

### 1007-2 *Mailing Matrix*

All petitions shall include a 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.

(Deleted paragraph (b), *Filing a Matrix on Diskette*, which is no longer an option. Drastically simplified Appendix A, *Matrix Guidelines*, because the previous technical requirements for names and mailing addresses are no longer applicable.)

### 1007-3 *Filing 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.

(Proposed new rule which documents current practice and Clerk’s Office preference.)

### 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.

(Added paragraph (d), *Video Presentation*, replacing old paragraph (a) of LBR 4004-1, *Discharge Hearings*, which is being deleted. New paragraph (d) slightly modifies the language of the old LBR 4004-1(a) and adds an exclusion for debtors not personally attending the meeting of creditors. The video helps the presiding trustee meet the informational and educational requirement § 341(d), roughly speaking, "Bankruptcy 101.")

#### 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].

(Deleted requirement for a claims-filing Debtor or Trustee to file *Notice of Filing Proof of Claim by Debtor/Trustee*. The Clerk's Office (via CM/ECF) creates and sends this notice automatically. Also deletes Appendix C, the sample Notice.)

#### 3015-1 *Chapter 13 - Plan*

- a. Form.** All Chapter 13 plans filed in this district shall substantially conform to the Model Plan in Appendix F.
- b. 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.

(Deleted old paragraph (b), *Service of the Plan Filed After the Filing of the Petition*, which required Debtor to serve their Plan if it was filed after the petition. The Clerk's Office asked for this amendment, as CM/ECF functionality makes it easier for Clerk to serve all plans than to except certain ones.)

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.
- c. **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.
- d. **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.
- 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.

(Added new paragraph (a) to prohibit the filing of multiple motions within motions for relief from the stay (because motions for relief have unique notices and hearing dates/times). The subsequent paragraphs were re-lettered to account for new paragraph(a).

Deleted "See Appendix I for sample Notice" from paragraph (b), and deleted Appendix I, because the Clerk creates and sends those notices.

Added new paragraph (e), which requires agreed orders of adequate protection to be filed as LBR 9013 Motions for Approval of Agreed Order for Adequate Protection to allow for objections thereto.

Combined old subparagraphs (f)(1) & (2) into new (f)(1) and added new (f)(2) to account for timing within which Motion for Approval for Agreed Order for Adequate Protection must be filed in order for counsel to be excused from preliminary or final hearings.)

#### **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.

(Proposed new rule moves paragraph (c) (same name and content) from rule 4004-1, *Discharge Hearings*. Changed appendix letter.)

#### **4004-1 *Discharge Hearings***

[Deleted]

(Deleted, as follows: Old paragraph (a) requiring showing of video at the meeting of creditors moved to LBR 2003-1, *Meeting of Creditors and Equity Security Holders*, as new paragraph (d). Old paragraph (b), *Discharge Affidavit*, and Appendix E, the sample Discharge Affidavit, are no longer applicable. Old paragraph (c), *Certificate of Payment of Domestic Support Obligation*, moved to proposed new LBR 4002-2 without change.)

4008-1 ***Reaffirmation***

[Deleted]

(Deleted this rule as duplicative of the code requirement.)

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 other arrangements are made in advance with the Clerk or Chief Deputy.
  
- 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."

(Added "over-the-counter" as an acknowledgement that fees may also be paid on-line through CM/ECF. Removed reference to the mail "drop box," in paragraph (a). It no longer exists.)

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

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

	<b>INFORMATION</b>	<b>SALE TYPE</b>
a.	Itemized statement of property sold	All sales
b.	List of bidders	On-site auction <sup>1</sup>
c.	Number of participating bidders	On-line auction <sup>2</sup>
d.	Name of each buyer	Private sale <sup>3</sup> On-site auction On-line auction
e.	Price received for each item or lot	All sales

f.	Date(s) of sale	Private sale On-site auction Securities sale <sup>4</sup>
g.	Time & place of sale	On-site auction
h.	Opening & closing dates & time of sale	On-line auction
i.	Calculation of compensation allowable under appointment order	All sales
j.	Copies of sale advertisements, summary listing of advertising expenses, itemized mailing costs and expenses	On-site auction On-line auction
k.	All other costs and expenses, itemized	All sales

<sup>1</sup> With or without simultaneous telephonic or On-line bids.

<sup>2</sup> Accepts bids only via the Internet.

<sup>3</sup> With or without assistance of an agent.

<sup>4</sup> Requires a registered broker dealer.

