

LOCAL RULES OF COURT
FOR THE
UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT
OF TENNESSEE

April 4, 2003
Amended and Restated as of
March 22, 2011

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PART I

COMMENCEMENT OF CASE; PROCEEDINGS RELATED TO PETITION AND ORDER FOR RELIEF

1006-1 *Fees - Installment Payments*

Notice of motions to dismiss for failure to pay a filing fee pursuant to FED. R. BANKR. P. 1017(b) shall only be provided to the debtor, debtor's counsel, trustee and the United States Trustee.

1007-1 *Lists, Schedules, Statements, and Other Documents*

a. Alphabetical List of Creditors. The debtor shall file separate lists containing the names and addresses of secured and unsecured creditors in alphabetical order with complete post office addresses, including zip codes.

b. Late-Filed Statement and Schedules.

(1) **Service on the Trustee and United States Trustee.** If the statement and schedules are not filed with the petition or with a motion for voluntary conversion, the debtor shall serve a copy of the statement and schedules, when filed, on any trustee serving in the case and on the United States Trustee and file a certificate of mailing pursuant to LBR 9013-3. If the late-filed schedules identify creditors not listed on the original matrix filed pursuant to LBR 1007-2a, the debtor shall file an amended matrix containing the names and addresses of the additional creditors.

(2) **Caption on Amended or Late-Filed Statement and Schedules.** When the statement and schedules are filed with the Clerk after the petition has been filed or if amended statement and schedules are filed, the pending case number shall be included on the first page. If failure to include the pending case number results in the assignment of a new case number, the Clerk may assess a filing fee.

c. Payment Advices. Payment advices or other evidence of payment described in 11 U.S.C. § 521(a)(1)(B)(iv):

(1) shall not be filed with the Court except on motion and order consistent with LBR 9013-1; and,

(2) shall be provided to the Chapter 7 or Chapter 13 Trustee, as applicable, and to the United States Trustee in Chapter 7 and Chapter 11 cases only.

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.

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.

1017-1 *Conversion*

- a. Conversion to a Case Under Chapter 7.** Within 14 days after the filing of a Notice or Order converting a case to Chapter 7 from any other chapter, the debtor shall file new lists, statements and schedules, except that Schedule C, Property Claimed as Exempt, may be filed at the discretion of the debtor.
- b. Caption on Conversion Statements and Schedules:** When conversion statements and schedules are filed with the Clerk, the pending case number shall be included on the first page. If failure to include the pending case number results in the assignment of a new case number, the Clerk may assess a filing fee.

1017-2 *Dismissal for Failure to File Information*

- a. Certificate of Compliance.** In a voluntary case under Chapter 7 or Chapter 13, the debtor may file a “Certificate of Compliance” stating exactly: “All of the information required by 11 U.S.C. § 521(a)(1) was filed within 45 days of the petition.” This Certificate shall be served on the trustee and on the U.S. Trustee.
- b. Prima facie effect.** A Certificate of Compliance filed in accordance with this rule shall be prima facie evidence that the information required by 11 U.S.C. § 521(a)(1) was filed within 45 days of the petition.
- c. Request for order of dismissal.** A request for entry of an order of dismissal under 11 U.S.C. § 521(i)(2):
 - (1) shall be by motion in accordance with LBR 9013-1;
 - (2) may be heard on an expedited basis as contemplated in 11 U.S.C. § 521(i)(2) only if:
 - (a) no Certificate of Compliance was filed by the debtor; and
 - (b) a proper request for expedited relief is filed under LBR 9075-1.

PART II

OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

2002-1 *Notice to Creditors and Other Interested Parties*

- a. Notice of Meeting of Creditors When Schedules and/or Matrix Are Filed Subsequent to the Petition.** If the schedules of creditors are filed after the petition and matrix required by LBR 1007-2 or, if a matrix is not filed with the petition, the debtor shall provide notice of the § 341 meeting of creditors to any creditors listed on such schedules but not included on the original matrix or to all creditors if a matrix was not filed. The debtor shall file a certificate of mailing pursuant to LBR 9013-3.
- b. Notice to the State of Tennessee.** Whenever required by the Federal Rules of Bankruptcy Procedure, notice to the State of Tennessee or to its agencies or departments shall be accomplished by notice to the Tennessee Attorney General's Office at the following address:

Re:(Agency or Department Name or Names)
TN Atty General's Office, Bankr. Division
PO Box 20207
Nashville TN 37202-0207

Agencies or departments of the State of Tennessee include, but are not limited to:

TN Department of Revenue
TN Alcoholic Beverage Commission
TN Board of Parole
TN Board of Regents (and member institutions)
TN Housing Development Agency
TN Regulatory Authority
TN Secretary of State
TN Student Assistance Corporation
TN Department of Agriculture
TN Department of Commerce and Insurance
TN Division of Consumer Affairs
TN Department of Corrections
TN Department of Economic and Community Development
TN Department of Environment and Conservation
TN Department of Finance and Administration
TN Department of Financial Institutions
TennCare
TN Department of Health
TN Department of Human Services

TN Department of Labor and Workforce Development
TN Department of Labor and Workforce Development —
Division of Employment Security
TN Department of Mental Health
TN Department of Military
TN Department of Personnel
TN Department of Safety
TN Department of Tourist Development
TN Department of Transportation
TN Department of Veteran's Affairs
TN Department of Youth Development
University of TN (and member institutions)

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 <ustpreion08.na.ecf@usdoj.gov>
- b. Notice to Internal Revenue Service.** The postal address of the Internal Revenue Service is: Internal Revenue Service, Post Office Box 7346, Philadelphia, PA 19101-7346.
- 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.

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.

2004-1 *Depositions and Examinations*

- a. Issuance of Order.** Upon request of any party in interest for the examination of any entity pursuant to FED. R. BANKR. P. 2004, the Clerk shall issue an order directing the examination pursuant to FED. R. BANKR. P. 2004.
- b. Form of Examination.** Upon the request of any party in interest in accordance with this rule, a FED. R. BANKR. P. 2004 examination may be conducted in any manner consistent with FED. R. CIV. P. 30, 31, 33 or 34 to the extent not inconsistent with FED. R. BANKR. P. 2004.

2007.2-1 *Appointment of a Patient Care Ombudsman in a Health Care Business Case*

If the debtor in a case under Chapter 7, 9, or 11 is a health care business, the debtor shall, at the time of the petition, separately file a motion to determine whether appointment of a patient care ombudsman is necessary pursuant to 11 U.S.C. § 333(a).

2014-1 *Employment of Professionals*

Upon the filing of a motion for employment of a professional by the debtor, the trustee, or a committee, notice of the motion shall be given by the movant in accordance with LBR 9013-1 to the debtor, the debtor's attorney, the trustee, the trustee's attorney, the United States Trustee, all secured claim holders, any committee appointed and counsel for such committee, the ten (10) largest unsecured creditors if no unsecured creditors committee has been appointed, and any party in interest who has filed a written request for notices.

2015-2 *Debtor-in-Possession Duties*

- a. Financial Reports.** On or before the fifteenth (15th) day of each month, the trustee or debtor in possession in Chapter 11 cases shall file and transmit to the United States Trustee a written report of the financial condition of the estate for the previous month.

- b. Confirmed Chapter 11 Cases.** In Chapter 11 cases with a confirmed plan and until entry of a final decree closing the case, the reorganized debtor shall file and transmit to the United States Trustee within thirty (30) days after the effective date of the plan and, thereafter on March 15 and September 15 of each year, a report concerning the action taken and the progress made toward consummation of the plan.

