UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF TENNESSEE

LOCAL RULES

Effective May 17, 2005,
as Amended October 17, 2005,
February 25, 2008, December 1, 2008,
December 1, 2009, December 1, 2010,
November 1, 2012, and _____

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

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General

Selected comments have been supplied as an aid to evaluating proposed revisions to the local rules and eliciting public comment. The comments will not be a part of the local rules upon enactment of the amendments. Procedural directives in the local rules that were duplicative of those provided by the Federal Rules or local rule 9013-1 have been removed without specific comment. For example, the current references in a particular rule to setting a motion for hearing or serving the motion have been deleted as duplicative of the general requirements in local rule 9013-1(f)(1) and (d), respectively.

RULE 1001-1. TITLE, CAPTION, & SCOPE OF LOCAL RULES

(a) Title and Citation. These rules are entitled the "Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Tennessee," and may be cited as "E.D. Tenn. LBR _____."

(b) Effective Date and Scope. Pursuant to Fed. R. Bankr. P. 9029(a), these local rules adopted and effective May 17, 2005, as subsequently amended, supersede all previous rules of practice and procedure of this court and all standing and general orders. The rules govern all cases, contested matters, and adversary proceedings pending on or commenced after their effective date, except the court may in its discretion excuse compliance with a rule in a particular case, matter, or proceeding, to the extent the presiding judge determines that its application would not be feasible or would work an injustice.

Comment

This rule has been revised to clarify that the presiding judge in a case has the discretion to excuse compliance with a local rule.

RULE 1006-1. FEES — INSTALLMENT PAYMENTS

If a debtor has an unpaid filing fee in a case commenced within the one-year period prior to the filing of the current case, the debtor may not file on an ex parte basis an application for the payment of the filing fee in installments in the current case. Rather, the debtor must set the application for hearing as provided in Rule 9013-1(f). At that hearing, the debtor must appear and establish cause why the application should be granted, notwithstanding the failure to pay the filing fee in the prior case.

Comment

This rule is new and requires a debtor to set for hearing an application to pay the filing fee in installments and show cause for its approval if the debtor has failed to pay a filing fee in a case commenced one year prior.

RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS

(a) Payment Advices or Other Evidence of Payment from Employer. The debtor must comply with 11 U.S.C. § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E) (requiring the filing of copies of all payment advices or other evidence of payment, if any, received by the debtor from an employer within 60 days before the filing of the petition) by filing a statement substantially conforming to Local Form 1007.1. For purposes of complying with Fed. R. Bankr. P. 1007(b)(1)(E), and 11 U.S.C. § 521(a)(1)(B)(iv), the debtor may simply attach to Local Form 1007.1 the debtor's most recent paycheck stub showing year-to-date earnings, if the debtor has worked the same job for the last 60 days before the date of the filing of the petition.

(b) Certificate of Completion of Personal Financial Management Course. Fed. R. Bankr. P. 1007(b)(7) may be satisfied by an approved personal financial management provider filing a certificate bearing—

(1) the debtor's name;
(2) the debtor's case number;
(3) a certification by such provider that it is an approved personal financial management provider and that the debtor completed an instructional course in personal financial management; and
(4) an electronic ("/s/") or manual signature by an authorized agent of the provider.

This rule does not preclude the debtor from complying with Fed. R. Bankr. P. 1007(b)(7) by completing and filing Official Form 423, Certification About a Financial Management Course. If the debtor asserts that no personal financial management course is required, the debtor must file Official Form 423 so indicating and file a motion in accordance with E.D. Tenn. LBR 9013-1(f) to seek a waiver of the requirement. The form is available on the court's website, www.tneb.uscourts.gov.

Comment

Former local rule 1007-4 has been relocated to subdivision (b) in this rule to comply with national uniform local rule numbering guidelines.

RULE 1007-2. MAILING — LIST OR MATRIX

(a) Requirement of Master Address List. A master address list must be filed along with any petition initiating a voluntary bankruptcy case or within 14 days after the entry of an order for relief in an involuntary case. The list will be treated as the list of creditors required by Fed. R. Bankr. P. 1007(a). The list must include the names and complete addresses of all creditors and parties in interest, including equity security holders in a chapter 11 case who must be notified of the case pursuant to Fed. R. Bankr. P. 2002(d), and the addresses of all parties required to be notified under Fed. R. Bankr. P. 2002(j). In all chapter 11 cases and in any other case in which a department, agency, or instrumentality of the United States is a party, the list must also include the address of the United States Attorney.

(b) Form of Master Address List. The master address list must be in such form as prescribed by the clerk of court which can be found on the court's website, www.tneb.uscourts.gov.

(c) Verification of Master Address List. Every master address list must be accompanied by a verification signed and dated by each debtor stating, "I declare under penalty of perjury that the attached list of creditors is true and correct."

RULE 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES, & STATEMENTS

(a) Form. Any amendment to a petition, list, schedule, or statement must—

(1) be made using an Official Form to the extent possible;
(2) be fully completed, rather than set forth only the edited or supplemental information;
(3) contain a caption, including the debtor's name and case number;
(4) indicate in the document that it is an amendment, either by checking the appropriate box on the Official Form or by including the word "Amended" in the document title; and
(5) be verified.

(b) Notice of Amendment. Every amendment must be accompanied by an attached Notice of Amendment that sets forth with specificity the nature and purpose of the amendment being made.

(c) Service. Every amendment must be accompanied by a certificate evidencing service by the debtor on the trustee, if one has been appointed, the United States Trustee, and any affected entity. If the amendment is to a petition, Your Statement About Your Social Security Numbers (Official Form 121), or Schedule C: The Property You Claim as Exempt (Official Form 106C), the certificate of service for the amended petition, statement, or schedule must evidence service on all creditors and parties in interest because all are deemed affected by the amendment.

(d) Amendments Adding, Deleting, or Changing Address of Creditor or Party in Interest. An amendment that adds, deletes, or changes the address of a creditor or party in interest must be accompanied by—

(1) the required amendment fee if adding a creditor or other party in interest (no fee required if merely deleting or changing an address); and
(2) a certificate evidencing service on the trustee and the affected creditor or party in interest of a copy of—
    (i) the amendment and attached Notice of Amendment; and
    (ii) Notice of the Bankruptcy Case issued by the clerk of court and containing the debtor's full Social Security number.

The creditor list for the case on CM/ECF must be updated with the new information using the Creditor Maintenance bankruptcy event, but the filing of an amended master address list is not required.

(e) Required Amendment to Master Address List. If a debtor files an original list, schedule, or statement after the issuance of the Notice of the Bankruptcy Case by the clerk of court that includes in the filing a creditor or party in interest not listed previously on the debtor's master address list, the debtor must file an amended master address list that includes the additional creditor or party in interest, pay the required amendment fee, and file a certificate evidencing service on the added creditor or party in interest of a copy of the Notice of the Bankruptcy Case containing the debtor's full Social Security number.

(f) Correction of Debtor's Social Security Number. To correct an error in the debtor's Social Security number, the debtor must submit to the clerk of court an amended Official Form 121, Your Statement About Your Social Security Numbers, utilizing the appropriate official form,

accompanied by a separate certificate of service for filing that evidences service of the amended statement on the trustee, the United States Trustee, and all creditors and parties in interest. If the error is in the last four digits of the Social Security number, the debtor must also file an amended petition with the correct last four digits.

Comment

This rule has been revised to include a new subdivision (b) requiring every amendment to be accompanied by a Notice of Amendment that fully specifies the nature and purpose of the amendment such that it is not necessary to compare a former document with an amended one to identify the changes. Former subdivision (b) is now (c). Former subdivision (c), now (d), has been revised to now require that an amended schedule altering creditor information be fully complete rather than contain only the additional or corrected information. The subdivision has also been revised to clarify that an amended master address list need not be filed in that instance, although the creditor list for the case on CM/ECF must be updated. New subdivision (e) has been added to address the situation where, after the notice of commencement of case has been issued by the clerk of court, the debtor files a list, schedule, or statement that includes a creditor or other party in interest not listed on the debtor's master address list. Former subdivision (d) is now subdivision (f).

RULE 1017-1. CONVERSION — REQUEST FOR / NOTICE OF

(a) Conversion from Chapter 12 or 13 to Chapter 7. A debtor may convert a case from chapter 12 or 13 pursuant to 11 U.S.C. § 1208 or § 1307 by filing a notice of conversion or a motion to convert. In either event, the order entered converting the case will be deemed to relate back to the date the notice or motion was filed. Any conversion notice or motion must be accompanied by the required conversion fee.

(b) Conversion from Chapter 7. A debtor seeking to convert a chapter 7 case pursuant to 11 U.S.C. § 706(a) must file a motion to convert and serve the motion and proposed order upon all creditors in accordance with E.D. Tenn. LBR 9013-1. The motion must be accompanied by the required conversion fee.

Comment

Subdivision (a) has been revised to clarify, consistent with Fed. R. Bankr. P. 1017(f)(3), that the conversion date to chapter 7 is when the notice or motion was filed, regardless of when the conversion order was entered.

RULE 1019-1. CONVERSION — PROCEDURE FOLLOWING

(a) Duties of Debtor Upon Conversion of Chapter 13 Case to Chapter 7. Within 14 days following the conversion of a chapter 13 case to chapter 7, the debtor must file—

(1) a schedule of unpaid debts incurred after the filing of the petition, including the name and address of each claim holder;

(2) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the petition;

(3) if unpaid debts were incurred or executory contracts or unexpired leases entered into postpetition, a supplemental master address list of creditors in the form and manner required by E.D. Tenn. LBR 1009-1; and

(4) such other amendments to the schedules, statements, and lists as are necessary to reflect any additions, deletions, or other material changes in the assets or liabilities of the debtor that have occurred since the filing of the petition.

(b) Duties of Chapter 13 Trustee Upon Conversion of Case to Chapter 7. Within 30 days following the conversion of a chapter 13 case to chapter 7, the chapter 13 trustee must—

(1) disburse to the clerk of court any unpaid filing fee to the extent the trustee has funds on hand;

(2) return to the debtor all property in the possession of the trustee that was added to the estate by 11 U.S.C. § 1306(a)(1) and (2);

(3) turn over to the chapter 7 trustee all records and property of the estate, as of the date of the filing of the petition, in the chapter 13 trustee's possession or control as required by Fed. R. Bankr. P. 1019(4); and

(4) file a final report and account.

(c) Payment of Filing Fee. In the event the chapter 13 trustee does not have sufficient funds on hand to pay the filing fee in full, the debtor must pay the balance of the filing fee within 45 days from the conversion of the chapter 13 case to chapter 7.

(d) Fed. R. Bankr. P. 1019 Not Supplanted. The requirements of this rule are not intended to supplant the requirements of Fed. R. Bankr. P. 1019.

Comment

The former local rule has been revised in light of *Harris v. Viegelahn*, 135 S. Ct. 1829 (2015), and designated as subdivision (b). Other subdivisions are new. Subdivision (a) sets forth certain duties of the debtor upon conversion, subdivision (c) sets a deadline for a debtor to pay any unpaid filing fee, and subdivision (d) makes clear that this local rule is not meant to supplant the federal bankruptcy rule.

RULE 1071-1. DIVISIONS — BANKRUPTCY COURT

There are four divisions of the court. The headquarters of each division and the counties comprising each division are as follows:

Name of Division	**Clerk's Office**	**Counties**
Northeastern	Greeneville	Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington
Northern	Knoxville	Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union

Name of Division	Clerk's Office	Counties
Southern	Chattanooga	Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie
Winchester	Chattanooga	Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

Notices of the 11 U.S.C. § 341(a) meeting of creditors, orders dismissing the case, and discharge orders may have a return address of the debtor's attorney or the debtor if pro se. If the notice or order is returned as undeliverable, the debtor's attorney or pro se debtor must determine the correct address, re-serve the notice or order, file a certificate of service with the clerk of court, and amend the appropriate schedule to reflect the correct address for the creditor. If the correct address is unavailable, the debtor's attorney or pro se debtor should file a notice with the clerk, who is then authorized to remove from the mailing list the undeliverable address. If any other notice, motion, or order is returned to the clerk as undeliverable, the clerk may forward the undelivered notice, motion, or order to the debtor's counsel or to the debtor if pro se for re-service in accordance with this rule.

Comment

Former subdivision (b), entitled Chapter 11 Noticing, has been revised and moved. The portion limiting notices required by Fed. R. Bankr. P. 4001(b)-(d) has been moved to new local rule 4001-4. The portion limiting noticing required by Fed. R. Bankr. P. 2002(a)(2)-(3) has been deleted because Rule 2002(a) does not appear to permit the limitation of notices required under (a)(2). Rather, the rule only allows a limitation of notices required under (a)(3) for "cause shown" or as permitted under Rule 2002(i).

RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY

(a) Notice to the United States Trustee. The appropriate address for transmittal to the Office of the United States Trustee can be found on the court's website, www.tneb.uscourts.gov.

