

Local Rules
United States Bankruptcy Court
Middle District of Alabama



Effective

July 1, 2019

Table of Contents

Rule 1001-1	Scope of Rules.....	4
Rule 1001-2	Attorneys' Admission to Practice.....	5
Rule 1001-3	Broadcasting, Photographs, Telephones, and Other Communication Devices.....	6
Rule 1002-1	Commencement of Case.....	7
Rule 1006-1	Filing Fee.....	8
Rule 1007-1	Lists, Schedules, Statements, and Other Documents	9
Rule 1009-1	Amendments of Voluntary Petitions, Lists, Schedules, and Statements	10
Rule 1017-1	Dismissal	11
Rule 1020-1	Small Business Chapter 11 Reorganization Case	14
Rule 2003-1	Meetings of Creditors or Equity Security Holders.....	15
Rule 2004-1	Examination	17
Rule 2015-1	Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status.....	19
Rule 2016-1	Compensation for Services Rendered and Reimbursement of Expense.....	22
Rule 3002-1	Filing Proofs of Claim.....	23
Rule 3002.1-1	Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence	24
Rule 3007-1	Objections to Claims	25
Rule 3015-1	Filing, Objections to Confirmation, and Modifications of a Plan in a Chapter 13 Individual's Debt Adjustment Case	26
Rule 3015-2	Confirmation Hearings	28
Rule 3015-3	Effect of Confirmation	29
Rule 3015-4	Excusal of Payments	30
Rule 3015-5	Request to Incur Debt in Chapter 12 and Chapter 13 Cases	31
Rule 3016-1	Filing of Plan and Disclosure Statement in a Chapter 11 Reorganization Case .	32
Rule 3018-1	Acceptance or Rejection of Chapter 11 Reorganization Plans.....	33
Rule 4001-1	Relief from Automatic Stay	34
Rule 4001-2	Automatic Stay, Chapter 13 Cases after Confirmation	36
Rule 4001-3	Emergency Motions for Relief from the Automatic Stay	37
Rule 4002-1	Duties of Debtors	38
Rule 4004-1	Grant or Denial of Discharge	39

Rule 5005-1 Filing and Transmittal of Papers 41
Rule 7005-1 Service and Filing of Pleadings and Other Papers 44
Rule 7016-1 Conferences of Attorneys 45
Rule 9006-1 Enlargement of Time to Plead and Continuances of Trials or Hearings 46
Rule 9007-1 Negative Notice Procedure 47
Rule 9011-1 Signing of Papers 49
Rule 9027-1 Removal 50
Rule 9037-1 Redacted Filings 51

Rule 1001-1 Scope of Rules

(a) These rules govern procedures in the United States Bankruptcy Court for the Middle District of Alabama. They shall be formally cited as the Local Rules of the United States Bankruptcy Court for the Middle District of Alabama, or M.D. Ala., LBR 1007-1, and shall not be construed in a manner that is inconsistent with the Federal Rules of Bankruptcy Procedure. These rules shall become effective on December 1, 2017.

(b) Use of the pronouns he, him, or his in these rules is meant to apply equally to all persons and is not limited to the male gender.

Rule 1001-2 Attorneys' Admission to Practice

(a) The bar of this court shall consist of all members of the bar of the United States District Court for the Middle District of Alabama. Local rule 83.1 of the United States District Court for the Middle District of Alabama is incorporated herein by reference.

(b) Except for a business entity employed as a professional pursuant to 11 U.S.C. § 327 which may file an interim or final fee applications *pro se*, all partnerships, corporations, limited liability companies, trusts, associations, and other business entities that appear in cases or proceedings before this court, not including the 11 U.S.C. § 341 meeting of creditors or filing proofs of claim, must be represented by a lawyer duly admitted to practice before this court. An appearance shall include preparing and filing papers such as complaints and answers, petitions, applications and motions; questioning witnesses in proceedings before the court; and pursuing any action in this court.

(c) Attorneys who are not otherwise members of the bar of the court and are employed pursuant to 11 U.S.C. § 327 are required to comply with local rule 5005-1 and file electronically using a CM/ECF account. This account will be used solely to provide services to a debtor unrelated to bankruptcy in this court. If the nature of the attorney's services changes to include representation before the court, the attorney must seek admission in accordance with subparagraph (a) above. At that time, any existing CM/ECF account will be upgraded to a full account.

Rule 1001-3 Broadcasting, Photographs, Telephones, and Other Communication Devices

All rules of the district court for the Middle District of Alabama concerning this topic are applicable to the bankruptcy court. Additionally, members of the bar authorized to use electronic devices must ensure all devices are muted during court proceedings.

Rule 1002-1 Commencement of Case

(a) A case is commenced by filing the following with the clerk:

(1) a petition using the appropriate official form;

(2) a list of creditors with current mailing addresses, without including the court as a creditor; and

(3) a filing fee paid pursuant to Rule 1006, Federal Rules of Bankruptcy Procedure.

(b) (1) Attorneys representing individual debtors will have their clients read and sign official form B121, Your Statement About Your Social Security Numbers. Once signed, attorneys will retain the forms for a period of one year following the closing of the case.

