

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

MAR 10 2020

IN RE:

**ORDER RELATING
TO TEMPORARY RELIEF
DUE TO MARCH 2020 TORNADO
IN MIDDLE TENNESSEE**

ADMINISTRATIVE ORDER 20-3

This Order is entered due to the impact of a tornado and related severe weather on March 3, 2020 (“Tornado”), affecting a significant number of residents in the Middle District of Tennessee and resulting in a number of deaths and substantial property damage and other harm. Because of the effect of the Tornado on many debtors, creditors, attorneys and other parties involved in the bankruptcy process, the Court is implementing several modifications to its normal procedures. These changes will be in effect through June 30, 2020, unless extended by further order.

1. If a party has been adversely impacted by the Tornado and needs to seek relief from the Court because of that impact, the Court will permit a somewhat expedited procedure with a shorter response time under the “if objection” process in LBR 9013-1. To take advantage of the reduced time, the following is required:

(a) In both the motion and accompanying notice under LBR 9013-1(c), the title shall include an extra line in bold type after the regular title of the notice/motion stating:

[Shortened Notice Provided -- Relief Requested Due to Impact of Tornado]

(b) Near the beginning of the motion, the movant shall include a paragraph that sets forth specifically how the movant was impacted by the Tornado, the damage or other harm caused by the Tornado to the movant or the movant's property, and in what manner the effect of the Tornado is impeding the bankruptcy process or delaying the movant in satisfying the requirements of any statute, rule, plan, or order. The motion shall also set forth the specific relief sought, the timing of the relief, and the expected impact on the completion of any obligations of the movant as a part of the bankruptcy process.

(c) If the above requirements have been satisfied, the notice under LBR 9013-1(c)(2) will be reduced from 21 days to 10 days, and the response deadline in the notice and the docket entry shall reflect that timing. All other requirements of LBR 9013-1 remain the same.

2. Any provision in a debtor's Chapter 13 plan and/or confirmation order prohibiting the incurring of debt under most circumstances without Court approval is modified as follows:

(a) The debtor may incur up to \$5,000 of debt without approval of the Court or the Chapter 13 Trustee if the debt is incurred to address damage or harm caused by the Tornado.

(b) The debtor may incur debt between \$5,001 and \$10,000 of debt without Court approval to address damage or harm caused by the Tornado if the debtor obtains the written consent of the Chapter 13 Trustee.

(c) The incurring of debt in excess of \$10,000 remains subject to Court approval but may be sought under the process set forth in paragraph 1 above or, if necessary, pursuant to LBR 9075-1.

4. In connection with a hearing on a motion to dismiss in a Chapter 13 case based on a failure of the debtor to comply with 11 U.S.C. Sec. 326(a)(1)(a) due to making the first payment later than 30 days from the bankruptcy filing (but within 60 days of the filing), the debtor shall not be required to appear in Court to explain the reason for the initial untimely payment if the debtor files an affidavit or declaration under penalty of perjury stating that the reason for the delay was due to the impact of the Tornado and providing details about the manner in which the debtor was affected by the Tornado.

IT IS SO ORDERED.

Dated: 3/10/2020


MARIAN F. HARRISON, CHIEF JUDGE


RANDAL S. MASHBURN, JUDGE


CHARLES M. WALKER, JUDGE