(b) Notice to the United States. Notices to the United States or any of its agencies, departments, or instrumentalities must be served at the address for that particular agency, department, or instrumentality listed on the court's website, www.tneb.uscourts.gov. In the event notice to the United States is required, notice must also be served on the United States Attorney at the address listed on the court's website. The notice requirements of this subdivision must be utilized in conjunction with the service requirements of Fed. R. Bankr. P. 7004(b)(4) and (5).

RULE 2002-4. NOTICE TO STATE OF TENNESSEE

Notices to the State of Tennessee or any of its agencies, departments, or instrumentalities must be served on the Tennessee Attorney General at the address set forth on the court's website, www.tneb.uscourt.gov.

RULE 2014-1. EMPLOYMENT OF PROFESSIONALS

Unless the court orders otherwise, entry of an order approving the employment of a professional under Fed. R. Bankr. P. 2014 will be deemed to relate back to the filing date of the application to employ or, if the application to employ is filed within 7 days of the order for relief, to the date of the order for relief, provided that the application for employment and approving order references this rule.

Comment

This rule is new per the request of the United States Trustee and provides for the relation back of the entry of an order employing a professional, either to the date of the application or to the date of the order for relief, if the terms of the rule are met.

RULE 2015-1. TRUSTEES — GENERAL

The chapter 7 panel trustees, the standing trustees in chapter 12 and chapter 13 cases serving this court, and their authorized representatives are exempt from the payment of fees for Web PACER (Public Access to Court Electronic Records) for the sole purpose of accessing case information from the PACER system in furtherance of their official duties as trustees. Any such trustee or authorized representative who accesses case information from the PACER system pursuant to this rule is presumed to be acting in furtherance of official trustee duties.

RULE 2015-2. DEBTOR — DUTIES

(a) Chapter 11 Operating Reports. Unless otherwise ordered by the court, a chapter 11 debtor in possession or trustee, if one has been appointed, must file verified operating reports in the format required by the United States Trustee, except that in a chapter 11 small business case, Official Form 25C, Small Business Monthly Operating Report, must be utilized. Prior to confirmation of a plan, the reports must be filed monthly. After confirmation, the reports may be filed quarterly instead of monthly unless the confirmed plan provides for a different reporting schedule.

(b) Chapter 12 Operating Reports. Unless otherwise ordered by the court, a chapter 12 debtor must file verified operating reports in the format required by the chapter 12 trustee. Prior to confirmation of a plan, the reports must be filed monthly. After confirmation, the reports may be filed quarterly instead of monthly unless the confirmed plan provides for a different reporting schedule.

(c) Chapter 13 Operating Reports. Unless otherwise ordered by the court, a chapter 13 debtor engaged in business must file verified monthly operating reports in the format required by the chapter 13 trustee.

(d) Timing of Filing Operating Reports. Monthly operating reports must be filed by the 15th day of each following month. Quarterly operating reports for the preceding quarter must be filed by January 15, April 15, July 15, and October 15 of each year.

(e) Service of Operating Reports. Operating reports must be served on the United States Trustee, the chapter 12 trustee or the chapter 13 trustee as the case may be, any committee of creditors appointed under 11 U.S.C. § 1102, the United States Attorney, the Internal Revenue Service, and any other creditor or party in interest that submits a written request for copies of such reports.

Comment

This rule has been revised to require only quarterly reporting in chapter 11 cases after confirmation, unless the plan provides otherwise, and to require the small business debtor to use the official form for reporting. Subdivision (b) now requires reporting by chapter 12 debtors. Former local rule 2083-1 regarding reporting by chapter 13 business debtors has been moved to subdivision (c).

RULE 2016-1. COMPENSATION OF DEBTOR'S ATTORNEY IN CHAPTER 13 CASES

(a) General Provisions. In accordance with 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b), the attorney for a chapter 13 debtor must file a Disclosure of Compensation of Attorney for Debtor statement, utilizing Director's Form 2030, available on the court's website, www.tneb.uscourts.gov, with such modifications as may be appropriate. As required by the form, the statement must set forth the attorney's fee agreement with the debtor for the chapter 13 case, including whether the agreed fee is a flat fee as authorized in subdivision (b) of this rule, a fee to be calculated under the lodestar method by multiplying the attorney's reasonable hourly rate by the number of hours reasonably expended, or some combination of the two. If the fee is to be calculated by lodestar, the attorney must disclose the hourly rate for the attorney and for any other professional in the attorney's office who is expected to work on the case. Under 11 U.S.C. § 503(b)(2), amounts awarded by the court to the attorney for the chapter 13 debtor constitute administrative expenses.

(b) Flat Fee Award.

(1) *Definition and Services.* Without the filing of an itemized statement under Fed. R. Bankr. P. 2016(a), a debtor's attorney in a chapter 13 case may request a reasonable flat fee for representing the interests of the debtor in connection with the case, if the flat fee does not exceed $3,750. The flat fee request must be based on the attorney's good faith estimate of the services to be rendered in the case, the attorney's hourly rate for such services, and the other factors listed in 11 U.S.C. § 330(a)(3) and (4). In setting the fee, the attorney should also take into account the length of the plan, whether secured creditors will be paid, the amount of total plan payments, and the expected dividend to unsecured creditors. While it is contemplated that a flat fee award will be for all services for representing the interests of the debtor in the chapter 13 case, the debtor's attorney may provide in the Disclosure of Compensation statement that the flat fee does not include any services for which an adversary proceeding is required by Fed. R. Bankr. P. 7001, contempt proceedings, any expert witness fees and expenses, and appeals.

(2) *Procedure.* Any request for a flat fee must be set forth in the chapter 13 plan in the section addressing the payment of administrative expenses. A party in interest may file an objection to the requested flat fee in the manner for objecting to the plan under E.D. Tenn. LBR 3015-3(a). Absent an objection, the fee may generally be approved in the order of confirmation without further notice or a hearing. The court may, sua sponte, require a hearing on any flat fee request.

(3) *Supplemental Fee Requests*. If, after confirmation, the debtor's attorney seeks compensation for services excluded from the flat fee as permitted in paragraph (1) of this subdivision, the attorney must file a fee application conforming to Fed. R. Bankr. P. 2016(a) for those services. The application must include (1) a statement that the services for which the attorney is seeking supplemental compensation were specifically excluded from the services included in the flat fee award, and (2) an itemized statement supported by contemporaneous time and expense records related to the services for which the supplemental fees are requested. To the extent that the fee arrangement for such supplemental services was not addressed in the attorney's filed Disclosure of Compensation statement, the attorney must file an amended statement. The attorney must serve the application or a summary thereof, along with the proposed order, upon the debtor, the trustee, and if the amount sought exceeds $1,000, on all creditors and parties in interest. The application must state the effect, if any, of the requested fee on the dividend to be paid unsecured creditors under the debtor's plan.

(c) Lodestar Fee Award. In any case in which a chapter 13 debtor's attorney seeks compensation other than the flat fee authorized in subdivision (b) of this rule, the attorney must file a fee application conforming to Fed. R. Bankr. P. 2016(a). The application must include an itemized statement and be supported by contemporaneous time and expense records. The applicant must serve the application or a summary thereof, along with the proposed order, upon the debtor, the trustee, and if the amount sought exceeds $1,000, on all creditors and parties in interest. The application must state the effect, if any, of the requested fee on the dividend to be paid unsecured creditors under the debtor's plan.

(d) Debtor's Attorney Fee in Cases Dismissed or Converted Before Confirmation. In the event a chapter 13 case is dismissed or converted before plan confirmation, the attorney for the debtor will be awarded a fee in the amount of $1,750, absent a request filed by the attorney or an objection filed by the trustee or the debtor within 14 days after entry of the dismissal or conversion order. The awarded fee is to be paid from any prepetition retainer held by the debtor's attorney, with the balance paid by the chapter 13 trustee from any plan payments on hand, after payment of any unpaid filing fees. In the event there are any other unpaid administrative expenses awarded under 11 U.S.C. § 503(b), the trustee must pay these expenses along with the balance of the fee award on a pro-rata basis.

Comment

Per the request of the Knoxville bankruptcy bar, the two standing chapter 13 trustees, the assistant United States Trustee for the district, and three members of the Chattanooga bankruptcy bar who requested a fee increase, this rule has been revised to increase the amount of the fee a chapter 13 debtor's attorney may be awarded without the necessity of filing an itemized statement under Fed. R. Bankr. P. 2016(b). Unlike the former local rule's presumptive base fee that covered all services and expenses prior to confirmation of a plan and routine services and expenses anticipated to be provided after confirmation, the flat fee awarded under this revised rule is contemplated to be for all services for representing the interests of the debtor in the chapter 13 case without regard to the stage of the case, subject to only a few exceptions. Accordingly, former local form 2016.1 has been eliminated. A new subdivision (d) has been added to provide for fee awards in cases dismissed or converted prior to confirmation.

RULE 2016-2. REIMBURSEMENT OF CHAPTER 13 ADMINISTRATIVE EXPENSES

After plan confirmation, the chapter 13 trustee is authorized to disburse funds to satisfy de minimis administrative expenses incurred by the chapter 13 trustee in a particular case up to a cumulative maximum of $75 per case.

Comment

This rule is new per the request of chapter 13 trustee Kara West and provides for payment up to $75 per case of a chapter 13 trustee's administrative expenses incurred in the case, usually resulting from fees charged to the trustee associated with a debtor's NSF check.

RULE 2090-1. ATTORNEYS — ADMISSION TO PRACTICE

(a) General Admission. The bar of this court consists of all attorneys admitted to practice by, and in good standing with, the United States District Court for the Eastern District of Tennessee in accordance with its local rule, E.D. Tenn. L.R. 83.5(a).

(b) Attorney Practice Before the Court. Except for activities not requiring representation by an attorney pursuant to E.D. Tenn. LBR 9010-2(a), attorneys may not practice before this court unless—

(1) admitted to practice by, and presently in good standing with, the United States District Court for the Eastern District of Tennessee;
(2) representing the United States and authorized to practice before the district court under its local rule, E.D. Tenn. L.R 83.5(b)(3); or
(3) admitted to practice *pro hac vice* under subdivision (c) of this rule.

(c) Admission *Pro Hac Vice*. An attorney who is in good standing as a member of the bar of a state and is admitted to practice in a United States District Court may be admitted *pro hac vice* by comity to appear before this court in a particular case, contested matter, or adversary proceeding.

Admission *pro hac vice* must be sought by written motion that includes or is accompanied by a statement signed by the attorney under penalty of perjury and setting forth—

(1) the movant's office address, telephone and fax numbers, and email address;
(2) each court to which the movant is admitted to practice; and
(3) that the movant is in good standing and eligible to practice in all courts to which he or she is admitted.

The movant must submit with the motion a proposed order granting the motion, approved for entry by the movant. Except in adversary proceedings, the court in its discretion may waive the requirement of a written motion and in lieu thereof may permit the motion to be made orally on the record by a member of the bar of this court.

RULE 2090-2. ATTORNEYS — DISCIPLINE AND DISBARMENT

The Rules of Professional Conduct as adopted by the Supreme Court of Tennessee (Rule 8 of that court's rules) are likewise adopted by this court as rules of professional conduct to the extent they relate to matters within this court's jurisdiction.

RULE 2091-1. ATTORNEYS — WITHDRAWALS

(a) Withdrawal by Attorney for Debtor in a Bankruptcy Case or Adversary Proceeding. An attorney who has made an appearance on behalf of a debtor as determined by E.D. Tenn. LBR 9010-1 may not withdraw from representation of the debtor except by leave of court for cause shown. The attorney seeking to withdraw must either file a motion setting forth the basis for the requested withdrawal or, in the event the debtor has obtained the services of another attorney, a motion for entry of an agreed order of substitution of counsel signed by both attorneys. If a motion to withdraw is filed in a bankruptcy case, the attorney must serve the motion and proposed order upon the debtor and the trustee. If a motion to withdraw is filed in an adversary proceeding, the attorney must serve the motion and proposed order upon the debtor and all other parties. If an agreed order of substitution of counsel is tendered, the new attorney must file within 14 days after entry of the agreed order the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b), Director's Form 2030, available on the court's website, www.tneb.uscourts.gov.

(b) Withdrawal by Attorney for Party Other than Debtor in a Bankruptcy Case. An attorney who has made an appearance on behalf of a non-debtor party in a bankruptcy case as determined by E.D. Tenn. LBR 9010-1 may withdraw from representation without leave of court by filing a notice stating that the attorney no longer represents the party. In the event the party has obtained the services of another attorney, a notice of substitution of counsel may be filed by the new attorney that includes the new attorney's name, office address, telephone and fax numbers, and email address.

(c) Withdrawal by Attorney for Party Other than Debtor in an Adversary Proceeding. An attorney who has made an appearance on behalf of a non-debtor party in an adversary proceeding as determined by E.D. Tenn. LBR 9010-1 may not withdraw from representation except by leave of court. The attorney seeking to withdraw must either file a motion setting forth the basis for the requested withdrawal or, in the event the party has obtained the services of another attorney, a motion for entry of an agreed order of substitution of counsel signed by both attorneys. If a motion to withdraw is filed, the attorney must serve the motion and proposed order on all parties to the adversary proceeding.