2015-3 *Trustees - Reports and Dispositions of Records*

In compliance with 11 U.S.C. § 704(8), the report and summary of operation required to be filed with any governmental unit charged with responsibility for collection or determination of any tax arising out of such operation shall be forwarded to:

IRS: IRS MDP 146
 801 Broadway
 Nashville TN 37203

State of TN: TN Atty General's Office
 Bankruptcy Division
 PO Box 20207
 Nashville TN 37202-0207

2016-1 *Compensation of Professionals*

Any professional or other entity seeking fees, compensation or reimbursement of expenses from property of the estate shall file and serve a motion and a notice in accordance with LBR 9013-1 on the debtor, the debtor's attorney, the trustee, the trustee's attorney, the United States Trustee, all secured claim holders, any committee appointed and counsel for such committee, the ten (10) largest unsecured creditors if no unsecured creditors committee has been appointed, and any party in interest who has filed a written request for notices. When the request for fees, compensation and expenses exceeds \$25,000, the applicant shall submit time and expense detail electronically to the U.S. Trustee in a format compatible with the U.S. Trustee's software.

First Day Motions

- a. Definition.** A first day motion is any motion or application in a Chapter 11 case that requests a hearing or the entry of an order with less than seven (7) days' notice and that is filed prior to the earlier of the formation of the creditors' committee or the meeting of creditors, including, but not limited to, the following:
- (1) motion for joint administration;
 - (2) motion for use of cash collateral;
 - (3) motion for post-petition financing;
 - (4) motion to pay prepetition employee wage or benefit claims;
 - (5) motion to limit notice generally;
 - (6) motion to provide adequate assurance to utilities;
 - (7) motion to pay prepetition trust fund taxes;
 - (8) motion to honor prepetition obligations to customers;
 - (9) motion to extend deadline to file schedules and statements;
 - (10) motion to vary Office of the United States Trustee financial requirements, such as motion to authorize maintenance of existing bank accounts, existing business forms, cash management system, and investment procedures; and
 - (11) motion for authority to pay prepetition claims of "critical" vendors or suppliers.
- b. Consultation with and Special Notice to United States Trustee.**
- (1) The movant shall consult with the Office of the United States Trustee regarding suitable dates and times for hearing any first day motion.
 - (2) In addition to the service required by the Federal Rules of Bankruptcy Procedure or these Local Rules, the movant shall provide the Office of the United States Trustee at least 24 hours' notice of the hearing date and time for a first day motion—including a copy of the motion and proposed order.
- c. Notice of Hearing on First Day Motion.** The movant shall immediately serve notice of the hearing on any first day motion on the Office of the United States Trustee, the twenty largest unsecured creditors, all secured creditors, any

committees, known counsel, and other affected parties—for example, utilities, unions or governmental entities. Notice shall be given in a manner that ensures same day delivery, such as by hand delivery, telephone, facsimile or email, to the extent practicable.

- d. **Certificate of Service.** LBR 9013-3 shall apply to first day motions except that the responsible party shall file the certificate of service at or before the commencement of the hearing.
- e. **Joint Administration.** In affiliated cases, a motion for joint administration need only be filed in the case under which all debtors will be administered. Notice of the motion shall be served on all affected parties in all cases.
- f. **Conspicuousness Requirements for First Day Motions, Proposed Orders and Agreed Orders.** In any motion, proposed order or agreed order for use of cash collateral pursuant to 11 U.S.C. § 363 or any motion, proposed order or agreed order for post-petition financing pursuant to 11 U.S.C. § 364, the first or second paragraph of the motion or the first page of the proposed order shall conspicuously state whether any of the following kinds of relief is sought or granted and shall identify by paragraph or page number where that relief appears:
 - (1) Granting a prepetition creditor a lien or security interest in post-petition assets in which the creditor does not have a security interest by virtue of its prepetition security agreement, other than replacement liens in the same kind of collateral the creditor had prepetition;
 - (2) Resolving a dispute concerning the validity, priority or extent of a prepetition lien or security interest or the amount of a prepetition claim;
 - (3) Findings, conclusions or holdings as to the amount of a debt or the validity, priority or extent of a lien or security interest that purport to affect the rights of any entity other than the debtor-in-possession and the creditor;
 - (4) Release, waiver or abandonment of claims, setoff rights, surcharge rights, avoidance actions and subordination actions against a creditor, or findings or stipulations that no such rights exist, that purport to affect the rights of any entity other than the debtor-in-possession and the creditor;
 - (5) Granting of liens or security interests against rights or actions arising under 11 U.S.C. §§ 544, 545, 547, 548 or 549;
 - (6) The use of funds derived from post-petition financing to pay all or part of a prepetition secured debt, or a provision that deems prepetition secured debt to be post-petition secured debt, other than as permitted by 11 U.S.C. § 552(b);

- (7) Granting surcharge or “carve-out” rights to professionals or any restrictions (other than Court approval) on the surcharge or carve-out rights granted to professionals—for example, a restriction on investigation or pursuit of causes of action against a lender or secured creditor;
 - (8) Payment of prepetition wages, salary or other compensation to any employee in excess of the Code’s priority amount, payment of any severance or vacation pay earned prepetition, or payment of any prepetition wages, salaries, commissions, benefits or consulting fees to an insider or equity holder; and
 - (9) Priming any secured creditor under 11 U.S.C. § 364(d) without that creditor’s consent.
- g. Proposed Order.** Every first day motion shall include as an exhibit the proposed order the movant will submit in the event the motion is unopposed.
- h. Applicability of LBR 9075-1.** Local Rule 9075-1 shall apply to first day motions except the order and content of paragraphs specified by LBR 9075-1(b) may be altered to the extent necessary to comply with this rule.

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. Reimbursement for Chapter 12 Notices.** Debtors’ attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed \$1.00 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.

2090-1 *Attorneys - Admission to Practice*

a. Appearance before the Court. Except as set forth below and in LBR 9011-2, appearance before the Court on behalf of any entity may be made only by an attorney admitted to practice before the United States District Court for the Middle District of Tennessee.

b. Motions for Permission to Appear *Pro Hac Vice*.

- (1) Any attorney not admitted to practice before the United States District Court for the Middle District of Tennessee shall file a motion and proposed order with the United States Bankruptcy Court for the Middle District of Tennessee for permission to appear *pro hac vice*. The motion must be specific to an identified bankruptcy case or proceeding. The motion must be filed no later than the first appearance or the first paper filed upon which the attorney's name appears. The motion must include a certificate of good standing from another United States District Court.
- (2) Any attorney admitted to appear *pro hac vice* who does not have a principal law office in the State of Tennessee shall obtain counsel ("Local Counsel") who is admitted to practice in the United States District Court for the Middle District of Tennessee and who has a principal law office in Tennessee. Every requirement in these Local Bankruptcy Rules or in any order for the giving of notice, may be satisfied by giving notice to the Local Counsel.
- (3) Local Counsel shall file a notice of appearance that identifies the party represented. Local Counsel assumes all duties and responsibilities of an attorney for that party. Local Counsel shall sign all documents filed on behalf of a represented party. Any notice required by statute, rule or order may be satisfied by giving notice to Local Counsel.
- (4) Any attorney representing the United States Government, or any agency thereof, or the State of Tennessee may appear and participate in particular cases or proceedings in the attorney's official capacity if the attorney is a member in good standing of the bar of a District Court of the United States.

2091-1 *Attorneys - Discipline and Disbarment*

a. Enforcement of Standards of Professional Conduct. The standards of professional conduct for any attorney who appears for any purpose shall include the current rules of professional conduct adopted by the Supreme Court of the State of Tennessee.

b. Disbarment and Discipline.

- (1) Any attorney who appears for any purpose submits to the discipline of this Court. A violation of any of the rules of professional conduct in connection with any matter pending before this Court subjects the offending attorney to appropriate disciplinary action.
- (2) When an attorney has been disbarred or suspended from the practice of law by the Disciplinary Board of the Supreme Court of Tennessee or by the Courts or disciplinary bodies of any state or federal jurisdiction, or has been convicted of any crime involving moral turpitude, the attorney shall be suspended from practice before this Court.

2092-1 *Attorneys - Withdrawals*

- a. In General.** When an attorney has appeared on behalf of any entity in a case or proceeding, the entity may not thereafter appear *pro se* or by a different attorney in that case or proceeding except upon order of the Court.
- b. Procedure for Withdrawal or Substitution of Attorney.** An attorney may withdraw or another attorney may be substituted in a case or proceeding by filing a motion to withdraw or substitute counsel together with a proposed order. Notice shall be given to the client of the withdrawing counsel, to the attorney being replaced (if substituting counsel), the debtor, the United States Trustee, any trustee, any committees which may have been appointed, and any party who has requested notice. The notice shall comply with LBR 9013-1.