(2) Petitions filed *pro se* shall be accompanied by official form B121 which the clerk will keep in a nonpublic file.

Rule 1006-1 Filing Fee

(a) Cash is not accepted in this court.

(1) Attorneys must pay fees electronically through CM/ECF.

(2) Debtors must pay fees by certified check or money order made out only as follows: U.S. Bankruptcy Court.

(b) Debtors filing petitions not accompanied by the full filing fee may file official form 103A, Application for Individuals to Pay the Filing Fee in Installments. Applications filed in accordance with this provision are granted unless a party in interest objects or the court rules otherwise.

(c) Dismissal of a petition prior to payment of the full filing fee does not excuse the unpaid portion of the filing fee.

(d) The following petitions may be dismissed upon 36 hours' notice given by the clerk:

(1) petitions accepted by the clerk that do not comply with this rule; and

(2) petitions filed in cases where payment is not honored.

(e) In a chapter 13 case where the filing fee will be paid in installments, the initial installment may be paid to the clerk when filing the petition. Future installments may be paid directly to the clerk or through the chapter 13 plan. The chapter 13 plan shall list the amount of the initial installment paid directly to the clerk and the balance due to be paid through the debtor's plan payments.

Rule 1007-1 Lists, Schedules, Statements, and Other Documents

Individual debtors required to file a certification concerning exemptions under 11 U.S.C. § 522(q) shall do one of the following:

(1) In chapter 12 and 13 cases, the certification shall be included in the motion for discharge under 11 U.S.C. §§ 1228 and 1328 and local rule 4004-1.

(2) In chapter 11 individual cases, the certification shall be filed prior to the filing of a plan and disclosure statement.

Rule 1009-1 Amendments of Voluntary Petitions, Lists, Schedules, and Statements

(a) If a debtor adds a creditor through amending the schedules, the amended schedule, a notice of commencement of the case, and a copy of the chapter 13 plan, if applicable, shall be sent to that creditor. The debtor shall file an amended list of creditors with any amended schedule that adds the creditor.

(b) If schedules D or E/F are amended only to add a creditor, the amended schedule should list only the added creditor. If schedules D or E/F are amended to remove a creditor, the amended schedule must show all creditors minus the creditor that was removed.

(c) Proof of mailing shall be attached to any amended paper filed with the court under this rule.

Rule 1017-1 Dismissal

(a) The clerk, trustee, or bankruptcy administrator may serve notices of dismissal in accordance with this rule. Where a notice of dismissal is served pursuant to this rule and no response is filed within 21 days of service of the notice, a case may be dismissed by the court without further notice or hearing. Notices under this rule shall be served upon each debtor and his attorney of record, if any.

(b) The clerk may serve a notice of dismissal under this rule for the following:

(1) the debtor's failure to file any schedule or statement within the time allowed by law or order of this court, and for

(2) a default in the payment of an installment payment under local rule 1006-1.

(c) In chapter 7 cases, the trustee or bankruptcy administrator may serve a notice of dismissal for the following:

(1) the debtor's failure to appear at an 11 U.S.C. § 341 meeting of creditors;

(2) the debtor's failure to serve notice or file proof of service of a notice as required by local rule 2003-1(b)(1);

(3) the debtor's failure to timely file answers to interrogatories, if permitted under local rule 2003-1(f);

(4) the debtor's failure to provide a tax return pursuant to 11 U.S.C. § 521(e)(2)(A)(i); or

(5) the debtor's failure to obtain prepetition credit counseling in accordance with 11 U.S.C. §§ 109(h)(1) and 521(b).

(d) In chapter 12 and chapter 13 cases, the trustee or bankruptcy administrator may serve a notice of dismissal for the following:

- (1) the debtor's failure to appear at an 11 U.S.C. § 341 meeting of creditors;
- (2) a material default in payments under a confirmed plan, 11 U.S.C.

§ 1208(c)(6);

(3) the debtor's failure to timely commence payments pursuant to 11 U.S.C. § 1326(a)(1);

(4) the debtor's failure to pay any domestic support obligation pursuant to 11 U.S.C. §§ 1307(c)(11) and 1208(c)(10);

(5) the debtor's failure to provide a tax return pursuant to 11 U.S.C. § 521(e)(2)(A)(i) or to file a tax return with the appropriate taxing authority pursuant to 11 U.S.C. § 1307(e);

(6) the debtor's failure to obtain prepetition credit counseling pursuant to 11 U.S.C. §§ 109(h)(1) and 521(b);

(7) the debtor's failure to modify the chapter 13 plan or to object to the claim of a creditor whose claim is filed for which the plan makes no provisions; and

(8) death of the debtor.

(e) In chapter 11 cases, the bankruptcy administrator may serve a notice of dismissal for the following:

- (1) the debtor's failure to appear at an 11 U.S.C. § 341 meeting of creditors;
- (2) the debtor's failure to file reports as required by local rule 2015-1(a)(2);
- (3) the debtor's failure to appear at conferences as required by local rule 2015-

1(a)(3); and

(4) in individual debtor cases, the debtor's failure to obtain prepetition credit counseling pursuant to 11 U.S.C. §§ 109(h)(1) and 521(b).

