

UNITED STATE BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

LOCAL RULES OF COURT

APPENDICES

**Amended and Restated as of  
April 4, 2003  
With Technical Revisions 1/27/04**

## **APPENDICES**

## MATRIX GUIDELINES

Matrix address entries shall contain only one entry across, i.e., a one-column matrix. See sample attached. Each matrix entry shall consist of the name of the addressee and up to three lines containing the actual address.

### GENERAL GUIDELINES FOR COMPLETION OF A MATRIX

**Line 1:** If an addressee requires an attention line or a reference line, this information is typed on the first line preceded by **Attn:** or **Re:**. The **attention** line is used to identify a person in a firm to whom the mail is to be directed. The **reference** line will identify the party with the claim in the case.

**Line 2:** Following the attn: or re: line is the name of the firm, company or addressee. If the addressee is an individual, complete the address in the last name first format. At the end of the name of the addressee, the code reflecting the type of creditor must be placed in parentheses. The code will not appear on the mail. The codes are: **(D)** debtor, **(S)** secured creditor, **(U)** unsecured creditor, **(DA)** debtor's attorney, **(A)** all other parties requiring notice, **(P)** priority creditor, **(E)** equity security holder.

**Line 3:** The next line of the address consists of the street number and name plus the room or suite number, using the standard abbreviations below.

**Line 4:** The last line has the city, state and zip code.

### SPECIFIC INSTRUCTIONS

**TYPE ADDRESSES IN ALL CAPITAL LETTERS** - one space only between city and state and zip code. **Do not use any punctuation** except when individual names are entered, last name, first name.

Do not use the letter "o" in place of zero or "l" in place of one.

**DELETE "THE" FROM BEGINNING OF BUSINESSES:** "the bone & joint clinic" becomes "bone & joint clinic." Businesses with an individual's first and last name in the title are typed as they are listed.

Dr. or Mr. at the beginning of names: "Dr. John Smith" becomes "Smith, Dr John."

Titles (Jr, Sr, III, etc) are at end of last name: "John Smith, III" becomes "Smith III, John."

Do not use titles of buildings as part of the address - use street address.

**USE ONLY POST OFFICE BOX NUMBERS** when both street numbers and post office box numbers are given.

**CHANGE NUMERICAL STREETS FROM WORDS** (second) to numerical (2nd).

**DIRECTIONALS** (N, S, etc.) Are at the end of the street name i.e. N Spring St is Spring St N.

**STREET ADDRESSES AND ROOM OR SUITE NUMBERS ARE ON ONE LINE.**

**COURTS ARE ENTERED WITH CITY, STATE OR COUNTY FIRST:** Davidson Co General Sessions Court.

**GOVT AGENCIES** for a city or district are entered with the name of the city or district first: Lebanon City Water Dept. Addresses using "U. S." or United States in the name are to be entered as "US" with no space or periods.

**TENNESSEE STATE AGENCIES/ENTITIES** are entered with the name of the agency/entity on line one (reference/attention line).

