

1007-2 ~~Mailing -List or Matrix~~

- ~~a. **Matrix Form.** All petitions shall include a list matrix of the names and mailing addresses, including zip codes, of all entities who should receive notice of the bankruptcy case. The matrix shall be in the form prescribed in the "Matrix Guidelines" in Appendix A.~~
- ~~b. **Filing a Matrix on Diskette.** Anyone wishing to file the matrix on a 3½" or 5¼" diskette may obtain a "write only" program and instructions from the Clerk. Each diskette can contain only one matrix. Once the information has been loaded into the Clerk's program, the diskette may be retrieved from the Clerk and reused.~~
- ~~c. **Standard Creditor Addresses.** Creditors may direct the Clerk to send all bankruptcy notices to a standard address. Such a request must be filed with the Clerk in writing and include all names identifying the creditor, the standard address, limitations, if any—for example, for Chapter 13 cases only—and the name, telephone number and signature of a representative of the creditor making the request.~~

1007-3 Credit Counseling and Financial Management Certificates of Joint Debtors

Joint debtors shall file their individual Credit Counseling Certificates and individual Financial Management Certificates as separate documents.

2003-1 *Meeting of Creditors and Equity Security Holders*

- a. Failure of Debtor to Appear at § 341 Meeting of Creditors.** Failure of the debtor in a voluntary case to appear at a scheduled 11 U.S.C. § 341 meeting of creditors constitutes cause for dismissal. Upon the filing by the trustee or the United States Trustee of a Report of Nonappearance and Motion to Dismiss, an Order of Dismissal will be entered by the Clerk. Notice of the Motion to Dismiss shall only be provided to the debtor, debtor's counsel, trustee and the United States Trustee.
- b. Notice of Meeting of Creditors Rescheduled upon Debtor's Request or After Dismissal.** When the debtor's case has been dismissed and the dismissal is subsequently set aside, or if a meeting of creditors is rescheduled upon request of the debtor, the debtor shall obtain another date for the meeting of creditors from United States Trustee or from the Chapter 13 trustee in Chapter 13 cases, and the debtor shall give notice of the rescheduled meeting to the trustee, the United States Trustee, all creditors and all parties in interest and file a certificate of service in accordance with LBR 9013-3.

- c. **Prisoners.** Motions and orders to produce prisoners for a § 341 meeting of creditors must be filed at least 14 days before the scheduled meeting.
- d. **Video Presentation.** In all Chapter 7, 12, and 13 cases in which the debtor is an individual, the debtor shall attend the showing of a video presentation at the meeting of creditors. This requirement shall not apply to debtors whose meeting of creditors are conducted by interrogatories.

3004-1 *Filing of Claims by Debtor or Trustee*

When the debtor or trustee elects to file a proof of claim pursuant to FED. R. BANKR. P. 3004, the Clerk shall serve a Notice of Filing of Proof of Claim by Debtor [or Trustee].

3015-1 *Chapter 13 - Plan*

- a. **Form.** All Chapter 13 plans filed in this district shall substantially conform to the Model Plan in Appendix J.
- ~~b. **Service of the Plan Filed after the Filing of the Petition.** If a Chapter 13 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 on all creditors, any party in interest who has requested notice, the Chapter 13 trustee and the United States Trustee and file a certificate of service pursuant to LBR 9013-3.~~
- eb. Service of the Plan When Special Address or Method of Service is Required.** When the Chapter 13 plan includes motions or other contested matters that require special notice or service under FED. R. BANKR. P. 9014 or 7004—for example, notice to a corporation or service on an insured depository institution—the debtor or debtor’s counsel shall: (1) provide the required special address on the list and mailing matrix filed pursuant to LBR 1007; and, (2) give notice or make service and file a certificate of service pursuant to LBR 9078-1 when a method of notice or service is required other than first class mail.