(f) Notices served under this rule shall contain the following language in all capital letters, bolded, and centered on the page under the style of the case:

Pursuant to local rule 1017-1, this case may be dismissed without further notice or hearing unless a response is filed by a party in interest within 21 days of the date of service. Responses must be served upon the moving party and, in the manner directed by local rule 5005-1, filed with the clerk electronically or by U.S. mail addressed as follows:
Clerk, U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104.

Rule 1020-1 Small Business Chapter 11 Reorganization Case

(a) When the debtor files a chapter 11 case and shows on the petition that the debtor is a small business debtor, the debtor shall simultaneously file a motion not to have a creditor's committee appointed.

(b) If the debtor files an amended chapter 11 petition showing small business status, within two days of filing the amendment the debtor shall file a motion not to have a creditor's committee appointed.

(c) If the debtor fails to obtain an order stating a creditor's committee will not be appointed, the bankruptcy administrator will solicit for the creation of a creditor's committee in the case, an action which may affect the small business designation.

Rule 2003-1 Meetings of Creditors or Equity Security Holders

(a) Meetings of creditors may be continued only upon a showing of good cause.

(b) In chapter 7 or chapter 13 cases, either the debtor, as outlined in subparagraph (1) below, or the trustee, as outlined in subparagraph (2) below, may seek a continuance. In either case, if a meeting of creditors is continued, the bar date for complaints pursuant to Rules 4004(a) and 4007(c), Federal Rules of Bankruptcy Procedure, is extended to 60 days after the date of the rescheduled meeting of creditors.

(1) A debtor seeking to continue a meeting of creditors shall first contact the trustee and attempt to resolve the matter informally. If the trustee consents, the debtor's attorney shall use Local Form 2 to serve the notice of the continued meeting of creditors and the notice extending the complaint deadline. Local form 2 must be served on all parties in interest, and proof of service must be filed.

(2) A trustee may continue a meeting of creditors with or without the consent of the debtor. If the continuance is without the consent of the debtor, the trustee shall file written justification as to the need for the continuance. The trustee shall use Local Form 2 to serve the notice of the continued meeting of creditors and the notice extending the complaint deadline. Local form 2 must be served on all parties in interest, and proof of service must be filed.

(c) In chapter 11 cases, a continuance shall be sought through the bankruptcy administrator.

(d) Any motion filed under this provision shall make note of the attempts made to resolve the matter.

(e) In cases of emergency, and upon filing a properly supported motion, a debtor may be

excused from personally appearing at an 11 U.S.C § 341 meeting of creditors. Inconvenience to the debtor is not a sufficient basis to excuse the debtor's appearance.

(1) Motions for excuse due to a debtor's physical or mental condition shall be supported by a statement from the debtor's physician.

(2) Motions for excuse due to a debtor's military deployment shall be supported by copies of the deployment orders.

(3) Motions for excuse due to a debtor's incarceration shall be supported by copies of a judgment and conviction or other process of the court which has ordered the incarceration.

(f) No later than 14 days after the date of the order excusing the debtor's personal appearance, the debtor shall file completed interrogatories on a form supplied by the trustee or the bankruptcy administrator. Additionally, the debtor shall promptly respond to any reasonable follow-up questions unless he is physically unable to do so.

(g) Where the debtor's physical appearance has been excused by the court and the 11 U.S.C. § 341 meeting of creditors is to be completed by telephone, the debtor shall arrange with the trustee for the telephone hearing and give notice of the telephone hearing to all creditors.

Rule 2004-1 Examination

(a) No party in interest shall file a notice of examination pursuant to Rule 2004, Federal Rules of Bankruptcy Procedure, prior to attempting to confer with the person to be examined or his attorney, if represented by counsel. If the parties are in agreement concerning the examination, the examining party shall file a notice of examination, identifying the person to be examined and setting the time and place for examination.

(b) If the parties cannot reach an agreement regarding an examination, a notice of examination shall be served upon the person to be examined and his counsel, if any, the bankruptcy administrator, and the trustee, if any, in accordance with Rule 7004, Federal Rules of Bankruptcy Procedure. The notice of examination shall identify the person to be examined and the date and place of examination. The examining party shall note the efforts made to reach agreement with the person to be examined. The examination shall not be scheduled for a date less than 30 days prior to the date of service.

(c) The examining party may request the examinee to bring books, documents, or other tangible items in his custody or control.

(d) The examinee or any party in interest may file an objection to the notice of examination no later than 21 days after service.

(e) In those cases where an agreement has not been reached, the notice of examination shall contain the following language in all capital letters, bolded, and centered on the page under the style of the case:

The person to be examined shall appear at the time and place set forth herein and shall make himself available for examination unless he has filed an objection not more than 21 days after service of this notice. Objections must be served upon the noticing party and,

in accordance with local rule 5005-1, filed with the clerk electronically or by U.S. mail addressed as follows: Clerk, U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104. Failure to timely appear or timely object may be punished as a contempt of court.