**BUSINESSES** with an individual's first and last name in the title are typed as they are listed.

**SAMPLE MATRIX**

CASE NO. 390-06003

JOHNSON, SHEILA LOIS (D)  
102 CLEAR SPRINGS RD  
MURFREESBORO TN 37130

ATTORNEY, I M (DA)  
18 PUBLIC STATION RD  
NASHVILLE TN 37206

ASSOCIATES FINANCIAL SVCS (S)  
PO BOX 1106  
NASHVILLE TN 37228-1106

RE: NEIMAN MARCUS  
CREDIT CONTROL SVC (U)  
PO BOX 2163  
MURFREESBORO TN 37130

ATTN: TN DEPT OF REVENUE  
TN ATTY GENERAL'S OFFICE BANKR DIV  
PO BOX 20207  
NASHVILLE TN 37202-0207

SMITH MD, HOWARD (U)  
MURFREESBORO MEDICAL  
1004 N HIGHLAND AVE  
MURFREESBORO TN 37130

UPTOWN MOTORS (S)  
323 SE BROAD ST  
MURFREESBORO TN 37130

## STANDARD ABBREVIATIONS

### STATES:

ALABAMA	AL	ALASKA	AK	AMERICAN SAMOA	AS
ARIZONA	AZ	ARKANSAS	AR	CALIFORNIA	CA
COLORADO	CO	CONNECTICUT	CT	DELAWARE	DE
DIST OF COL	DC	MICRONESIA	FM	FLORIDA	FL
GEORGIA	GA	GUAM	GU	HAWAII	HI
IDAHO	ID	ILLINOIS	IL	INDIANA	IN
IOWA	IA	KANSAS	KS	KENTUCKY	KY
LOUISIANA	LA	MAINE	ME	MARSHALL ISLANDS	MH
MARYLAND	MD	MASSACHUSETTS	MA	MICHIGAN	MI
MINNESOTA	MN	MISSISSIPPI	MS	MISSOURI	MO
MONTANA	MT	NEBRASKA	NE	NEVADA	NV
NEW HAMPSHIRE	NH	NEW JERSEY	NJ	NEW MEXICO	NM
NEW YORK	NY	NORTH CAROLINA	NC	NORTH DAKOTA	ND
N MARIANA ISL	MP	OHIO	OH	OKLAHOMA	OK
OREGON	OR	PALAU	PW	PENNSYLVANIA	PA
PUERTO RICO	PR	RHODE ISLAND	RI	SOUTH CAROLINA	SC
SOUTH DAKOTA	SD	TENNESSEE	TN	TEXAS	TX
UTAH	UT	VERMONT	VT	VIRGINIA	VA
VIRGIN ISLANDS	VI	WASHINGTON	WA	WEST VIRGINIA	WV
WISCONSIN	WI	WYOMING	WY		

### STREET TYPE SUFFIX ABBREVIATIONS:

AVENUE	AVE	BOULEVARD	BLVD	BRANCH	BR	BRIDGE	BRG
BYPASS	BYP	CENTER	CTR	CIRCLE	CIR	CORNER	COR
COVE	CV	COURT	CT	CROSSING	XING	DRIVE	DR
ESTATE	EST	EXPRESSWAY	EXPY	EXTENSION	EXT	FALLS	FALL
FERRY	FRY	FREEWAY	FWY	HEIGHTS	HTS	HIGHWAY	HWY
ISLAND	IS	JUNCTION	JCT	LANDING	LNDG	LANE	LN
MANOR	MNR	MEADOW	MDWS	MISSION	MSN	MOUNT	MT
MOUNTAIN	MTN	ORCHARD	ORCH	PARKWAY	PKY	PIKE	PIKE
PLACE	PL	PLAZA	PLZ	POINT	PT	PRAIRIE	PR
RIDGE	RDG	RIVER	RIV	ROAD	RD	SPRING	SPG
SQUARE	SQ	STATION	STA	STREET	ST	TERRACE	TER
TRACE	TRCE	TRAIL	TRL	TURNPIKE	TPKE	VILLAGE	VLG

### BUILDING TYPE ABBREVIATIONS:

APARTMENT	APT	BUILDING	BLDG	BASEMENT	BSMT	DEPARTMENT	DEPT
FLOOR	FL	HANGER	HNGR	LOT	LOT	PENTHOUSE	PH
PIER	PIER	ROOM	RM	SUITE	STE	SLIP	SLIP
STOP	STOP	TRAILER	TRLR	UNIT	UNIT		

### DIRECTIONAL ABBREVIATIONS:

NORTH	N	SOUTH	S	EAST	E	WEST	W
NORTHEAST	NE	NORTHWEST	NW	SOUTHEAST	SE	SOUTHWEST	SW

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

IN RE: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Debtors. ) CASE NO.: \_\_\_\_\_  
 ) CHAPTER \_\_\_\_\_  
 ) JUDGE \_\_\_\_\_