(Changed "Report of Sale" to "Statement..." for consistency with the federal rule. Rule now permits trustees to sell assets via on-line auctions and chart delineates reporting requirements for the statement by sale type. Essence of old paragraph (b), *Compensation of Real Estate Agents*, moved to LBR 6005-1.)

#### 6005-1 *Auctioneers & Real Estate Agents*

- 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.

(New paragraph (a) requires disclosure of qualifications for auctioneers and real estate agents in applications to employ. New paragraph (b) changes limitation on commission from 25% on first \$20,000 earned to \$40,000, and changes 10% on higher amounts to 15%. New paragraph (c) moved from old LBR 6004-1(a). It removes "6% on first \$100,000" limitation on real estate agent compensation. New paragraph (d) requires auctioneers who charge for shipping items to permit pick-up at no charge. New paragraph (e) permits auctioneers and agents to seek limited reimbursement of credit card processing fees upon proper disclosure.)

#### 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) 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 Chapter13 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.

(Deleted requirement in subparagraph (b)(1) for plaintiff to file a "Summons and Notice of Expedited Preliminary Hearing in the form of Appendix H," and deleted Appendix H, the sample Summons and Notice. The Clerk's office creates the Summons and Notice when a Ch 13 turnover complaint is filed.)

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:

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

(Added new (b)(2)(g) to account for new requirement in paragraph (e) of 4004-1, *Automatic Stay - Relief From*, that Agreed Orders of Adequate Protection which resolve Motions for Relief From Stay are to be filed as 9013-1 motions. Added new (b)(2)(h) to account for requirement that compensation for auctioneers and real estate agents in excess of LBR 6005-1 must be requested in a 9013-1 motion. To keep numerical order, old (b)(2)(g) is now (b)(2)(i).)

## Summary of Changes to Appendices

### APPENDIX A - Matrix Guidelines

(Updated to reflect current requirements. See explanation in proposed changes to LBR 1007-2.)

### APPENDIX B - Amended Monthly Family Budget and Statement of Impact

(Reformatted to two pages. No Substantive Changes.)

### APPENDIX C - Sample Notice of Filing Proof of Claim by Debtor/Trustee

(Deleted. See explanation in proposed changes to LBR 3004-1.)

### APPENDIX D - Sample Motion to Withdraw Unclaimed Funds

(No Changes. Will be re-lettered to Appendix C.)

### APPENDIX E - Sample Discharge Affidavit

(Deleted. See explanation in proposed deletion of LBR 4004-1.)

### APPENDIX F - Sample Appearance of Child Support Creditor or Representative

(Reformatted with No Substantive Changes. Will be re-lettered to Appendix D.)

### APPENDIX G - Sample 9013 Notice

(No Changes. Will be re-lettered to Appendix E.)

### APPENDIX H - Sample Summons and Notice of Expedited Hearing on Complaint for Turnover of Property (Ch 13)

(Deleted. See explanation at LBR 7001-1.)

### APPENDIX I - Sample Notice of Preliminary Hearing and Prehearing Order (for 362 motion)

(Deleted. See explanation in proposed changes to LBR 4001-1.)

### APPENDIX J - Model Chapter 13 Plan

(Reformatted landscape to portrait orientation due to Bankruptcy Noticing Center requirements. No Substantive Changes. Will be re-lettered to Appendix F.)

### APPENDIX K - Sample Domestic Support Obligation Certificate

(No Changes. Will be re-lettered to Appendix G.)

## **MATRIX GUIDELINES**

The matrix shall be one column wide and shall be saved and uploaded as a TXT file.

The case number shall be on the first line followed by a blank line.

Each entry shall be no less than three lines (name line and at least two address lines), and each line shall be no more than 40 characters.

The debtor's name and address shall be listed as the first entry. Joint debtors shall be listed separately, as the first and second entries.

Use only widely accepted state, street, building, and directional abbreviations.

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

When both street numbers and post office box numbers are given, use only post office box numbers.

Governmental offices are entered with city, state or county first: Davidson County General Sessions Court.

## **SAMPLE MATRIX**

07-06003

SHEILA LOIS JOHNSON  
102 CLEAR SPRINGS RD  
MURFREESBORO TN 37130

WILLIAM M. ATTORNEY  
18 PUBLIC STATION RD  
NASHVILLE TN 37206

ASSOCIATES FINANCIAL SVCS  
PO BOX 1106  
NASHVILLE TN 37228-1106

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