Rule 2015-1 Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status

(a) In addition to the requirements of Rule 2015, Federal Rules of Bankruptcy Procedure, in chapter 11 cases debtors in possession shall do the following:

- (1) Cooperate with the bankruptcy administrator;
- (2) File regular reports as required by the bankruptcy administrator;
- (3) Appear for conferences and produce documents or other evidence as the bankruptcy administrator requires;
- (4) Produce such information about the debtor's operation as may be reasonably requested by a party in interest.
- (5) File with the clerk all quarterly fee statements and fees as required by 28 U.S.C. § 1930(a)(6). Such statements and fees are due no later than the last day of the month following the end of the calendar quarter for which they are incurred. Payments must be made payable to the U.S. Bankruptcy Court and received by the due date.
- (6) Maintain adequate hazard and liability insurance on all property at all times along with any other insurance, e.g. worker's compensation insurance, required by applicable law or court order. Within 14 days of the filing date, provide the bankruptcy administrator with copies of the declaration pages for all insurance policies and notify the bankruptcy administrator within two business days of receipt of written notice of any changes, including cancellation or nonrenewal in the terms of the insurance policies.
- (7) File with the court copies of the most recently filed tax returns.
- (8) Close prepetition bank accounts and open new bank accounts as of the date the petition is filed. At a minimum, the debtor will maintain an operating account and an account for payroll and payroll tax deposits. The signature cards and checks for the new

accounts shall clearly show that the debtor is a chapter 11 debtor in possession. The debtor shall use only federally insured banking institutions and shall immediately inform the bankruptcy administrator if the total deposits in any one bank at any time exceed FDIC coverage. Upon notification, the bankruptcy administrator shall ensure that collateral or bonds are posted to secure amounts in excess of FDIC coverage.

(9) Close prepetition books and records and open new books and records as of the date the petition is filed. The debtor shall permit the bankruptcy administrator or his or her designee reasonable inspection of his business premises, properties, books, and records.

(10) Segregate and hold in the tax deposit account established under subparagraph 8 above all taxes deducted and withheld from employees and all monies collected under any law of the United States or any state or subdivision thereof. The debtor shall timely pay all postpetition taxes. Evidence of tax payments shall be included in the monthly financial report required by Rule 2015, Federal Rules of Bankruptcy Procedure, for the period paid.

(11) The debtor shall file all delinquent tax returns within 90 days of the date the petition is filed and shall timely file all postpetition returns.

(b) Attorneys for debtors in possession shall account for all amounts paid to them or held by them as a retainer.

(c) The debtor in possession shall file monthly reports of operation and shall serve copies of the reports on any party in interest who requested copies in writing. Bank account statements and account numbers shall be served on any party in interest who requested copies in writing.

(d) In addition to the requirements of Rule 2015, Federal Rules of Bankruptcy

Procedure, in chapter 12 and chapter 13 cases debtors in business and/or possession shall do the following:

- (1) cooperate with the trustee and bankruptcy administrator;
- (2) file regular reports as required by the trustee or bankruptcy administrator;
- (3) appear for conferences and produce documents or other evidence as the trustee or bankruptcy administrator requires; and
- (4) produce such information about the debtor's operation as may be reasonably requested by a party in interest.

Rule 2016-1 Compensation for Services Rendered and Reimbursement of Expense

(a) The court has set a presumptive fee for attorneys who represent debtors in chapter 13 cases. Attorneys who request fees that do not exceed the presumptive fee should not file an application for compensation under Rule 2016, Federal Rules of Bankruptcy Procedure.

(1) If an attorney elects to file an application for attorney's fees in excess of the presumptive amount, the application should specify all services performed from the beginning of representation.

(2) The debtor, the trustee, or any interested party may object to the allowance of the presumptive fee in any case.

(3) Upon motion by the chapter 13 trustee, the bankruptcy administrator, the debtor, or *sua sponte* by the court, the court may for cause, notwithstanding any provision in any standing order for a presumptive fee, reduce the amount of the attorney's fees allowed in any chapter 13 case after notice to the debtor's attorney.

(b) If a professional, whose compensation is subject to approval under 11 U.S.C. § 330, has accepted a retainer from any source for future services in or related to a bankruptcy case in this court, the professional must obtain court approval before making any draw against the retained funds.

Rule 3002-1 Filing Proofs of Claim

(a) Creditors who file fewer than ten proofs of claim per year may file claims and supporting documents electronically using the electronic proofs of claim (ePOC) module located on the court's website, <http://www.almb.uscourts.gov>. To file a claim, the appropriate case number must be entered.

(b) Creditors who file more than ten proofs of claims or other claims-related documents in a twelve-month period must use electronic filing. Such creditors must either establish an account with the court's electronic case filing (ECF) system or use the ePOC module. Paper copies will no longer be accepted from these creditors.

Rule 3002.1-1 Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence

(a) In chapter 13 cases, the following applies to the holder of a mortgage secured by residential real property:

(1) The creditor does not need to file a proof of claim for the contractual monthly payments (i.e. those payments which have not come due as of the date of the petition) in those instances where the debtor's plan proposes to make those payments directly to the mortgage holder.

(2) The creditor shall file a proof of claim for the contractual monthly payments when the debtor's plan proposes to maintain those payments through payments to the chapter 13 trustee. The proof of claim shall include the amount of the contractual monthly payment and the escrow amount.