**AMENDED MONTHLY FAMILY BUDGET and STATEMENT OF IMPACT**

<u>EXPENSES</u>	<u>OLD</u>	<u>NEW*</u>	<u>INCOME</u>	<u>OLD</u>	<u>NEW*</u>
Date of Budget	_____	_____			
Rent/Mortgage Payment	_____	_____	Debtor's Net Pay:	_____	_____
Utilities:			Spouse's Net Pay:	_____	_____
Elec. _____	_____		Regular Other		
Water _____	_____		Income:	_____	_____
Heat _____	_____		Support/Alimony:	_____	_____
Tele. _____	_____		Pension/SS/VA:	_____	_____
Trash _____	_____		Misc. Income:	_____	_____
Cable _____	_____				
<b>TOTAL UTILITIES:</b>	_____	_____	<b>TOTAL INCOME:</b>	_____	_____
Food	_____	_____	Total Expenses:	_____	_____
Clothing	_____	_____	Plan Payment:	_____	_____
Laundry & Dry Cleaning	_____	_____	<b>TOTAL EXPENSES PLUS</b>		
Newspapers, Books, etc.	_____	_____	<b>PLAN PAYMENT:</b>	_____	_____
Medical & Dental	_____	_____	Difference:	_____	_____
Transportation	_____	_____	<b><u>DEPENDENTS</u></b>		
Insurance (not deducted from wages)			<b><u>STATEMENT OF IMPACT</u></b>		
Auto _____	_____	_____	Duration of Plan	_____	_____
Life _____	_____	_____	Dividend to U/S	_____	_____
Home _____	_____	_____	Change in treatment of secured creditors:	_____	_____
Renters _____	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____
<b>TOTAL INSURANCE:</b>	_____	_____	<b>DEBTOR(S) SIGNATURE(S)</b>		
Taxes (not deducted from wages)	_____	_____	_____		
Child Support	_____	_____	_____		
Home Maintenance	_____	_____	_____		
Other Monthly Expenses (Explain)	_____	_____	_____		
<b>TOTAL MONTHLY EXPENSES:</b>	_____	_____	_____		

\*In the space below or on the back, explain any increase or decrease that exceeds 10%.

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

IN RE:

CASE NO.

SSN:

Debtor(s).

**NOTICE OF FILING OF PROOF OF CLAIM BY DEBTOR [TRUSTEE]**

NOTICE IS HEREBY GIVEN that on \_\_\_\_\_ [date] \_\_\_\_\_ the debtor [trustee], [through counsel,] has filed a proof of claim pursuant to Federal Rules of Bankruptcy Procedure 3004 for the following creditor(s):

*[Name and address of creditors and amount of claim]*

The deadline for filing claims is \_\_\_\_\_ [date] \_\_\_\_\_, except that the deadline for filing claims by a governmental unit is \_\_\_\_\_ [date] \_\_\_\_\_. ~~If the deadline for filing claims has not expired, a claim filed by the creditor pursuant to Federal Rules of Bankruptcy Procedure 3002(c) or 3003(c) shall supersede the proof of claim filed by the debtor [trustee].~~

Dated:

LLOYD C. RAY, JR., CLERK

By: \_\_\_\_\_  
Deputy Clerk

A copy of this Notice shall be mailed by the Clerk to the Debtor, Attorney for debtor, Trustee and the above-listed Creditor.

APPENDIX C

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

In re: )  
 )  
[dr name] ) CASE NO.  
[jt name] )  
[address] )  
Debtor(s). )  
 )

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MOTION TO WITHDRAW UNCLAIMED FUNDS

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[Name of applicant], [through counsel], moves this Court for an order directing the Clerk to remit to the applicant the sum of [\$], which was deposited into the Treasury of the United States as unclaimed funds for [name of individual or entity for whom funds are on deposit] (“Claimant”).

Applicant certifies, under penalty of perjury, that:

- (1) Applicant has conducted a reasonable investigation.
- (2) The money on deposit with the Treasury of the United States is owed to the Claimant.
- (3) The funds sought have not been paid to the Claimant or to any agent on the Claimant’s behalf.
- (4) Applicant is the Claimant; or Applicant has authority to collect the funds on behalf of the Claimant as evidenced by the attached Power of Attorney or other proof that Applicant is an authorized representative for the Claimant.
- (5) No other motion is pending for recovery of the same unclaimed funds.
- (6) Applicant has complied fully with the requirements of 28 U.S.C. § 2042.

Dated:

\_\_\_\_\_  
[Attorney for Applicant]  
[Address]  
[Phone number]

CERTIFICATE OF SERVICE

\_\_\_\_\_ I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I mailed a copy of the foregoing to the U.S. Attorney, 110 Ninth Avenue, South, Suite A-961, Nashville, Tennessee 37203-3870, the U.S. Trustee, 701 Broadway, Customs House Suite 318, Nashville, Tennessee 37203, [name of debtor(s)], [address], [name of debtor's attorney], [address], [name of trustee], [address], and [name of Claimant], [address].

