

VACATED ORDERS – this document current as of August 19, 2016

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

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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