(3) Claims for mortgage delinquencies accruing prior to but not paid as of the petition filing date shall be filed in accordance with Rule 3002, Federal Rules of Bankruptcy Procedure, and shall be calculated separately from the amount due for postpetition monthly payments.

(b) Claims filed under this rule should be filed pursuant to local rule 3002-1.

(c) When a payment change involves a home equity line of credit, creditors should use form 410S1, part 3, to explain that fact. For example:

Part 3: Other Payment Change
3. Will there be a change in the debtor's mortgage payment for a reason not listed above?
<input type="checkbox"/> No
<input type="checkbox"/> Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. <i>(Court approval may be required before the payment change can take effect.)</i>
Reason for change: <u>Payment change for home equity line of credit</u>
Current mortgage payment: \$ <input type="text"/>
New mortgage payment: \$ <input type="text"/>

Rule 3007-1 Objections to Claims

(a) Objections to claims shall state the specific grounds for the objections and the relief sought.

(b) Objections and amended objections to claims shall contain the following negative notice language in all capital letters, bolded, and centered on the page under the style of the case:

Pursuant to local rule 3007-1, this objection will be taken under advisement by the court and may be ruled upon unless a party in interest files a response within 30 days of the date of service. Responses must be served upon the moving party and, in the manner directed by local rule 5005-1, filed with the clerk electronically or by U.S. mail addressed as follows: Clerk, U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104.

Rule 3015-1 Filing, Objections to Confirmation, and Modifications of a Plan in a Chapter 13 Individual's Debt Adjustment Case

(a) All chapter 13 cases filed in this district shall use Local Form 3. Individual modifications to the form will result in a nonconforming plan and will not be confirmed.

(b) Motions to modify confirmed chapter 13 plans shall be made pursuant to the negative notice provisions of local rule 9007-1 and shall state with specificity the reason or reasons for the modification. The moving party shall serve upon all parties in interest both the motion to modify a confirmed plan and a copy of the amended plan. The motion will be taken under advisement and may be granted without further notice or hearing unless a party in interest timely objects or requests that another 11 U.S.C. § 341 meeting of creditors be scheduled.

(c) Amended or modified chapter 13 plans shall identify in paragraph 17 all provisions changed from the prior plan.

(d) Unless the plan provides otherwise, pending confirmation of the plan the trustee is authorized to make the adequate protection payments required by 11 U.S.C. § 1326(a)(1). The trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on all adequate protection payments.

(1) Subject to objection by a party in interest, adequate protection payments shall be in the amount specified. When the fee to the debtor's attorney has been paid in full, the trustee is authorized to begin making the specified monthly payments to secured creditors as provided by the confirmed chapter 13 plan. Pre-confirmation adequate protection payments shall be applied to the principal of the creditor's claim.

(2) After confirmation, along with the payment of the debtor's attorney fees, the trustee is authorized to continue to make adequate protection payments to all holders of allowed secured claims in the amounts specified by the plan.

(3) When the fee to the debtor's attorney has been paid in full, the trustee is authorized to begin making the regular specified monthly payments to secured creditors as provided by the chapter 13 plan.

Rule 3015-2 Confirmation Hearings

(a) The court may dismiss a chapter 13 case at any scheduled hearing on confirmation of a chapter 13 plan for any of the following:

- (1) failure to file a conforming plan;
- (2) a material default in payments under the plan;
- (3) a material default by the debtor with respect to a term of the chapter 13 plan;
- (4) a material default in any filing fee installment payment due;
- (5) the debtor's failure to appear at an 11 U.S.C. § 341 meeting of creditors;
- (6) the debtor's failure to file any schedule or statement required by law;
- (7) the debtor's failure to amend schedules, statements, or plans requested by the trustee;
- (8) the debtor's failure to provide tax returns to the trustee as provided by 11 U.S.C. §§ 521 and 1308;
- (9) unreasonable delay by the debtor that prejudices creditors;
- (10) the nonpayment of any filing fees under 28 U.S.C Chapter 123;
- (11) the debtor's failure to file timely answers to interrogatories propounded by a party in interest pursuant to local rule 2003-1; and
- (12) the debtor's failure to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.

Rule 3015-3 Effect of Confirmation

(a) Confirmation of the debtor's chapter 13 plan shall not limit the amount to be paid to a creditor to maintain the contractual monthly payments through the plan.

(b) The amounts of debt and any amounts of arrearage listed in the chapter 13 plan are estimates, and confirmation of the plan will have no binding effect on these amounts. The allowed claim will control the amount of debt and the amount of arrearage.

(c) Confirmation of the debtor's chapter 13 plan shall not bar the debtor, the trustee, or another party in interest from objecting to a creditor's claim.

(d) Upon confirmation of the debtor's plan, the automatic stay, including co-debtor stay on consumer debts, is lifted as to the collateral that is being surrendered or the lease that is being rejected pursuant to the terms of the plan. Any secured claim filed by the creditor for debts provided for surrender under the plan shall receive no distribution under the plan until the claim is amended to reflect any deficiency balance remaining following the surrender.

Rule 3015-4 Excusal of Payments

(a) If the debtor believes he has cause to be temporarily excused from making chapter 12 or chapter 13 payments, he shall submit a request in writing to the trustee for a temporary excusal. If the trustee denies the debtor's request and the debtor wishes to continue with the request, he may use the negative notice provisions of local rule 9007-1 to file a motion to excuse payments due under the plan.