PART III

CLAIMS AND DISTRIBUTIONS TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

3001-1 *Claims and Equity Security Interests - General*

- a. Proof of Perfection.** Prior to the meeting of creditors in Chapter 7, 12 and 13 cases, all creditors asserting a security interest in property of the estate or property of the debtor shall submit to the trustee proof that the asserted security interest has been perfected in accordance with applicable law. Creditors asserting security interests are requested but not required to also submit a statement of the approximate amount of debt secured by each lien; and, with respect to motor vehicles, the date on which application was made for notation of lien on the certificate of title.
- b. Failure to Comply.** In the event that the holder of a secured claim does not comply with the provisions of this rule and the trustee gives notice to the creditor in writing that it has failed to comply with the rule, the trustee shall be entitled to recover costs (including reasonable attorney's fees) related to the filing and/or preparation of an adversary proceeding against the creditor, if the creditor fails to cure its noncompliance within twenty-one (21) days of service of notice.

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].

3007-1 *Objections to Claims*

LBR 9013-1 is modified as follows with respect to objections to claims:

- (1) The notice of objection to claim shall provide a thirty (30) day period for the filing of a response.
- (2) Every objection to claim and notice shall be accompanied by an affidavit or declaration under penalty of perjury that states with specificity the basis for the objection.

3011-1 *Unclaimed Funds in Chapter 7, Chapter 12 and Chapter 13 Cases*

- a. Motions to Withdraw Unclaimed Funds.** A motion to withdraw unclaimed funds shall be in the form of Appendix C.
- b. Compliance with LBR 9013-1.** A motion to withdraw unclaimed funds shall be filed and served in accordance with LBR 9013-1 on the debtor, the debtor's attorney, the

trustee, the United States Trustee, the United States Attorney and the creditor or payee for whom the funds were deposited.

- c. Service of the Motion on the Clerk.** A copy of the motion to withdraw unclaimed funds shall be delivered by the movant to the Clerk or Chief Deputy in Room 200, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee.

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.

3015-2 *Chapter 13 - Amendments to Plans*

- a. In General.** In addition to the requirements of LBR 9013-1, any motion or agreed order that amends or modifies a proposed or confirmed Chapter 13 plan must include a verified comparative budget and 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.
- b. Proposed Order.** Any proposed order or agreed order that amends or modifies a proposed or confirmed Chapter 13 plan must restate the terms of the amendment or modification as indicated in the motion to amend or modify.

3017-1 *Disclosure Statement*

- a. Notice Requirements.** At the time of filing a Chapter 9 or Chapter 11 plan and disclosure statement the proponent of the plan shall file a proposed order and notice of hearing with respect to the adequacy of the disclosure statement. The proponent of the plan shall serve the order and notice for hearing on the adequacy of the disclosure statement, the proposed disclosure statement and the plan on the debtor, the debtor's attorney, the United States Trustee, any trustee and trustee's attorney, any committee and counsel for the committee, all secured creditors, the ten largest unsecured creditors if no committee is serving, the Internal Revenue Service, the Securities and Exchange Commission (if debtor is a corporation or limited partnership) and any party in interest that requests in writing a copy of the disclosure statement or plan.
- b. Service of Order Approving the Disclosure Statement.** The proponent of the plan shall give the notice required by FED. R. BANKR. P. 3017(d).

3017-2 *Disclosure Statement - Small Business Cases*

- a.** In a small business Chapter 11 case, notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given by the plan proponent and shall be combined with notice of the hearing on confirmation of the plan.
- b.** A plan or disclosure statement shall be considered "conditionally approved" subject to final approval after notice and a hearing under 11 U.S.C. § 1125(f)(3) if it is submitted on standard forms approved by the Court or adopted under 28 U.S.C. § 2075.

3020-1 *Chapter 11 - Confirmation*

The proponent of the plan shall give the notice required by FED. R. BANKR. P. 3020(c).

3022-1 *Final Report/Decree (Ch. 11)*

With the motion for a final decree pursuant to FED. R. BANKR. P. 3022, the debtor shall file a final report certifying the disbursements made under the plan and comply with LBR 9013-1.

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. Reimbursement for Chapter 13 Notices. Debtors' attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed \$1.00 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.

PART IV

THE DEBTOR: DUTIES AND BENEFITS

4001-1 *Automatic Stay - Relief from*

- a. Limitation on Combined Motions.** A motion for relief from the § 362(a) stay shall not contain additional requests for relief, except for abandonment and/or adequate protection regarding the same asset. When other requests for relief are impermissibly combined with a motion for relief from the § 362(a) stay, the motion for stay relief (and any related abandonment and/or adequate protection) will be heard. The impermissible requests for relief will only be considered when separately filed.
- 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. Order Granting Relief from Automatic Stay.** In Chapter 7, 12 and 13 cases, orders granting relief from the automatic stay in 11 U.S.C. § 362(a) must comply with this LBR 4001-1(e).

 - (1) **Affected Collateral.** Real or personal property that is security for the movant's debt.

- (2) **Form of Order.** The forms in Appendix H shall be used when there is Affected Collateral and: (a) no opposition to the motion for stay relief was filed; (b) any filed opposition was withdrawn; or, (c) any opposition was overruled by the court at the Scheduled Hearing. Appendix H forms are available at:

www.tnmb.uscourts.gov

- (3) **Abandonment by Trustee.** If the motion for stay relief states that the Affected Collateral is burdensome or of inconsequential value to the estate, and the trustee does not oppose stay relief, then the forms in Appendix H-3 or H-4 shall be used. Abandonment is only effective if the trustee approves the order for entry.
- (4) **FED. R. BANKR. P. 4001(a)(3) Stay.** If the motion for stay relief requests that FED. R. BANKR. P. 4001(a)(3) not apply and there is no opposition to that request, then the forms in Appendix H-2 or H-4 shall be used.
- (5) **Agreed Orders.** This LBR 4001-1(e) is not applicable when a motion for stay relief is resolved by agreed order.

f. 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.

g. 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 seven 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 seven days after the preliminary hearing or before Noon of the third business day prior to a final hearing.

4002-1 *Debtor - Duties*

a. Persons to Act When Debtor Is Not Natural Person. The natural persons occupying the following positions shall perform all acts required to be performed by the debtor and shall attend on behalf of the debtor any examinations, meetings or hearings unless the Court orders otherwise:

- (1) If the debtor is a corporation or limited liability company, the person serving as its chief executive officer (the person occupying the position of president, chief manager or comparable position is presumed to be chief executive officer);
- (2) If the debtor is a partnership, each of the general partners.
- (3) If the debtor is a small business debtor, the senior management personnel (the person(s) occupying the position(s) of chief financial officer, chief operations officer, and chief management officer or comparable positions are presumed to be the senior management personnel);
- (4) If any corporate, limited liability company or partnership debtor deems the persons designated above inappropriate, prompt motion shall be made consistent with LBR 9013-1 for relief from this rule and for the designation of some other or additional natural person or persons;
- (5) The natural person or persons who will perform acts required to be performed by the debtor shall be identified by name, title and address at the time of the commencement of the case in a voluntary case. In an involuntary case, the identification shall be filed no later than fourteen (14) days after entry of the order for relief.

b. Domestic Support Obligations. With respect to each domestic support obligation, the debtor shall include on Schedule E to Official Form 6:

- (1) the name, address and telephone number of each claim holder (the names of minor children shall not be revealed); and
- (2) the name, address and telephone number of the child support enforcement agency for the state in which each claim holder resides.

c. Deposits for Rent Under 11 U.S.C. § 362(l). If a debtor files a certificate under 11 U.S.C. § 362(l)(1) with the petition, the deposit required by 11 U.S.C. § 362(l)(1)(B) shall be considered filed with the petition if tendered to the Clerk of the Court by close of the next business day after the filing of the petition. The deposit may only be tendered in the form of a cashiers check, money order or certified check made payable to the lessor (not the Clerk of the Court). The name and mailing address of the lessor shall be provided to the Clerk with the tender of the deposit.

