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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

OCT 17 2005

[Signature]
CLERK
DEPUTY CLERK

IN RE:

LOCAL RULES OF THE
BANKRUPTCY COURT

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ADMINISTRATIVE
ORDER NO. 127-17

ORDER

Pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure, the following attached Local Bankruptcy Rules have been amended or added: 1017-1, 1017-2, 2002-2a, 2090-1, 3017-2, 3070-1, 4002-1, 4004-1, 4008-1, 5003-1, 6070-1, 9013-1b, and the appended Model Plan. These are approved and adopted, effective immediately, pursuant to 28 U.S.C. 2071(e).

IT IS SO ORDERED.

DATED this 17th day of October, 2005

Todd Campbell
TODD J. CAMPBELL, CHIEF JUDGE

Robert L. Echols
ROBERT L. ECHOLS, JUDGE

Aleta A. Trauger
Aleta A. TRAUGER, JUDGE

William J. Haynes Jr.
WILLIAM J. HAYNES, JUDGE

Interim Local Rules for the United States Bankruptcy Court for the Middle District of Tennessee

The following Interim Local Bankruptcy Rules have been adopted to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. These amendments are effective from October 17, 2005.

The following Local Bankruptcy Rules have been amended or added.

1017-1	Conversion
1017-2	Dismissal for Failure to File Information
2002-2a	Notice to the United States Trustee
2090-1	Attorneys – Admission to Practice
3017-2	Disclosure Statement – Small Business Cases
3070-1	Chapter 13 – Payments
4002-1	Debtors – Duties
4004-1	Discharge Hearings
4008-1	Reaffirmation
6070-1	Tax Returns and Transcripts
9013-1b	Exclusions and Modifications

Appendix J-1 Model Chapter 13 Plan

1017-1 Conversion

a. Conversion to a Case Under Chapter 7. Within 15 days after the filing of a Notice or Order converting a case to Chapter 7 from any other chapter, the debtor shall file new lists, statements and schedules, except that Schedule C, Property Claimed as Exempt, may be filed at the discretion of the debtor.

b. Caption on Conversion Statements and Schedules: When conversion statements and schedules are filed with the Clerk, the pending case number shall be included on the first page. If failure to include the pending case number results in the assignment of a new case number, the Clerk may assess a filing fee

1017-2 Dismissal for Failure to File Information

a. Certificate of Compliance. In a voluntary case under Chapter 7 or Chapter 13, the debtor may file a “Certificate of Compliance” stating exactly: “All of the information required by 11 U.S.C. § 521(a)(1) was filed within 45 days of the petition.” This Certificate shall be served on the trustee and on the U.S. Trustee.

b. Prima facie effect. A Certificate of Compliance filed in accordance with this rule shall be prima facie evidence that the information required by 11 U.S.C. § 521(a)(1) was filed within 45 days of the petition.

c. Request for order of dismissal. A request for entry of an order of dismissal under 11 U.S.C. § 521(i)(2):

(1) shall be by motion in accordance with LBR 9013-1;

(2) may be heard on an expedited basis as contemplated in 11 U.S.C. § 521(i)(2) only if:

(a) no Certificate of Compliance was filed by the debtor; and

(b) a proper request for expedited relief is filed under LBR 9075-1.

2002-2 Notice to the United States or Federal Agency

a. Notice to the United States Trustee. The postal address of the United States Trustee is: Office of the Assistant United States Trustee for the Middle District of Tennessee, 701 Broadway, Suite 318, Nashville, TN 37203 The e-mail address for the Assistant United States Trustee for the Middle District of Tennessee is <ustpreion08.na.ecf@usdoj.gov>

2090-1 Attorneys – Admission to Practice

a. Appearance before the Court. [no change]

b. Motions for Permission to Appear Pro Hac Vice.

(1) [no change]

(2) [no change]

(3) Local Counsel shall file a notice of appearance that identifies the party represented. Local Counsel assumes all duties and responsibilities of an attorney for that party. Local Counsel shall sign all documents filed on behalf of a represented party. Any notice required by statute, rule or order may be satisfied by giving notice to Local Counsel.

