

Proposed Amendments to Existing Local Bankruptcy Rules (Lined Copy)

2002-2 *Notice to 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 <ustregion08.na.ecf@usdoj.gov>
- b. **Notice to Internal Revenue Service.** ~~Whenever required, the filing party shall give notice to postal address of~~ the Internal Revenue Service ~~at~~ IRS-MDP-146 Internal Revenue Service, Post Office Box 21126, 801 Broadway Philadelphia, Nashville, TN 37203 PA 19114.
- c. **Notice to U.S. Securities and Exchange Commission.** Pursuant to FED. R. BANKR. P. 2002(j), the U.S. Securities and Exchange Commission has requested a copy of the petition, exhibit A, statement and schedules, plan and disclosure statement and notices of hearings for all Chapter 9 cases and Chapter 11 cases commenced by a corporation or limited partnership. The filing party shall serve the U.S. Securities and Exchange Commission at: Office of Reorganization, Securities and Exchange Commission, 3475 Lenox Rd., N.E., Suite 1000, Atlanta, GA 30326-1232.

2082-1 *Chapter 12 - General*

- a. **Filing of Chapter 12 Plan.** If a Chapter 12 debtor elects to file a plan after the filing of the petition pursuant to FED. R. BANKR. P. 3015, the debtor must serve the proposed plan or a complete summary of the proposed plan on all creditors, all equity security holders, any party in interest who has requested notice, the Chapter 12 trustee and the United States Trustee and file a certificate of service pursuant to LBR 9013-3.
- b. **Motions Modifying Chapter 12 Plans.** In addition to the requirements of LBR 9013-1, any motion or agreed order that amends or modifies a proposed or confirmed Chapter 12 plan must include a verified comparative budget and a statement of impact on creditors in the form of Appendix B. This provision includes but is not limited to motions and agreed orders to:
 - (1) suspend payments;
 - (2) incur credit; or
 - (3) change the amount or timing of any payment.
- c. **~~Chapter 12 Payments. All fees, compensation or r~~Reimbursement of expenses of debtors' attorneys approved by the Court which are to be paid from property**

~~of the estate shall be classified as an administrative expense, paid after the filing fee, and continuing alimony and support payments, but ahead of payments to all other creditors. Unless the confirmed plan provides otherwise, the distributions to attorneys who have received no compensation prior to the filing of the petition shall be limited to a first payment of \$175 (inclusive of expenses) plus additional payments of twelve and one-half percent (12.5%) of disbursements until the approved fees and expenses are paid in full. Attorneys for Chapter 12 Notices.~~ Debtors' attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed ~~\$1.0750~~ 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.

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 r**~~ 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 for Chapter 13 Notices. Debtors' attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed ~~\$1.0750~~ 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.

4004-1 *Discharge Hearings*

- a. **Discharge Hearings.** In all Chapter 7, 12 and 13 cases in which the debtor is an individual, the debtor shall attend the showing of a videotape at the meeting of creditors docket.
- b. **Discharge Affidavit.** If the meeting of creditors has been conducted other than in person, in lieu of attending the showing of a videotape, the debtor's attorney may file a discharge affidavit in the form of Appendix E.
- c. **Certificate of Payment of Domestic Support Obligation.** Not later than ~~ten~~thirty (~~10~~30) 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): substantially in the form of Appendix K.

5001-2 *Clerk - Office Location/Hours*

- a. **Filing Hours.** The Clerk's office will accept paper filings Monday through Friday between the hours of 8:00 A.M. and 4:00 P.M. ~~After 3:00 P.M., if a filed copy is to be returned, only one such copy will be stamped.~~
- ~~b. **After Business Hours.** After 4:00 P.M. and before 12:00 midnight on business days, documents may be left in the drop box located at the rear entrance of The Customs House, 701 Broadway, Nashville, Tennessee. Documents placed in the box by midnight will be filed stamped with that day's date.~~
- ~~c.~~
- b. **Special Filings.** Any party needing to file paper documents with the Clerk outside of the regular filing hours indicated above must make advance arrangements for the late filing with the Clerk or the Chief Deputy.
- dc.** **Clerk's Mailing Address.** Any document mailed to the Clerk's Office shall be sent to the following address:

