

A tool intended to highlight practices and procedures for the Bankruptcy Court, Middle District of Tennessee.

Practitioners Handbook

Clerk's Office for the Middle District of Tennessee



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Practitioners Handbook

CLERK’S OFFICE FOR THE MIDDLE DISTRICT OF TENNESSEE

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1 Introduction to the Practitioners Handbook

The [Practitioners Handbook](#) (the “Handbook”) is an online tool intended to highlight aspects of practice in the Bankruptcy Court for the Middle District of Tennessee. It includes specific information, instructions, and requirements regarding the Court and use of the Case Management Electronic Filing System (CM/ECF). The purpose of the Handbook is to assist lawyers, their staff, trustees, and the public when filing documents or requesting certain relief. The online version of the Handbook replaces the original 2007 .pdf version and incorporates the information contained in the legacy document. The Handbook should not be used as a substitute for the Local Bankruptcy Rules, the Electronic Case Filing Procedures, the Electronic Evidence Submission Application, Administrative Orders, or any other order or direction provided by the Court.

Although this Handbook is published by the Office of the Clerk, practitioners are ultimately responsible for the accuracy of their pleadings, and for ensuring documents are properly and timely filed with the Court. Please bring any inaccuracies in the Handbook to the attention of the Clerk of Court and freely suggest topics you would like to see added, expanded, or clarified.

2 How to File a Document in Bankruptcy Court:

Next Generation Case Management/Electronic Case File (NextGen CM/ECF)

Resources:

[Administrative Procedures for Electronic Case Filings](#)

[CM/ECF Client Requirements](#)

[NextGen Information](#)

[NextGen Filing Instructions](#)

[CM/ECF Case Info](#)

[Debtor Electronic Bankruptcy Noticing \(DeBN\)](#)

[Instructions for Specific ECF Events](#)

The Judiciary's NextGen CM/ECF is a national electronic filing system in use by most Federal Courts. In addition to the electronic filing of documents, the NextGen CM/ECF application allows users to review and download case information. Information on how to sign up for NextGen CM/ECF is found on the [Court's website](#). Refer to the different resources listed above for useful information regarding this electronic module and its use.

3 Hearings – General Information

Practitioners should check the Judges tab on the Court [website](#) regularly and check each Judge's individual Procedures section for hearing and guideline information.

In-Person Procedures Per Judge:

[Chief Judge Randal S. Mashburn](#)

[Judge Charles M. Walker](#)

[Judge Nancy B. King](#)

3.1 The Docket Calendar (Hearing Schedule) and Court Appearance Information

Hearing information and Court dockets (or Court calendar) are found throughout the Court's website. If you are looking for hearing information, the [9013 Availability Calendar](#) and the [In Court Hearings](#) displayed on the website will provide you that information. If you want to know what hearings are scheduled for specific cases, visit the [Docket Calendar](#) on the home page.

As of September 20, 2023, Zoomgov (or virtual) hearing appearance and protocol procedures have been established by the Court. Anyone wishing to appear before the Court in a Zoomgov hearing must register on the Court's website and follow the [requirements for virtual appearance](#).

The presiding judge for a particular consolidated motion docket will determine the order in which the case is called, depending on the volume and nature of the outstanding matters.

3.2 Judge Assignment in Chapter 11 Cases

Until further notice, when filing a new Chapter 11 petition, the CM/ECF optional module that automatically assigns a judge in a Chapter 11 case has been disabled. If upon the filing of a new Chapter 11 petition you receive the message in the image noted below, please disregard the message as a judge will be assigned to the Chapter 11 case as soon as practicable.

This may take a few minutes...Please be patient. A confirmation screen will appear.

Assigning judges....

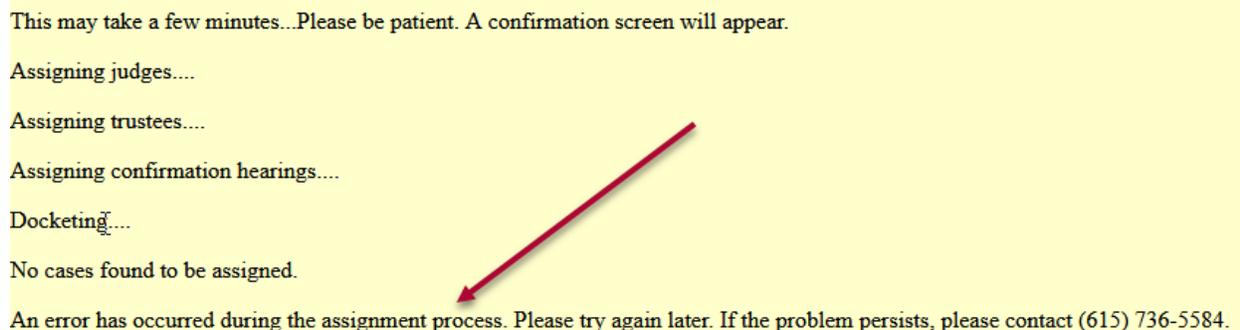
Assigning trustees....

Assigning confirmation hearings....

Docketing....

No cases found to be assigned.

An error has occurred during the assignment process. Please try again later. If the problem persists, please contact (615) 736-5584.

A screenshot of a system message with a yellow background. The text is as follows: "This may take a few minutes...Please be patient. A confirmation screen will appear." followed by a list of tasks: "Assigning judges....", "Assigning trustees....", "Assigning confirmation hearings....", and "Docketing....". Below this is the text "No cases found to be assigned." and at the bottom, "An error has occurred during the assignment process. Please try again later. If the problem persists, please contact (615) 736-5584." A red arrow points from the top right towards the error message.