RULE 3001-1. CLAIMS & EQUITY SECURITY INTERESTS — GENERAL

Prior to the 11 U.S.C. § 341(a) meeting of creditors in a chapter 7, 12, or 13 case, a creditor asserting a security interest in property of the estate or of the debtor must furnish to the trustee any proof that the security interest has been perfected and a statement of the approximate amount of the secured debt. If the creditor fails to comply, the trustee may send notice in writing to the creditor in accordance with Fed. R. Bankr. P. 9014(b) advising of such failure and providing an opportunity to cure the noncompliance within 21 days. If the creditor fails to timely cure the noncompliance, the trustee may be entitled to recover costs and attorney fees related to the filing of an adversary proceeding against the creditor concerning the perfected status of the creditor's claim, unless the creditor demonstrates good cause for failing to comply with this rule.

Comment

Former subdivision (a) that permitted a summary of exhibits to be filed in lieu of filing exhibits with a proof of claim has been deleted in light of increased upload speed and server capacity, and former local form 9070.1 has been eliminated. Remaining former subdivision (b) has been revised per the request of the Knoxville bankruptcy bar to include the possible recovery of attorney fees based on a secured creditor's failure to timely comply with this rule without cause. The rule has also been expanded to chapters 12 and 13.

RULE 3007-1. CLAIMS — OBJECTIONS

(a) Objection and Order Title. An objection to the allowance of a claim for which a proof of claim has been filed and the accompanying proposed order should include in its title the name of the holder of the claim and the number of the claim as shown in the claims register maintained by the clerk of court. If an objection addresses claims of more than one holder, the names of the holders and the numbers of the claims may be set forth in an exhibit referenced in the title.

(b) Service. In addition to any service addresses for the claimant and its attorney in the list of creditors maintained by the clerk of court, the certificate for the objection and proposed order must evidence service upon the claimant at the name and address designated by the creditor for notices in that creditor's proof of claim. If the objection is filed by a party in interest, the objecting party must also serve the objection on the debtor, the debtor's attorney, and the trustee as appropriate.

(c) Affidavit or Declaration in Support. In the event a party utilizes the passive notice procedure of E.D. Tenn. LBR 9013-1(h) in filing an objection to a claim or supplement to claim (notice of mortgage payment change or notice of postpetition mortgage fees, expenses, and charges), the objection must be accompanied by an affidavit or declaration under penalty of perjury that sets forth the evidentiary basis for the objection, unless the objection is premised solely on procedural grounds evident from the record.

Comment

This rule has been revised to require that the name of the claim holder and the number of the claim in the court registry be included in the title of the objection and order. The revision also clarifies that service must be made upon the creditor at the name and address designated in its proof of claim in addition to any other address. Former local rule 3002-1 requiring service of proofs of claim upon the trustee has been deleted in light of electronic case filing.

RULE 3010-1. DIVIDENDS — SMALL

Pursuant to Fed. R. Bankr. P. 3010(b), the chapter 13 trustee is authorized to disburse and make payments of less than $15 if the trustee deems it appropriate.

RULE 3015-1. CHAPTER 13 — PLAN

If the chapter 13 plan is filed with the petition, the clerk of court will be responsible for serving the plan on creditors and parties in interest. If a debtor elects to file a plan after filing the petition, the debtor's attorney or debtor if pro se must serve the plan on creditors, parties in interest, and the chapter 13 trustee, and file a certificate of service in accordance with E.D. Tenn. LBR 9013-3.

Comment

Former subdivision (a) requiring a plan provision concerning the fees of the debtor's attorney has been deleted as this requirement is set forth in local rule 2016-1.

RULE 3015-2. CHAPTER 13 — AMENDMENTS TO PLANS

(a) Modification of Confirmed Plans.

(1) *Procedure.* Except as provided in paragraph (7) of this subdivision, a debtor seeking to modify a confirmed chapter 13 plan must file—
- (i) a motion to modify the plan;
- (ii) the proposed modified plan;
- (iii) a Notice conforming to Local Form 3015.2; and
- (iv) if the motion seeks to reduce plan payments, amended Schedules I and J.

(2) *Contents of Motion.* The motion to modify must include—
- (i) a summary of the changes set forth in the proposed modified plan; and
- (ii) the reason for the modification.

(3) *Contents of Notice.* The date specified in the Notice for the meeting with the chapter 13 trustee must be designated by the debtor on a day prearranged by the trustee and must be at least 21 days after service of the motion, plan, and notice.

(4) *Service of the Motion*. The motion must contain a certificate evidencing service of the motion, the proposed modified plan, and the Notice on the chapter 13 trustee and all affected creditors and parties in interest. The chapter 13 trustee must also be served with copies of the amended schedules.

(5) *Objections to the Motion*. To be timely, an objection to the motion to modify must be filed with the clerk of court before the scheduled time of the meeting with the chapter 13 trustee or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the meeting.

(6) *Court Consideration of Motion*. If no objection to the proposed modification is filed, the court may approve the modification without a hearing. In that event, the chapter 13 trustee must promptly tender an order approving the modification, bearing the signature of the trustee, in a form substantially conforming to Local Form 3015.3. If a party in interest objects to confirmation of the modified plan, the court will conduct a hearing, which (absent a contrary agreement of the objecting party and the debtor) will be—

(i) in the Northeastern and Northern Divisions, the first scheduled time for confirmation hearings that is at least 7 days after the completion of the meeting with the chapter 13 trustee; or

(ii) in the Southern and Winchester Divisions, the first scheduled time for confirmation hearings that is at least 14 days after the completion of the meeting with the chapter 13 trustee.

(7) *Agreed Order*. Notwithstanding the foregoing, a plan may be modified by an agreed order signed by the debtor's attorney and the trustee if the modification would not adversely affect any creditor and the agreed order so certifies.

(b) Preconfirmation Amendments. Where the debtor desires to amend a plan before confirmation and the amendment will materially adversely affect creditors, the amendment must be made by filing a new plan identified as an amended plan. The amended plan must be accompanied by—

(1) a Notice conforming to Local Form 3015.4; and

(2) a certificate evidencing service of the amended plan and the Notice on the chapter 13 trustee and all affected creditors and parties in interest.

Thereafter, the confirmation process will be governed by E.D. Tenn. LBR 3015-3.

Comment

The directive in (a)(6) concerning the hearing if an objection to a motion to modify plan is filed and in the following local rule at (b) for hearings on objections to confirmation have been revised to conform to existing practice in the Southern and Winchester divisions.

RULE 3015-3. CHAPTER 13 — CONFIRMATION

(a) Objections to Confirmation. To be timely, an objection to confirmation of a chapter 13 plan must be filed with the clerk of court before the scheduled time of the 11 U.S.C. § 341(a) meeting of creditors or the objection must be lodged with the chapter 13 trustee at the meeting of creditors in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.

(b) Court Consideration of Plan. If no objection to the plan is filed, the court may confirm the plan without a hearing upon the submission of a proposed confirmation order by the chapter 13 trustee in the form required by Local Form 3015.5. If a party in interest objects to plan confirmation, the court will conduct a hearing. The court has determined that it would be in the best interests of creditors and the estate to hold confirmation hearings at a time earlier than 20 days after the date of the 11 U.S.C. § 341(a) meeting of creditors if there is no objection to such earlier time. Unless a written objection to such earlier time is filed or lodged in the same manner and by the same deadlines as an objection to confirmation as provided in subdivision (a) of this rule, the confirmation hearing will (absent a contrary agreement of the objecting parties and the debtor) be—

(1) in the Northern and Northeastern Divisions, the first scheduled time for confirmation hearings that is at least 7 days after the completion of the § 341(a) meeting of creditors; or

(2) in the Southern and Winchester Divisions, the first scheduled time for confirmation hearings that is at least 14 days after the completion of the § 341(a) meeting of creditors.

In the event a written objection to the scheduled time of the confirmation hearing is timely filed or lodged, the confirmation hearing instead will be (absent a contrary agreement of the objecting parties and the debtor) the first scheduled time for confirmation hearings that is at least 20 days after the completion of the § 341(a) meeting of creditors.

Comment

New local form 3015.5 as referenced has been added.

RULE 3017-2. DISCLOSURE STATEMENT — SMALL BUSINESS CASES

(a) Conditional Approval. A plan proponent seeking conditional approval of a disclosure statement in a small business case must file—

(1) an application pursuant to Fed. R. Bankr. P. 3017.1(a) for conditional approval of a disclosure statement without a hearing;

(2) a disclosure statement that contains the information required by Official Form 25B, Disclosure Statement in Small Business Case under Chapter 11, as may be pertinent; and

(3) a plan that contains the information required by Official Form 25A, Plan of Reorganization in Small Business Case under Chapter 11, as may be pertinent.

(b) Hearing on Final Approval. If the court enters an order granting an application for conditional approval of a disclosure statement, the hearing on final approval of the disclosure statement will be combined with the hearing on confirmation of the plan pursuant to Fed. R. Bankr. P. 3017.1(c).

(c) Extension of Time for Obtaining Confirmation of Plan under 11 U.S.C. § 1129(e). At the combined hearing on final approval of the disclosure statement and on confirmation of the plan, the court may consider without further notice whether the 45-day period in which the plan must be confirmed as required by 11 U.S.C. § 1129(e) should be extended under 11 U.S.C. § 1121(e)(3), provided that the hearing notice gives notice of this possibility.

Comment

This rule is new and implements in subdivision (a) an exclusive procedure under 11 U.S.C. § 1125(f) for conditional approval of a disclosure statement in a small business case. The rule also requires the utilization of official forms to the extent possible for the statement and plan. Subdivision (c) provides a procedure for the court to consider at the confirmation hearing whether to extend the 45-day time period for entry of an order confirming plan if the hearing notice on confirmation so indicates.

RULE 3022-1. ADMINISTRATIVE CLOSURE — INDIVIDUAL CHAPTER 11 CASE

In a chapter 11 case in which the debtor is an individual and obtains confirmation of a plan, the debtor may move for an administrative closure of the case without entry of a final decree upon the final disposition of all contested matters and adversary proceedings, including appeals. A party in interest including the debtor may move to reopen a case that has been administratively closed under this rule without the necessity of paying a filing fee.

Comment

This rule is new and permits the administrative closure of an individual's chapter 11 case pending the completion of plan payments and the subsequent reopening of the case to obtain a discharge without the payment of a reopening fee once plan payments are completed. The rule also permits any party in interest to request the reopening of a case closed under this rule without payment of the reopening fee.

RULE 3070-1. CHAPTER 13 PAYMENTS

(a) Preconfirmation Payments to Lessor or Creditor. If the proposed plan provides for the chapter 13 trustee to make preconfirmation payments under 11 U.S.C. § 1326(a)(1)(B) or (C) on personal property leases or adequate protection payments on a claim secured by personal property, the chapter 13 trustee will make any payment in the amount specified in the plan, after entry of an order approved by the trustee and the lessor or creditor, provided that the filing fee has first been paid in full. The trustee may assess an administrative fee for effecting payments required by this rule equal to the percentage fee fixed for the trustee under 28 U.S.C. § 586(e)(1)(B).

(b) Dismissal of Case Prior to Confirmation. Upon dismissal of a chapter 13 case in which a chapter 13 plan has not been confirmed, the chapter 13 trustee must return to the debtor the balance of any funds on hand remaining from plan payments made by the debtor to the trustee under 11 U.S.C. § 1326(a)(1)(A), after first deducting any unpaid filing fees, payments to creditors required under subdivision (a) of this rule, and other administrative expenses allowed under 11 U.S.C. § 503(b), including the fee for the debtor's attorney in E.D. Tenn. LBR 2016-1(d).

Comment

This rule is new. Per the request of the Knoxville bankruptcy bar, subdivision (a) allows, upon entry of an agreed order approved by the chapter 13 trustee and the creditor, certain preconfirmation payments specified in the proposed chapter 13 plan. Per the request of chapter 13 trustee Kara West, subdivision (b) provides for disbursement of chapter 13 funds upon dismissal preconfirmation.

RULE 4001-1. AUTOMATIC STAY — RELIEF FROM

(a) Contents of Motion. A motion for relief from the automatic stay filed by a secured creditor must state the basis for the relief sought and include a statement of the unpaid balance of the creditor's claim as of the date of filing of the debtor's petition and a description of the collateral in which the creditor asserts a security interest.

(b) Attachments. Documents or pertinent excerpts of the documents which evidence the creation and perfection of a security interest such as the security agreement, UCC-1 financing statement, certificate of title, or deed of trust must be attached to the motion.

(c) Service. Each motion must contain a certificate evidencing service of the motion, actual copies of the attachments or their pertinent excerpts, and the proposed order (along with a Notice of Hearing if hearing is set) on the debtor, debtor's attorney, trustee, and such other parties as may be required under E.D. Tenn. LBR 4001-4.

(d) Service of Joined Motion to Compel Abandonment. If a motion for relief from stay is joined with a motion for order requiring the trustee to abandon property of the estate, the joint motion must also be served upon all creditors and parties in interest, unless otherwise ordered by the court.