(b) A trustee's approval of the request or a court order granting the motion to excuse the plan payments will excuse the payments only for the period of time covered by the request or motion. The granting of a request or motion to excuse plan payments will not prevent a creditor in the case from filing a motion for relief from stay pursuant to local rule 4001-1.

Rule 3015-5 Request to Incur Debt in Chapter 12 and Chapter 13 Cases

If the debtor believes he has cause for incurring a postpetition debt in a chapter 12 or chapter 13 case, he shall submit a request in writing to the trustee. If the trustee denies the debtor's request and the debtor wishes to continue with the request, he may use the negative notice provisions of local rule 9007-1 to file a motion to incur debt.

Rule 3016-1 Filing of Plan and Disclosure Statement in a Chapter 11 Reorganization Case

(a) Any amended or modified plan or addendum thereto shall show conspicuously on the form any provision which has changed from the prior plan. All amendments or addendums shall be numbered to show the sequence of the amendment or addendum.

(b) Any amended or modified disclosure statement or addendum thereto shall show conspicuously on the form any provision which has changed from the prior disclosure statement. All amendments to the disclosure statement shall be numbered to show the sequence of the amendment.

Rule 3018-1 Acceptance or Rejection of Chapter 11 Reorganization Plans

Ballots shall be filed using official form 314. Prior to service on each creditor, the form shall be customized to reflect the class of the creditor. Unless otherwise directed by the court, the form shall direct creditors to return the completed form to the debtor's counsel for filing. All ballots received by the debtor's counsel shall be held and simultaneously filed electronically on the date set by the court as the balloting deadline.

Rule 4001-1 Relief from Automatic Stay

(a) Motion Requirements

(1) All motions for relief from the automatic stay shall state with specificity why the relief is being requested.

(2) The moving party shall attach legible copies of documents that support its claim that it has an interest in the debtor's property. Mortgages on real property shall show the recording information.

(b) Motions for relief from the automatic stay in chapter 7 cases shall contain the following negative notice language in all capital letters, bolded, and centered on the page under the style of the case:

Pursuant to local rule 4001-1, this motion will be taken under advisement by the court and may be granted unless a party in interest files a response within 21 days of the date of service. Responses must be served upon the moving party and, in the manner directed by local rule 5005-1, filed with the clerk electronically or by U.S. mail addressed as follows:
Clerk, U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104.

(c) Motions for relief from automatic stay in chapter 13 cases are not subject to the negative notice provisions set above. Each motion shall be set for hearing.

(1) If the parties reach an agreement that includes a provision for payment of a postpetition monetary default through the chapter 13 plan, the agreement shall state a single amount. This single amount shall include both the amount of the prepetition monetary default and the postpetition monetary default without deduction for any amount paid by the chapter 13 trustee.

(2) The parties shall not submit a proposed order to the court unless the chapter

13 trustee has confirmed that the feasibility of the plan will not be affected. If the feasibility of the plan will be affected, the plan will be modified by the terms of the order.

(d) Unless the court specifically orders otherwise after notice and hearing, motions for relief from automatic stay that permit a party in a civil action to pursue its claim against a debtor are granted only to the extent of available insurance coverage.

(e) Notwithstanding the language of any motion filed under this rule, the following apply:

(1) Under Rule 4001(a)(3), Federal Rules of Bankruptcy Procedure, waivers of the 14-day period are not permitted except through an agreement among the parties or upon a specific finding made by the court at a hearing held after notice to the debtor;

(2) Relief granted under this rule shall not waive any right of a debtor, including rights of redemption, the right to notice of sale, and the right to notice of the disposition of property with respect to property under nonbankruptcy law; and

(3) Unless otherwise ordered, relief from automatic stay granted under this rule shall apply only to the case in which the motion is filed.

Rule 4001-2 Automatic Stay, Chapter 13 Cases after Confirmation

(a) Any written communication pursuant to this rule directed to a debtor represented by counsel shall be served only on the debtor's counsel of record.

(b) After confirmation of the debtor's plan in a chapter 13 case, a secured party may take the following action without seeking relief from automatic stay:

(1) make written inquiry as to the nature, condition, or location of the collateral;

(2) send a nonthreatening written notice of payments due, of changes in the amount of payments due, of changes in the address where payments are to be sent, of an improper amount that has been sent, or of a check that has been dishonored;

(3) send a written request for proof of insurance on the collateral if insurance is required under the terms of the contract; and

(4) If a creditor's claim is secured by an interest in real property or personal property that is the debtor's principal residence, the creditor may send all payment coupons or statements of account that the creditor provides to its non-bankruptcy debtors.

Rule 4001-3 Emergency Motions for Relief from the Automatic Stay

(a) In the event of an emergency where the moving party needs relief on an expedited basis, the provisions of this rule apply.

(b) The title of the motion will state prominently that it is an emergency; the motion must be supported by a declaration setting forth the facts on which the moving party relies; and at the time the motion is filed, notice must be served on all parties in interest.

(c) The moving party must contact chambers to make the court aware of the emergency filing and to get a hearing date.