First Day Motions, Emergency Motions, and Expedited Hearing Requests. When filing first day motions pursuant to [LBR 2081-1](#), emergency motions or expedited hearing motions, there is no need to note a judge on the motion and accompanying documents if a judge has not been assigned to the Chapter 11 case. The Court will set a hearing date on those motions once a judge is assigned to the case. Movants filing expedited or emergency relief must still comply with the provisions of [LBR 9075-1](#).

LBR 9013-1 Motions. Please wait for a judge assignment in the case before the [LBR 9013-1](#) notice, motion, proposed order, and certificate of service is filed so that the appropriate LBR 9013-1 docket date may be selected on the assigned judge's 9013-1 availability calendar.

4 Filing Requirements and Procedures

[LBR 9013-1, 9013-3](#)

[TNMB Website – ECF Docketing LBR 9013-1 Motions with Notice](#)

[See also, TNMB Website – ECF Docketing Responses/Objections to LBR 9013-1 Motions](#)

4.1 LBR 9013-1 Motions – General

Local Bankruptcy Rule 9013-1 mandates the filing of “a majority of motions” on 21-day negative notice. Although the list is expansive, certain motions set by the Court for hearing are excluded from the 9013-1 rule. See, [9013-1\(b\)](#). For an actual list of those motions, see the drop-down listing located on the CM/ECF “9013 Motions with Notice” menu. If you do not find your motion on that list, the special provisions of 9013-1 do not apply. If you read LBR 9013-1 and believe it does apply but cannot find your motion on our CM/ECF menu, inform the Clerk of Court. All 9013-1 motions should be available on the CM/ECF menu.

LBR 9013-1 directs the movant to file and serve the motion together with an [LBR 9013-1 Notice](#), a copy of the proposed order, and a certificate of service. The hearing notice is completed by referencing the [9013 Availability Calendar](#) located on the Court’s website. Because 9013-1 permits entry of movant’s order on default of the respondent, a hearing on the motion will only be placed on the Court’s hearing docket in the event a timely response is properly filed.

However, there are certain motions that are excluded pursuant to subparagraph (b) of the Local Bankruptcy Rule. Typically, they are motions that are acted upon by the Court without a need for a hearing or objection period, [LBR 9075-1](#) motions, and most motions in adversary proceedings. See, LBR 9013-1 “If Objection” [Exclusion List](#).

Please note: **Responses** to LBR 9013 motions “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.” ([LBR 9013-1\(c\)\(2\)](#)).

To expedite a 9013 motion, see the section “[Expediting Matters](#).”

4.1.1 The 9013-1 Process

In addition to the local bankruptcy [Notice Form](#), the (1) motion requesting relief pursuant to LBR 9013-1, (2) proposed order mirroring the relief requested in the motion, and (3) certificate of service (evidencing that all documents referenced under LBR 9013-1 have been served in accordance with applicable law) should all be attached to the correct CM/ECF 9013-1 dictionary event. See, [LBR 9013-3, Certificate of Service - Motions](#).

Do not upload proposed orders until such time as the deadline for parties to file responses or objections to the motion has passed. The Court will not enter the order prior to the objection and response deadline or “hold the order in suspense.”

4.2 § 362 Motions for Relief from the Automatic Stay

[11 U.S.C. §362](#)

[FRBP 4001, 9006\(c\)\(2\)](#)

[LBR 4001-1](#)

The Court schedules special times on the weekly Court docket for hearings on Motions for Relief from the Automatic Stay. Please refer to the Court’s website, [In-Person vs. Virtual Participation In-Court Hearings Effective 9/20/2023](#), for the scheduling of relief stay motions and appearances in Court on those motions. Motions for Relief from Stay are scheduled for a preliminary hearing within 30 days of being filed.

It is advisable that the motions be filed as stand-alone motions, as opposed to including multiple prayers for relief. [Local Bankruptcy Rule 4001-1](#) addresses stay relief.

Motions for Relief from Stay are standard motions as far as CM/ECF filing is concerned. They are under the Bankruptcy Events category > Motions > “Other Motions / Applications” > “Relief from Stay -BK Motion” in the CM/ECF dictionary menu.

If and when applicable, the appropriate [Local Bankruptcy Form Order](#) must be used when uploading the order granting the stay relief motion.

4.3 Expediting Matters

[LBR 9075-1](#)

[TNMB Website – ECF Docketing LBR 9075-1 Motion](#)

The Court has developed procedures to assist parties who, on rare instances, need “action on notice shorter than that fixed by the Federal Rules of Bankruptcy Procedure or by LBR [9013-1](#) or LBR [9014-1](#).” These procedures are found in LBR [9075-1](#), Emergency Motions and Orders, and in the CM/ECF menu options.

The local rules contemplate three scenarios for requesting expedited relief. Under the first scenario, a party may request an expedited hearing to resolve a matter by ruling and Court order. Under the second and third scenarios, the matter has been resolved by ruling or agreement, and an order is being requested that memorializes and enforces that resolution.

At one time, the Court mandated that motions for requested relief be filed separately from the motion to expedite the matter. Parties should now file a single document moving the Court for relief and asking that the matter be heard on an expedited basis. The Party should then upload a proposed Order for the Court to

set a hearing on the expedited matter and should label the order as “Expedited” when uploading to the Court.

Filing a 9013-1 matter as expedited event in CM/ECF:

- Do not file a 9013 Hearing Notice and Proposed Order with the Motion and Certificate of Service and do not fill in the Hearing Date, Time, & Location, and Response Date entries when filing the motion.