4002-2 *Certificate of Payment of Domestic Support Obligations*

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.

4070-1 *Insurance*

a. Proof of Insurance. When the debtor retains a motor vehicle which is subject to the lien of a creditor holding an allowed secured claim, proof of insurance against physical damage and loss must be furnished to the trustee and the creditor at or before the 11 U.S.C. § 341 meeting. Failure to furnish proof of insurance shall be presumed to mean no insurance is in effect. The proof of insurance must state that coverage will continue for at least sixty (60) days from the date of the 11 U.S.C. § 341 meeting. On or before the date the insurance coverage lapses, proof of renewal or new insurance coverage must be provided to the trustee and the creditor.

b. Definitions.

- (1) **“Motor Vehicle”** shall include every item of transportation which is subject to registration pursuant to TENN. CODE ANN. § 55-3-101; provided, however, that the items of transportation excluded from the registration requirements in TENN. CODE ANN. §§ 55-3-101(a)(1) through (7) are not excluded for purposes of this rule.
- (2) **“Proof of Insurance”** shall mean a certificate of insurance or such other written evidence of sufficient reliability from the insurance carrier stating the amounts and types of coverage, a notation of the secured party as loss payee, and the time period for which coverage exists.

c. Lapse of Insurance. If during the pendency of a case, insurance lapses on any motor vehicle subject to the provisions of this rule:

- (1) A creditor with an allowed claim secured by the motor vehicle shall notify, in writing, the debtor and the debtor’s attorney of the lapse of insurance. Service of the notice shall be in the manner specified in FED. R. BANKR. P. 7004(b)(9).
- (2) The debtor shall be enjoined from using the motor vehicle as long as the motor vehicle remains uninsured.
- (3) If the debtor fails to provide proof of re-insurance to the creditor within three (3) business days following delivery of the notice of lapse, the debtor shall surrender the motor vehicle to the creditor or the creditor may take possession of the motor vehicle securing its claim and hold the same pending proof of insurance by the

debtor. For purposes of this rule, delivery of notice is deemed complete three (3) days after mailing.

- (4) Within seven (7) days after taking possession of a motor vehicle based on lapse of insurance, the creditor shall file a motion for relief from the stay of 11 U.S.C. § 362.

d. Second Lapse of Insurance. In the event insurance on a motor vehicle subject to this rule lapses twice during the pendency of a case, the Court may, upon the filing of a motion accompanied by an affidavit evidencing compliance by the creditor with this rule and evidencing the previous lapse of insurance, grant the creditor relief, including relief from the stay of 11 U.S.C. § 362, without further hearing. The creditor shall include a proposed order granting the requested relief.

PART V
COURTS AND CLERKS

5001-1 *Court Administration*

The Courtrooms of the United States Bankruptcy Court are solely for trials, hearings, and other Court business. The Courtrooms will not be utilized for any other purpose unless approved by the Chief Judge.

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.
- 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.
- c. 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
701 Broadway, Room 160
Nashville TN 37203

5003-1 *Clerk - General/Authority*

- a. Communications with the Clerk and Employees of the Clerk's Office.** The Clerk and the employees of the Clerk's Office desire to be of help to litigants and attorneys. However, interpreting the rules of procedure and giving legal advice are not permitted functions. **Notice is hereby given** to litigants and attorneys that the Clerk and the Clerk's employees are not responsible for information respecting rules or law.
- b. Clerk's Inquiry.** Though not required to do so, the Clerk of the Bankruptcy Court may enter on the docket and transmit to a party or counsel a **Clerk's Inquiry** with respect to the content, completeness, accuracy or other attribute of an electronic filing. A Clerk's Inquiry has no legal affect on any party and cannot be cited for any purpose. Counsel and parties are warned that no reliance on a Clerk's Inquiry or on the absence of a Clerk's Inquiry is justified.

5003-2 *Court Papers - Removal of*

- a. Removal of Files.** No case files shall be removed from the office of the Clerk without an order, except that the United States Trustee or the case trustee may check out a file in accordance with procedures established by the Clerk.
- b. Procedure for Removing a File.** An individual, other than the United States Trustee or case trustee seeking to remove a file shall file a motion and proposed order. The motion must specify the reason the file is to be removed and the amount of time the file is needed, but in no instance shall the file be removed for more than one (1) week. Only the individual filing the motion shall be allowed to take the file from the Clerk's Office. The individual must present a copy of the signed order to the Clerk at the time the file is removed from the Clerk's Office.

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.** Any entity required to file a statement under this rule shall immediately file a supplemental statement to reflect any change in information required to be disclosed.

5005-1 *Filing and Transmittal of Papers*

The Clerk may post on the Court's website, <www.tnmb.uscourts.gov>, instructions to counsel for the use of e-mail to make announcements in the circumstances specified. Following the Clerk's instructions will excuse attendance at hearings as indicated.

5005-2 *Filing Papers - Number of Copies*

Only the original of any paper document needs to be filed with the Court. If any filed paper document is to be returned, it must be physically retrieved by the filer, or a self-addressed, stamped envelope must be provided.

5005-3 *Filing Papers - Size of Papers*

All papers for filing shall be 8 ½" x 11". All papers shall be clearly legible in a type no smaller than 10 point and all pages numbered at the bottom. All papers shall include names, addresses, phone numbers, and, when available, facsimile numbers and e-mail addresses beneath all signature lines.

5011-2 *Withdrawal of Reference*

- a. Where to File.** Motions for withdrawal of the reference of a case or proceeding, in whole or in part, pursuant to 28 U.S.C. § 157(d) and District Court Administrative Order 28-7, shall be filed with the Clerk of the Bankruptcy Court.
- b. Contents of Motion.** A motion to withdraw the reference shall contain the names of all parties to the case or proceeding and the names, addresses, and telephone numbers of their attorneys. The motion shall conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."
- c. Documents Filed after the Motion to Withdraw the Reference.** All documents pertaining to the motion to withdraw the reference (after the motion) shall be filed with the Clerk of the District Court. All documents relating to other aspects of the bankruptcy case or proceeding shall be filed in the normal manner with the Clerk of the Bankruptcy Court.

5072-1 *Courtroom Decorum*

The following procedures apply during all hearings:

- (1) Attorneys shall stand behind the lectern when speaking and use the microphones.
- (2) There shall be no oral confrontation or colloquy between opposing attorneys.
- (3) All counsel, parties and witnesses shall be formally addressed by their surnames.
- (4) During the testimony of a witness, attorneys shall not approach the witness, courtroom deputy or the electronic court reporter without Court approval.
- (5) Documentary exhibits shall be prepared in a sufficient number for all participants including—the witness, the Court, opposing counsel and the examining attorney.

- (6) When a witness takes the stand, background information concerning the witness and the connection of the witness to the litigation shall be read or offered in writing, then acknowledged by the witness. The second question should address the issues in controversy.

5073-1 *Photography, Recording Devices and Broadcasting*

- a. Prohibitions.** The taking of photographs, the airing of radio or televising of TV broadcasts, or transmission of verbal communications by unauthorized transmitting devices from the floors of the Courthouse occupied by the Courts during the progress of or in connection with judicial proceedings, including meetings of creditors, whether or not Court is actually in session, is prohibited. Photographing and/or broadcasting in connection with ceremonial occasions or other special proceedings may be permitted with the approval of the Chief Judge.
- b. Enforcement.** In order to facilitate the enforcement this rule, no photographic, broadcasting, television, sound or recording equipment or unauthorized transmitting devices (other than the official electronic recording equipment used for preparation of the Court record, transmitting devices used by the Court Security Officers, and any equipment used within the United States Marshal's office) will be permitted on the floors of the Courthouse occupied by the Courts, except when necessary as visual or auditory aids in the presentation of evidence during the course of a trial, or as otherwise ordered.

