposed Plan Agreements].

In all Chapter 13 cases where confirmation hearings are held after June 1, 1997, all changes to the proposed plan made at confirmation shall be noted on a "[Trustee's Motion to Confirm Plan as Amended](#)" form which is attached hereto, or as such form may be modified by the Court, and shall be filed in the case.

John S. Dalis
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

SO ORDERED AND DATED AT AUGUSTA, GEORGIA

THIS 30th DAY OF MAY, 1997.

GENERAL ORDER 1995-5. [Leaves of Absence].

This general order establishes procedures for requests for leave of absence by attorneys and the granting of such requests by this Court. The Court recognizes the necessity for leaves of absence for personal and professional reasons. Every reasonable effort will be made to accommodate such requests.

Accordingly, all leave requests will be submitted in accordance with this general order and granted subject to the following restrictions:

(1) All leave requests will be by letter addressed to "Judges United States Bankruptcy Court" and delivered to the Clerk of this Court. The leave request shall specify the inclusive dates covered and shall include a list of all cases involving counsel wherein a hearing, section 341 meeting, Rule 2004 examination or other discovery examination has been scheduled during the leave period and

the name of the Judge handling the matter. If the matter scheduled is a contested matter the name, address and telephone number of opposing counsel must also be disclosed. It is permissible to recruit substitute counsel to appear, provided substitute counsel is aware of the circumstances of the case and can adequately represent the client's interest at such hearing. If substitute counsel has been recruited, the request for leave shall note the name, address and telephone number of substituted counsel for each matter. Based upon the disclosure of pending matters, the Clerk will refer the leave request to the appropriate Judge. In the event that counsel seeking leave has no matters pending, the Clerk is authorized to grant the leave request.

(2) In the event substitute counsel is not available, counsel IS ORDERED to file a motion for continuance in each scheduled hearing and attach a copy of the motion as an exhibit to the leave request. The hearing on any such motion must be scheduled before the beginning of the leave period, with adequate notice of the hearing to the trustee and other parties in interest as directed by the Court.

(3) If a notice scheduling a hearing during a period in which leave has been granted is issued, the Court will be responsible for advising opposing counsel and/or the trustee and rescheduling the hearing.

(4) In the event an emergency or urgent matter requires that a hearing be conducted during the period of the leave of absence, the Court retains discretion to schedule a hearing despite the leave of absence. Accordingly, all requests for leave must be accompanied by a designation of another member of the bar of this Court who has agreed to be available to respond to such an emergency.

(5) All responses from the Court granting leave shall state the following:
Your request for leave of absence for the period beginning [date] and ending [date] is granted subject to and in accordance with the provisions of General Order Number 1995-5 of this Court.

Leaves of absence granted by any Judge or the Clerk of this Court are effective in all matters pending in this Court.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

VACATED ORDERS

GENERAL ORDER NUMBER 2013-2

Order on Motion for Relief

Having determined that district wide uniformity is necessary for the submission of an Order on Motion for Relief,

IT IS HEREBY ORDERED that attorneys are required to utilize the Order on Motion for Relief form which is attached hereto. This form shall be utilized without exception. Modifications and/or nonconforming terms may be placed only in the "Other Provisions" section of the Court approved form, or attached as a separate page to the form.

Susan D. Barrett
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Edward J. Coleman, III
United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

For a copy of the most recent version of the GASB Order on Motion for Relief from Stay form, please visit the court's Forms page at the following web address:

Vacated per General Order 2017-1.

GENERAL ORDER NUMBER 2012-2

Order Regarding Deposit and Investment of Registry Funds

The Court, having determined that it is necessary to adopt local procedures to ensure uniformity in the deposit and investment of funds in the Court's Registry,

IT IS HEREBY ORDERED that the following shall govern the receipt, deposit and investment of registry funds:

I. Receipt of Funds

A. No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.

B. The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.

C. Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court

pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

II. Investment of Registry Funds

A. Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.

B. The Director of Administrative Office of the United States Courts is designated as custodian for CRIS. The Director or the Director's designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

C. Money from each case deposited in the CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principals of the CRIS Investment Policy as approved by the Registry Monitoring Group.

D. An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

III. Deductions of Fees

A. The custodian is authorized and directed by this Order to deduct the investment services fee for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the Court.

B. The investment services fee is assessed from interest earnings to the pool according to the Court's Miscellaneous Fee Schedule and is to be assessed before a pro rata distribution of earnings to court cases.

C. The registry fee is assessed by the custodian from each case's pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

IV. Transition from Former Investment Procedure

A. The Clerk of Court is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.

B. Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.