(4) Any attorney representing the United States Government, or any agency thereof, or the State of Tennessee may appear and participate in particular cases or proceedings in the attorney's official capacity if the attorney is a member in good standing of the bar of a District Court of the United States.

3017-2 Disclosure Statement – Small Business Cases

a. In a small business Chapter 11 case, notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given by the plan

proponent and shall be combined with notice of the hearing on confirmation of the plan.

b. A plan or disclosure statement shall be considered “conditionally approved” subject to final approval after notice and a hearing under 11 U.S.C. § 1125(f)(3) if it is submitted on standard forms approved by the Court or adopted under 28 U.S.C. § 2075.

3070-1 Chapter 13 – Payments

a. Preconfirmation Payments

(1) Debtors shall make all payments required by 11 U.S.C. § 1326(a)(1)(A), (B) and (C) to the trustee in cases filed under or converted to Chapter 13.

(2) Pending confirmation of a plan, the trustee shall make payments required by 11 U.S.C. § 1326(a)(1)(B) and (C) in the amount specified in the debtor’s Chapter 13 plan, absent an order under 11 U.S.C. § 1326(a)(3).

(3) The trustee shall make payments under paragraph (b) as soon as practicable after the filing of a proof of claim by the creditor to whom payment is due.

(4) The trustee may assess an administrative fee for effecting payments required by paragraph (2) and shall collect that fee at the time of making payment. The administrative fee shall be equal to the percentage fee established by the Attorney General pursuant to 28 U.S.C. § 586(e)(1)(B).

b. Payments to Attorneys. All fees, compensation or reimbursement of expenses of debtors’ attorneys approved by the Court which are to be paid from property of the estate shall be administrative expenses, paid after the filing fee and continuing domestic support obligations. Unless the confirmed plan provides otherwise, the distributions to attorneys shall be payments of twelve and one-half percent (12.5%) of disbursements until the approved fees and expenses are paid in full. A debtor’s attorney’s request for compensation in excess of 12.5% must be submitted to the Court by motion prior to confirmation. Attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed \$0.75 per notice (\$3.00 for certified mail), but only upon receipt by the trustee of the certificate of service filed pursuant to LBR 9013-3.

4002-1 Debtor – Duties

a. Persons to Act When Debtor is Not a Natural Person. The natural persons occupying the following positions shall perform all acts required to be performed by the debtor and shall attend on behalf of the debtor any examinations, meetings or hearings unless the Court orders otherwise:

(1) If the debtor is a corporation or limited liability company, the person(s) serving as its chief executive officer (the person occupying the position of president, chief manager or comparable position is presumed to be the chief executive officer);

(2) If the debtor is a partnership, each of the general partners;

(3) If the debtor is a small business debtor, the senior management personnel (the person(s) occupying the position(s) of chief financial officer, chief operations officer, and chief management officer or comparable positions are presumed to be the senior management personnel);

(4) If any corporate, limited liability company or partnership debtor deems the persons designated above inappropriate, prompt motion shall be made consistent with LBR 9013-1 for relief from this rule and for the designation of some other or additional natural person or persons;

(5) The natural person or persons who will perform acts required to be performed by the debtor shall be identified by name, title and address at the time of the commencement of the case in a voluntary case. In an involuntary case, the identification shall be filed no later than fifteen (15) days after entry of the order for relief.

b. Domestic Support Obligations. With respect to each domestic support obligation, the debtor shall include on Schedule E to Official Form 6:

(1) the name, address and telephone number of each claim holder (the names of minor children shall not be revealed); and

(2) the name, address and telephone number of the child support enforcement agency for the state in which each claim holder resides.

c. Deposits for Rent Under 11 U.S.C. § 362(f). If a debtor files a certificate under 11 U.S.C. § 362(f)(1) with the petition, the deposit required by 11 U.S.C. § 362(f)(1)(B) shall be considered filed with the petition if tendered to the Clerk of the Court by close of the next business day after the filing of the petition. The deposit may only be tendered in the form of a cashiers check, money order or certified check made payable to the lessor (not the Clerk of the Court). The name and mailing address of the lessor shall be provided to the Clerk with the tender of the deposit.

d. Payment Advices. Payment advices or other evidence of payment described in 11 U.S.C. § 521(a)(1)(B)(iv):

(1) shall not be filed with the Court except on motion and order consistent with LBR

9013-1; and

(2) shall be provided to the trustee within ten (10) days of any written request filed by the trustee.