4.3.1 Expedited Motion – Procedures

- In CM/ECF, select “Bankruptcy” or “Adversary” from the main menu, as appropriate.
- Select the proper underlying motion by choosing “Motions > Other Motions/Applications” or “LBR 9013 > 9013 Motions with Notice,” under the Bankruptcy Events menu, or by choosing “Motions > Adversary Motions/Applications” or “LBR 9013 Motions” under the Adversary Events menu.
- Enter the appropriate case number.
- Make the appropriate party selection.
- Attach your Motion and Certificate of Service.
- Before final submission of your CM/ECF, verify that the docket text matches the title indicated in the underlying .pdf document.

Note: You may see additional screens which are motion-specific (i.e., fee screens), please pay the fee assessed by [28 U.S.C. § 1930, Bankruptcy Fees](#), accordingly.

4.3.2 Uploading Expedited Orders (for a Hearing, or for a matter already resolved by ruling or agreement)

- In CM/ECF, select “Bankruptcy” or “Adversary” from the main menu, as appropriate.
- Select “Order Upload”
- Enter the appropriate case number
- Select the related entry for your order or leave blank to search, and click “Next”
- Select “Expedited” from the Order Type dropdown menu.
- Attach you order to be uploaded.
- Select “Next” to upload the proposed order to the Court
- There is not an entry on the docket for the uploaded order
- The Court will enter the order, reject the order, or enter their own order as appropriate

4.4 Credit Counseling and Financial Management Certificates

[Local Bankruptcy Rule 1007-1\(d\)](#) requires debtors to file individual certificates in a case. Failure to file separate certificates in a “joint” case may cause delay or no entry of a discharge.

4.5 Reaffirmations

[11 U.S.C. § 524](#)

[FRBP 4008](#)

[Official Form B240B, B427](#)

[Form 2400A](#)

[Form B4200 A/B ALT](#)

[Form 2400B, 2400C, B2400C ALT](#)

Since BAPCPA became effective in October 2005, Bankruptcy Courts nationwide have wrestled with implementing various procedures to comply with the complex statutory requirements for reaffirmation agreements. The biggest question – do we need a hearing? – is answered in Middle Tennessee by simply following the CM/ECF menus and reading the explanatory notes therein. If a hearing is required, you do not need to file a motion!

4.5.1 Reaffirmation Procedures

- In CM/ECF, select “Bankruptcy” then “Reaffirmations” from the menus.
- Select either “Reaffirmation Agreement (Hearing Requested)” or “Reaffirmation Agreement (No Hearing Requested).”

Note: see the criteria for “Hearing” or “No Hearing” below. It also appears on a later CM/ECF screen.

- Enter the appropriate case number.
- Make the appropriate party selection.
- Attach the Reaffirmation Agreement.
- Confirm your Hearing Requested/No Hearing Requested choice based on the criteria listed:

Hearing Required: Pro Se (non-real estate), or Not Certified by Debtor(s) Attorney (nonreal estate), or Presumption of Undue Hardship (non-Credit Union creditor).

No Hearing Required: Debtor(s) Attorney Certified, or Real Estate, or Presumption of Undue Hardship (Credit Union creditor).

- Enter the Creditor name in the text box.
- If “No Hearing” selected earlier, confirm that the agreement does not contain a Motion. You do not need to attach a motion for a hearing but be certain *not* to include one if no hearing is needed.
- Refer your document to the existing event, if applicable. If you refer to the existing event, you must select the document to which you are referring.
- Make the appropriate Certificate of Service selection and entry.
- Confirm the final docket text and submit.

4.6 Motions for § 522(q)(1) Orders for Chapter 12 &13 Discharges

[11 U.S.C. § 522\(q\)](#)

[TNMB Website – ECF Docketing Motion for § 522\(q\)\(1\) Order](#)

BAPCPA requires a hearing within ten days prior to the entry of a discharge order in Chapter 12 and 13 cases for the judge to find that there is no cause to believe that the exemption limitations in § 522(q)(1) are being exceeded by a debtor who (1) is a convicted felon or (2) might have a securities felony charge pending.

Why does this matter in a state that has real estate exemptions below that threshold? Because BAPCPA modified the domiciliary rules (180 days here, 730 days there) such that a newly relocated Tennessee debtor might use another state’s exemption laws.

All Chapter 12 and 13 debtors need a § 522(q)(1) order within ten days of discharge. The good news: the Court has developed a streamlined LBR 9013 process in CM/ECF to make filing the motion and getting the order pain-free for complying with that requirement.

4.6.1 Procedures for Motions for § 522(q)(1) Orders

CM/ECF will generate all required documents – **do not** create any yourself! **After** the Notice of Plan Completion, the Certification about a Financial Management Course (Official Form 423) and the Domestic Support Obligation Certificate are filed, file the § 522(q)(1) motion as follows:

- In CM/ECF, select Bankruptcy > LBR 9013 > 9013 Motions with Notice > 522(q)(1) Order.
- Enter case number; select the debtor(s) as Party.
- Ensure “**Yes**” is selected for “Assign a document number?”
- Enter Hearing date, time, location, and Response due date (see [9013 Motion Procedures](#) of this Handbook).
- Do not refer the motion to existing events, and do not enter a mailing date for Certificate of Service (the Court will notice this motion).
- Verify the docket text is correct and submit.

Important Note: The email Notice of Electronic Filing (NEF) you receive, and the case’s CM/ECF docket report will display a link to the motion. These links may not display the document until one business day later when CM/ECF creates (or uploads) the motion for BNC transmission.

If objections are received, a hearing will be scheduled. If no objections are received, the Court will enter the necessary § 522(q)(1) Order when the case is otherwise ready for discharge.

4.7 Motions to Restrict Personally Identifiable Information

[FRBP 9037](#)

[LBR 9037-1](#)

[TNMB Website – ECF Filing Motions to Restrict Access to Documents](#)

In this Court, Motions to Restrict Personally Identifiable Information (“PII”) are governed by [LBR 9037-1, Privacy Protection for Filings; Redaction; Protective Orders](#). The Court requires motions seeking redaction of PII be filed using the miscellaneous proceeding option in CM/ECF. A new miscellaneous proceeding must be initiated under the Adversary Proceeding CM/ECF case opening event to file a motion requesting redaction /restriction of PII.