(e) Waiver of Automatic Termination Provision. If the movant utilizes the passive notice procedure of E.D. Tenn. LBR 9013-1(h) or does not schedule a hearing on a motion for relief from the automatic stay for a date that is within 30 days after the date the motion was filed, the movant is deemed to have waived the automatic termination provision of 11 U.S.C. § 362(e)(1).

Comment

This rule has been revised. While former subdivision (a) pertained only to chapter 7 motions for relief from stay, the rule is no longer limited to any particular chapter. New subdivision (b), which was formerly a part of subdivision (a), has been revised to delete the option of filing a summary of exhibits in lieu of actual exhibits (see comment to local rule 3001-1). Former subdivision (b) that pertained to Fed. R. Bankr. P. 4001(d) motions in chapter 11 cases has been deleted because it appeared redundant to Rule 4001(d) and the provisions of local rule 9013-1. New subdivision (d) was added to clarify that service of motions to compel abandonment upon all creditors as required by Fed. R. Bankr. P. 6007 is not excused when joined with a motion for relief from stay that may not otherwise require service upon all.

RULE 4001-4. SERVICE IN CHAPTER 11 CASES — PARTIES TO RECEIVE NOTICE

Unless the court orders otherwise, a motion filed under Fed. R. Bankr. P. 4001(a)-(d) in a chapter 11 case must be served upon the following—

(1) any party entitled to notice under Fed. R. Bankr. P. 9014;
(2) the debtor and the debtor's attorney (unless the debtor is giving the notice);
(3) the trustee, if any (unless the trustee is giving the notice);
(4) all other parties requesting notices;
(5) counsel for all committees appointed under 11 U.S.C. § 1102;
(6) the creditors holding the 20 largest unsecured claims if no committee of unsecured creditors has been appointed;
(7) all secured creditors;
(8) the United States Trustee;
(9) any government or department, agency, or instrumentality of any government to which the debtor may be indebted or that may otherwise be affected; and
(10) the United States Attorney, if the United States or any department, agency, or instrumentality of the United States is a creditor or may be otherwise affected.

Comment

This new rule was formerly part of local rule 2002-1(b) and now also includes Rule 4001(a) motions.

RULE 4001-5. AUTOMATIC STAY — CONTINUATION OR IMPOSITION

(a) Motion to Continue Stay. A motion to continue a stay filed by a debtor pursuant to 11 U.S.C. § 362(c)(3)(B) must—

(1) identify the creditors proposed to be stayed;
(2) list the case number of the case pending within the year preceding the commencement of the current case, along with the reason the case was dismissed; and
(3) set forth the facts that demonstrate that the filing of the present case is in good faith as to the creditors proposed to be stayed.

(b) Motion to Impose Stay. A motion to impose a stay filed by a debtor pursuant to 11 U.S.C. § 362(c)(4)(B) must—

(1) identify the creditors proposed to be stayed;
(2) list the case numbers of all cases pending within the year preceding the commencement of the current case, along with the reasons the cases were dismissed; and
(3) set forth the facts that demonstrate that the filing of the present case is in good faith as to the creditors proposed to be stayed.

Comment

Former local rule 4001-2 has been renumbered here to comply with national uniform local rule numbering guidelines.

RULE 4002-1. DEBTOR — DUTIES

(a) Domestic Support Obligations. With respect to each domestic support obligation, the debtor must list on Schedule E/F: Creditors Who Have Unsecured Claims—

(1) in Part 1 the name and address of each claim holder (the names of minor children shall not be revealed); and
(2) in Part 3 the name, address, and telephone number of the child support enforcement agency for the state in which each claim holder resides.

Within 30 days following certification by the trustee that the debtor has completed the plan payments in a chapter 12 or 13 case, the debtor must satisfy the certification requirement in 11 U.S.C. § 1228(a) or § 1328(a) by completing and filing Director's Form 2830, Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q), available on the court's website, www.tneb.uscourts.gov.

(b) Rent Deposit. 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) may be considered filed with the petition if tendered to the clerk of 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 cashier's check, money order, or certified check made payable to the lessor (not the clerk of court). The name and mailing address of the lessor must be provided to the clerk with tender of the deposit.

Comment

This rule is new and sets forth requirements concerning domestic support obligations and deposits of rent.

RULE 4003-2. LIEN AVOIDANCE — JUDICIAL

A motion to avoid a judicial lien filed by a debtor pursuant to 11 U.S.C. § 522(f)(1)(A) must set forth—

(1) the factual basis for the motion, including the amount of the lien;
(2) the identity and fair market value of the property subject to the lien;

(3) the nature and amount of any other debts or obligations secured by an interest in the property; and
(4) the dollar amount of the exemption.

RULE 4008-1. REAFFIRMATION — MOTION TO ENLARGE TIME FOR FILING

(a) Initial Motion. The court will ordinarily grant a single enlargement of the time to file a reaffirmation agreement under Fed. R. Bankr. P. 4008(a) for not more than 30 days upon the filing of a motion by the debtor or a secured creditor.

(b) Subsequent Motion(s). For further enlargement of the time for filing a reaffirmation agreement, the motion must demonstrate good cause for such further enlargement and state—
(1) how many motions to enlarge the time for filing reaffirmation agreements have previously been filed;
(2) the original deadline under Fed. R. Bankr. P. 4008(a);
(3) the amount of enlargement granted in response to each previous motion; and
(4) the specific grounds for a further enlargement.

Comment

This rule has been revised per the request of the Knoxville bankruptcy bar to include ex parte motions by secured creditors.

RULE 4070-1. INSURANCE

When the debtor plans to retain a motor vehicle that is subject to the lien of a creditor holding a 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(a) meeting of creditors. Proof of insurance includes 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, which must be at least 60 days from the date of the § 341(a) meeting. This rule is not meant to supplant 11 U.S.C. § 1326(a)(4).

Comment

This rule is new and mandates that a debtor provide proof of insurance coverage that extends at least 60 days after the meeting of creditors.

RULE 5003-1. CLERK — GENERAL / AUTHORITY

The clerk of court, deputy clerks, and all other court personnel are prohibited from giving any legal advice and assume no responsibility for information or misinformation regarding the applicability of bankruptcy laws and rules, including the local rules of this court.

Comment

Former local rule 5001-2 entitled CLERK — OFFICE LOCATION / HOURS that immediately preceded this rule has been deleted as unnecessary.

RULE 5005-4. ELECTRONIC FILING

(a) Electronic Filing Generally. The court uses an Electronic Case Filing (ECF) system, as integrated with the Case Management (CM) component, that allows, accepts and routes remote filings via internet access to electronic court files. Except as otherwise provided by these rules or the court, all documents submitted for filing must be filed electronically by a Registered User, or scanned and uploaded by the clerk into the ECF system. No paper file is maintained by the clerk and if a paper document is submitted for filing and is scanned into the ECF system by the clerk, the clerk may thereafter dispose of the paper document. Documents may be filed, signed, or verified by electronic means that are consistent with technical standards established by the Judicial Conference of the United States and these rules.

(b) Electronic Filing by Attorneys.

(1) *Mandatory Registration for Attorneys.* All attorneys practicing in this court must register as a Registered User of the ECF system and file their pleadings and other papers electronically through the ECF system. Any attorney desiring to file a document in the traditional manner must file with the document a motion for leave to do so, alleging the facts and circumstances that the attorney believes constitute good cause for suspending the operation of the preceding sentence. The motion must be accompanied by a proposed order, approved for entry by the movant.

(2) *Effect of Registration.* Registration by an attorney for the ECF system constitutes—

(i) waiver of the right to receive notice by first class mail and consent to receive notice electronically;

(ii) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004; and

(iii) consent to electronic notice of the entry of a judgment or order under Fed. R. Bankr. P. 9022(a).

(3) *Termination or Withdrawal of Registration.* After notice and hearing, the court may terminate a Registered User's use of ECF for cause, including abuse of ECF or failure to comply with these rules, and impose such sanctions as are appropriate. A Registered User who desires to withdraw from participation in the ECF system must provide written notice of the request to the clerk of court, who will immediately cancel the Registered User's account and delete the Registered User from any applicable electronic service list.

(c) Registration Process.

(1) *Form.* An individual desiring to register to file documents electronically must complete and submit the appropriate registration form for each account. The form is available on the court's website, www.tneb.uscourts.gov. The completed registration form must be delivered or mailed to one of the divisional offices of the clerk of court. In the event the information regarding an email address, mailing

address, or phone number provided in the individual's registration form changes, the individual is responsible for updating that information in CM/ECF.

(2) *Training.* After submission of a completed registration form, the individual must complete a training session provided by the clerk of court, who will notify the registrant of the available times and places for the training session. The clerk may waive the training requirement if the individual represents on the registration form that the individual—

(i) is currently an ECF registered user in another bankruptcy court;
(ii) has reviewed a copy of this court's local rules; and
(iii) understands that all electronic filings are subject to these rules.

Law office staff who are not attorneys or trustees may attend ECF training without registration, but are not eligible for their own separate login or password.

(3) *Log-in and Password.* Upon completion of the training requirement, the registration process will be completed by the clerk of court issuing a log-in name and password to the individual, who will then become a Registered User, as this term is used in these rules, enabling the individual to file documents electronically. Upon request, a Registered User may obtain multiple log-ins and passwords. The password issued for electronic filing should only be used by the Registered User to whom the password is assigned and authorized agents and employees of the Registered User. No Registered User may knowingly permit his/her password to be used by anyone who is not authorized to use the password, and no person may knowingly use the password of a Registered User unless such person is so authorized. In the event a Registered User suspects or knows that the security of the password has been compromised, the Registered User should immediately notify the clerk of court and obtain a new log-in and password.

(d) Fees. Unless otherwise permitted by the clerk of court, fees for the electronic filing of any paper requiring a filing fee must be paid by the Registered User by credit card, debit card, or Automated Clearing House (ACH) through ECF. Any transaction declined by the credit card issuer for any reason must be paid by the Registered User in cash, by check, or by money order by the close of business on the next business day after notification of the deficiency by the clerk of court.

(e) Format. Documents filed in the ECF system must be in Portable Document Format (PDF), a standard document creation format created by Adobe Systems, Inc. (Adobe). PDF documents can be created using Adobe Acrobat, or word processing programs such as Microsoft Word, or with stand-alone software from other vendors. Each of these allow a user to "print" a document to a PDF file electronically so page layout and other formatting is preserved. Documents in PDF format can be read using the free Acrobat Reader from Adobe, or by some other third-party tool. PDF documents should comply with Adobe guidelines for accessibility. The PDF standard also permits documents to be created by scanning a document to create an image file. However, when a scanned document is converted to a PDF file, the resulting image is much larger than a PDF of equal length created by converting a text file. When the Registered User is filing a document using the ECF system, it will take longer to transfer that image file from the user's computer to the court's servers, and to download and view that document. Image files also take up much more space on the court's servers and cannot be searched as text-based files can, and scanned documents are generally less legible than documents converted from word processor files. Therefore, if possible, the Registered User should avoid filing imaged documents. If imaged documents must be filed, their size should be minimized by scanning the document at 300 dpi and documents should be in black and white or, if shading is required, in grayscale. Color should be used only when absolutely necessary.

(f) Effect of Filing. An electronic filing in accordance with these rules constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

(g) Time of Filing. Filing a document electronically does not alter the filing deadline for that document. An electronic filing is timely if it is entered into ECF before midnight of the due date, Eastern Standard Time when it is in effect and Eastern Daylight Savings Time when it is in effect. The court may enter an order setting a different time of the due date as the filing deadline and, if the court does so, timeliness requires filing not later than the time set by the order. A document electronically filed is deemed filed at the date and time stated on the Notice of Electronic Filing (NEF) generated by the ECF system.

(h) Docket Entries.

(1) *By Registered Users.* A Registered User electronically filing a document must designate a docket entry title from the list provided by the clerk. This action constitutes an entry on the official court docket as provided in Fed. R. Bankr. P. 5003.

(2) *Error Corrections.* Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the clerk's office. In the event a Registered User realizes an error in filing has been made, such as attaching the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number, the Registered User must not attempt to correct the error or refile the document. Rather, the Registered User should immediately contact the clerk's office. If appropriate, the clerk of court will make an entry indicating that the document was filed or entered on the docket in error. The Registered User will be advised if the document should be refiled. The ECF system will not permit a Registered User to make changes to a document or docket entry filed in error once the transaction has been accepted.

(3) *Virtual Documents.* A virtual document consists entirely of the text contained in the docket entry and is not embodied in any other document. The docket entry for the virtual document will be fully effective despite the absence of a hard document. Examples of a virtual document include a chapter 7 trustee's no asset and abandonment report and a meeting of creditors proceeding memorandum.

(4) *Technical Failures.* Problems with the Registered User's system, such as problems with the Registered User's internet service provider or hardware or software problems, will not excuse an untimely filing. However, a Registered User whose filing is made untimely as the result of a technical failure of the ECF system may seek appropriate relief from the court. Known system outages (generally for maintenance and system upgrades) will be posted to the court's website with as much advance notice as possible.