\_\_\_\_\_  
[Attorney for Applicant]

***Attachments:***

- (1) **Power of Attorney** or other proof if Claimant is represented by an agent or attorney.
- (2) **Proof of identity:** If Applicant is the Claimant and if the Claimant is an individual, a copy of the individual's driver's license or other photo identification.
- (3) **Proof that the funds are owed to the Claimant:** Any supporting documentation that proves the claimant is entitled to the funds requested. This can be in the form of a copy of the proof of claim, the trustee's report of unclaimed funds, or the order of distribution.
- (4) **Notice of Motion** pursuant to LBR 9013-1 (Appendix G).

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

IN RE: )  
 )  
 ) CASE NO.  
 ) CHAPTER  
Debtor(s). ) JUDGE

**DISCHARGE AFFIDAVIT**

1. I, \_\_\_\_\_ (attorney's name), am an attorney admitted to practice before this court. I am attorney for the debtor(s) in this bankruptcy case.

2. I have fully advised the debtor(s) about the effects of discharge and have discussed with the debtor(s) the following:

(a) The discharge in bankruptcy releases a debtor from personal liability for most debts listed on the schedules filed with the court. The discharge is a court order that says the debtor cannot be forced to pay those debts. A discharged debt is gone forever—it can never be collected personally from the debtor. Creditors cannot even ask a debtor to pay a debt that has been discharged. Creditors are forbidden to personally contact a debtor at home or work; they cannot obtain judgments against a debtor; they cannot execute on property of a debtor; they cannot garnish a debtor's wages or take any other action to collect a debt. Creditors cannot harass a debtor for having filed bankruptcy. If a creditor tries to collect a discharged debt, the debtor should immediately contact his or her attorney so that appropriate legal action can be taken against the creditor.

(b) There are exceptions to the discharge in bankruptcy. Debts which may not be discharged in a Chapter 7 case include: most taxes or debts incurred to pay taxes; child support, alimony, or debts incurred in connection with a divorce or separation agreement; student loans; court-ordered fines and restitution; debts obtained through fraud or deception; and personal injury debts caused by driving while under the influence of alcohol or drugs. These debts remain the debtor's personal obligations. A Chapter 7 discharge may be denied entirely if the debtor destroys, transfers or conceals property; destroys, conceals or falsifies records; or makes a false oath.

(c) In a Chapter 13 case, all debts are discharged except: alimony and child support; long-term obligations, like home mortgages; criminal restitution and fines; personal injury debts caused by driving while under the influence of alcohol or drugs; and student loans.

(d) A debtor can receive a Chapter 7 discharge only once every six (6) years. The fact that a person filed bankruptcy can appear on a credit report for as long as ten (10) years. Filing bankruptcy may affect a debtor's ability to obtain credit. The discharge does not affect any debt incurred after the bankruptcy case was filed.

3. I have fully advised the debtor(s) about the effect of a reaffirmation agreement (if applicable) and the consequences of default under a reaffirmation agreement and have discussed with the debtor(s) the following:

(a) After filing bankruptcy, the debtor may choose to become obligated again to a creditor. The only way to do this is for the debtor to make a new written agreement with the creditor called a "Reaffirmation Agreement." Reaffirming a debt means the debtor signs

and files with the court a legally enforceable document in which the debtor makes a new promise to pay all or part of a debt. Signing a reaffirmation agreement forfeits the debtor's right to discharge that debt. Most reaffirmation agreements must be filed with the court within 60 days after the meeting of creditors.

(b) Reaffirmation agreements are strictly voluntary—they are not required by the Bankruptcy Code or by any other state or federal law. Nobody can force the debtor to sign a reaffirmation agreement. If the debtor signs a reaffirmation agreement, the debtor becomes personally liable again for that debt notwithstanding the discharge of other debts. The debtor can voluntarily choose to repay a debt after bankruptcy without signing a reaffirmation agreement.

(c) Debtors should only consider reaffirmation of a secured debt where the value of the collateral or security equals or exceeds the amount of the debt and the payments are reasonable and do not impose an undue burden on the debtor or the debtor's dependents.

(d) Debtors should rarely, if ever, reaffirm an unsecured debt that would otherwise be dischargeable in the bankruptcy case.