The offending document is restricted (or sealed) upon the filing and processing of the motion by the Clerk’s office. The Court will not order the Clerk’s office to redact portions of documents. In accordance with the local rule, the movant must attach a redacted document for filing by the Clerk. The movant is in the best position to identify the location of the disclosed PII in a document, especially in a filing containing numerous pages and attachments.

4.7.1 Procedures for Filing Motions to Restrict Personally Identifiable Information

- Step-by-step instructions for filing Motions to Restrict Personally Identifiable Information are found on the **TNMB website** > **Home** screen > **CM/ECF Information** > **Instructions for Specific ECF Filing Events** > [Filing Motions to Restrict Access to Documents \(PDF\)](#).
- Please note, choose the office location of case assignment (Nashville-3, Cookeville-2, Columbia-1). The office location is directly tied to the division of a case filing. Keep the case filing division consistent with the location/division of the miscellaneous proceeding. DO NOT use this drop-down screen as an opportunity to change the location of a hearing on the motion if there are any objections. You may file a motion in the

miscellaneous proceeding to change hearing location later should an objection or any opposition to the motion be filed.

- Remember to enter the appropriate case number(s) (or adversary proceeding number(s)) where the offending documents have been filed so the case or proceeding may be related to the CM/ECF restriction event.

4.8 Motions for Hardship Discharge Pursuant to 11 U.S.C. § 1328(b)

[11 U.S.C. § 1328](#)

[FRBP 4004, 4007\(d\)](#)

[Local Bankruptcy Form – Motion for Hardship Discharge](#)

Motions for Discharge Before Completion of Plan Payments Pursuant to [11 U.S.C. § 1328\(b\)](#) (aka Chapter 13 Hardship Discharge Motions) are filed using the Court’s [Hardship Discharge Form](#). Each area of the form prompts for information required by the Court. Do not by-pass an area unless the paragraph is not applicable.

All conditions required under [11 U.S.C. § 1328](#) must be met for a debtor to obtain a hardship discharge unless the Court has ordered the debtor be exempt from one or more of the § 1328 filing requirements.

4.8.1 Procedure for Hardship Discharge Request

The [Motion for Discharge Before Completion of Plan Payments Pursuant to 11 U.S.C. § 1328\(b\) form](#) (“Hardship Discharge Form”) must be used when filing a request for a hardship discharge in Chapter 13 cases.

Important note: Paragraph (b)(7) of the Hardship Discharge Form must be filled out for the discharge order to be processed. The Clerk’s office will cross-check the CM/ECF docket text and docket number noted in paragraph (b)(7) to ensure that the information provided in the form aligns with the official docket.

Timing of filing the § 522(q)(1) motion referenced in paragraph (b)(7) of the Hardship Discharge Form. Please file the Motion for § 522(q)(1) Order in CM/ECF before the filing of the Motion for Discharge Before Completion of Plan Payments Pursuant to 11 U.S.C. § 1328(b). Once the Motion for § 522(q)(1) Order is filed, please file the motion for hardship discharge immediately and do not delay the filing. The filing of the motion for hardship discharge contemptuously with the Motion for § 522(q)(1) Order alerts the Clerk that the § 522(q)(1) motion is not prematurely filed but that the debtor is fulfilling the statutory timing of § 1328(h) to obtain a discharge.

Filing a Motion for Discharge Before Completion of Plan Payments Pursuant to 11 U.S.C. § 1328(b) in CM/ECF:

- Fill out the Hardship Discharge Form in its entirety (make sure the certificate of service area is completed).
- Go to (or search for) the ECF event: **Hardship Discharge – BK Motion.**
- Enter the appropriate case number.
- Make the appropriate party selection.
- Browse and attach the motion along with the mailing list of creditors as one document (.pdf).
- Verify docket text is correct and submit the document.

Upon receipt of the motion, the Court will issue an Order Regarding Request for Chapter 13 Hardship Discharge and Notice of Deadline for Complaint Under 11 U.S.C. § 523(a)(6). The order will set a hearing date on the motion, fix a time for objections to the motion, and fix a time to file complaints to determine the dischargeability of debts under § 523(a)(6) (with no less than 30 days' notice to all creditors). If a § 523(a)(6) complaint is filed, the Court will issue a summons and

set a pretrial conference on the complaint. You must attend the hearing on the motion for hardship discharge.

If there are no objections to the entry of the hardship discharge order, the Court will grant the motion and enter the order discharging the debtor(s) notwithstanding any complaint filed pursuant to § 523(a)(6). The § 523(a)(6) complaint excepting the specific debt from discharge will be handled separately from the general discharge order by the Court.

4.9 Motions to Withdraw Unclaimed Funds

[LBR 3011-1](#)

[Motion to Withdraw Unclaimed Funds](#)

[Form 1340 Certificate of Service](#)

[AO Form 213P \(Rev. 2/24\)](#)

[AO 215 \(Foreign Claimant\)](#)

[TNMB Website – Unclaimed Funds Rules and Guidance](#)

Any party who seeks to withdraw unclaimed funds must file a Motion to Withdraw Unclaimed Funds in substantial conformance with the Court's standard application form ([Form 1340](#)) and serve a copy of the motion on the parties listed in Local Bankruptcy Rule ([LBR](#)) [3011-1](#). Filing of an unclaimed funds motion can be a complicated process and parties are encouraged to visit the Unclaimed Funds section of the [Court's website](#) to make sure all requirements are met. While not exhaustive of all situations, the [Unclaimed Funds Instructions](#) are a good starting point.