4001-1 *Automatic Stay - Relief from*

- a. **Limitation on Combined Motions.** Motions for relief from the § 362(a) stay shall not contain additional motions, except they may contain motions for abandonment and adequate protection regarding the same collateral.
- b. **Procedure.** Procedure for prosecuting and responding to a request for relief from the stay is controlled by a Notice of Preliminary Hearing and Prehearing Order issued by the Clerk after the filing of the motion. ~~See Appendix I for a sample Notice.~~

- bc. Preliminary Hearing.** All motions for relief from the stay which are set in the Nashville Division for preliminary hearing on a particular day will be called in Courtroom One, Second Floor Customs House, 701 Broadway, at 8:30 A.M. for announcements.
- cd. Continuance of Preliminary Hearing.** The agreement of all parties to continue the preliminary hearing of a request for relief from the stay excuses the attendance of counsel if a joint motion and agreed order to continue are filed before Noon on the third business day prior to the preliminary hearing. Otherwise, announcement of an agreement to continue may be made by counsel at the 8:30 A.M. call of the preliminary hearing docket if a joint motion and agreed order are filed no later than Noon of the third business day after the preliminary hearing. Agreed orders continuing the preliminary hearing of a request for relief from the stay shall specify the date and time of the continued hearing, shall continue the stay in effect and include a certificate of service consistent with LBR 9013-3.
- d.e. Agreement for Adequate Protection Resolving Request for Stay Relief . Any agreement calling for adequate protection which resolves a request for relief from the stay shall be filed as a Motion for Approval of Agreed Order for Adequate Protection, and shall be filed pursuant to LBR 9013-1.**
- f. Agreed Order Resolving Request for Stay Relief - Excusal of Counsel.** An agreed order resolving the merits of a request for relief from the stay excuses the attendance of counsel at a preliminary or final hearing if the parties comply with the notice requirements of FED. R. BANKR. P. 4001(d), and:
- (1) for agreements that do not include adequate protection, the agreed order is filed no later than five days after the preliminary hearing or before Noon of the third business day prior to a final hearing; or;
 - (2) for adequate protection agreements, the LBR 9013-1 Motion for Approval of Agreed Order for Adequate Protection is filed no later than five days after the preliminary hearing or before Noon of the third business day prior to a final hearing.

~~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 thirty (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.~~

4002-2 *Certificate of Payment of Domestic Support Obligation.*

Not later than thirty (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 G.

~~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.~~

5081-1 *Fees - Form of Payment*

- a. Transactions Requiring the Payment of Money.** Any over-the-counter transaction requiring the payment of money to the Clerk shall be conducted no later than 4:00 P.M. unless ~~payment is left in the drop box pursuant to LBR 5001-2~~ or other arrangements are made in advance with the Clerk or Chief Deputy. ~~No cash shall be left in the drop box.~~
- b. Forms of Payment.** The Clerk will accept the following forms of payment:
- (1) cash--exact change only;
 - (2) cashier's check;
 - (3) money order; or
 - (4) checks from attorneys or businesses (but not from a debtor).

No personal checks will be accepted. Checks shall be made payable to "Clerk, U.S. Bankruptcy Court."

6004-1 - Sale of Estate Property - Statement of Sale

~~a. Report of Sale. The trustee shall file a report of sale and serve the report on the debtor and the United States Trustee. The report shall include an itemized~~

The statement of sale of estate property conducted under FED. R. BANKR. P. 6004 shall contain the following information for each sale type:

	<u>INFORMATION</u>	<u>SALE TYPE</u>
a.	<u>Itemized statement of the property sold</u>	<u>All sales</u>
b.	<u>List of bidders</u>	<u>On-site auction¹</u>
c.	<u>Number of participating bidders</u>	<u>On-line auction²</u>
d.	<u>Name of each buyer</u>	<u>Private sale³</u> <u>On-site auction</u> <u>On-line auction</u>
e.	<u>Price received for each item or lot</u>	<u>All sales</u>
f.	<u>Date(s) of sale</u>	<u>Private sale</u> <u>On-site auction</u> <u>Securities sale⁴</u>
g.	<u>Time & place of sale</u>	<u>On-site auction</u>
h.	<u>Opening & closing dates & time of sale</u>	<u>On-line auction</u>
i.	<u>Calculation of compensation allowable under appointment order</u>	<u>All sales</u>
j.	<u>Copies of sale advertisements, summary listing of advertising expenses, itemized mailing costs and expenses</u>	<u>On-site auction</u> <u>On-line auction</u>
k.	<u>All other costs and expenses, itemized</u>	<u>All sales</u>

¹ With or without simultaneous telephonic or On-line bids.