United States Bankruptcy Court for the Middle District of Tennessee
~~PO Box 24890~~
701 Broadway, Room 160
Nashville TN ~~37202-489090~~37203

5004-1 Disclosure of Affiliations

- a. When Required.** Any non-governmental corporation, limited liability corporation, partnership, trust, joint venture or similar entity that is a debtor, a movant, an objecting party, a respondent, or a party in an adversary proceeding shall file a statement that: 1) identifies any parent company; 2) identifies any non-governmental corporation, partnership, trust, joint venture or similar entity, that directly or indirectly owns or controls ten percent (10%) or more of the interests in the disclosing party; or, 3) states that there are no such entities. This statement shall bear the heading “Disclosure of Affiliations of [registered name of corporation, partnership, trust or venture, as well as any other name under which it does business].” The filing of a proof of claim does not require the filing of this statement; a response to an objection to a proof of claim must be accompanied by a Disclosure of Affiliations if not already filed.
- b. Time for Filing.** The Disclosure of Affiliations shall be filed at the same time the entity files its initial motion, complaint, application, response or objection in a case or adversary proceeding.
- c. Updates.** After an entity complies with this Local Rule it shall not be required to file another statement in any later case or adversary proceeding in which it appears, except that any entity that has filed a statement shall file a supplemental statement to reflect any change in information required to be disclosed under this Local Rule.

5005-2 Filing Papers - Number of Copies

~~Only~~ the original ~~and two (2) copies of all petitions, statements and schedules shall be filed.~~ The original and one (1) copy of proofs of claims in Chapter 12 and 13 cases, and all motions, pleadings and other documents in all cases and proceedings shall be filed except that the following documents require an original only: orders, reaffirmation agreements (copy, not original), notices, discharge affidavits, Chapter 11 monthly operating reports, and proofs of claims in Chapter 7 and Chapter 11 cases. In larger cases, parties are cautioned to determine whether a case management order alters the number of required copies. *If a filed copy of any paper document needs to be filed with the Court.* If any filed paper document is to be returned, ~~one copy in addition to the copies required by this rule must be submitted to the Clerk.~~ *If the copy is to be mailed to the party filing the document, it must be physically retrieved by the filer, or* a self-addressed, stamped envelope must be provided.

9013-1 *Motion Practice*

- a. **“After Notice and a Hearing.”** Whenever Title 11 of the United States Code, any rule or any order authorizes an act “after notice and a hearing” or similar phrase or whenever notice of a proposed action is otherwise required:
- (1) Movant shall file and serve a motion together with a **NOTICE** in the form of Appendix G on the parties required to receive notice and file a certificate of service pursuant to LBR 9013-3. Every NOTICE under this rule shall be accompanied by a copy of the proposed order the movant will submit in the event no response to the motion is filed. With respect to an agreed order, the parties to the agreed order shall file and serve the motion and NOTICE in the form of Appendix G with a copy of the proposed agreed order attached as an exhibit.
 - (2) **The hearing date ~~and~~, time, location, specific courtroom (if applicable), and last day to file responses must be included in the NOTICE.** The hearing date shall be obtained from the Clerk’s office or the Court’s web site at <www.tnmb.uscourts.gov>. Hearings in Chapter 12 and Chapter 13 cases may only be scheduled for Chapter 13 hearing dates. Hearings in all other cases may not be scheduled for a Chapter 13 hearing date. Unless Title 11 of the United States Code, the Federal Rules of Bankruptcy Procedure or these local rules provide otherwise, the NOTICE shall provide for a twenty (20) day response period to run from the placing of the NOTICE in the U.S. mail, postage prepaid. The hearing date shall be no sooner than **ten (10)** business days after the last day to file responses. Departure from this rule requires compliance with LBR ~~9075-1~~.
 - (3) The NOTICE served pursuant to this rule is not effective unless the NOTICE includes the deadline for filing responses and the date, time and place of the hearing on any response that may be filed.
 - (4) **Any response to a motion shall state prominently the deadline for filing responses, the date, time, location, and specific courtroom (if applicable) of the scheduled hearing and a description of the motion or NOTICE to which it relates.** An objection to a motion filed under this rule may be overruled if the response does not include the deadline for filing responses and the date of the scheduled hearing.
 - (5) If a timely response is filed, the hearing will be held at the date and time in the Notice. No further notice of the hearing date is required. If a timely response is filed, LBR 9014-1 shall apply.
 - (6) If a timely response is filed and the contested matter is subsequently resolved on the merits by agreement of all parties, an agreed order will excuse