C. This Order supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds.

Dated this 4th day of December, 2012.
Savannah, Georgia

Susan D. Barrett
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Vacated per General Order 2016-1 (CRIS).

GENERAL ORDER NUMBER 2010-3

Attorney Compensation

To fulfill the requirements of 11 U.S.C. §330(a), the Court periodically reviews the reasonableness of compensation awarded by the Court to counsel representing Chapter 13 debtors. Having conducted such periodic review, IT IS THEREFORE ORDERED that:

1) General Order 2007-6 filed March 1, 2007, is vacated.

2) The Court has not reviewed the relevant factors to support Chapter 13 fee awards in over three years. A hearing has been held and evidence presented in the case of In re McDonald, chap. 13 case no. 09-10284 (Bankr. S.D. Ga. Oct. 1, 2010). The evidence proves that the prevailing hourly rate for counsel practicing in the Southern District of Georgia for attorneys of comparable skill, expertise, and reputation has increased over that period of time in a significant amount.

The evidence also establishes that the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA") amendments, effective October 17, 2005, have had a material effect on the amount of time attorneys must devote to the representation of a Chapter 13 debtor in a professional manner consistent with the standards of practice prevailing in this District.

3) Effective in all Chapter 13 cases filed on or after January 1, 2011, a claim for attorney's fees for services rendered and expenses advanced to a Chapter 13 debtor will be deemed automatically approved by the Court, in the absence of an objection, so long as said claim does not exceed the sum of three thousand dollars (\$3,000.00). The \$3,000.00 fee contemplates appearance by counsel of record for the debtor at the §341 meeting and all hearings.

4) Debtors' counsel are directed to file written statements pursuant to Federal Rule of Bankruptcy Procedure 2016(b) disclosing the fee arrangement with their clients. Debtors' attorneys may represent debtors for a lesser amount in appropriate cases when the amount and nature of the debts or other relevant factors result in the expenditure of substantially less attorney time than a typical case.

In the event a debtor's attorney subsequently determines that an award of \$3,000.00 does not adequately compensate the attorney for legal services rendered, the attorney may petition for reasonable attorney's fees disclosing all time expended in such representation from the beginning of the case under the standards set forth in 11 U.S.C. §330 and Norman v. Housing Authority of the city of Montgomery, 836 F. 2d 1292 (11th Cir. 1988).

Susan D. Barrett
Chief United States Bankruptcy Judge

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Dated this 22nd day of December, 2010.

Vacated by General Order 2017-2.

General Order Number 2010 -1

Electronic Case Files and Administrative Procedures

Federal Rule of Bankruptcy Procedure 5005(a)(2), authorizes the Court to establish practices and procedures for filing, signing, and verifying documents by electronic means.

IT IS THEREFORE ORDERED:

1. Effective November 4, 2005, documents may be filed, signed, and verified by electronic and other means to the extent and in the manner required and authorized by previous General Order 2005-7, Order Adopting Case Management/Electronic Case Files System (CM/ECF) and Local Bankruptcy Rules for Electronic Case Files.
2. Effective October 1, 2010, absent good cause shown and the permission of the Court, attorneys in good standing admitted to practice before this Court, to include attorneys admitted *pro hac vice*, will file, sign, and verify documents only by electronic means to the extent and in the manner authorized by this General Order, and the Administrative Procedures attached hereto as Exhibit A, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in the United States Bankruptcy Court for the Southern District of Georgia (Administrative Procedures).
3. Attorneys not admitted to practice in the Southern District of Georgia, and other non-attorney filers such as creditors, may request limited user access to file documents by electronic means to the extent and in the manner authorized by this General Order and the Administrative Procedures.
4. The official record of the Court as required by Fed. R. Bankr. P. 5003 shall be the electronic file maintained by the Court and such paper files as are permitted by the Administrative Procedures.
5. The Clerk's Office will implement and publish the Administrative Procedures, register attorneys, and issue individual logins and passwords consistent with those procedures to permit electronic filing and notice of pleadings and other documents.
6. Pro se litigants who are not attorneys in good standing admitted to the Bar of this Court must file documents with the Court in paper form.
7. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Court's Electronic Case Files System shall constitute the signature of that attorney for purposes of the application of Federal Rule of Bankruptcy Procedure 9011 and other applicable rules. The attorney whose login and password are used to accomplish an electronic filing certifies that the attorney and the attorney's law firm have authorized the filing.
8. No attorney shall knowingly permit or cause to permit his/her login or password to be used by anyone other than an authorized employee of his/her law firm.
9. The electronic filing of a pleading or other paper in accordance with the Court's Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under the Federal Rules of Bankruptcy Procedure.
10. Electronic filing does not alter the filing deadline for that document.
11. The Clerk's Office shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry of the orders, decrees, judgments, and proceedings on the docket kept by the Clerk under the Federal Rules of Bankruptcy Procedure. Any order filed with the electronic signature of a judge shall have the same force and effect as if the judge had affixed his or her signature to a paper order.
12. An attorney filing a pleading or other paper electronically shall serve the Notice of Electronic Filing (NEF) by electronic means and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage prepaid. This form of service applies only to recipients of the notice or service who are registered participants in the Electronic Case Files (ECF) system or have agreed in writing with the filer to accept such service in lieu of service by first class mail. For all remaining recipients of service or notice unable to receive an electronic notice, the filing party shall serve the pleading or paper upon all such entities in accordance with applicable bankruptcy rules. When mailing paper copies of documents that have been electronically filed, the filing party must include the "Notice of Electronic Filing" to provide the recipient with proof of the filing.
13. Receipt of an Electronic Case Files (ECF) login and password constitutes a request for electronic service and electronic notice pursuant to the Federal Rules of Bankruptcy Procedure.
14. An attorney filing a Verified Pleading should thereafter maintain in his or her office the original Verified Pleading in its entirety for at least five (5) years after the conclusion of all appeals or the expiration of time for filing a timely appeal, whichever is later. The filing of a Verified Pleading constitutes a representation by the attorney who files it that the attorney has in his or her possession at the time of filing the fully executed original Verified Pleading and that he or she agrees to maintain it for the five (5) year period set forth above. A pleading or document that a person signs and thereby verifies, certifies, declares, affirms, or swears under oath or penalty of perjury concerning the truth of the matters set forth in that pleading or document is a "Verified Pleading."