4004-1 Discharge Hearings

[Add]

c. Certificate of Payment of Domestic Support Obligation. Not later than ten (10) days after completion of payments under a Chapter 12 or Chapter 13 plan the debtor shall file the certificate required by 11 U.S.C. §§ 1228(a) or 1328(a).

4008-1 Reaffirmation

Whenever a hearing is required to validate a reaffirmation agreement, a motion shall be filed by any party to the agreement. Motions to validate reaffirmation agreements shall be set for hearing by the Clerk of the Court.

5003-1 Clerk– General/Authority

a. Communications with the Clerk and Employees of the Clerk’s Office. The Clerk and the employees of the Clerk’s Office desire to be of help to litigants and attorneys. However, interpreting the rules of procedure and giving legal advice are not permitted functions. Notice is hereby given to litigants and attorneys that the Clerk and the Clerk’s employees are not responsible for information respecting rules or law.

b. Clerk’s Inquiry. Though not required to do so, the Clerk of the Bankruptcy Court may enter on the docket and transmit to a party or counsel a Clerk’s Inquiry with respect to the content, completeness, accuracy or other attribute of an electronic filing. A Clerk’s Inquiry has no legal affect on any party and cannot be cited for any purpose. Counsel and parties are warned that no reliance on a Clerk’s Inquiry or on the absence of a Clerk’s Inquiry is justified.

6070-1 Tax Returns or Transcripts

a. Providing or filing tax returns or transcripts. Any tax return or transcript provided or filed under 11 U.S.C. § 521(e) or (f) shall be:

- (1) provided or filed electronically in a format consistent with ECF Procedure 9; and
- (2) transmitted electronically to the United States Trustee at the time it is otherwise provided or filed.

b. Request to Inspect or Copy. Any request for a tax return or transcript or to inspect or copy a tax return or transcript under 11 U.S.C § 521(e), (f) or (g):

- (1) shall be filed electronically;
- (2) shall be served on the debtor and on the debtor's attorney;
- (3) shall identify the individual who will be doing the inspecting or copying;
- (4) is invalid unless the request includes a working e-mail address for the requesting party;
and
- (5) is invalid unless the request includes this signed statement:

“ [The requesting party] will maintain the confidentiality of any requested, inspected or copied tax return (or transcript) consistent with § 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.”

9013-1b Exclusions and Modifications

(1) **Exclusions** LBR 9013-1a shall not apply to the following motions:

[Add:]

- (f) Motions to dismiss or convert a case to Chapter 7 under § 1112
- (g) Motions to validate reaffirmation agreements under LBR 4008-1

CHAPTER 13 PLAN AND RELATED MOTIONS

**United States Bankruptcy Court
Middle District of Tennessee**

IN RE:

Case No. _____
Chapter 13

SSN: XXX-XX-_____

SSN: XXX-XX-_____

CHAPTER 13 PLAN AND MOTIONS _____ Original _____ Amended Date _____

MOTIONS INCLUDED BELOW:

- Motion(s) to Avoid Liens _____
- Motion(s) to Value Collateral _____
- Motion(s) to Assume or Reject Contract(s) or Lease(s) _____
- Other Motion(s) _____

YOUR RIGHTS WILL BE AFFECTED BY THIS PLAN. You should read this and other documents sent to you carefully and discuss them with your attorney. Any party opposing any provision of this plan or any motion below must file a written objection by the date first set for the meeting of creditors or raise such objection orally before the conclusion of the meeting of creditors.

THIS PLAN MAY REQUEST THAT YOU ACCEPT ITS TERMS. If you are listed in Paragraph 4 below and you DO NOT ACCEPT the plan provisions listed in 4(a), the provisions of 4(b) will be your treatment under the plan. If you DO NOT ACCEPT the provisions of 4(a), you must file a statement that you DO NOT ACCEPT the plan either in writing prior to the meeting of creditors, or orally before the conclusion of the meeting of creditors, and the provisions of 4(b) will be part of the plan. The filing of a statement or orally making such statement at the meeting of creditors that you DO NOT ACCEPT the plan will not be deemed an objection to confirmation; it will be deemed an election to be treated as provided in Paragraph 4(b).