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."

PART VI

COLLECTION AND LIQUIDATION OF THE ESTATE

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:

	INFORMATION	SALE TYPE
a.	Itemized statement of property sold	All sales
b.	List of bidders	On-site auction ¹
c.	Number of participating bidders	On-line auction ²
d.	Name of each buyer	Private sale ³ 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 ⁴
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

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 *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 and/or added to the sale price as a buyer's premium. Except upon motion filed pursuant to LBR 9013-1, compensation 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; or
 - (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 filed pursuant to LBR 9013-1. Expenses of a real estate agent shall only be reimbursed upon motion filed 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 charge a buyer's premium to offset credit card processing fees only if that charge is disclosed in the application to employ and in the notice of sale.

6007-1 *Abandonment*

- a. No Asset Notice.** In cases in which a no asset notice is issued and not superseded by an asset notice, the trustee or debtor is relieved of the requirement of giving notice of abandonment or disposition of property under FED. R. BANKR. P. 6007(a).
- b. Property Value.** The trustee or debtor is relieved of the notice requirement imposed by FED. R. BANKR. P. 6007(a) when the proposed abandonment relates to property with a value to the estate of less than \$1,000 per item and less than \$2,500 in the aggregate.

6070-1 *Tax Returns or Transcripts*

- a. Providing or filing tax returns or transcripts.** Any tax return or transcript provided or filed under 11 U.S.C. § 521(e) or (f) shall be:
 - (1) provided or filed electronically in a format consistent with ECF Procedure 9; and
 - (2) transmitted electronically to the United States Trustee at the time it is otherwise provided or filed.

b. Request to Inspect or Copy. Any request for a tax return or transcript or to inspect or copy a tax return or transcript under 11 U.S.C. § 521(e), (f) or (g):

(1) shall be filed electronically;

(2) shall be served on the debtor and on the debtor's attorney;

(3) shall identify the individual who will be doing the inspecting or copying;

(4) is invalid unless the request includes a working e-mail address for the requesting party; and

(5) is invalid unless the request includes this signed statement:

"[The requesting party] will maintain the confidentiality of any requested, inspected or copied tax return (or transcript) consistent with § 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005."

PART VII
ADVERSARY PROCEEDINGS

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.

- (2) 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.
- (3) 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.

7003-1 Cover Sheet

An Adversary Cover Sheet in the form prescribed by the Administrative Office of the United States Courts must be completed and filed with each complaint.

7026-1 Discovery - General

Subsections (a), (d) and (f) of FED. R. BANKR. P. 7026 do not apply in contested matters.

7026-2 Discovery - Return of Material

After final determination of any action, counsel or parties shall have thirty (30) days within which to withdraw discovery material. In the event the discovery material is not withdrawn, the Clerk may, without notice, destroy or otherwise dispose of the discovery material.

7056-1 *Summary Judgment*

- a. Statement of Undisputed Facts.** Every motion for summary judgment pursuant to FED. R. BANKR. P. 7056 shall be accompanied by a Statement of material facts which the moving party contends are undisputed. Each fact shall be stated in a separate, numbered paragraph. Each fact shall be supported by specific citation to material allowed by Rule 56(c) that establishes the fact. After each paragraph, a blank space shall be provided reasonably calculated to enable the non-moving party to respond to the assertion that the fact is undisputed.
- b. Response.** Any party opposing the motion for summary judgment must respond to each fact set forth by the movant by either (1) agreeing that the fact is undisputed; (2) agreeing that the fact is undisputed for the purpose of summary judgment only; or (3) demonstrating that the fact is disputed by specific citation to material allowed by Rule 56(c). Each disputed fact must be demonstrated on the document provided by the movant or on another document in which the respondent has reproduced the facts and citations verbatim as set forth by the movant. This response shall be filed with the papers in opposition to the motion for summary judgment.
- c. Additional Statement and Reply.** The party responding may file an Additional Statement of other material facts the respondent contends are undisputed. This Additional Statement shall be prepared in the same format as the movant's Statement. The moving party shall reply to the facts in the Additional Statement in the same format as specified above. The reply of the moving party shall be filed at the same time as any reply brief or memorandum.

7067-1 *Registry Funds*

- a. Orders Directing Deposit.** All orders for the deposit of registry funds shall contain the following:
 - (1) the amount to be invested;
 - (2) a designation of the financial institution located in Nashville, Tennessee where the funds are to be deposited; and
 - (3) the type of account to be used.
- b. Orders Directing Disbursement.** All orders directing disbursement of registry funds shall contain the following:
 - (1) the name, address and employer identification number or social security number of each party receiving disbursement; and

- (2) a provision which directs the Clerk to deduct from the income earned on the investment a fee, as set by the Director of the Administrative Office and authorized by the Judicial Conference of the United States.
- c. **Service of Order on the Clerk.** A copy of the signed order directing deposit of registry funds and the funds to be deposited and a copy of any order directing disbursement of registry funds shall be delivered by the movant to the Clerk or the Chief Deputy in Room 200, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee.

PART VIII

Reserved

PART IX

GENERAL PROVISIONS

9004-2 *Caption - Papers, General*

- a. **In General.** All papers for filing must include in the caption the bankruptcy case number, the chapter of the case, and the name of the Judge to whom the case is assigned. The caption shall include a title that summarizes or describes the content of the document.
- b. **Adversary Proceedings.** In addition to the requirements immediately above, the caption for all papers filed in adversary proceedings must include the adversary proceeding number.

9010-1 *Attorneys - Notice of Appearance*

Contemporaneously with the first filing of any paper, an attorney representing any party-in-interest shall file a Notice of Appearance, except that an attorney who has signed the original complaint, petition or notice of removal is not required to file a Notice of Appearance. The Notice of Appearance must include the attorney's name, mailing address, phone number, fax number and email address, if available. An attorney requesting a change of address for the attorney's office shall file a written notice.

9011-2 *Pro Se Parties*

- a. **Corporations and Partnerships.** A corporation or partnership may not appear without counsel in any case or proceeding, except that it may file a proof of claim or a reaffirmation agreement, if signed by an authorized officer or agent.
- b. **Individuals.** Any individual representing himself or herself without an attorney must appear personally for all purposes. Except as provided below in this rule, the representation of an individual may not be delegated to any other individual other than an attorney.
- c. **Compliance with Rules.** Any individual appearing without an attorney is required to comply with these Local Bankruptcy Rules, the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence.
- d. **Child Support Creditors and Representatives.** A child support creditor or representative may appear and intervene in cases and proceedings upon the filing of the form attached as Appendix F.

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:

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 E with a copy of the proposed agreed order attached as an exhibit.

- (2) **The hearing date, 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-one (21) 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 **fourteen (14)** 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 seven (7) 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 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 |

- (j) Motions Declaring Long Term Debt Under § 1322(b)(5) Current and Defaults Cured—Time period to object is extended to twenty-eight (28) days.

9013-2 *Briefs and Memoranda of Law*

- a. **Time for Filing.** When a timely response is filed in any contested matter and a hearing is scheduled, parties to the contested matter may submit briefs or memoranda of law no later than two (2) business days prior to the hearing.
- b. **Citations.** Currently, the Court has access to Westlaw and Lexis. Any citation to any document that is in a format that allows retrieval from Westlaw or Lexis is acceptable. Otherwise, a copy of the cited document must be provided.

9013-3 *Certificate of Service*

- a. **In General.** when the United States Code, Federal Rules of Bankruptcy Procedure or these Local Rules require a party to provide notice or to serve papers, the responsible party shall file a certificate of service within three (3) business days after giving notice or making service.
- b. **Contents of Certificate.** The certificate shall state the manner in which notice or service was effected and shall include the names and addresses of all parties served. A copy of the notice or papers served shall be attached to the certificate. For Chapter 12 and 13 cases, the certificate shall also include the total number of parties served.