² Accepts bids only via the Internet.

³ With or without assistance of an agent.

⁴ Requires a registered broker dealer.

6005-1 Appraisers and Auctioneers & Real Estate Agents

Compensation of an auctioneer to conduct a sale shall not exceed the following:

~~real property: _____ ten percent (10%) commission~~
~~vehicles: _____ ten percent (10%) commission~~
~~other personal property: _____ twenty-five percent (25%) commission on the first \$20,000; ten percent (10%) commission on the balance~~

No expenses shall be reimbursed to the auctioneer. Compensation in excess of these amounts shall be allowed only upon motion and compliance with LBR 9013-1

- a. Qualifications.** Applications to employ auctioneers (including On-line) or real estate agents shall detail the auctioneer's or agent's qualifications, including any professional licenses held.
- b. Compensation of Auctioneers.** An auctioneer's commission may be deducted from the gross proceeds of sale. Except upon motion pursuant to LBR 9013-1, compensation of an auctioneer shall not exceed:
1. Ten percent (10%) of gross proceeds for real property and vehicles—including cars, trucks, trailers, all-terrain vehicles, boats, aircraft, farm machinery and implements, and earth moving equipment;
 2. Twenty-five percent (25%) of the first \$40,000 of gross proceeds for other personal property and fifteen percent (15%) thereafter.
- c. Compensation of Real Estate Agents.** Compensation of a real estate agent shall not exceed six percent (6%) of gross proceeds except upon motion pursuant to LBR 9013-1. Expenses of a real estate agent shall only be reimbursed upon motion pursuant to LBR 9013-1.
- d. Retrieval of Sale Items.** Auctioneers and agents who ship sale items at buyers' expense must allow buyers to arrange for retrieval of sale items without charge.
- e. Reimbursement of Credit Card Fees.** Auctioneers and agents who accept payment by credit card may be reimbursed for actual credit card processing fees not to exceed 2.5 percent of gross sales if that expense is disclosed in the application to employ and the notice of sale.

7001-1 *Adversary Proceedings*

- a. Turnover of Money or Property.**
- (1) Except as provided in FED. R. BANKR. P. 7001(1), requests for turnover of money or property must be by complaint.
 - (2) A complaint for turnover of a Motor Vehicle (as defined in LBR 4070-1b(1)) shall include as an exhibit Proof of Insurance (as defined in LBR 4070-1b(2)).
- b. Turnover Complaints in Chapter 13 Cases.** A complaint for turnover of a vehicle or funds of the debtor in a Chapter 13 case (the "Expedited Complaint") is entitled to expedited preliminary hearing and is exempt from LBR 9075-1.
- (1) ~~To obtain an expedited preliminary hearing date, the Summons and Notice of Expedited Preliminary Hearing in the form of Appendix H must be filed with the Expedited Complaint. An Expedited Complaint filed before 4:00 P.M. on any-~~

Tuesday may be scheduled for expedited preliminary hearing as early as Monday of the following week.

- (2) The attorney for the plaintiff (or the plaintiff, if *pro se*) shall provide immediate telephonic or facsimile notice of the hearing and transmit a copy of the complaint to the defendant, the attorney for the defendant (if known), the debtor, the debtor's attorney, and the Chapter 13 trustee by hand delivery, facsimile or overnight courier service. The attorney for the plaintiff (or the plaintiff, if *pro se*) shall promptly file a certificate of service pursuant to LBR 9013-3.

9013-1 *Motion Practice*

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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:

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|-----------------------|---|
| (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) <u>LBR 4004-1</u> | <u>Agreed Orders of Adequate Protection to Resolve Motions for Relief from the Automatic Stay</u> |
| (h) <u>LBR 6005-1</u> | <u>Auctioneers & Real Estate Agents</u> |
| (i) LBR 6007-1 | Notice of Abandonment |

MATRIX GUIDELINES

[Black-lining is an ineffective tool to relay the extensive formatting changes and deletions made to Appendix A. Please compare the appendix in your current copy of the Local Bankruptcy Rules and with that in the Proposed Amendments with Explanations.]

APPENDIX A