15. This Order vacates General Order 2005-7 (Order Adopting Case Management/Electronic Case Files System (CM/ECF) and Local Bankruptcy Rules for Electronic Case Files (ECF) and General Order 2007-4 (Amendment of ECF Local Rule 7 and Debtor's Declaration Regarding Electronic Filing).

16. This Order is effective October 1, 2010, and shall be published together with Exhibit A, Administrative Procedures for Electronic Filing, and Exhibit B, ECF Local Rules for the Southern District of Georgia.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

Dated this 29th day of September, 2010.

Vacated by General Order 2016-2.

GENERAL ORDER NUMBER 2007-8 (Amended per [General Order 2009-1](#))

Order Directing Clerk to Send Notice Required Under 11 U.S.C. §§ 727(a)(12), 1228(f), and 1328(h)

Pursuant to 11 U.S.C. §§ 727(a)(12), 1228(f) and 1328(h), a discharge cannot be entered for an individual debtor unless after notice and a hearing held not more than ten (10) days before the date of the entry of the discharge, the court finds that there is no reasonable cause to believe that 11 U.S.C. § 522(q) is applicable to the debtor and that there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).

IT IS HEREBY ORDERED that the Clerk of Court shall issue the required notice pursuant to 11 U.S.C. §§ 727(a)(12), 1228(f) and 1328(h).

Dated this 17th day of October, 2007.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2007-6 (posted March 1, 2007)

Order setting attorney compensation taking into account the effect BAPCPA has had on the amount of time attorneys must devote to the representation of a Chapter 13 debtor.

Vacated per General Order 2010-3.

GENERAL ORDER NUMBER 2007-5 (posted March 1, 2007)

Automatic Dismissals

11 U.S.C. § 521(i) requires that an individual debtor file certain papers within forty-five (45) days of the filing of a petition or the case is automatically dismissed. In cases where Debtor fails to comply with this requirement, the Clerk will issue a Notice of Automatic Dismissal.

In cases where it appears that the individual debtor has timely filed the required documents, the Clerk will provide notice of that fact and an opportunity to contest that finding.

Upon expiration of the objection period, the Court shall issue an order finding that the case was not automatically dismissed, or set a hearing to consider any timely objection.

Dated this 1st day of March, 2007.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

FORMS ASSOCIATED WITH GENERAL ORDER 2007-5:

1. [Order Pursuant to 11 U.S.C. §521 \(i\)](#)
2. [Notice of Automatic Dismissal](#)
3. [Notice of Time to Object to a Finding of Debtor's Compliance with the Requirements of 11 U.S.C. §521\(i\)](#)

[\(Please see General Order 2007-5 for more information\)](#)

GENERAL ORDER NUMBER 2007-4 (posted March 1, 2007; Amended per [General Order 2009-1](#))

Amendment of ECF Local Rule 7 and Debtor's Declaration Regarding Electronic Filing.