(e) If the debtor signs a reaffirmation agreement, the debtor can cancel that agreement at any time before the court issues the debtor's discharge **or** within 60 days after the reaffirmation agreement is filed with the court, whichever is later. To cancel a reaffirmation agreement, the debtor should contact the creditor in writing. If the debtor reaffirms a debt and fails to make the payments required by the reaffirmation agreement, the creditor can take action against the debtor to recover any property that is security for the loan and the debtor will be personally liable for any remaining debt.

(f) If the debtor does not reaffirm a secured debt, the debtor will probably be required to surrender the property that is collateral or security for the debt. Upon surrender of the property to the creditor, the debtor has no personal liability to the creditor. Some debtors may be able to redeem property that is security for a debt by paying the creditor the fair market value of the property.

4. I have fully advised the debtor(s) of the relief available under the Bankruptcy Code and have discussed with the debtor(s) the following:

(a) The debtor has a choice of chapters of the Bankruptcy Code and must select the chapter that best suits the debtor's needs. Even if the debtor has already filed for relief under a particular chapter, the debtor may be eligible to convert the case to another chapter.

(b) Chapter 7 is the liquidation chapter of the Bankruptcy Code. Under Chapter 7, a trustee is appointed to collect and sell all property of the debtor that is not exempt.

(c) Chapter 11 is the reorganization chapter most commonly used by businesses, but it is also available to individuals. In Chapter 11, creditors vote whether to accept or reject a plan. The Chapter 11 debtor normally remains in control of property of the estate, but the court can order the appointment of a trustee to replace the debtor.

(d) Chapter 12 offers bankruptcy relief to family farmers. Family farmers must propose a plan to repay creditors over a three-to-five year period. Plan payments are made through a Chapter 12 trustee who also monitors the debtor's farming operations during the plan.

(e) Chapter 13 permits individuals to keep their property by repaying creditors out of future income. Each Chapter 13 debtor must propose a plan to pay creditors some or all of their debts in a three-to-five year period. Debtors must pay the Chapter 13 trustee the amounts required by their plan. Debtors receive a discharge after they complete their repayment plan. Chapter 13 is only available to individuals with regular income whose unsecured debts and secured debts are each less than the statutory amount.

5. I have informed the debtor(s) that he/she/they has (have) fulfilled the requirements of the Bankruptcy Code and, as of the date of the entry of the discharge order, will receive the fresh start envisioned by the Code. I have further urged the debtor(s) to avoid incurring debt that would again place the debtor(s) in need of protection under bankruptcy law.

\_\_\_\_\_  
(Debtor's Attorney)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE**

IN RE:

CASE NO.  
CHAPTER  
JUDGE

Debtor  
Address:  
SSN or EIN:

**APPEARANCE OF CHILD SUPPORT CREDITOR\* OR REPRESENTATIVE**

I certify under penalty of perjury that I am a child support creditor\* of the above-named debtor, or the authorized representative of such child support creditor, with respect to the child support obligation which is set out below.

CHILD SUPPORT CREDITOR

REPRESENTATIVE (if different from creditor)

Name:  
Address:  
  
Telephone Number:

Name:  
Organization:  
Address:  
  
Telephone Number:

Date: \_\_\_\_\_

X  
Child Support Creditor\* or Authorized Representative

---

**Summary of Child Support Obligation**

Amount in arrears:  
  
\$ \_\_\_\_\_

Amount currently due per week or per month  
on a continuing basis:

\$ \_\_\_\_\_  
(per week) (per month)

If Child Support has been assigned:

Amount of Support which is owed  
under assignments:

\$ \_\_\_\_\_

Amount owed primary child support  
creditor (balance not assigned):

\$ \_\_\_\_\_

**Attach an itemized statement of account**

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\* Child support creditor includes both the creditor to whom the debtor has a primary obligation to pay child support as well as any entity to whom such support has been assigned, if assigned pursuant to Section 402(a)(26) of the Social Security Act or assigned to the Federal Government or to any State or political subdivision of the State.

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

In re:

[Debtor Name]  
[Jt Dr Name]  
[Debtor Address]  
[Debtor Address]  
[SSN D / Jt D]  
Debtors.

Case No.