9014-1 *Contested Matters*

- a. **Pretrial Orders and Conferences.** Unless provided otherwise in a notice or order, pretrial orders and pretrial conferences are not required in contested matters. At any time, any party may file a motion requesting a pretrial conference.
- b. **Response Required.** In all contested matters not controlled by a NOTICE under LBR 9013-1 in which no order or notice provides otherwise, any party in opposition to the relief requested shall file and serve a response denominated as an “answer” or “objection” on or before the earlier of fourteen (14) days after service of the paper commencing the contested matter or seven (7) days before any scheduled hearing of the contested matter. **The failure to file and serve a timely response shall be deemed a statement of no opposition to the relief requested. If no timely response is filed, LBR 9014-1c shall not apply.**
- c. **Required Disclosures and Pretrial Disclosures.** When a timely response has been filed, discovery in all contested matters shall include the following:

- (1) **Required Disclosures.** Without waiting for a discovery request, every party shall provide to every other party the information listed below. A party shall make these Required Disclosures based on the information then reasonably available and is not excused from these Required Disclosures because it has not fully completed its investigation or because it challenges the sufficiency of another party's disclosure or because another party has not made its disclosure.
- (a) The name, address and telephone number of each individual likely to have discoverable information relevant to the contested matter, identifying the subject(s) of the information;
 - (b) A copy of, or a description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party that are relevant to the contested matter;
 - (c) The identity of any person who may be used at trial as an expert witness under Rules 702, 703 or 705 of the Federal Rules of Evidence. This disclosure shall be accompanied by a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness; the compensation to be paid for the testimony and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.
 - (d) The disclosures required in paragraphs (a) and (b) shall be completed no later than seven (7) days after service of the response or two (2) business days prior to the hearing, whichever occurs first. The disclosures required in paragraph (c) shall be completed no later than fourteen (14) days after service of the response or two (2) business days prior to the hearing, whichever occurs first.
- (2) **Pretrial Disclosures.** In addition to the disclosures required by paragraph (1) above, every party shall provide to every other party two (2) business days prior to the hearing the following information regarding evidence it may present at a hearing or trial (other than solely for impeachment purposes):
- (a) The name, address and telephone number of each witness the party expects to present or may call if the need arises;
 - (b) A copy of the transcript of testimony or affidavit of any witness whose testimony will be offered in that form;
 - (c) A list and copy, with appropriate identification, of each document or other exhibit a party expects to offer or may offer as evidence.

- d. **Notice of Estimated Time for Trial.** When it appears that a contested matter will require in excess of one-half day for hearing or trial, counsel shall advise the Courtroom Deputy for the Judge assigned to the case.
- e. **First Time Continuances in Contested Matters.** Except with respect to stay relief addressed by LBR 4001-1, the agreement of all parties to continue for the first time a hearing in a contested matter (but not in adversary proceedings) excuses the attendance of counsel at the first scheduled hearing of the contested matter if:
 - (1) A Joint Motion for First Continuance *and* an Agreed Order for First Continuance are filed no later than Noon on the fourth business day prior to the date of the scheduled hearing;
 - (2) The agreed order specifies the date, time and place for the continued hearing of the contested matter;
 - (3) If the contested matter arises in a Chapter 13 case, the agreed order is signed by the Chapter 13 trustee.

In the alternative, announcement of the agreement of all parties to continue for the first time a hearing in a contested matter may be made by counsel at the first call of the docket on the hearing date if a Joint Motion and Agreed Order as described above are filed no later than Noon of the third business day after the first hearing date.

9018-1 *Secret, Confidential, Scandalous or Defamatory Matter*

To file a document under seal, other than an ADR submission pursuant to LBR 9019-2, the following procedure must be followed:

- a. **Sealing Original Material.** The original material must be sealed in an envelope with the caption (case name, case number, adversary proceeding number (if applicable) and title of document) on the front of the envelope. **No copies of sealed material shall be filed.**
- b. **Motion and Proposed Order.** The sealed material must be accompanied by a motion and proposed order directing the Clerk to place the material under seal. The proposed order shall identify the parties, if any, who may have access to material that is under seal and under what circumstances. If an order sealing material has been entered, a copy of that order shall accompany the sealed material delivered to the Clerk.
- c. **File with Clerk or Chief Deputy.** Material under seal must be filed with the Clerk or Chief Deputy personally. Material filed under seal will not be accepted at the counter and cannot be filed in the drop box.

- d. Access to Sealed Material.** Access to material that is under seal for parties not already authorized shall be by motion. An order granting access must be presented to the Clerk or Chief Deputy at the time of access.

9019-2 *Alternative Dispute Resolution*

Pursuant to 28 U.S.C. §§ 471, 473(a)(6) and 651-58, and FED. R. BANKR. P. 7016(c)(9), the United States Bankruptcy Court for the Middle District of Tennessee has created an Alternative Dispute Resolution Program (“ADR Program”). The ADR Program is contained in a lengthy separate document known as “The ADR Program for the United States Bankruptcy Court for the Middle District of Tennessee.” That document is available at the Court’s web site, <www.tnmb.uscourts.gov>, and from a copy service designated by the Court. The ADR Program is part of the Local Bankruptcy Rules and may be cited as LBR 9019-2 . The ADR Program is experimental and may be modified from time to time.

9029-1 *Local Rules - General*

- a. Effective Date.** These Local Bankruptcy Rules shall take effect **April 4, 2003**.
- b. Citation to Local Rules.** The Local Rules of the United States Bankruptcy Court for the Middle District of Tennessee shall be cited as LBR (number of rule).
- c. Administrative Procedures for Electronic Case Filing.** The bankruptcy judges of the district are authorized, pursuant to Rule 9029(a)(1) of the Federal Rules of Bankruptcy Procedure, to make and amend the Administrative Procedures with respect to Electronic Case Filing (ECF) in the Bankruptcy Court for the Middle District of Tennessee. Administrative Procedures so enacted shall have the force of local bankruptcy rules but shall be made, amended and applies with due regard for the new and still developing technology that is the ECF system.

9036-1 *Notice by Electronic Transmission*

To the extent practical, the Clerk and all registered ECF filers are directed to send only electronic notice to any entity so consenting or requesting.

9070-1 *Exhibits*

After final determination of any matter or proceeding, parties shall have thirty (30) days within which to withdraw exhibits. In the event the exhibits are not withdrawn, the Clerk may, without notice, dispose of the exhibits.

9072-1 *Orders - Proposed*

- a. Filing of Proposed Orders.** All orders orally announced in court shall be prepared by the attorney for the prevailing party and filed within seven (7) days.

- b. **Approved for Entry.** All proposed orders shall be “Approved for Entry” by the signature of the preparing attorney.

9075-1 *Emergency Orders - Expedited Motions and Orders*

- a. **When appropriate.** Expedited motions and orders are those rare matters requiring action on notice shorter than that fixed by the Federal Rules of Bankruptcy Procedure or by LBR 9013-1 or 9014-1. Expedited orders include orders when all notice requirements have been satisfied, a hearing has been held, or the matter has been resolved by agreement or otherwise and immediate entry of an order is imperative.
- b. **Obtaining Expedited Relief.** A request for expedited relief will be specially handled by the Clerk’s office only if the request is by motion captioned, “**Expedited Motion,**” and the motion is in the following form:

Paragraph one shall state the expedited relief requested.

Paragraph two shall explain why there is urgency, including what deadline or event precludes the giving of routine notice or requires accelerated processing of the motion or order.

Paragraph three shall state to whom, when and how notice of the expedited motion was given.

Paragraph four shall contain the movant’s suggestion of when the expedited motion can or should be set for hearing, or an explanation why no hearing is required.

Paragraph five shall contain any other statement or argument in support of the motion.

- c. **Proposed Expedited Order.** Every expedited motion shall be accompanied by a proposed order captioned, “**Expedited Order.**” If the motion requests a hearing, the proposed order shall include appropriate blanks for the Clerk to insert the date, time and location of the hearing. Under the signature line on the proposed order, movant shall provide a phone number that is answered by a person and a facsimile number.
- d. **Service of Expedited Order.** The movant shall immediately serve the Expedited Order by hand delivery, facsimile or other means reasonably calculated to give immediate notice.