IF YOU OBJECT TO CONFIRMATION, you must either file a written objection to confirmation or orally object before the conclusion of the meeting of creditors as set by separate notice. This plan may be confirmed and the motions below granted WITHOUT FURTHER NOTICE unless timely objection to the motion(s) or confirmation is filed. If you hold a secured claim, this Plan is notice that your lien may be voided or modified as herein noted if you do not object.

THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to be paid under any plan that may be confirmed.

1. PAYMENT AND LENGTH OF PLAN

(a) Debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee starting _____ for approximately _____ months. This date can be no later than 30 days after filing of the petition. This amount may be altered if a creditor rejects the plan. See Paragraph 4.

- A payroll deduction order will issue to the Debtor's employer: _____

- Debtor will pay directly to the Trustee. _____
(Name & Address of Employer)

(b) Joint Debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee starting _____ for approx. _____ months. This date can be no later than 30 days after filing of the petition. The amount may be altered if a creditor rejects the plan. See Paragraph 4 below.

- A payroll deduction order will issue to the Joint Debtor's employer: _____

- Joint Debtor will pay directly to the Trustee. _____
(Name & Address of Employer)

(c) Other payments to the Trustee: _____

(d) Total amount to be paid to Trustee shall not be less than \$ _____ ("Base"). This amount may be altered if a creditor rejects the plan.

2. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES AND SUPPORT) [See § 1322(a)(2)]

The following priority claims, if allowed, will be paid in full unless creditor agrees otherwise:

CREDITOR	TYPE OF PRIORITY	SCHEDULED AMOUNT	MONTHLY PAYMENT

The Trustee The Debtor shall pay Domestic Support Obligations that become due after filing of the petition as follows:

DSO CREDITOR	SCHEDULED AMOUNT	MONTHLY PAYMENT

3. PRIORITY CLAIMS SUBJECT TO SUBORDINATION

Pursuant to § 1322(a)(4), the following priority creditors shall not be paid in full:

CREDITOR	REASON FOR SUBORDINATION	SCHEDULED AMOUNT

4. SECURED CLAIMS NOT SUBJECT TO § 506

The following debts were either (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle or (2) incurred within one year before the petition date and secured by a purchase money security interest in any other thing of value.

(a) The Plan DOES propose to limit the secured claims listed below to the following amounts (cramdown). THIS WILL BE THE TREATMENT OF THE CREDITORS LISTED BELOW UNLESS THE LISTED CREDITOR FILES A STATEMENT BEFORE THE MEETING OF CREDITORS THAT IT DOES NOT ACCEPT THE PLAN OR ORALLY MAKES SUCH STATEMENT AT THE MEETING OF CREDITORS.

CREDITOR	COLLATERAL	SCHEDULED AMT.	VALUE	INTEREST RATE	MONTHLY PAYMENT

(b) If a creditor noted above DOES NOT ACCEPT the plan, the collateral listed above for that creditor will be surrendered and the payments to the Trustee will be reduced by the amount listed under "Per Mo." for that creditor in 4(a) above, and the "base" reduced accordingly.

(c) Debtor proposes to pay the claims not subject to § 506 as listed below in full.

CREDITOR	COLLATERAL	SCHEDULED AMT.	INTEREST RATE	MONTHLY PAYMENT

5. PRECONFIRMATION ADEQUATE PROTECTION PAYMENTS AND PAYMENTS TO LESSORS

The Debtor proposes that the Trustee make adequate protection payments, or payments to lessors prior to the confirmation of the plan, pursuant to § 1326(a)(1) as follows:

CREDITOR	AMOUNT OF MONTHLY PAYMENT

The Trustee shall commence making such payments to creditors holding allowed claims secured by a purchase money security interest in personal property or leases of personal property as soon as practicable after the filing of a proof of claim by such creditor. The Trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on such payments. Upon confirmation the treatment of such claims will be governed by Paragraph 4 or 6 as appropriate.