Rule 4002-1 Duties of Debtors

(a) Debtors shall provide their tax returns to the trustee in PDF format via email to the trustee's listed email address.

(b) In chapter 13 cases, debtors shall do the following:

(1) retain proof of all payments made to the chapter 13 trustee and proof of all payments made directly to creditors under the terms of the chapter 13 plan;

(2) without the service of formal discovery or order of the court, produce proof of any such payment within 14 days of a written request made by the trustee or any party in interest;

(3) provide proof of insurance within 14 days of a written request made by any interested creditor if a under a contractual obligation to insure any property; and

(4) upon 7 days' notice, bring documents reasonably requested by the trustee to the 11.U.S.C. § 341 meeting of creditors or any adjourned meeting of creditors.

Rule 4004-1 Grant or Denial of Discharge

(a) Within 30 days of the trustee's filing of the notice of completion of plan payments in chapter 12 and chapter 13 cases, a debtor shall file with the court a motion and certification conforming with Local Forms 6a, 6b, or 6c, as applicable, for entry of a discharge under 11 U.S.C. §§ 1228(a) and 1328(a).

(b) Before filing a motion for discharge under 11 U.S.C. §§ 1328(a) or 1328(b), an individual debtor shall file a certification that he has completed a financial management course as required. Should a debtor be entitled to a waiver of the requirement for completing a financial management course, he shall file a motion for a waiver and shall receive an order granting the waiver before filing a motion for discharge.

(c) A motion for hardship discharge under 11 U.S.C. §§ 1228(b) or 1328(b) shall conform to Local Form 6b and must include a factual statement showing entitlement to discharge under 11 U.S.C. §§ 1228(b) or 1328(b) and a statement concerning satisfaction of the 11 U.S.C. § 1325(a)(4) best interest of creditors test.

(d) The debtor shall serve a motion for discharge under 11 U.S.C. §§ 1228 or 1328 on all parties in interest and all domestic support order recipients.

(e) Motions for discharge under 11 U.S.C. §§ 1228(a) or 1328(a) shall be filed under the negative notice provisions of local rule 9007-1.

(f) Unless a party in interest timely files an objection to a motion for discharge, the court may find the following without a hearing:

- (1) that 11 U.S.C. § 522(q)(1) is not applicable to the debtor; and
- (2) that no proceeding is pending in which the debtor may be found guilty of a felony of the kind specified in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind

described in 11 U.S.C. § 522(q)(1)(B).

(g) After the effective date of a confirmed chapter 11 plan in an individual chapter 11 case, the court may, upon motion by the debtor and opportunity for hearing, close the chapter 11 case provided no related adversary proceedings are pending. Upon satisfaction of the requirements of 11 U.S.C. § 1141(d)(5), the debtor may move to reopen the chapter 11 case and request a discharge. The debtor is not obligated to pay quarterly fees or file financial reports while the case is closed.

Rule 5005-1 Filing and Transmittal of Papers

(a) The official records of this court shall be maintained electronically in accordance with the standards provided by the Administrative Office of United States Courts.

(b) Each attorney filing with this court is required to have a CM/ECF account with the court and is required to file all papers electronically. The clerk may accept paper filings from attorneys on an emergency basis, e.g., if the centralized CM/ECF servers are not functioning but is not required to do so.

(c) *Pro se* debtors must file paper documents in person or by mail addressed as follows: Clerk, U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104.

(d) Creditors who file more than 10 proofs of claim or other documents in a year must file their documents electronically in accordance with Local Rule 3002-1.

(e) CM/ECF account holders shall protect their passwords from unauthorized use. If an account holder knows of any unauthorized use of the account, he shall immediately notify the clerk's office and any party known to have been served or affected by the unauthorized use.

(f) For a filing not made through a person's electronic-filing account and authorized by that person, a signature is required and may be represented in any manner intended to convey a signature.

(g) Any supporting documents (i.e., exhibits, affidavits, etc.) to a filing shall be filed as separate attachments to the filing under the same docket entry number. Each attachment to the filing shall be categorized or described in such a way as to easily identify the nature and content of the document. Each attachment will be automatically numbered by ECF in the order in which it is uploaded. For example: Motion for Relief from Stay (Attachments: #1: Affidavit; #2: Note; #3: Mortgage). (For detailed filing instructions, see the procedure for uploading attachments in

ECF on the court's website, www.almb.uscourts.gov.)

Rule 7003-1 Commencement of Adversary Proceedings

An adversary proceeding is commenced by filing the following:

- (1) a complaint;
- (2) a summons using form 2500A, completed except for the date and the clerk's signature and seal; and
- (3) payment of the filing fee, if required by law.

Rule 7005-1 Service and Filing of Pleadings and Other Papers

(a) Except as otherwise provided by local rule 5005-1, all pleadings and papers shall be filed electronically with the clerk.

(b) Provided that the notice of electronic filing issued by the clerk shows service has been made, pleadings and papers filed electronically are deemed served upon all CM/ECF participants who are parties in the proceeding. Follow up service of a paper pleading is not necessary unless the acknowledgment of filing does not show service was made.

(c) To show service of a complaint has been made, file both the certificate of service and the summons cover sheet, Form 2500A, issued by the court with the clerk's digital signature.