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: [DATE]  
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: [DATE], [TIME], [PLACE]**

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**NOTICE OF MOTION TO [caption of motion]**

[Name of movant] has asked the court for the following relief: **[describe]**

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion or to enter the attached [agreed] order, or if you want the court to consider your views on the motion or order, then on or before **[response deadline]**, you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: US Bankruptcy Court, PO Box 24890, Nashville, TN 37202-489090  
In Person: US Bankruptcy Court, 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN  
(Monday - Friday, 8:00 A.M. - 4:00 P.M.)

2. **Your response must state that the deadline for filing responses is \_\_\_\_\_, the date of the scheduled hearing is \_\_\_\_\_ and the motion to which you are responding is \_\_\_\_\_.** If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also mail a copy of your response to:

[movant’s attorney’s name and address]

[names and addresses of others to be served]  
(May be on attached sheet)

If a timely response is filed, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk’s office at 615-736-5584 or viewing the case on the Court’s web site at <www.tnmb.uscourts.gov>. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name:  
Address:

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

In re:

Case No.

Debtor(s).

Plaintiff(s),

v.

Adv. No.

Defendant(s).

**SUMMONS AND NOTICE OF EXPEDITED PRELIMINARY HEARING ON  
COMPLAINT FOR TURNOVER OF PROPERTY**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court on or before the date of the expedited preliminary hearing at the following address:

UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE  
701 BROADWAY STE 200 PO BOX 24890  
NASHVILLE TN 37202-489090

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

**NOTICE IS HEREBY GIVEN** in accordance with LBR 7001-1b that an expedited preliminary hearing on the complaint for turnover pursuant to 11 U.S.C. § 542(a) has been set for \_\_\_\_\_ at **8:30 A.M. in Courtroom One, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee.**

The attorney for the plaintiff (or the plaintiff, if *pro se*) shall provide immediate telephonic or facsimile notice of this hearing to the defendant or attorney for the defendant (if known) and the Chapter13 trustee and transmit a copy of the complaint and this notice to the defendant or attorney for the defendant (if known) and the Chapter13 trustee by hand delivery, facsimile or overnight courier service. The attorney for the plaintiff shall promptly file with the clerk a certificate of service pursuant to LBR 9013-3.

**LLOYD C. RAY, JR., CLERK**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk



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

IN RE: )  
)  
) ) CASE NO.  
Debtor(s), )  
)  
Movant, )  
)  
VS. )  
)  
)  
Respondents. )

**NOTICE OF PRELIMINARY HEARING AND PREHEARING ORDER**

YOU ARE HEREBY NOTIFIED THAT A PRELIMINARY HEARING OF THE MOTION FOR RELIEF FROM THE STAY HAS BEEN SET FOR [DATE] AT [TIME] IN [PLACE], CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TENNESSEE.

**RESPONDENT SHALL FILE AND SERVE AN ANSWER** to the motion at least seven (7) days before the preliminary hearing. **FAILURE TO TIMELY FILE AND SERVE AN ANSWER TO THE MOTION FOR RELIEF FROM THE STAY SHALL BE DEEMED A STATEMENT OF NO OPPOSITION TO THE RELIEF REQUESTED.**

In the event a final hearing is necessary, the final hearing will be scheduled by the court at the preliminary hearing.

**COUNSEL FOR ALL PARTIES ARE ORDERED** to confer with all opposing counsel at least five (5) days before the preliminary hearing and together prepare in writing and file **no later than 4:00 p.m. on the third (3d) business day before the preliminary hearing**, a **JOINT DOCUMENT**, captioned "PREHEARING STATEMENT" containing the following:

**FOR MOVANT**

1. A brief statement of each theory or cause for relief from the stay.
2. A brief summary of movant's contentions of fact in support of each theory or cause for relief from the stay and the evidence to be relied upon to establish those facts.

**FOR RESPONDENT**

1. A brief statement of each defense.
2. A brief summary of respondent's contentions of fact in support of each defense, and the evidence to be relied upon to establish those facts.

**FOR ALL PARTIES**

1. A statement of all admitted or uncontested facts.
2. Each party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.
4. The affidavits or other documentary proof which each party submits in support of its contentions. Any creditor asserting a lien or security interest shall include proof of its lien or security interest and **proof of perfection**. All such affidavits or documents shall be exchanged by the parties at or before the time of filing of the PREHEARING STATEMENT.