FORMS ASSOCIATED WITH GENERAL ORDER 2007-4:

- [Debtors Declaration form A](#)
- [Debtors Declaration form B](#)

Vacated per General Order 2010-1.

GENERAL ORDER NUMBER 2007-2 (posted March 1, 2007)

Chapter 13 Plan Payments

IT IS HEREBY ORDERED that when a Chapter 13 plan is filed, the Debtor(s) must file a "Motion Regarding Chapter 13 Plan Payments" ([Local Form 2007-2-a](#))(attached), making one of the following elections:

1) Wage withholding accompanied by a completed proposed Order to Commence Withholding ([Local Form 2007-2-b](#)). The clerk will serve the completed order on the Debtor's employer. The Debtor shall notify the Chapter 13 Trustee of any changes in employment and/or withholding subsequent to the filing of the plan whereby the Chapter 13 Trustee shall file an amended proposed Withholding Order with the Court. By submitting the proposed Order to Commence Withholding, the Debtor consents to the disclosure of the

Debtor's taxpayer identification number to his/her employer for wage withholding purposes; or

2) Direct pay accompanied by a completed proposed Order Allowing Direct Plan Payments to Trustee ([Local Form 2007-2-c](#)). The Trustee shall consent to the Debtor's motion for direct pay or file an objection to the Debtor's motion and request a hearing.

Upon failure of the Debtor(s) to file the aforementioned "Motion Regarding Chapter 13 Plan Payments" and proposed order, the case shall be dismissed.

IT IS FURTHER ORDERED that General Order 2005-8 filed January 17, 2006, is vacated.

Dated this 1st day of March, 2007.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

Susan D. Barrett
United States Bankruptcy Judge

Vacated per General Order 2013-1.

GENERAL ORDER NUMBER 2005-8 (*posted Jan. 23, 2006*)

The revised procedure for Salary Orders is that Debtor's must now complete an initial wage withholding order which must accompany the Chapter 13 plan.

Vacated per General Order 2007-2.

GENERAL ORDER NUMBER 2005-7 (*posted Nov. 4, 2005*)

Order Adopting Case Management/Electronic Case Filing System (CM/ECF) and Local Bankruptcy Court ECF Rules

Vacated per General Order 2010-1.

GENERAL ORDER NUMBER 2005-6 (*posted Oct. 28, 2005*)

Compensation awarded by the Court to counsel representing Chapter 13 debtors.

Vacated per General Order 2007-6.

GENERAL ORDER NUMBER 2005-5 (*posted Oct. 14, 2005; Order Regarding Lease and Adequate Protection Payments*)

ORDER REGARDING LEASE AND ADEQUATE PROTECTION PAYMENTS

11 U.S.C. § 1326(11) provides that Chapter 13 debtors shall make certain payments "directly" to certain lessors or creditors, "unless the Court orders otherwise."

After due consideration the Court enters this Order for the purpose of permitting

debtors in their Plan to elect whether to (1) remit those payments "directly" or (2) remit those payments to the Trustee, earmarked for the purpose set forth by Congress.

This action is based in part upon the following considerations and is authorized by § 1326 and § 105:

1. Judicial Economy. No mandatory provision, either allowing or prohibiting these payments to be handled by the Chapter 13 Trustee, can possibly meet the particular needs of every case. Failure to order in advance that debtors may elect the method most likely to permit their Plans to succeed will inevitably lead to countless motions to obtain this permission on a case-by-case basis, consuming untold hours of judicial and administrative resources and driving the cost of Chapter 13 proceeds to debtors, creditors, and counsel higher than can be justified.
2. Record-keeping and Evidentiary Considerations. Chapter 13 Trustees act as fiduciaries, and are uniquely qualified to receive and disburse funds, and to provide reliable records of all such payments. All parties in Chapter 13 cases justifiably rely heavily upon the integrity of these transactions and the records that the Trustee maintains and provides, at no additional cost, to all parties in interest.
3. Creditors' Interests Protected. In the case of adequate protection payments, because debtor's obligation to make these payments is not triggered until a claim is "allowed" and because claims are not "allowed" until filed (§ 502), it may be impossible for a debtor to know when to begin making such payments "directly". Payment to the Trustee of funds estimated to cover these claims will ensure debtors do not become delinquent under this provision simply because they lack any notice of an obligation to commence making them. Creditors rights are preserved under longstanding precedent of this Court. See In re Coplin, 1987 W. L 61929 (Bankr. S.D. Ga.). Coplin ensures that funds held by a Trustee in a case that is dismissed are held for a sufficient period of time, not expressly provided by the terms of § 1326(a)(2), so as to permit creditors with an interest in those funds to make a claim to them. See also In re Holly, 109 B.R. 524 (Bankr. S.D. Ga. 1989). Holly applied the Coplin decision to Chapter 13 cases in the event of conversion to Chapter 7. Therefore, in the event of either dismissal or conversion of Chapter 13 case, funds held to provide for adequate protection will be applied to that purpose. The amendments to § 1326 do not negate this precedent.
4. Timely Hearing on Objections. Confirmation hearings will be conducted prior to the deadline for filing claims. As a result, the Court can timely adjudicate any dispute over the amount and method of payment of these claims at confirmation, should a timely objection to the Plan be filed by any creditor.