Rule 7016-1 Conferences of Attorneys

No later than 7 days prior to the date of any scheduling conference set by order of this court, counsel for the parties shall confer to discuss the matters described in Rule 26(f), Federal Rules of Civil Procedure. In adversary proceedings set for a pretrial conference, the parties should not file the written report required by Rule 26(f) but should be prepared to make an oral report of the matters unless otherwise ordered by the court.

Rule 9006-1 Enlargement of Time to Plead and Continuances of Trials or Hearings

(a) Motions for enlargement of time to file any pleading or paper shall not be filed unless the moving party has first sought the agreement of the opposing parties, if any, and the trustee, if the trustee is a party to the proceeding. The moving party shall certify whether or not the opposing parties have consented to the motion.

(b) Motions to continue trials or hearings shall not be filed unless the moving party has first sought the agreement of opposing parties, if any. The moving party shall certify whether or not the opposing parties' agreement was obtained. If it was not, the motion shall be supported by an affidavit or declaration describing the reasons for the continuance.

Rule 9007-1 Negative Notice Procedure

(a) The following motions may be considered by the court under the negative notice procedure described in this rule. If no party in interest files a written objection, the motion will be taken under advisement by the court and may be granted without further notice or hearing.

(1) Motions to approve agreements relating to relief from the automatic stay pursuant to Rule 4001(d), Federal Rules of Bankruptcy Procedure;

(2) Motions to use, sell, or lease property of the estate pursuant to Rule 6004(a), Federal Rules of Bankruptcy Procedure, but not motions filed under Rule 6004(c) or motions to sell free and clear of liens;

(3) Motions to avoid liens on property pursuant to 11 U.S.C. § 522(f);

(4) Notices of abandonment pursuant to Rule 6007(a), Federal Rules of Bankruptcy Procedure;

(5) Objections to claims of exemptions filed by trustees pursuant to Rule 4003(b), Federal Rules of Bankruptcy Procedure;

(6) Motions to assume or reject executory contracts pursuant to 11 U.S.C. § 365;

(7) Motions to modify confirmed chapter 13 plans pursuant to Rule 3015(h), Federal Rules of Bankruptcy Procedure;

(8) Motions to redeem personal property pursuant to 11 U.S.C. § 722;

(9) Motions to defer entry of discharge for no more than 30 days pursuant to Rule 4004(c)(2), Federal Rules of Bankruptcy Procedure;

(10) Motions to convert a case from chapter 7 to another chapter;

(11) Motions for discharge under 11 U.S.C. §§ 1328(a) and 1228(a);

(12) Motions to incur debt in chapter 13 cases;

(13) Applications to employ professional persons pursuant to 11 U.S.C. § 327;

(14) Motions to limit service to creditors who have previously filed claims in chapter 7, 12, and 13 cases provided the claims bar date has passed (note: no government entity shall be included in motions to limit service);

(15) Motions to excuse plan payments in chapter 12 and chapter 13 cases;

(16) Motions to approve mortgage modification in chapter 12 and chapter 13 cases;

(17) Motions to substitute collateral and to use cash collateral in chapter 13 cases;

(18) Motions to deem mortgage current in chapter 13 cases;

(19) Motions to determine mortgage fees and expenses in chapter 13 cases; and

(20) Motions declaring lien satisfied in chapter 12 and chapter 13 cases pursuant to Rule 5009(d), Federal Rules of Bankruptcy Procedure.

(b) Motions filed under this rule shall contain the following negative notice language in all capital letters, bolded, and centered on the page under the style of the case:

Pursuant to local rule 9007-1, this motion will be taken under advisement by the court and may be granted unless a party in interest files a response within 21 days of the date of service. Responses must be served upon the moving party and, in the manner directed by local rule 5005-1, filed with the clerk electronically or by U.S. mail addressed as follows: Clerk, U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104.

Rule 9011-1 Signing of Papers

(a) Every pleading or paper filed with this court shall have the following information either in a signature block at the end of the text or elsewhere in the pleading:

- (1) the full name of each person who signed the paper;
- (2) at least one complete mailing address;
- (3) at least one telephone number; and
- (4) an email address.

(b) Every pleading or paper filed with this court shall be signed in accordance with Rule 5005, Federal Rules of Bankruptcy Procedure, and Local Rule 5005-1.

Rule 9027-1 Removal

Within 21 days of filing a notice of removal, any party who removes a civil action or proceeding to this court shall file a complete copy of the record.

Rule 9037-1 Redacted Filings

(a) The responsibility for redacting the personal identifiers discussed in Rule 9037, Federal Rules of Bankruptcy Procedure, rests with counsel and the parties. The clerk is not required to review pleadings for compliance with this rule.

(b) When a party discovers or is notified that a document containing personal identifiers was filed, the party must do the following:

- (1) file a motion to redact identifying the proposed redactions;
- (2) attach to the motion the proposed redacted document;
- (3) include in the motion the docket or proof of claim number of the previously-filed document; and
- (4) serve the motion and attachment on the debtor, debtor's attorney, trustee (if any), Bankruptcy Administrator, filer of the unredacted document, and any individual whose personal identifying information is to be redacted.