All of the above is to be incorporated in one document (with attachments) which is to be signed by all attorneys and pro se parties prior to the filing.



# MODEL CHAPTER 13 PLAN

(Revised 7/03)

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE

IN RE:

CASE NO.:  
CHAPTER 13

SSN:  X X X X X  \_ \_ \_ \_ \_

**CHAPTER 13 PLAN AND MOTIONS**  Original  Amended Date \_\_\_\_\_

**YOUR RIGHTS WILL BE AFFECTED.** You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this plan or any motion included below must file a timely written objection. This plan may be confirmed and the motions included below may be granted without further notice or hearing unless written objection is filed before the deadline stated on the separate Notice you should have received from the bankruptcy court. If you have a secured claim, this is notice that your lien may be voided or modified if you do not object to this plan.

**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.

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 approximately \_\_\_\_\_ months.

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 trustee: \_\_\_\_\_

(d) Total amount to be paid to Trustee shall be not less than \$ \_\_\_\_\_.

## 2. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES AND SUPPORT)

All allowed priority claims will be paid in full unless creditor agrees otherwise:

Creditor	Type of Priority	Scheduled Amount
<Filing Fees>		
<Debtor's Attorney>		

## 3. SECURED CLAIMS; MOTIONS TO VALUE COLLATERAL AND VOID LIENS UNDER 11 U.S.C. § 506

(a) Debtor moves to value collateral as indicated in the "value" column immediately below. Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The portion of any allowed claim that exceeds the value indicated shall be treated as an unsecured claim. Debtor moves to void the lien of any creditor with "NO VALUE" specified below.

Creditor	Collateral	Scheduled Debt	Value	Interest Rate	Monthly Pmt.

(b) Debtor surrenders or abandons the following collateral. Upon confirmation, the stay is lifted as to surrendered or abandoned collateral.

Creditor	Collateral to be Surrendered or Abandoned

**4. UNSECURED CLAIMS**

(a) **Not Separately Classified.** Allowed non-priority unsecured claims shall be paid:

- Not less than \$ \_\_\_\_\_ to be distributed pro rata.
- Not less than \_\_\_\_\_ percent.
- Other: \_\_\_\_\_

(b) **Separately Classified Unsecured Claims**

Creditor	Basis for Classification	Treatment	Amount

**5. CURING DEFAULT AND MAINTAINING PAYMENTS**

(a) Trustee shall pay allowed claims for arrearages, and Trustee shall pay regular postpetition contract payments to these creditors:

Creditor	Collateral or Type of Debt	Estimated Arrearage	Interest Rate (Arrearage)	Monthly Arrearage Payment	Regular Monthly Payment

(b) Trustee shall pay allowed claims for arrearages, and Debtor shall pay regular postpetition contract payments directly to these creditors:

Creditor	Collateral or Type of Debt	Estimated Arrearage	Interest Rate (Arrearage)	Monthly Arrearage Payment	Regular Monthly Payment

**6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Executory contracts and unexpired leases are assumed or rejected as follows:

Creditor/Lessor	Property Description	Assume	Reject
		<input type="checkbox"/>	<input type="checkbox"/>

**7. OTHER PLAN PROVISIONS AND MOTIONS**

(a) **Motion to Avoid Liens under 11 U.S.C. § 522(f).** Debtor moves to avoid the following liens that impair exemptions:

Creditor	Collateral	Amount of Lien to be Avoided

(b) **Lien Retention.** Except as provided above in Section 5, allowed secured claim holders retain liens until:

- Liens are released at discharge.
- Liens are released upon payment of allowed secured claim as provided above in Section 3.
- Liens are released upon completion of all payments under the plan.

(c) **Vesting of Property of the Estate.** Property of the estate shall revert in Debtor:

- Upon confirmation.       Upon discharge.       Other: \_\_\_\_\_

(d) **Payment Notices.** Creditors and lessors provided for above in Sections 5 or 6 may continue to mail customary notices or coupons to the Debtor or Trustee notwithstanding the automatic stay.

(e) **Order of Distribution.** Trustee shall pay allowed claims in the following order:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_
- (5) \_\_\_\_\_

Signed: \_\_\_\_\_  
 Attorney for Debtor (or Debtor(s)  
 if not represented by an attorney)