6. SECURED CLAIMS AND MOTION TO VALUE COLLATERAL.

Debtor moves to value the collateral as indicated below. Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The excess of creditors claim shall be treated as an unsecured claim. Any claim listed as "NO VALUE" in the value column below will be treated as an unsecured claim, and the lien avoided pursuant to § 506.

CREDITOR	COLLATERAL	SCHEDULED AMOUNT	VALUE	INTEREST RATE	MONTHLY PAYMENT

7. SURRENDERED PROPERTY.

In addition to any property surrendered under 4(b), Debtor surrenders the following collateral. Upon confirmation, the stay is lifted as to surrendered collateral. Any claim submitted by such creditor will receive no distribution under the plan until an amended proof of claim is filed by such creditor, reflecting any deficiency balance remaining following surrender.

CREDITOR	COLLATERAL

8. UNSECURED CLAIMS

Allowed non-priority unsecured claims shall be paid as follows:

- The Debtor shall pay sufficient funds to provide a pool to unsecured creditors of \$ _____ (“Unsecured Pool”). Payments to unsecured priority and general creditors will be made from this pool. The unsecured creditors will receive all funds remaining in the Unsecured Pool after satisfaction of all allowed priority claims.
- Not less than _____ percent.
- Funds that the Trustee receives which exceed the total allowed priority unsecured claims, the total secured claims plus interest, long term claims, and the Unsecured Pool shall increase the Unsecured Pool until the Debtor has paid the total Base amount indicated in Paragraph 1(d).

Separately Classified Unsecured Claims

(1) Cosigned claims shall be treated as follows:

CREDITOR	COSIGNER	TREATMENT	AMOUNT

(2) Other classified unsecured claims:

CREDITOR	REASON FOR CLASSIFICATION	TREATMENT	AMOUNT

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9. CURING DEFAULT AND MAINTAINING PAYMENTS

(a) Trustee shall pay the allowed claims for arrearages, and Trustee shall pay the postpetition monthly payments to creditor.

CREDITOR	COLLATERAL	ESTIMATED ARREARAGE	LAST MONTH IN ARREARS	INTEREST RATE	REGULAR PAYMENT AMOUNT

(b) Trustee shall pay the allowed claims for arrearages, and Debtor shall pay the postpetition monthly payments to creditor.

CREDITOR	COLLATERAL	EST. ARREARAGE	LAST MONTH IN ARREARS	INTEREST RATE	REGULAR PAYMENT AMOUNT

10. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

All executory contracts and leases are rejected, except the following are assumed and treated under the plan as noted:

CREDITOR	PROPERTY DESCRIPTION	TREATMENT UNDER PLAN

11. OTHER PLAN PROVISIONS AND MOTIONS

(a) **Motion to Avoid Lien under § 522(f).**
Debtor moves to avoid the following liens that impair exemptions:

CREDITOR	COLLATERAL

(b) Lien Retention and Motions to Avoid Liens

Except as provided above in Paragraph 7 and 10(a), allowed secured claim holders retain liens until liens are released upon completion of all payments under the plan.

(c) Debtors Certificate of Compliance with § 521 and Motion for Order Acknowledging Compliance

Debtors Counsel (or debtor, if not represented by counsel) certifies that all information required under § 521(a)(1) has been filed and /or submitted to the Trustee and moves the court for an order that such information satisfied the requirements of § 521 and that the case is not dismissed under § 521(i).

(d) Vesting of Property of the Estate

Property of the estate shall revert in the Debtor:

_____ Upon confirmation _____ Upon discharge or dismissal _____ Other _____

(e) Direct Payment by Debtor

Secured creditors and lessors to be paid directly by the Debtor shall continue to mail to Debtor the customary monthly notices or coupons notwithstanding the automatic stay.

(f) Order of Distribution

Trustee shall pay allowed claims in the following disbursement priority :

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____

(g) Other, Special Provisions of the Plan Not Elsewhere Described:

DEBTOR'S ATTORNEY SIGNATURE