(i) Signatures.

(1) *Signature of Registered User.* Every electronically-filed document must include the signature of the Registered User under whose log-in and password the document was filed and the information required by E.D. Tenn. LBR 9011-4. The signature of a Registered User on an electronically-filed document is indicated by an image of the signature that can be viewed in ECF or by an "/s/" followed by the typed name of the person signing. Entry of the Registered User's log-in and password serves as the

Registered User's signature on all documents electronically filed with the court for purposes of Fed. R. Bankr. P. 9011, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

(2) *Signatures on Affidavits, Declarations, Verified Documents, and Reaffirmation Agreements.* Except as provided in paragraphs 3, 6, and 7 immediately below, each affidavit, unsworn declaration under penalty of perjury, verified document, or reaffirmation agreement filed or submitted for filing must contain actual handwritten signatures. The "/s/" type of signature is not permitted on these types of documents. Registered Users filing such documents should scan and file them electronically after they have been signed (and, in the case of an affidavit, signed by the notary public and affixed with a notarial seal).

(3) *Signature of Debtor on Petition, Lists, Schedules, Statements, and Other Documents.* Any petition, list, schedule, statement, and amendment thereto that requires the debtor's signature may be filed electronically by a Registered User with the debtor's signature indicated as "/s/" followed by the typed name of the debtor, provided the debtor has actually signed a copy of the document and the filing attorney retains the signed document as required by paragraph 5 below.

(4) *Attorney Representation.* Electronic filing of a verified document by an attorney is a representation for the purposes of Fed. R. Bankr. P. 9011 that the person or persons required to sign and verify the document did in fact sign and verify it before it was filed.

(5) *Retention of Documents.* With respect to the documents described in paragraph 3 above, original documents bearing the debtor's actual signature must be maintained in paper form by the filing attorney until two years after the closing of the case. On request of the court, the attorney must provide such documents for review.

(6) *Signatures of Providers of Credit Counseling Briefings and Personal Financial Management Courses.* Although approved nonprofit budget and credit counseling agencies providing debtors with services under 11 U.S.C. § 109(h) and providers of instructional courses concerning personal financial management as required by 11 U.S.C. §§ 727(a)(11) and 1328(g)(1) are not Registered Users, the court will accept for filing certificates issued by such entities if such a certificate bears a signature by an "/s/" followed by the typed name of the person signing.

(7) *Signature of Claimant on Proof of Claim.* A proof of claim may be filed, amended, transferred, or withdrawn with the claimant's signature indicated as "/s/" followed by the typed name of the claimant, provided that the claimant has complied with subdivision (j) below.

(j) Electronic Filing of Proof of Claim, Amendment to Claim, Transfer of Claim, or Withdrawal of Claim. A proof of claim, amendment to claim, or withdrawal of claim may be electronically filed through the ECF system or the court's website, www.tneb.uscourts.gov. A transfer of claim may be filed electronically only through the ECF system. To file through the ECF system, the filer must register as a Registered User of the ECF system as an attorney, creditor, or claims agent. No person or entity may cause or permit a proof of claim, amendment of claim, transfer of claim, or withdrawal of claim to be filed electronically without the express authorization of the individual whose signature appears on the electronically-filed document and the person or

entity on whose behalf the document is being filed. When an individual creditor or employee or agent of any creditor or claims agent electronically files a proof of claim, an amendment to claim, a transfer of claim, or a withdrawal of claim, that individual creditor, employee, or agent certifies—

(1) that he or she is authorized to file the proof of claim, amendment of claim, transfer of claim, or withdrawal of claim by the entity on whose behalf the document is being filed; and

(2) that the individual whose signature is shown on the proof of claim, amendment of claim, transfer of claim, or withdrawal of claim has authorized such signature and the filing of that document.

Upon the electronic filing of a proof of claim, amendment to claim, transfer of claim, or withdrawal of claim, the signature will constitute a signature for purposes of Fed. R. Bankr. P. 9011, 18 U.S.C. § 152, and any other applicable law.

(k) Exhibits and Attachments. Unless the court otherwise permits, exhibits or other attachments to a motion, pleading, application, or proof of claim must be submitted in electronic form. A Registered User is encouraged to submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Registered Users who file excerpts of documents as exhibits or attachments under this section do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are germane. The court may require parties to file additional excerpts or the complete document.

(l) Facsimile Filing. Except upon the prior, express permission of the court, documents sent by facsimile transmission to the clerk of court or judge's chambers will not be accepted for filing, and any documents received by facsimile transmission without express permission from the court may be summarily destroyed.

(m) Chapter 7 Trustee Report of No Distribution. In lieu of filing a report of no distribution, a chapter 7 trustee may make an electronic docket entry with appropriate text in such form as is approved by the United States Trustee.

(n) Documents Under Seal. Documents may be filed under seal electronically by filing a motion to seal and uploading the confidential or protected documents using a restricted access event. If the court grants the proposed order that accompanies the motion to seal, the documents will remain restricted. If the court denies the motion, the documents will remain on the docket with restricted access, but a notation will be made that the documents are not to be considered for any purpose. Consequently, if a party wants the documents to be considered by the court, the party will need to refile the documents.

(o) Public Access at the Court. Electronic access to the electronic docket and documents filed in the ECF system is available to the public at no charge at each divisional office of the clerk of court during regular business hours. Although any person can retrieve and view documents in the ECF system and access information from it without charge at the clerk's offices, electronic access to the ECF system for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at each divisional office of the clerk of court and at the court's website, www.tneb.uscourts.gov.

(p) Conventional Copies and Certified Copies. Conventional and certified copies of electronically- filed documents may be obtained at any of the clerk of court's divisional offices upon payment of the fee required by 28 U.S.C. § 1930.

Comment

This rule has been revised to incorporate portions of the Administrative Procedures for Electronic Case Filing that were formerly separate from the court's local rules and will be superseded by this latest amendment to the local rules. Subdivision (n) is new and provides a procedure for the electronic filing of documents under seal, thereby eliminating the former paper filing requirement that was in the administrative procedures.

RULE 5073-1. ELECTRONIC EQUIPMENT IN THE COURTROOM

An electronic device capable of sending or receiving a wireless signal or otherwise storing electronic data may not be utilized during a judicial proceeding to communicate by voice, to take photos, record audio or video, or transmit photos, audio, or video, except with the prior, express permission of the court. Such an electronic device may be used for other purposes during a judicial proceeding if the device is operated silently and in a manner that is not disruptive.

Comment

This rule has been revised in light of current technology and its usage in the legal profession.

RULE 5077-1. TRANSCRIPTS

(a) Availability During 90-Day Restriction Period. For a period of 90 days after a court reporter or other transcriber files a transcript with the court, the transcript will be available at the office of the clerk of court for inspection only (not for copying). A copy of the transcript may be obtained from the transcriber at the rate established by the Judicial Conference of the United States. During the 90-day period, remote electronic access to the transcript through the ECF system will be available only to attorneys who have purchased a copy from the transcriber.

(b) Availability After 90-Day Restriction Period. After the expiration of such 90-day period, the transcript will be available at the clerk's office for inspection or copying and will also be available by remote electronic access through PACER to all Registered Users. If a redacted version of the transcript has been filed, only the redacted version will be available by remote electronic access, but the unredacted version will remain available for inspection or copying at the clerk's office, unless a party moves to restrict public access and the court so orders.

(c) Obligation to Redact. The attorneys and pro se parties who attended a hearing or trial are responsible for reviewing the transcript of the proceeding and assuring that the transcript is redacted in conformity with Fed. R. Bankr. P. 9037, even if the transcript is prepared and filed at the request of a judge, another party, or a member of the media or the public at large. Redaction is not the responsibility of the court or the court reporter or other transcriber. The obligation of a party and the party's attorney to review and redact the transcript extends to—

(1) opening and closing statements made on the party's behalf;
(2) statements of the party;
(3) the testimony of witnesses called by the party; and
(4) any other portion of the transcript as ordered by the court.

(d) Redaction Procedure. Any party who wishes to make redactions from a transcript must file a Notice of Intent to Request Transcript Redaction within 7 calendar days after the filing of the transcript. Then, the party filing the notice must file a Request for Transcript Redaction within 21 days after the filing of the transcript (not 21 days after the filing of the Notice of Intent to Request Transcript Redaction), and serve a copy of the request on the court reporter or other transcriber. The Request for Transcript Redaction must include a list specifying each type of personal data identifier to be redacted (Social Security number, taxpayer identification number, birth date, name of minor, or financial account number) together with each page and line number where an instance of such personal data identifiers appears in the transcript. A request for the redaction of information other than personal data identifiers requires a motion for a protective order. See Fed. R. Bankr. P. 9037(d). The transcriber has 31 calendar days after the filing of the transcript within which to file a redacted version of the transcript. If a party fails to timely file a Notice of Intent to Request Transcript Redaction or files such a notice but fails to timely file a Request for Transcript Redaction, or the party fails to obtain an extension of either deadline by motion filed pursuant to the terms of Fed. R. Bankr. P. 9006(b)(1), no redactions will be made and the original transcript will be available by remote electronic access through PACER to all Registered Users after 90 days.

(e) No Private Right of Action for Failure to Redact. Neither the obligation to redact nor the procedure for redaction set forth in the foregoing subdivisions is intended to create any private right of action.

(f) PACER Charges. Charges for remote access to a transcript through PACER apply during and after the 90-day restriction period, even if a copy of the transcript has been purchased from the court reporter or other transcriber. There is neither a "one free look" nor a 30-page "cap" with respect to transcripts.

Comment

This rule is new and incorporates a portion of the former Administrative Procedures for Electronic Case Filing.

RULE 5080-1. FEES — GENERAL

The payment of applicable fees is required upon the filing of any petition, motion or complaint, except a petition accompanied by an application to pay the filing fee in installments or for waiver of the filing fee in accordance with Fed. R. Bankr. P. 1006(b) and (c), respectively. A list of the required fees is available on the court's website, www.tneb.uscourts.gov. Once a fee has been paid, it may not be returned except by order of the court. Upon dismissal of a chapter 13 case, the chapter 13 trustee must pay any unpaid filing fee from funds on hand at the time of dismissal.

RULE 5080-2. FEES — OVERPAYMENT

The clerk of court is unable to make change in the event of an overpayment of a filing fee installment or of fees generally. However, upon the filing of a motion and submission of a proposed order, an overpayment will be refunded upon entry of the court order. Absent an overpayment request before the case is closed, overpayments of fees in a case will be forfeited to the United States Treasury.

Comment

This rule is new and addresses the overpayment of fees.

RULE 5081-1. FEES — FORM OF PAYMENT

With respect to conventional paper filings, fees to the clerk of court must be paid by cash, cashier's check, money order, check drawn on a business account other than the debtor's, or check drawn on a client account or trust account of the attorney of record. For electronic filings, all required fees must be paid by credit card, debit card, or Automated Clearing House (ACH).

RULE 6004-1. SALE OF ESTATE PROPERTY

(**a) Notice of Proposed Sale of Property.** Notice of a proposed use, sale, or lease of property must, in addition to the requirements of Fed. R. Bankr. P. 2002(c)(1), set forth—

(1) the name of the proposed buyer and whether the buyer has any connection to the parties in the case; and
(2) the consideration to be received by the estate or the debtor.

(b) Sales of Property Subject to Liens or Other Interests. A motion to sell property free and clear of liens or other interests must be in the form of a motion that sets forth—

(1) the identity of the lien or interest holder;
(2) the amount of such claim; and
(3) the basis for the sale under 11 U.S.C. § 363(f).

(c) Report of Sale. Within 14 days of the closing of a sale, the party filing the notice or motion under (a) or (b) above must file a report of sale and serve the report on all parties that were entitled to service of the notice or motion.

Comment

This rule has been revised to remove as duplicative former subdivision (d) that pertained to the filing of chapter 13 reports of sale and to clarify that the party filing a notice of sale or motion is also responsible for filing the report of sale, as requested by the Knoxville bankruptcy bar.

RULE 6007-1. ABANDONMENT

(a) Abandonment Without Notice by Trustee in "No Asset" Case. Pursuant to Fed. R. Bankr. P. 6007(a), a chapter 7 trustee in a "no asset" case may, at or after the 11 U.S.C. § 341(a) meeting of creditors, abandon property of the estate without notice to creditors or the United States Trustee unless a written request for notice is filed at or before the § 341(a) meeting.

(b) Motion to Compel Abandonment. Unless the court orders otherwise, a motion by a party in interest for an order requiring a trustee or debtor in possession to abandon property of the estate must be served upon the debtor, the debtor's attorney, the trustee, and all creditors and parties in interest.

Comment

Subdivision (b) is new and clarifies that a motion seeking abandonment of property of the estate must be served upon all, unless the court orders otherwise.

RULE 6008-1. REDEMPTION

A motion to redeem pursuant to 11 U.S.C. § 722 and to Fed. R. Bankr. P. 6008 must, in addition to other material averments, contain—

(1) a description of the property sought to be redeemed;
(2) a statement of the debtor's good faith estimate of the value of the collateral; and
(3) a statement that the property has been abandoned or is exempt.