attendance at the hearing date only if it is filed no later than Noon on the third business day prior to the hearing date. Otherwise, announcement of an agreement resolving the merits of a contested matter may be made by counsel at the first call of the docket on the hearing date.

- (7) **The failure to file and serve a timely response shall be deemed a statement of no opposition to the relief requested.**
- (8) If no timely response is filed, movant or the parties to an agreed order shall file the original of the order or agreed order exhibited in the NOTICE no later than five (5) days after the hearing date. If no timely response is filed, movant or the parties to an agreed order are excused from attendance at the hearing date. If no timely response is filed, LBR 9014-1 shall not apply.
- (9) After the order or agreed order has been signed and received for entry, the party submitting the order or agreed order shall serve a copy of the signed order on the parties required to receive notice. This requirement of separate service of the signed order is waived if the NOTICE mailed pursuant to paragraph (1) of this rule included a copy of the order or agreed order and no timely response was filed.

b. Exclusions and Modifications.

- (1) **Exclusions.** LBR 9013-1a shall not apply to the following motions:
 - (a) Motions to Convert Chapter 12 or Chapter 13 Cases filed by the Trustee
 - (b) Motions to Dismiss Chapter 12 or Chapter 13 Cases filed by the Trustee
 - (c) Motions and agreed orders for Relief from Stay under § 362(d)
 - (d) Motions in a case controlled by a separate case management order
 - (e) Motions in adversary proceedings, except motions for default judgment, [and motions for withdrawal or substitution of attorneys pursuant to LBR 2092-1](#)
 - (f) Motions to dismiss or convert a case to Chapter 7 under § 1112
 - (g) Motions to validate reaffirmation agreements under LBR 4008-1

(2) **Modifications.** LBR 9013-1a is modified to include the additional requirements provided in the following rules:

- (a) LBR 2014-1 Notice of Employment Application
- (b) LBR 2016-1 Notice of Fee Application
- (c) LBR 2082-1 Motions to Modify or Amend Chapter 12 Plans
- (d) LBR 3007-1 Objections to Claims
- (e) LBR 3011-1 Unclaimed Funds
- (f) LBR 3015-2 Motions to Modify or Amend Chapter 13 Plans
- (g) LBR 6007-1 Notice of Abandonment

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

IN RE:

Debtor(s).

)
)
)
) CASE NO.
) CHAPTER [12 or 13]
) JUDGE
)

DOMESTIC SUPPORT OBLIGATION CERTIFICATE

Pursuant to 11 U.S.C. § [1228(a) or 1328(a)], the above named Debtor(s) certify(ies):

_____ there is no judicial or administrative order or statute that requires Debtor(s) to pay a domestic support obligation; or,

_____ there is a judicial or administrative order or statute that requires Debtor(s) to pay a domestic support obligation(s), and all amounts payable that are due as of this date (including amounts due before the petition, to the extent provided for by the plan) have been paid.

(Debtor)

(Date)

(Debtor)

(Date)

APPENDIX K