IT IS THEREFORE ORDERED that pursuant to 11 U.S.C. §§ 1326 and 105, commencing October 17, 2005, debtors are authorized to designate in their Chapter 13 Plans whether lease and adequate protection payments shall be made "directly" to the creditor or remitted to the Trustee.

If these payments are remitted to the Trustee they shall be paid to the creditor designated in the Plan after a claim is allowed until confirmation or further order of this Court. Creditor's rights in these funds shall be governed by the terms of a confirmed Plan, further order of Court, or in the case of a dismissal prior to confirmation, remitted to the creditor for whose benefit they were paid by Debtor and held during the pendency of the case.

This 14th day of October, 2005.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

GENERAL ORDER NUMBER 2005-4 (posted Aug. 25, 2005; This order revises the Clerk's Office procedures for the filing of creditor mailing matrixes, effective August 29, 2005.)

This general order establishes revisions to clerk's office procedures for the filing of creditor mailing matrices. The following procedural change will be implemented effective Monday, August 29, 2005.

Creditor Mailing Matrix

The accuracy and completeness of creditor mailing matrices are the shared responsibility of the debtor and debtor's attorney. The Court will rely on the creditor mailing matrix as submitted by the debtor and debtor's attorney. Attached as [Exhibit 1](#) is the Certification of Creditor Mailing Matrix form which must be filed with the creditor mailing matrix. The creditor mailing matrix must be consistent with the schedules provided with the petition.

If an incomplete or inaccurate mailing matrix is submitted, it is the debtor's responsibility to send notice of the meeting of creditors to the creditors not served by the Court. Debtor must then file a Certificate of Service with the Court.

A list of preferred addresses is attached as [Exhibit 2](#). Attorneys should periodically review the court's website at www.gas.uscourts.gov for revisions to this list.

Dated at Savannah, Georgia
This 23rd day of August, 2005.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

Vacated per General Order 2015-1.

GENERAL ORDER NUMBER 2005-2 *(posted Oct. 13, 2005)*

This order adopts and publishes the Interim Bankruptcy Rules approved by the Rules Committee of the Judicial Conference of the United States, effective October 17, 2005.

[Click here to view Revised Interim Rules](#)

[Click here to view New and Revised Official Forms \(as of 10/11/05\)](#)

[Click here to view Revised Director's Procedural Forms Implementing the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005](#)

Vacated per General Order 2008-2.

GENERAL ORDER NUMBER 2002-1

Compensation awarded by the Court to counsel representing Chapter 13 debtors.

Vacated per General Order 2005-6

GENERAL ORDER 2001-1 [Contested Matters].

The effect on cases in this district resulting from the adoption of amendments to Federal Rule of Civil Procedure 26.

Vacated per General Order 2005-3.

GENERAL ORDER 1997-1. [Chapter 13 Proofs of Claim].

Filing of Proofs of Claim on or after June 1, 1997.

Vacated per General Order 2005-3.

GENERAL ORDER 1996-2. [Chapter 13 Plan and Modification].

New plan and modification forms for Chapter 13.

Vacated per General Order 2005-3.

GENERAL ORDER 1995-3. [Payment in Installments].

In every Chapter 13 case filed in this District in which the debtor requests permission to pay filing fees in installments,

IT IS ORDERED that the filing fee required by 28 U.S.C. Section 1930 shall be paid by the Chapter 13 Trustee to the Clerk, United States Bankruptcy Court, out of the first monies paid by the debtor. The final installment shall be payable not later than 120 days after the filing of the petition.

Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

John S. Dalis
United States Bankruptcy Judge

James D. Walker, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia
This 11th day of May, 1995.

GENERAL ORDER 1995-2. [Hearings on Confirmation].

Provisions made to provide for the payment of all timely governmental claims without delaying the administration of cases filed under Chapter 13.

Vacated per General Order 2005-3.

GENERAL ORDER 12 (1994). [Filing of Petitions].

The filing of petitions not in conformity with Section 1930 or Bankruptcy Rule 1006.

Vacated per General Order 2005-3.