RULE 7003-1. COVER SHEET

An Adversary Proceeding Cover Sheet, Director's Form 1040, must be completed and filed with each complaint filed conventionally. The form is available on the court's website, www.tneb.uscourts.gov.

RULE 7004-2. SUMMONS

Upon the filing of a complaint, the plaintiff must present to the clerk of court for signature and seal a Summons in an Adversary Proceeding, Director's Form 2500A, available on the court's website, www.tneb.uscourts.gov. If the summons is in proper form, the clerk will issue the summons to the plaintiff for service. The party or attorney serving the complaint and summons must file a certificate evidencing service, but the failure to do so does not affect the validity of the service. The clerk will issue an alias summons only upon request.

RULE 7007-1. MOTION PRACTICE IN ADVERSARY PROCEEDINGS

(a) Motion, Response, and Briefs. A motion filed in an adversary proceeding, except motions to extend or shorten time pursuant to Fed. R. Bankr. P. 9006(b)(1) and (c)(1) or for default judgment under Fed. R. Bankr. P. 7055, must be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court directs otherwise, any objection to the relief sought in the motion must be filed within 21 days after the date of filing of the motion. Any response must be supported by a brief setting forth the facts and the law in opposition to the motion, unless the motion is excused in this rule from being supported by a brief. A failure to respond timely to a motion will be construed to mean that the respondent does not oppose the relief requested by the motion. After the time for response has expired, the court may rule on the motion without a hearing. A party may request a hearing on any motion.

(b) Proposed Orders. All motions in adversary proceedings must be accompanied by a proposed order, which must be served with the motion, granting the requested relief and approved for entry by the movant. A movant's failure to submit a proposed order with the motion may result in the entry of an order denying the motion without prejudice.

Comment

Subdivision (a) has been revised to delete the requirement of briefs for motions to shorten or extend time and motions for default judgment.

RULE 7015-1. AMENDED & SUPPLEMENTAL PLEADINGS

A party who moves to amend a pleading in an adversary proceeding must attach the proposed amended pleading as an exhibit to the motion.

RULE 7026-1. DISCOVERY — GENERAL

When responding to interrogatories, requests for production, and requests for admissions (Fed. R. Bankr. P. 7033, 7034 and 7036), each question or request should be reproduced before each answer, response, or objection thereto.

Comment

Former subdivision (a) that made the automatic disclosure requirements inapplicable to contested matters has been deleted as Fed. R. Bankr. P. 9014 so provides.

RULE 7037-1. DISCOVERY — MOTIONS

Discovery motions pursuant to Fed. R. Bankr. P. 7026-7037 must include, in the motion or an attached brief, a verbatim recitation of each interrogatory, request, answer, response, and objection that is the subject of the motion, or a copy of the actual discovery document that is the subject of the motion.

RULE 7045-1. SUBPOENA — PRODUCTION OF DOCUMENTS

When a party is entitled, pursuant to a subpoena or court order, to inspect and obtain copies of books, papers, or documents of a person or entity that is not a party to the contested matter or adversary proceeding, the party inspecting and copying the materials must, within a reasonable period of time, provide to all other parties an opportunity to inspect and obtain copies of all such materials.

RULE 7056-1. SUMMARY JUDGMENT

(a) Statement of Undisputed Material Facts. Every motion for summary judgment pursuant to Fed. R. Bankr. P. 7056 must be accompanied by a statement of material facts which the movant contends are undisputed. Each fact must be set forth in a separate, numbered paragraph and supported by specific citation to material allowed by Fed. R. Civ. P. 56(c) that establishes the fact. Failure to submit such a statement may constitute grounds for denial of the summary judgment motion.

(b) Response to Statement of Undisputed Material Facts. Every response to a motion for summary judgment must be accompanied by a response to the movant's statement of undisputed material facts. The response must separately address each paragraph of the movant's statement by—

(1) agreeing that the fact is undisputed;
(2) agreeing that the fact is undisputed for the purpose of summary judgment only; or
(3) stating that the fact is disputed as demonstrated by specific citation to material allowed by Fed. R. Civ. P. 56(c).

Absent a response in accordance with the requirements of this subdivision, the material facts set forth in the movant's statement will be deemed admitted.

(c) Statement of Additional Undisputed Material Facts. The respondent may file, with the response to the motion, a statement of additional material facts that the respondent contends are undisputed and require the denial of the motion. The movant must respond to the statement within 14 days after service of the statement of additional undisputed material facts. The content of the statement must be the same as prescribed in subdivision (a) of this rule, and the content of the response thereto must be the same as prescribed in subdivision (b) of this rule.

RULE 7067-1. REGISTRY FUND

(a) Receipt of Funds. No money may be sent to the court or its officers for deposit in the registry of the court without a court order signed by the presiding judge in the case or adversary proceeding. The party making the deposit or transferring funds to the registry of the court must serve by first-class mail the order permitting the deposit or transfer on the clerk of court. Unless otherwise provided, all monies ordered to be paid to the court or received by its officers in any case pending or adjudicated must be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

(b) Investment of Registry Funds. When, by order of the court, funds on deposit with the court are to be placed in some form of interest-bearing account, the Court Registry Investment System (CRIS), administered by the Administrative Office of the United States Courts under 28 U.S.C. §

2045, is the only investment mechanism authorized. The Director of Administrative Office of the United States Courts is designated as custodian for the CRIS. The Director or the Director's designee will perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the court. Money from each case deposited in the CRIS must be "pooled" together with those on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group. An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their attorneys.

(c) Deductions of Fees. The custodian is authorized and directed by this order to deduct the investment services fee for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the court. The investment services fee is assessed from interest earnings to the pool according to the court's Miscellaneous Fee Schedule and is to be assessed before a pro rata distribution of earnings to court cases. The registry fee is assessed by the custodian from each case's pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

Comment

This rule is new and incorporates a former general order that will be superseded by this latest amendment to the local rules.

RULE 9004-1. PAPERS — REQUIREMENTS OF FORM

(a) General Form Requirements. Except for exhibits and attachments, all pleadings and other papers presented for filing must be 8½ inches by 11 inches in size, typed or legibly hand-printed, double-spaced (except for Official Forms and quoted material), and paginated consecutively at the bottom beginning with the second page. In addition, if presented for filing in a conventional manner, all papers must be on white paper of good quality, flat and unfolded, and fastened by paper clip or stapled in the upper left corner.

(b) Exhibits. Each exhibit should display a prominent number or letter by which reference is made in the document to which it is attached, be numbered consecutively within if reference is made to a specific page of the exhibit, and not be two-sided.

RULE 9004-2. CAPTION — PAPERS, GENERAL

(a) Chapter, Division, and Number. In addition to the information required by Fed. R. Bankr. P. 9004(b) and, if applicable, 11 U.S.C. § 342(c), Fed. R. Bankr. P. 1005 and 2002(n), every caption must identify the chapter of the case, the division in which the case or adversary proceeding is

pending, and the case or adversary proceeding number, including the initials of the judge to whom the case or proceeding is assigned.

(b) Exhibits and Amendments. Exhibits and other attachments (including payment advices attached to Local Form 1007.1 and mailing matrices attached to certificates of service), should normally be filed as attachments to the main document to which they relate. If, however, an exhibit or other attachment is filed as a docket entry separate from the paper to which it relates, the filing must include a cover sheet bearing the case caption and a description of the paper to which the document relates. Likewise, amendments to documents (including reaffirmation agreements) must include such a cover sheet.

Comment

This rule has been revised to specify that the case and adversary proceeding numbers include the assigned judge's initials.

RULE 9006-1. TIME PERIODS

Every motion for an order extending or shortening time pursuant to Fed. R. Bankr. P. 9006(b)(1) and (c)(1), respectively, must describe in detail the need and justification for the relief sought and must allege the facts that the movant contends demonstrate cause for the relief sought.

RULE 9009-1. FORMS

The forms appended to these local rules constitute part of these rules.

RULE 9010-1. ATTORNEYS — NOTICE OF APPEARANCE

(a) Filing Constitutes Appearance. The filing of any notice, petition, pleading, motion, brief, application, objection, response, order, or other paper constitutes an appearance by the attorney signing it.

(b) Scope of Appearance as Attorney for Debtor. Notwithstanding any purported limitation of appearance, entry of an appearance by debtor's attorney constitutes a general appearance on behalf of the debtor for all matters pending or thereafter initiated to which the debtor is a party until the case is closed or the attorney is authorized to withdraw in accordance with E.D. Tenn. LBR 2090-1(a). However, this rule does not extend to adversary proceedings, including actions to determine dischargeability, to deny discharge, or to revoke discharge, such that the entry of a general appearance by debtor's attorney in the bankruptcy case does not constitute entry of an appearance on behalf of the debtor in any pending or future adversary proceeding involving the debtor.

Comment

Subdivision (b) of this rule has been revised at the request of the Knoxville bankruptcy bar to limit the scope of representation by a debtor's attorney to cases and excepting adversary proceedings.

RULE 9010-2. PRO SE PARTIES

(a) Representation of Business Entities. A corporation, partnership, limited liability company, or other artificial legal entity may not appear in cases, contested matters, or adversary proceedings before this court without legal counsel, except that any such entity may, by or through an authorized officer, agent, attorney in fact, or proxy—

(1) prepare, sign, and file a proof of claim or a notice of the transfer of a claim;
(2) sign and file a reaffirmation agreement;
(3) prepare, sign, and file a request for notices;
(4) attend and participate in the 11 U.S.C. § 341(a) meeting of creditors, including the examination of the debtor within the scope of the examination permitted by Fed. R. Bankr. P. 2004(b);
(5) prepare, sign, and file a professional fee application, and appear in court in support of a professional fee application;
(6) prepare, sign, and file a ballot or acceptance or rejection of a plan; and
(7) vote on the election of a trustee.

(b) Individuals. An individual may not delegate the right to represent himself or herself to an individual other than an attorney. When an individual has appeared by an attorney, that individual may not thereafter appear or act in his or her own behalf unless an order permitting the withdrawal of the attorney has been entered by the court under E.D. Tenn. LBR 2091-1(a) or the attorney has filed a notice of withdrawal under E.D. Tenn. LBR 2091-1(b). However, the court in its discretion may hear an individual in open court notwithstanding the fact that the individual is represented by an attorney.

RULE 9011-4. SIGNATURES

Every paper submitted for filing must be signed and include the signer's typed or printed name, mailing address, and telephone number. If the signer is an attorney, the attorney's state bar number (and the state from which the bar number is issued, if other than Tennessee) should also be included. Entry of the user log-in and password required to file papers electronically serves as the filing user's signature on all documents filed with the court electronically for purposes of Fed. R. Bankr. P. 9011, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

RULE 9013-1. MOTION PRACTICE

Comment

This rule has been revised. The comments for the revision of this rule have been broken down among the subdivisions as set out below.

(a) Scope of Rule. As used in this rule, the word "motion" includes any motion, application, objection to claim or claim supplement, objection to a claim of exemption, or other request for an order in a bankruptcy case, except as otherwise directed by the court. Specifically excluded from the scope of this rule are motions in adversary proceedings.

(b) Form and Content of Motions. All motions (except those made orally during a hearing or trial) must—

(1) be in writing and filed with the clerk of court;
(2) be titled, for example, "Motion [or Application] of [Movant's Name] for [Relief Requested]" or "Objection by [Objecting Party] to Claim of [Name of Claimant and Claim Number]"or "Objection by [Objecting Party] to Claim of Exemption";
(3) state with particularity the grounds for the motion; and
(4) request specific relief.

(c) Proposed Orders. Except as hereafter provided, every motion must be accompanied by a proposed order, which must be served with the motion, granting the requested relief and approved for entry by the movant. A movant's failure to submit a proposed order with the motion may result in the entry of an order denying the motion without prejudice. No proposed order need accompany a notice of abandonment filed pursuant to Fed. R. Bankr. P. 6007(a) or a notice of a proposed use, sale, or lease of property pursuant to Fed. R. Bankr. P. 6004(c), unless the noticing party desires entry of an order approving the proposed action.

(d) Service of Motions.

(1) *Requirement.* Except as provided in subdivision (g)(3) of this rule, every motion must contain a certificate in accordance with E.D. Tenn. LBR 9013-3, evidencing that the movant has served the motion, proposed order and, if applicable, the Notice of Hearing, on the requisite parties in interest.

(2) *Fee Applications.* Applications for payment of professional fees or for administrative expenses need not be served on all creditors. Rather, a summary of the application identifying the applicant and the amount requested may be incorporated into the Notice of Hearing or into a separate notice which includes the passive notice legend. If a separate notice of the hearing or passive notice deadline is given, a hearing notice or passive notice legend need not be included in the application itself so long as it is included in the separate notice.

(3) *Expedited Hearings.* If a motion is authorized by court order to be heard on less than 7 days' notice, the motion must (in addition to methods prescribed by the Bankruptcy Rules) be sent by a method effecting immediate receipt, such as by email or telephone facsimile. Proof of compliance with the notice requirements of this subdivision must be filed at or prior to the hearing on the motion. The court will determine at the hearing whether the notice and opportunity for hearing were appropriate in the particular circumstances.