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

LOCAL RULES OF COURT

APPENDICES

April 4, 2003
Amended and Restated as of
August 10, 2010

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

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

IN RE:)	
)	
)	CASE NO.
)	CHAPTER [12 or 13]
Debtor(s).)	JUDGE
)	

AMENDED MONTHLY FAMILY BUDGET

		<u>Prior Budget*</u>	<u>Current Budget*</u>
Dates of Budgets:		_____	_____
<u>EXPENSES</u>			
Rent/Mortgage Payment:		_____	_____
Utilities:	Prior*	Current*	
Electric:	_____	_____	
Water:	_____	_____	
Heat:	_____	_____	
Telephone/Internet	_____	_____	
Trash:	_____	_____	
Cable/Satellite:	_____	_____	
Other (_____):	_____	_____	
Total Utilities:		_____	_____
Food:		_____	_____
Clothing:		_____	_____
Laundry & Dry Cleaning:		_____	_____
Newspapers, Books, etc.:		_____	_____
Medical & Dental Expenses:		_____	_____
Transportation:			
Insurance (not deducted from wages):			
Auto:	_____	_____	
Life:	_____	_____	
Home:	_____	_____	
Renters:	_____	_____	
Other (_____):	_____	_____	
Total Insurance:		_____	_____
Taxes (not deducted from wages)		_____	_____
Child Support		_____	_____
Home Maintenance		_____	_____
Other Monthly Expenses (_____):		_____	_____
TOTAL MONTHLY EXPENSES:		_____	_____

INCOME

		<u>Prior Budget*</u>	<u>Current Budget*</u>
Debtor's Gross Income:		_____	_____
Spouse's Gross Income:		_____	_____
Payroll Deductions:	Prior* Current*		
Payroll Taxes:	_____ _____		
401(k):	_____ _____		
Other (_____):	_____ _____		
Total Payroll Deductions:		_____	_____
Other Regular Income:			
Support/Alimony:	_____ _____		
Pension/SS/VA:	_____ _____		
Other (_____):	_____ _____		
Total Other Regular Income:		_____	_____
TOTAL MONTHLY INCOME:		_____	_____

SUMMARY:

Total Monthly Income (from above):	_____	_____	_____
minus Total Monthly Expenses (from page 1):		_____	_____
equals Monthly Surplus:	_____	_____	_____
Monthly Plan Payment:	_____	_____	_____
Duration of Plan (months):		_____	_____
Dividend to Unsecured Creditors (%):		_____	_____
Secured Creditors Affected:		_____	_____
	_____	_____	_____
	_____	_____	_____

* Explain any increase or decrease in income, expenses, or dividend that exceeds 10%:

(Debtor)

(Date)

(Debtor)

(Date)

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

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

MOTION TO WITHDRAW UNCLAIMED FUNDS

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

Applicant certifies, under penalty of perjury, that:

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

Dated:

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

CERTIFICATE OF SERVICE

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

[Attorney for Applicant]

Attachments:

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

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

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

APPEARANCE OF CHILD SUPPORT CREDITOR* OR REPRESENTATIVE

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

CHILD SUPPORT CREDITOR

Name: _____
Address: _____

Telephone Number: _____

Date: _____

REPRESENTATIVE (if different from creditor)

Name: _____
Organization: _____
Address: _____

Telephone Number: _____

Child Support Creditor* or Authorized Representative

Summary of Child Support Obligation

Amount in arrears: \$ _____
Amount currently due on a continuing basis: \$ _____ (per week) (per month)

If Child Support has been assigned:
Amount of Support owed under assignments: \$ _____
Amount owed primary child support creditor (balance not assigned): \$ _____

Attach an itemized statement of account

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

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

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

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: [response date]
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: [hearing date, *time*,
place (including courtroom and Address)]**

NOTICE OF MOTION TO [caption of motion]

[Name of movant] has asked the court for the following relief: [brief description of relief requested].

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

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <<https://ecf.tnmb.uscourts.gov>>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state that the deadline for filing responses is [response date], the date of the scheduled hearing is [hearing date] and the motion to which you are responding is [caption of motion].
3. You must serve your response or objection **by electronic service through the Electronic Filing system** described above. You must also mail a copy of your response or objection to:

[names and addresses of others to be served, if any]

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at <<https://ecf.tnmb.uscourts.gov>>.

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

Date:

Signature: _____

Name:

Address:

1. PAYMENT AND LENGTH OF PLAN

(a) Debtor shall pay \$ _____ per _____ to the Chapter 13 trustee starting _____ for approximately _____ months. This date can be no later than 30 days after filing of the petition. This amount may be altered if a creditor rejects the plan. See Paragraph 4.

A payroll deduction order will issue to the Debtor's employer: _____

Debtor will pay directly to the trustee. _____ (Name & Address of Employer)

(b) Joint Debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee starting _____ for approx. _____ months. This date can be no later than 30 days after filing of the petition. The amount may be altered if a creditor rejects the plan. See Paragraph 4 below.

A payroll deduction order will issue to the Joint Debtor's employer: _____

Joint Debtor will pay directly to the trustee. _____ (Name & Address of Employer)

(c) Other payments to the Trustee: _____

(d) Total amount to be paid to Trustee shall not be less than \$ _____ ("Base"). This amount may be altered if a creditor rejects the plan.

2. PRIORITY CLAIMS, INCLUDING ADMINISTRATIVE EXPENSES AND SUPPORT [See § 1322(a)(2)]

The following priority claims, if allowed, will be paid in full unless creditor agrees otherwise:

CREDITOR	TYPE OF PRIORITY	SCHEDULED AMOUNT	MONTHLY PAYMENT

The Trustee The Debtor shall pay Domestic Support Obligations that become due after filing of the petition as follows:

DSO CREDITOR	SCHEDULED AMOUNT	MONTHLY PAYMENT

3. PRIORITY CLAIMS SUBJECT TO SUBORDINATION

Pursuant to § 1322(a)(4), the following priority creditors shall not be paid in full:

CREDITOR	REASON FOR SUBORDINATION	SCHEDULED AMOUNT

4. SECURED CLAIMS NOT SUBJECT TO § 506

The following debts were either (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle or (2) incurred within one year before the petition date and secured by a purchase money security interest in any other thing of value.

- (a) The Plan DOES propose to limit the secured claims listed below to the following amounts (cramdown). THIS WILL BE THE TREATMENT OF THE CREDITORS LISTED BELOW UNLESS THE LISTED CREDITOR FILES A STATEMENT BEFORE THE MEETING OF CREDITORS THAT IT DOES NOT ACCEPT THE PLAN OR ORALLY MAKES SUCH STATEMENT AT THE MEETING OF CREDITORS.

CREDITOR	COLLATERAL	SCHEDULED AMT.	VALUE	INTEREST RATE	MONTHLY PAYMENT

- (b) If a creditor noted above DOES NOT ACCEPT the plan, the collateral listed above for that creditor will be surrendered and the payments to the Trustee will be reduced by the amount listed under "Per Mo." for that creditor in 4(a) above, and the "base" reduced accordingly.
- (c) Debtor proposes to pay the claims not subject to § 506 as listed below in full.

CREDITOR	COLLATERAL	SCHEDULED AMT.	INTEREST RATE	MONTHLY PAYMENT

5. PRECONFIRMATION ADEQUATE PROTECTION PAYMENTS AND PAYMENTS TO LESSORS

The Debtor proposes that the trustee make adequate protection payments, or payments to lessors prior to the confirmation of the plan, pursuant to § 1326(a)(1) as follows:

CREDITOR	AMOUNT OF MONTHLY PAYMENT

The Trustee shall commence making such payments to creditors holding allowed claims secured by a purchase money security interest in personal property or leases of personal property as soon as practicable after the filing of a proof of claim by such creditor. The Trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on such payments. Upon confirmation the treatment of such claims will be governed by Paragraph 4 or 6 as appropriate.