Filing a [Motion to Withdraw Unclaimed Funds](#) in CM/ECF:

- Ensure [Form 1340](#) is filled out and converted to .pdf format prior to initiating the filing of the unclaimed funds motion.

- Go to (or search for) the ECF event: **Withdraw Unclaimed Funds – BK Motion**.
- Enter the appropriate case number.
- Make the appropriate party selection.
- Browse and attach the motion along with any necessary documents as instructed in the Unclaimed Funds section of the Court’s website.
- Indicate “**no**” since this type of motion should not be expedited.
- If “Will you be setting a hearing?” screen displays, select “**no.**” The Court sets the hearing on this motion.
- Follow the remaining CM/ECF screen prompts.
- Verify docket text is correct and submit the document.

The Court will issue an Order Establishing Procedures Regarding Motion to Withdraw Unclaimed Funds (“Unclaimed Funds Procedures Order”). The Unclaimed Funds Procedures Order sets deadlines and a hearing date for the filing of objections to the motion. If no timely objections are filed to the motion, the Court will enter an order granting the motion.

If the motion is deficient, the Clerk’s office may contact the Movant for additional proof of identity or entitlement to the funds; or the Court may deny the motion. In lieu of a .pdf order, the judge may elect to issue a docket order on the record denying the motion without prejudice subject to refileing the motion to address any filing deficiencies.

Please refer to the Unclaimed Funds portion of the [Court’s website](#) so you are aware what documents should be attached in CM/ECF to the motion and what

documents evidencing an ownership right to the funds are to be emailed to the Clerk's Financial Department.

4.10 Overpayments in CM/ECF

[LBR 5081-1](#)

[28 U.S.C. § 1930](#)

4.10.1 Definition

An overpayment is created when a party either submits money in the mail or provides it over the counter to the Clerk for payment of a bankruptcy fee in an amount which is more than the actual fee due. In this district, overpayments are governed by LBR 5081-1. Depending on the amount of the overage and the ability of the Clerk to know, with certainty, the mailing address of the payor, the overpayment (or overage) is either forfeited to the U.S. Treasury, refunded, or placed in the unclaimed funds registry.

An overpayment is considered the posting of a single transaction of a fee certain on CM/ECF. Duplicate payments are not considered overpayments pursuant to the administrative financial rules of the Court.

4.10.2 Motions for Refund

When a party has paid a fee in duplicate or has erroneously paid a fee when filing a CM/ECF dictionary event, a party desiring to have the duplicate or erroneous fee returned must file a Motion Requesting Refund of Fee pursuant to the Bankruptcy Fee Compendium (procedural fee rules issued by the Administrative Office of the U.S. Courts). In accordance with the Bankruptcy Fee Compendium, the Clerk is not permitted to automatically return a duplicate fee or an erroneous fee without a Court order.

Filing a Motion for Refund of Fees in CM/ECF:

- Go to (or use search the feature and type “refund”) > Bankruptcy Events > Motions > Other Motions/Applications > **Refund of Court Fee – BK Motion**.
- Enter the appropriate case number.
- Make the appropriate party selection (Attorney and Party).
- Browse and attach the motion (Filename: Choose File) along with any necessary documents.
- On the “Refer to existing event(s)?” screen you must refer to the CM/ECF docket entry associated with the duplicate or erroneous fee payment.
- On the Certificate of Service screen provide the date on which service of the motion is mailed.
- Verify docket text is correct and submit the document.

Please note: this CM/ECF dictionary event is NOT to be used when requesting that the trustee refund money in a specific case. The CM/ECF dictionary event for refund of money by a trustee is a separate event under the Motions > LBR 9013 Motions with Notice for requesting that specific relief.

4.11 Mailing List, Statements and Schedules

4.11.1 The Mailing List

[FRBP 1007, 2002](#)

[LBR 1007-1, 2002-1, 2002-2](#)

Lists of creditors should be filed in CM/ECF using a text file (.txt) format, which conforms to the required [Mailing List Guidelines](#) located on the Court’s website.

4.11.2 Statements and Schedules

There are several CM/ECF dictionary events to choose from when filing statements and schedules. Statements and schedules may be filed as either “original” (first time filing of this type of document), “amendment” (a change to an existing schedule that was previously filed), or “conversion” (a new set of schedules required because a case was converted to Chapter 7 from a previous chapter). For conversion schedule information, see [LBR 1007-1\(b\)](#) and [LBR 1017-1](#).

The selection list and location of CM/ECF dictionary schedule and statements events are found under:

Bankruptcy Events → Miscellaneous → Scheds/Statements/Amended Mailing List

[2 - Original Schedules](#)

[3 - Amended Schedules](#)

[4 - Conversion Statements and Schedules](#)

Make sure the correct selection is made at the time of filing a statement or schedule. Pursuant to [ECF Procedure 4](#), Filers are responsible for selecting and properly submitting the correct CM/ECF dictionary event. By choosing an incorrect CM/ECF dictionary event and not correctly following the CM/ECF prompts, a Filer runs the risk of the list not being properly submitted and uploaded through the CM/ECF system. In accordance with the ECF Procedure 4, neither the Court nor the Clerk is responsible for correcting a Filer’s mistake by uploading or typing in a mailing list that is not properly submitted in the CM/ECF system.

4.11.3 Amendments to Statement and Schedules

If changes are sought to a previously filed schedule, the “3 – Amended Schedule” ECF dictionary event should be selected. An amendment to Schedules D, E, and F requires payment of a filing fee pursuant to the [Bankruptcy Court Miscellaneous Fee Schedule](#). The fee is assessed at the time of filing the schedule. When filing amended schedules D, E, and F, if you by-pass the correct CM/ECF dictionary event by selecting a different CM/ECF event to avoid the payment of the fee, the Clerk

will generate a Fee Due Notice on the docket and assess the fee against your electronic account. See, [ECF Procedure 4.7, Payment of Fees](#), which requires outstanding fees to be paid within three business days of the time of filing or a Filer is locked out of the system and not allowed to file electronically until the required fee is paid.