(e) Withdrawal of Motions. A movant who does not intend to pursue a motion must immediately file a withdrawal and, if a hearing on the motion is scheduled to be held within 24 hours of the filing of the withdrawal, immediately notify the courtroom deputy and all previously noticed parties.

(f) Hearing on Motions.

(1) *Requirement.* Except as permitted by subdivisions (g), (h), and (i) of this rule, every motion must be set for hearing by the movant. The movant must give notice of the hearing, either by a legend prominently displayed on the face of the first page of the motion immediately below the caption or by a separate Notice of Hearing form conforming to Local Form 9013.1. If the movant uses a legend on the first page of the motion, the legend must be in a form substantially as follows:

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on this matter on _[date]_, at _[time]_, in _[identify courtroom]_, located at _____[name and address of courthouse]_____.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the [motion, application, or objection] and may enter an order granting that relief.

If the movant uses a separate Notice of Hearing form, Local Form 9013.1, and it is filed as a separate docket entry, the notice must be appended with or accompanied by a certificate of service complying with E.D. Tenn. LBR 9013-3.

(2) *Scheduling*. Absent permission from the court, the hearing date chosen by the movant must be—

(i) one of the court's scheduled motion days, at the time that the court has set for hearings in connection with cases under that chapter of the Bankruptcy Code, which dates and times are available from the clerk of court or on the court's website, www.tneb.uscourts.gov; and

(ii) at least 21 but no more than 40 days after service of the notice and motion except the—

(A) hearing on an objection to claim or supplement to claim (notice of mortgage payment change or notice of postpetition mortgage fees, expenses, and charges) must be at least 30 but not more than 50 days after service;

(B) hearing on a motion for relief from the automatic stay in a chapter 7 case must be at least 14 days after service; and

(C) hearing on a motion to continue or impose the stay under 11 U.S.C. § 362(c)(3)(B) or (4)(B) pursuant to E.D. Tenn. LBR 4001-5 must be at least 7 days after service.

(3) *Waiver*. In the event the movant does not schedule a hearing on a motion for relief from stay for a date that is within 30 days after the filing of the motion or consents to the continuance of a hearing on a motion for relief from the automatic stay, the movant is deemed to waive the 30-day termination provision of 11 U.S.C. § 362(e)(1).

(4) *Required Hearing Attendance*. Unless excused by the court, the movant and any objecting party are required to appear at all scheduled hearings. Upon the unexcused absence of a movant or an objecting party at the scheduled hearing, the court may conclude that the absent party no longer desires to pursue its motion or objection and summarily deny the motion or overrule the objection. Similarly, the court may deem the failure of any other noticed party to attend the scheduled hearing as a lack of opposition to the granting of the relief requested in the motion.

Comment (Subdivisions (a) - (f))

Subdivision (a) clarifies that "motion" encompasses an objection to claim supplement. Subdivision (c) clarifies that a notice of abandonment and notice of proposed use, sale, or lease of property need not be accompanied by a proposed order unless entry of an order approving action is requested. Subdivision (d) (1) incorporates an exception for certain ex parte motions under (g)(3) that need not be accompanied by a certificate of service and (d)(3) reduces from 10 to 7 the number of days at which extraordinary service method is required, consistent with Fed. R. Bankr. P. 9006(d). Subdivision (e) requiring notification to chambers and previously noticed parties is now limited to the withdrawal of motions within 24 hours of the scheduled hearing. Subdivision (f)(2)(ii)(A) clarifies the inclusion of objections to claim supplements; (f)(3) now includes consensual continuances under waiver; and (f)(4) clarifies that upon an unexcused absence at a hearing, the court may summarily deny the motion or overrule the objection based on the assumption that the party no longer desires to pursue the motion or objection.

(g) Ex Parte Motions.

(1) *Type of Motions*. Unless otherwise provided by these rules, the court may grant without a hearing on an ex parte basis the—

(i) application by a debtor to pay the filing fee in installments or to waive the filing fee as permitted by Fed. R. Bankr. P. 1006(b) or (c), except as otherwise required by E.D. Tenn. LBR 1006-1;

(ii) motion by a debtor for an extension pursuant to 11 U.S.C. § 109(h)(3)(B);

(iii) motion by a debtor under Fed. R. Bankr. P. 4004(c)(2) to defer entry of the discharge order;

(iv) motion under Fed. R. Bankr. P. 4008(a) and E.D. Tenn. LBR 4008-1 to enlarge the time for filing a reaffirmation agreement;

(v) motion by a debtor to convert (or notice of conversion) pursuant to 11 U.S.C. §§ 1112(a), 1208(a) or 1307(a);

(vi) motion by a debtor to dismiss a chapter 13 case that has not been converted under 11 U.S.C. § 706, 1112, or 1208;

(vii) motion for entry of a wage order;

(viii) motion by chapter 13 trustee to vacate a wage order;

(ix) motion by the chapter 13 trustee directing the Internal Revenue Service to transmit a refund to the chapter 13 trustee or to vacate such order;

(x) motion to restrict public access to documents containing one or more of the personal data identifiers listed in Fed. R. Bankr. P. 9037;

(xi) motion for *pro hac vice* appearance;

(xii) motion for order extending or shortening time under Fed. R. Bankr. P. 9006(b)(1)(1) or (c)(1) filed in accordance with E.D. Tenn. LBR 9006-1, except a motion to extend time to file a complaint objecting to discharge pursuant to Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt pursuant to Fed. R. Bankr. P. 4007(c);

(xiii) motion to limit notices as provided by Fed. R. Bankr. P. 2002(h) or (i);

(xiv) motion for a Fed. R. Bankr. P. 2004 examination;

(xv) motion for an emergency hearing;

(xvi) motion in which the movant certifies that all affected parties have consented to the requested relief, except for a motion of a type described in subdivision (h)(1)(iv) of this rule;

(xvii) motion by the trustee to reopen a chapter 7 case to administer unscheduled assets;

(xviii) motion by a party to recover unclaimed funds owed to that party;

(xvix) motion for preconfirmation payments by the chapter 13 trustee to a lessor or secured creditor filed in accordance with E.D. Tenn. LBR 3070-1(a);

(xx) application to employ a professional that does not seek approval of a postpetition retainer or a particular fee arrangement and that does not reveal any actual or potential conflict of interest or any other fact that could preclude retention;

(xxi) motion for conditional approval of disclosure statement in a chapter 11 small business case filed in accordance with E.D. Tenn. LBR 3017-2; and

(xxii) any other motion that the movant believes is appropriate for ex parte action, provided that the motion expressly requests court consideration without notice or a hearing and states the factual and legal basis for ex parte relief.

Notwithstanding the foregoing, the procedure described in this subdivision (g) may not be utilized if a request for one of the types of relief listed above is combined with a request for a type of relief listed in subdivision (h)(1) or a request for relief for which subdivision (f) requires a hearing.

(2) *Proposed Order*. Except for an application to pay a filing fee by installments, each ex parte motion must be accompanied by a proposed order, approved for entry by the movant as required by subdivision (c) of this rule.

(3) *Service*. Except for those ex parte motions listed in (i) through (xiii) in paragraph (1) above, a movant utilizing the ex parte procedure must file a certificate evidencing service of the motion and proposed order upon all parties affected by the relief sought. For an application to employ listed in (xx) in paragraph (1) above, the debtor, the debtor's attorney, and the United States Trustee are parties deemed affected.

(4) *Reconsideration.* Motions to reconsider relief granted by an ex parte order must be filed within 14 days from entry of the order and set for hearing in accordance with subdivision (f) above, except that this provision is not meant to supplant Fed. R. Bankr. P. 9024.

(5) *Filing of Certain Motions Excused.* The chapter 13 trustees are excused from filing motions for entry and vacation of wage and tax refund intercept orders under (vii), (viii), and (ix) in paragraph (1) above, and may instead tender such proposed orders without accompanying motions.

Comment (Subdivision (g))

In subdivision (g), former (1) has been deleted and replaced with former (2), which has been reordered for grouping (i)-(xiii) ex parte motions that do not require service as provided in new subdivision (g)(3). Ex parte motions now include: a motion to limit notices as permitted by Fed. R. Bankr. P. 2002(h) or (i) at subdivision (g)(1)(xiii); a motion for preconfirmation payment per local rule 3070-1(a) at subdivision (g)(1)(xvix); and a motion for conditional approval of disclosure statement per local rule 3017-2 at subdivision (g)(1)(xxi). Subdivision (g)(3) also now contains the service requirements for an ex parte application to employ professional that had been a part of former (g)(2)(xiv), now (g)(1)(xx). Subdivision (g)(4) is new and provides a 14-day window for requests to reconsider orders entered ex parte. Subdivision (g)(5) is also new but authorizes the existing practice of excusing the chapter 13 trustees from filing motions for entry or vacation of wage and tax refund intercept orders.

(h) Passive Notice (Notice and Opportunity for a Hearing) Motions.

(1) *Type of Motions.* As an alternative to setting and noticing a motion for hearing as required in subdivision (f) of this rule, a movant may follow this passive notice procedure whereby no hearing is set or held unless a party in interest objects to the relief requested in the motion. This passive notice procedure may be used only for a(n)—

(i) motion in a chapter 7 case for adequate protection or for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) or (2);

(ii) motion in a chapter 13 case for relief from the automatic stay with respect to collateral if the plan provides for surrender of the collateral;

(iii) motion for relief from the codebtor stay pursuant to 11 U.S.C. § 1201 or § 1301;

(iv) motion under Fed. R. Bankr. P. 4001(d) for approval of an agreement (A) to provide adequate protection, (B) to prohibit or condition the use, sale, or lease of property, (C) to modify or terminate the stay provided for in 11 U.S.C. § 362, (D) to use cash collateral, or (E) between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property;

(v) notice of the proposed use, sale, or lease of property not in the ordinary course of business under Fed. R. Bankr. P. 6004(a) but not a motion to sell property free and clear of liens or other interests under Fed. R. Bankr. P. 6004(c), which must be set for hearing;

(vi) motion to assume, reject, or assign an executory contract or unexpired lease under 11 U.S.C. § 365;

(vii) application to employ a professional that seeks the approval of a post-petition retainer or a particular fee arrangement, provided that the certificate evidences service of the application and proposed order on all creditors and parties in interest if the fee exceeds $1,000;

(viii) application or request for payment of administrative claims or expenses pursuant to 11 U.S.C. § 503, including fees for professionals;

(ix) notice of abandonment or motion to compel abandonment under Fed. R. Bankr. P. 6007;

(x) motion to avoid a lien pursuant to 11 U.S.C. § 522(f)(1)(A) or (B);

(xi) motion to redeem pursuant to 11 U.S.C. § 722;

(xii) motion by a creditor, the trustee, or the United States Trustee to extend time to file a complaint objecting to discharge under Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt under Fed. R. Bankr. P. 4007(c);

(xiii) motion for order permitting acts to be done after the expiration of a deadline pursuant to Fed. R. Bankr. P. 9006(b)(1)(2);

(xiv) motion to approve a compromise or settlement pursuant to Fed. R. Bankr. P. 9019(a) and motion for leave to dismiss a complaint objecting to discharge, filed in accordance with E.D. Tenn. LBR 9019-1;

(xv) objection to claim or supplement to claim (notice of mortgage payment change or notice of postpetition mortgage fees, expenses, and charges) filed in accordance with E.D. Tenn. LBR 3007-1;

(xvi) motion in a chapter 13 case pursuant to Fed. R. Bankr. P. 3002.1(h) or (i) for a determination of whether the debtor has cured the default and paid all required postpetition amounts, but only if the holder of the claim has not filed a response within the 21-day period prescribed by Fed. R. Bankr. P. 3002.1(g) or has filed a response indicating that it agrees that the debtor has cured the default and paid all required postpetition amounts;

(xvii) motion in a chapter 13 case pursuant to Fed. R. Bankr. P. 3002.1(e) for a determination of whether payment of any claimed fee, expense, or charge is required by the underlying agreement and applicable nonbankruptcy law to cure a default or maintain payments in accordance with 11 U.S.C. § 1322(b)(5);

(xviii) motion for entry of a final decree in a chapter 11 case or for administrative closure of an individual chapter 11 case without entry of a final decree in accordance with E.D. Tenn. LBR 3022-1;

(xix) motion by a debtor to convert pursuant to 11 U.S.C. § 706(a);

(xx) motion by a trustee pursuant to 11 U.S.C. § 362(h)(2) or § 521(a)(6);

(xxi) motion by a debtor to reopen a closed case and for leave to file the domestic support certification required by 11 U.S.C. § 1328(a) or proof of completion of an instructional course in personal financial management under 11 U.S.C. § 727(a)(11) or § 1328(g);

(xxii) motion by a chapter 13 trustee to modify a confirmed plan to authorize the trustee to (A) adjust the payment to the holder of a claim secured by the debtor's principal residence whenever a Notice of Payment Change pursuant to Fed. R. Bankr. P. 3002.1(b) is filed or (B) pay fees, expenses, and charges to the holder of such a claim whenever a Notice of Fees, Expenses, and Charges pursuant to Fed. R. Bankr. P. 3002.1(c) is filed, provided that no objection to a notice

or a motion to determine fees, expenses, or charges under Fed. R. Bankr. P. 3002.1(e) is timely filed by the debtor or trustee;

(xxiii) motion to declare a debtor ineligible for discharge pursuant to 11 U.S.C. § 727(a)(8) or § 1328(f); and

(xxiv) motion by a chapter 13 debtor upon plan completion to recognize that a lien was avoided under the terms of the confirmed plan.