6. SECURED CLAIMS AND MOTION TO VALUE COLLATERAL.

Debtor moves to value the collateral as indicated below. Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The excess of creditors claim shall be treated as an unsecured claim. Any claim listed as "NO VALUE" in the value column below will be treated as an unsecured claim, and the lien avoided pursuant to § 506.

CREDITOR	COLLATERAL	SCHEDULED AMOUNT	VALUE	INTEREST RATE	MONTHLY PAYMENT

7. SURRENDERED PROPERTY.

In addition to any property surrendered under 4(b), Debtor surrenders the following collateral. Upon confirmation, the stay is lifted as to surrendered collateral. Any claim submitted by such creditor will receive no distribution under the plan until an amended proof of claim is filed by such creditor, reflecting any deficiency balance remaining following surrender.

CREDITOR	COLLATERAL

8. UNSECURED CLAIMS

Allowed non-priority unsecured claims shall be paid as follows:

- The Debtor shall pay sufficient funds to provide a pool to unsecured creditors of \$ _____ (“Unsecured Pool”). Payments to unsecured priority and general creditors will be made from this pool. The unsecured creditors will receive all funds remaining in the Unsecured Pool after satisfaction of all allowed priority claims.
- Not less than _____ percent.
- Funds that the Trustee receives which exceed the total allowed priority unsecured claims, the total secured claims plus interest, long term claims, and the Unsecured Pool shall increase the Unsecured Pool until the Debtor has paid the total Base amount indicated in Paragraph 1(d).

Separately Classified Unsecured Claims

(1) Cosigned claims shall be treated as follows:

CREDITOR	COSIGNER	TREATMENT	AMOUNT

(2) Other classified unsecured claims:

CREDITOR	REASON FOR CLASSIFICATION	TREATMENT	AMOUNT

9. CURING DEFAULT AND MAINTAINING PAYMENTS

(a) Trustee shall pay the allowed claims for arrearages, and Trustee shall pay the postpetition monthly payments to creditor.

CREDITOR	COLLATERAL	ESTIMATED ARREARAGE	LAST MONTH IN ARREARS	INTEREST RATE	REGULAR PAYMENT AMOUNT

- (b) Trustee shall pay the allowed claims for arrearages, and Debtor shall pay the postpetition monthly payments to creditor.

CREDITOR	COLLATERAL	ESTIMATED ARREARAGE	LAST MONTH IN ARREARS	INTEREST RATE	REGULAR PAYMENT AMOUNT

10. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

All executory contracts and leases are rejected, except the following are assumed and treated under the plan as noted:

CREDITOR	PROPERTY DESCRIPTION	TREATMENT UNDER PLAN

11. OTHER PLAN PROVISIONS AND MOTIONS

- (a) **Motion to Avoid Lien under § 522(f).**
Debtor moves to avoid the following liens that impair exemptions:

CREDITOR	COLLATERAL

- (b) **Lien Retention and Motions to Avoid Liens**
Except as provided above in Paragraph 7 and 10(a), allowed secured claim holders retain liens until liens are released upon completion of all payments under the plan.
- (c) **Debtors Certificate of Compliance with § 521 and Motion for Order Acknowledging Compliance**
Debtors Counsel (or debtor, if not represented by counsel) certifies that all information required under § 521(a)(1) has been filed and /or submitted to the trustee and moves the court for an order that such information satisfied the requirements of § 521 and that the case is not dismissed under § 521(i).
- (d) **Debtors move the Court to substantively consolidate the joint estates.**
 Debtors move the Court to NOT substantively consolidate the joint estates.
- (e) **Vesting of Property of the Estate**
Property of the estate shall revert in the Debtor:
 _____ Upon confirmation
 _____ Upon discharge or dismissal
 _____ Other: _____

(f) Direct Payment by Debtor

- Secured creditors and lessors to be paid directly by the Debtor shall continue to mail to Debtor the customary monthly notices or coupons notwithstanding the automatic stay.

(g) Order of Distribution

Trustee shall pay allowed claims in the following disbursement priority :

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____

(h) Other, Special Provisions of the Plan Not Elsewhere Described:

12. PROVISIONS RELATING TO CLAIMS SECURED BY REAL PROPERTY TREATED PURSUANT TO 11 U.S.C. § 1322(b)(5).

- (a)** Confirmation of this Plan imposes on any claim holder treated under paragraph 9 and secured by the debtor's residence, the obligation to:
- i.** Apply payments from the trustee on account of pre-confirmation arrearages only to those arrearages. For purposes of this plan, the "preconfirmation arrearages" include all sums included in the allowed proof of claim plus any postpetition preconfirmation payments or charges due under the underlying mortgage obligation not specified in the allowed proof of claim.
 - ii.** Treat the mortgage obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties or other charges.
 - iii.** Not less than 60 days prior to the effective date of any change in monthly mortgage payments, notify the trustee, the debtor(s) and the attorney for the debtor(s) in writing of: (1) any change or adjustment in interest rate and the effective date of that change or adjustment; and (2) any change in property taxes and/or property insurance premiums that would increase or reduce the escrow portion, if any, of the monthly mortgage payments and the effective date of that change.
 - iv.** Notify the trustee, the debtor(s) and attorney for the debtor(s), in writing, of any protective advances or other charges incurred by the claim holder, pursuant to the mortgage agreement, within 60 days of incurring such protective advance or other charge.
- (b)**
- i.** Monthly ongoing mortgage payments shall be paid by the trustee commencing with the later of the month of confirmation or the month in which a proof of claim itemizing the arrearages is filed by the claim holder.
 - ii.** If the trustee has maintained payments to the mortgage creditor in accordance with paragraph 9) of this order, then no later than 60 days prior to the anticipated last payment under the plan, the trustee shall file a motion and notice consistent with LBR 9013-1 requesting the court find that the trustee has complied with the plan to maintain mortgage payments and to cure preconfirmation arrearages. If the claim holder asserts that the mortgage obligation is not contractually current at the time of the trustee's motion, then the claim holder shall, within 30 days of receipt of the motion, file a Statement of Outstanding Obligations, itemizing all outstanding obligations it contends have not been satisfied as of the date of the Statement, with service upon the trustee, the

debtor(s) and the attorney for the debtor(s). Filing and service of a Statement shall be treated as a response for purposes of LBR 9013-1 and a hearing will be held consistent with the trustee's notice. No liability shall result from any nonwillful failure of the trustee to file the application authorized herein.

- (c) If the claim holder fails to timely file and serve a Statement of Outstanding Obligations, the trustee shall submit an order declaring the mortgage current and all arrearages cured as of the date of the trustee's motion; and, upon discharge, the claim holder shall treat the mortgage as fully reinstated according to its original terms and fully current as of the date of the trustee's notice.
- (d) If the claim holder timely files and serves a Statement of Outstanding Obligations, the debtor may propose a modified plan to provide for payment of additional amounts the debtor acknowledges or the court determines are due. To the extent amounts set forth on a timely filed Statement of Outstanding Obligations are not determined by the court to be invalid or are not paid by the debtor through the plan or a modified plan, the right of the holder to collect those amounts is unaffected.

DEBTOR'S ATTORNEY SIGNATURE

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

IN RE:

Debtor(s).

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)
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)
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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)

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

IN RE:

Debtor(s)

Secured Claimant

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)
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)
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CASE NO. _____

Relief from stay to enforce lien

Date of Scheduled Hearing:

Affected Collateral: _____

ORDER GRANTING RELIEF FROM AUTOMATIC STAY

The Secured Claimant identified above has moved for relief from the automatic stay in 11 U.S.C. § 362(a) with respect to the Affected Collateral. Either no timely opposition was filed or any objection raised was withdrawn or overruled by the Court at the Scheduled Hearing.

IT IS ORDERED that the automatic stay in 11 U.S.C. § 362(a) is terminated with respect to the Secured Claimant and its Affected Collateral.

This Order Was Signed and Entered Electronically as Indicated at the Top of the First Page.

APPROVED FOR ENTRY:

Attorney for Secured Claimant