In accordance with [LBR 1009-1](#), Amendments to Petitions, Lists, & Schedules and Statements, the amended petition, list, schedule, and/or statement must contain a notice which specifically states the change made to the petition, list, statement, or schedule. It is insufficient to add text to the CM/ECF docket entry indicating the amendment made to the document. A notice in compliance with the local rule must be attached. Creditors will be added only when there is compliance with the local rule.

Note: Regarding removal of creditors from statements and schedules. The CM/ECF application will not allow creditors to be removed from statements and schedules when a claim is filed. The application is static in this regard.

4.11.4 Conversion Statements and Schedules

CM/ECF dictionary event “4 – Conversion Statements and Schedules” is the event to select if you are filing statements and schedules in a case that has been converted from a previous chapter. Specifically, if you are trying to comply with [LBR 1017-1, Conversion – Request For/Notice](#), by uploading statements and schedules for a case converted to Chapter 7, and there are no new creditors added to the conversion statement and schedules, make a statement in the Notice of Conversion Statement and Schedules that no new creditors are added to the converted Chapter 7 case.

4.12 Transfers/Assignments of Claims

[FRBP 3001](#)

[TNMB Website – ECF Docketing Transfer of Claim](#)

The Transfer of Claims process is governed by paragraph (e) of [Rule 3001](#) of the Federal Rules of Bankruptcy Procedure, as follows:

- (e)(1) is for transferring claims for other than security before the original claim is filed with the Court (*file a claim, not a transfer*).
- (e)(2) covers transferring claims for other than security (*the most common*).
- (e)(3) is for transferring claims for security before an original claim is filed (*file a claim, not a transfer*).
- (e)(4) covers transferring claims for security after the original claim is filed and
- (e)(5) contains provisions for objections and hearings on objections.

4.12.1 Procedures for Transferring/Assigning a Claim

The Transferee should take the following steps:

- Ensure the claim being transferred appears on the Claims Register for the case. If the claim does not appear, file a claim (not a transfer) after the transfer is consummated under non-bankruptcy law, per Rule 3001(e)(1) or (3).
- In CM/ECF, select Bankruptcy > Claims > Claims Actions > [enter case number] > Transfer of Claim.
- If registered in CM/ECF as a “Creditor,” skip the “Select any additional attorney(s)” screen by selecting the Next button.
- Select or Add/Create the party you represent. Ensure you select “Creditor” for “Role.”

- Attach your Assignment of Claim.
- Select the appropriate sub-paragraph of Rule 3001 governing the transfer. (See above and the rule for clarification.)
- Complete the text box information for Claim #(s), Transferor's name, and Transferee's name, and verify the docket text for your filing.

Important note: Prior to completing the docketing process, make sure the CM/ECF text box information matches the .pdf document(s) attached to the entry. The Clerk must use the CM/ECF data contained in the docket entry to send out the transfer notice. If the CM/ECF docket text does not match the underlying document(s), the Notice of Transfer of Claim by the Clerk cannot be processed.

If your transfer documents include a Waiver of Notice from the Transferor, the Transferee will be substituted as the Claimant in the claims register. Absent a waiver, the Clerk will serve notice of this proposed transfer to the Transferor. If no objections are filed within 21 days, the Transferee will then be substituted as the Claimant in the claims register for the case.

5 Exhibits

5.1 General Information

Because the Court is a mandatory CM/ECF filing Court, non-physical exhibits used in a trial, hearing, or contested matter must be filed on-line using the CM/ECF module. Any party filing exhibits should consult the [Electronic Evidence Submission Application \(EESA\)](#) found on the Court's website for a full explanation of procedures and exhibit guide.

Important Note Regarding EESA Browser Support: Filers are highly encouraged to use Firefox, the browser officially supported by the Court and Clerk. While filers

may use Google Chrome and Edge browsers, neither the Court nor the Clerk’s office can assist a filer if there is a failure in the submission or retrieval of exhibits when using browsers other than Firefox.



Most issues reported by Filers attempting to use EESA are due to account sharing or failing to clear a browser’s cache prior to uploading the documents.

Refer to the [EESA Guide](#) and [Electronic Evidence Procedures](#) for specific instructions and information.

5.2 Locating the “Exhibits” Section in CM/ECF and Filing Exhibits

Once you are logged on CM/ECF:

- Go to the Exhibits section > [Exhibits](#)
- Click on Exhibits category to file exhibits through EESA.

6 Miscellany

6.1 Use of the Search Feature in CM/ECF

Most of the questions posed to the Clerk’s Intake Department by Filers deal with not knowing, or what choice should be made, when filing a document in CM/ECF. While it appears to be simplistic, the first question an Intake Clerk will ask is the title of the document. If a remedy is requested under Title 11 of the U.S. Code or pursuant to the Federal Rules of Bankruptcy Procedure and that remedy (1) aligns with a bankruptcy statute or rule and (2) is reflected in the title of the document, then CM/ECF has a dictionary event that applies.

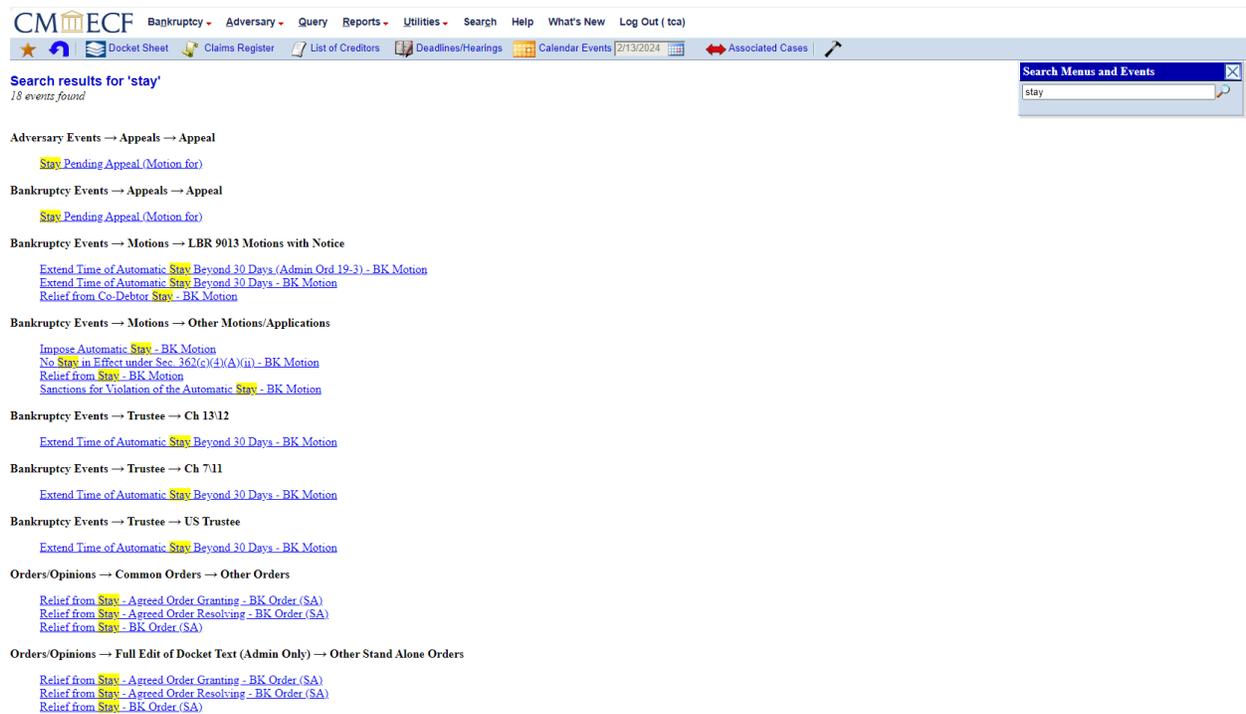
The best tool to use is the **Search** feature. Once you have logged on CM/ECF, go to the Search feature located on the top ribbon of CM/ECF:



Click on the Search and a search box opens:



Type in a portion of a word to get the broadest search. For example, if you are looking for a Motion for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362, type in “stay.” CM/ECF will populate all dictionary events that deal with filing a document using the word “stay.” See, image below.



Use of the Search feature is the quickest and easiest way to find a CM/ECF dictionary event that meets you needs.

Please note: While our Intake employees do the very best they can in assisting you with filing a document, please know that 28 U.S.C. § 955 prohibits any Clerk employee from “practicing law.” A Clerk employee cannot determine or construe what a document might substantively or legally mean for you. They also cannot provide any advice about a filing, or what steps should be taken to obtain the relief requested in a pleading. They can assist with helping you find a CM/ECF dictionary event or assist you with any other procedural matters related to the Clerk’s office.

6.2 Converting a Document to PDF

The electronic filing application only allows the filing of Portable Document Formats (PDFs). All documents must be converted to a PDF using a recognized, standard .pdf format prior to browsing and attaching the document for filing in CM/ECF. While there are several free PDF converters and editors online, please make sure you are using one that is compatible with CM/ECF.

6.3 Choosing the Right Party When Filing

To ensure that the correct party is linked or associated with the CM/ECF dictionary event you are filing, make sure that on the Attorney screen that prompts you to choose a party, the correct party role-type (Attorney party, Pro Se Filer, etc.) is selected. If you do not find yourself on the listing, then “Add/create new attorney” by clicking on the link and following the screens. Do not leave out any information. You can now choose the correct party and continue to the “Select the Party” screen. Just like the previous screen, ensure you pick the correct party. This will associate your CM/ECF account with the party on whose behalf you are filing (i.e., Debtor, Creditor, etc.). See, image below for example of associated party and Filer.

Docket Entry Example:

Motion to Assume Lease or Executory Contract. If timely response hearing will be held on 2/20/2024 at 09:30 AM, Courtroom 1 (Virtual hearing if allowed; see website for details); 701 Broadway, Nashville, TN 37203. Responses due by 2/13/2024. (Attachments: # 1 Exhibit Lease # 2 Proposed Order) Certificate of Service mailed on 01/23/2024. Filed on the behalf of: Creditor ABC Company. (DOE, JOSEPH) (Entered: 01/23/2024)

6.4 Making an Error When Filing in CM/ECF

Not all filling mistakes are created equal. If you make a mistake that is procedural in nature, it is easy to correct in CM/ECF. Most times, by notifying the Clerk, the mistake can be rectified simply by clarifying the docket. Other errors may result in your attempted filing being unprocessed by the Clerk or denied by the Judge.

6.4.1 What is procedural in nature?

The best way to explain it is to provide some examples:

When the case data or association is incorrect:

- Scenario 1. At the time of case opening and filing the voluntary petition, I committed a typographical error on the debtor's name and the case opening data reflected on the CM/ECF screen does not match the debtor's name on the first page of Official Form 201. How do I fix the way that name appears on the ECF screen?
- Scenario 2. When I filed the answer in the adversary proceeding, I selected the debtor/plaintiff as the party rather than the defendant who I represent. What do I do now?
- Scenario 3. I filed a Motion for Compromise and Settlement. I picked the wrong party. I do not represent the party I picked from the Select the Party screen. Is there anything I can do?

How to "fix" it:

- File a **Notice to Correct and/or Change ECF Party Information** located under
 - Bankruptcy Events > Miscellaneous > Other/Notices > Notice to Correct/Change ECF Party Information; or
 - Adversary Events > Miscellaneous > Other > Notice to Correct/Change ECF Party Information
- This is a browse and attach event in CM/ECF. You must attach a .pdf document entitled, "Notice to Correct/Change ECF Party Information" ("Notice") specifically stating the error that was made and how the data should read in in CM/ECF if it had been filed correctly.
- This is an administrative/procedural request that is addressed directly by the Clerk and does not go before the Court. The Clerk makes the correction to the record.

6.4.2 What does the Filer file in the different scenarios and how is the docket corrected by the Clerk?

- Scenario 1. File the Notice indicated above and state in the Notice: “At the time of case opening and filing the Chapter 7 case, the Filer erroneously transposed the first two letters of the debtor’s last name when typing the name in the case opening data. The Filer requests the Clerk correct the ECF case opening data to reflect the debtor’s correct last name as shown on the first page of Official Form 201.”

Correction: If the data that creates the form Notice of Chapter 7 Bankruptcy Case has been uploaded to the Bankruptcy Noticing Center, the debtor’s correct name will be added as an “aka.” At this point, the names cannot be replaced. The information originally input at case opening is now posted on the form that goes to all creditors. The original case information is part of the ECF data record that cannot be deleted. The Clerk will add the correct name as an “aka” for the debtor so that a search on PACER will link the original name on the notice and the “aka” with the debtor’s social security number for verification by parties and creditors of the debtor’s bankruptcy filing.

- Scenario 2. File the Notice under the adversary event and state in the Notice: “When the Answer to the Complaint was filed in the above-referenced adversary proceeding, the incorrect party was chosen by the Filer. The Filer requests the Clerk correct the adversary record to reflect that the Filer does not represent Joe P. Smith (Creditor) in the proceeding but instead the Filer should be associated, and represents, John P. Smythe (Defendant) in the AP.”

Correction: The adversary proceeding data will be corrected to reflect that “Defendant” John P. Smythe is “represented by” James D. Jones. Docket entry #11 will be corrected to reflect that the Answer was “Filed on behalf of: Defendant John P. Smythe (RE: related document(s) 1, 2) (JAMES D. JONES) (Entered: 02/10/2021).” The CM/ECF “Parties” screen will also be corrected accordingly in the AP.

- Scenario 3. File the Notice and state in the Notice: “When the Motion for Compromise and Settlement was filed, the attorney picked the incorrect party, James D. Jones. The docket entry at #47 should reflect that the motion is filed on behalf of Debtor Mary Delaney.”

Correction: Same as scenario 2 above, the Clerk will make any association changes to the main bankruptcy case data, docket entry, and Parties screen to link and associate the correct party with the correct legal representative.

6.4.3 Practice Pointers

Below is a series of unrelated pointers added at the request of Filers and internal Court users. Some of these pointers are outside the scope of Motion Practice but are included in the hope they are of assistance to Filers.

- Except for the B121, **redact** the first 5-digits of any **Social Security Numbers** in your docs. Refer to [FED. R. BANKR. P 9037](#).
- **Remanding** matters from state Court is done by opening an Adversary Proceeding and selecting “2. Removed From Non-Bk Court” as the Origin. It is a state Court lawsuit becoming a bankruptcy Court lawsuit – an AP.
- If filing an **Expedited Complaint for Turnover in a Chapter 13**, be sure to select “n” for Complaint on the second page of the Open Adversary Case screens.
- **Motions for Contempt** and **Motions for Sanctions** are not 9013 Motions.
- **Motions to Reconsider** are not 9013 Motions. The exception is a Motion to Reconsider an Order Allowing or Disallowing a Claim under [FED. R. BANKR. P. 3008](#).
- The CM/ECF item “Motions > Other Motions/Applications > **Generic Motion**” is provided for those rare, completely unique motions which are not in our CM/ECF events dictionary. Before choosing the Generic Motion event, please use the **Search** feature in CM/ECF on the Bankruptcy and Adversary screens to ensure there is no other CM/ECF filing event available that fit your needs. Continued use of the

Generic Motion event when a CM/ECF dictionary event is available may subject a Filer to the Court taking some action to remedy the situation.

- When opening an Adversary Proceeding and entering “**Plaintiff Information**,” be sure to select the box “**Attorney...**” and add the attorney registered (Plaintiff’s attorney) to receive notice (Notice of Electronic Filing – NEF). Although the plaintiff attorney’s office is logged to CM/ECF and filing the complaint, this function adds the attorney to the case for purposes of receiving electronic notices.

See, [TNMB Website – ECF Docketing Adversary Proceeding](#)

- The following documents should be **filed separately** from the Petition:

- *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B)
- *Application for Individuals to Pay Filing Fee in Installments* (Official Form 103A)
- *Certificate of Credit Counseling*
- *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1 Supp.)
- *Certification of Exigent Circumstances regarding credit counseling*
- *Statement About Your Social Security Numbers* (a private event) (Official Form 121)
- *Chapter 7 Statement of Your Current Monthly* (Official Form 122A-1)
- *Chapter 7 Means Test Calculation* (Official Form 122A-2)
- *Chapter 11 Statement of Your Current Monthly Income* (Official Form 122-B)
- *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 122C-1)
- *Chapter 13 Plan* (Local Form, Appendix D)
- *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (pro se case only) (Bankruptcy Form B 2010)

- Refer to [ECF Procedure 11](#) which addresses what types of documents should be filed separately and what reliefs should not be combined in a single motion.