Notwithstanding the foregoing, the procedure described in this subdivision (h) may not be utilized if a request for one of the types of relief listed above is combined with a request for relief for which subdivision (f) requires a hearing.

(2) *Passive Notice Legend*. Except as provided in subdivision (d)(2) of this rule, motions filed pursuant to this passive notice procedure must contain a passive notice legend prominently displayed on the face of the first page of the motion immediately below the caption. The passive notice legend must be in a form substantially as follows:

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to E.D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of court at _____[address]_____, an objection within __[number]__ days from the date this paper was filed and serve a copy on the movant's attorney, ___[name and address and any other appropriate persons]___. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

(3) *Objection deadline*. The number of days in which parties may object that is placed in the passive notice legend must be 21 days except—

(i) objection to a claim or supplement to claim (notice of mortgage payment change or notice of postpetition mortgage fees, expenses, and charges) pursuant to Fed. R. Bankr. P. 3007 or Fed. R. Bankr. P. 3002.1(e), for which the objection time must be at least 30 days;

(ii) motion in a chapter 12 or 13 case for relief from the codebtor stay, for which the objection time is 20 days pursuant to 11 U.S.C. § 1201(d) or § 1301(d), respectively;

(iii) motion in a chapter 7 case for relief from the automatic stay, for adequate protection, to compel abandonment, or to give notice of abandonment, for which the objection time must be at least 14 days;

(iv) motion in a chapter 13 case for abandonment or for relief from the automatic stay with respect to collateral to be surrendered under the plan, for which the objection time must be at least 14 days;

(v) motion pursuant to Fed. R. Bankr. P. 4001(d) for approval of (A) an agreement to provide adequate protection, (B) an agreement to prohibit or condition the use, sale, or lease of property, (C) an agreement to modify or terminate the stay provided for in 11 U.S.C. § 362, (D) an agreement to use cash collateral, or (E) an agreement

between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property, for which the objection time must be at least 14 days; and

(vi) application to employ a professional that also seeks the approval and payment in full of the professional's fees not in excess of $1,000 and evidences service of the application and proposed order upon the debtor, debtor's attorney, and the United States Trustee, for which the time for the objection must be at least 7 days.

Except as otherwise provided in this subdivision, when requests for more than one type of relief with respect to which the passive notice procedure is available are combined into a single motion, the objection period is the longest one applicable to any of the types of relief.

(4) *Filing of Objection*. In the event a party in interest files an objection within the time permitted in the passive notice legend, the court will schedule a hearing on the matter upon notice to the movant, the objecting party or parties, and others as may be appropriate.

(5) *No Objection*. In the event no party in interest files an objection within the time permitted in the passive notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the court may consider the matter in chambers without further notice or hearing.

(6) *Court Discretion*. Nothing in this rule is intended to preclude the court from setting the matter for hearing even if no objection is filed within the time permitted in the passive notice legend.

(7) *Unavailable in Involuntary Case Prior to Entry of Order for Relief*. The passive notice procedure may not be utilized in an involuntary case until after relief is ordered against the debtor.

(i) Post-Hearing Motions

(1) *Exception to Hearing Requirement*. Post-hearing motions relating to appealable orders entered in contested matters governed by Fed. R. Bankr. P. 9014 are not subject to the hearing requirements of subsection (f) of this rule. Accordingly, unless the court determines that oral argument would be helpful, no hearing will be held on a—

(i) motion to amend or make additional findings of fact under Fed. R. Bankr. P. 9014(c) and 7052 (Fed. R. Civ. P. 52(b));

(ii) motion to alter or amend judgment under Fed. R. Bankr. P. 9023 (Fed. R. Civ. P. 59(e));

(iii) motion for new trial under Fed. R. Bankr. P. 9023 (Fed. R. Civ. P. 59(d));

(iv) motion for relief from judgment or order under Fed. R. Bankr. P. 9024 (Fed. R. Civ. P. 60(b)); and

(v) motion for stay pending appeal under Fed. R. Bankr. P. 8007(a).

(2) *Briefs and Time for Ruling on Motion*. Any motion of the type described in paragraph (1) above must be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court reduces or extends the time, the opposing party must file a response and a brief in opposition to the motion within 14 days after the date of the filing of the motion. Thereafter, the court will take the matter under advisement and issue a ruling.

Comment (Subdivisions (h)-(i))

Subdivision (h)(1)'s listing of passive motions has been reordered. Former (h)(1)(xx), relocated to (h)(1)(iv), now includes a motion for abandonment of property to be surrendered under plan in addition to relief from stay. Former (h)(1)(xiv), relocated to (h)(1)(vii), has been revised to exclude language pertaining to limitation of service of applications to employ in chapter 11 cases and to clarify that an application to employ that seeks a particular fee arrangement not exceeding $1,000 need not be served on all. Subdivision (h)(1)(xviii) now includes administrative closure of an individual chapter 11 case without entry of a final decree. Passive motions now include: a chapter 13 motion to reopen case to file certificates at subdivision (h)(1)(xxi); a motion to modify chapter 13 plan to accommodate a change of mortgage payment or pay fees, expenses, and charges claimed by the mortgage holder at subdivision (h)(1)(xxii), per the request of chapter 13 trustee Kara West; a motion to declare a debtor ineligible for discharge under 11 U.S.C. § 727(a)(8) at subdivision (h)(1)(xxiii); and a motion by a debtor upon completion of chapter 13 plan to recognize that a lien has been avoided under the terms of the plan at subdivision (h)(1)(xxiv). Subdivision (h)(3) has been reordered from length of passive time periods descending. Former subdivision (h)(3)(iii) has been relocated to (i) and clarified to include an objection to a claim supplement. Former (h)(3)(vi) has been relocated to (ii) and now includes a chapter 12 motion for codebtor stay relief. Former subdivision (h)(3)(i) and (ii) have been combined and relocated to (iii). New subdivision (h)(1)(vi) creates a 7-day suspense period for a joint application to employ a professional that also seeks the approval of the professional's fees not in excess of $1,000, provided the debtor, the debtor's attorney, and United States Trustee are served with the application and proposed order. Former subdivision (h)(7) regarding orders has been moved to subdivision (c) and new (h)(7) makes the passive procedure unavailable in an involuntary proceeding before the order of relief. Subdivision (i)(3) has been combined with (i)(1).

(j) Shortening of Notice Periods. The notice periods prescribed by subdivisions (f)(2)(ii) and (h)(3) of this rule may not be shortened except by order of the court upon a motion filed in accordance with E.D. Tenn. LBR 9006-1.

RULE 9013-3. CERTIFICATE OF SERVICE

(a) Requirement. When the Bankruptcy Code, applicable rules of procedure, court order, or these rules require a paper to be served on parties in interest, a certificate of service must be signed by the party or attorney required to effect notice or service and promptly filed with the clerk of court.

(b) Content. The certificate of service must include a description of the paper served and—

(1) with respect to entities served electronically through the court's electronic case filing system, a statement that the paper will be served electronically on the entities specified in the Notice of Electronic Filing to be issued by the electronic case filing system; and

(2) with respect to entities not served electronically through the court's electronic case filing system—

(i) the name of every entity served;

(ii) the service address of every entity served;

(iii) the manner of service; and

(iv) the date that the paper was served.

(c) Order Limiting Notices. If the filer is relying on an order limiting notices previously entered in the case, the certificate of service must include a reference to the date and document number of the order.

RULE 9014-2. CONTESTED MATTERS — FILING OF DISCOVERY MATERIALS

Fed. R. Civ. P. 5(d)(1), directing that discovery requests and responses not be filed until they are used in the proceeding or the court orders filing, is applicable to contested matters.

Comment

This rule is new and makes Fed. R. Civ. P. 5(d)(1) applicable to contested matters. Former local rule 9014-1 entitled FILING OF DISCOVERY MATERIALS has been deleted.

RULE 9019-1. SETTLEMENTS

(a) Motion Requirement. Motions to approve a settlement or compromise pursuant to Fed. R. Bankr. P. 9019 and motions for leave to dismiss a complaint objecting to discharge must—

(1) be filed in the bankruptcy case rather than a pending adversary proceeding;
(2) identify any pending adversary proceeding being settled (in the body of the motion, not the caption);
(3) state the nature of the controversy and the terms of the compromise;
(4) set forth why the proposed compromise or dismissal is fair, equitable, and in the best interests of the estate; and
(5) be accompanied by a proposed order granting the proposed settlement or compromise or authorizing the dismissal and approved by the movant for entry in the bankruptcy case.

(b) Service. Except as provided in the next sentence, the motion must contain a certificate evidencing service of the motion and proposed order (along with the Notice of Hearing if a hearing is set) on the debtor (or the trustee if the debtor is filing the motion), all creditors, and parties in interest, including the United States Trustee. Unless the chapter 13 plan provides for the insurance proceeds to be paid to unsecured creditors, a motion in a chapter 13 case to approve a compromise and settlement of a motor vehicle casualty insurance claim need be served only on the chapter 13 trustee and creditors claiming security interests in the motor vehicle, if any.

(c) Disposition of Adversary Proceeding. Upon approval of the motion, the movant must either—

(1) tender a separate agreed order for entry in the adversary proceeding (approved for entry by the parties to the adversary proceeding) disposing of the proceeding in accordance with the settlement; or
(2) file in the adversary proceeding a notice of dismissal, stipulation of dismissal, or motion to dismiss as appropriate under Fed. R. Bankr. P. 7041 and Fed. R. Civ. P. 41.

(d) Restricting Public Access to Certain Settlements. In order to restrict confidential settlement documents from public access, the trustee or debtor must file a motion to seal in accordance with E.D. Tenn. LBR 5005-4(n) contemporaneously with the filing of the motion to approve compromise and settlement under subdivision (a) of this rule. Both motions must be set for hearing in

accordance with E.D. Tenn. LBR 9013-1(f). The motion to seal must identify all documents the movant seeks to restrict from public access and set forth good cause why the extraordinary relief of restricting public access should be granted. In addition to uploading the documents sought to be sealed using the restricted access event, the movant must also upload a statement under the restricted access event specifying—

(1) the full amount of the settlement;
(2) any fees and expenses to be deducted from the settlement including attorney fees and costs;
(3) administrative expenses proposed to be paid from the settlement including trustee fees, if any; and
(4) the amount and dividend to be paid to unsecured creditors from the settlement.

If the motion to seal is granted, public access to the sealed documents will be restricted to all parties other than the United States Trustee.

Comment

Subdivision (d) is new and provides a procedure for requesting that certain compromises and settlements approved under subdivision (a) remain confidential.

RULE 9019-2. MEDIATION

(a) Referral for Mediation. With or without the consent of the parties, the presiding judge may refer any adversary proceeding or contested matter to mediation. Any mediation reference may be withdrawn by the presiding judge upon a determination for any reason that the matter referred is not suitable for mediation. Once an order has been entered directing that the parties participate in mediation, the parties will be required to do so unless the court enters an order withdrawing the mediation reference.

(b) Definitions. For purposes of this rule—

(1) "district court" means the United States District Court for the Eastern District of Tennessee;
(2) "mediator" means an individual approved to serve as mediator in an adversary proceeding or contested matter in accordance with subdivision (i) of this rule;
(3) "mediation" means a procedure presided over by an approved mediator to promote conciliation, communication, and the ultimate settlement of an adversary proceeding or contested matter pending in this court;
(4) "mediation conference" means a settlement conference or meeting conducted by a mediator during the course of a mediation;
(5) "mediation panel" means the mediation panel of the district court that is maintained by the clerk of that court;
(6) "mediation reference" means a directive contained within a scheduling order or other order entered by the court directing the parties to participate in a mediation;
(7) "mediation report" means a report filed with the court by a mediator in the form provided by the clerk of the district court; and
(8) "presiding judge" means the bankruptcy judge assigned to the adversary proceeding or to the case in which the contested matter is pending;

(c) Neutrality of a Mediator. A mediator may not accept an engagement in a mediation in circumstances in which he or she has a personal bias or prejudice relative to the parties or issues involved in the dispute being mediated.

(d) Mediators as Attorney in Other Cases. A mediator who has been engaged as a mediator may not appear as an attorney in the matter upon which he or she was engaged as a mediator or in any substantially related matter. No person who is approved and designated as a mediator will for that reason be disqualified from appearing and acting as an attorney in any other case pending before the court.

(e) Disclosure of Conflicts. Prior to accepting an engagement as a mediator, each mediator must disclose to the parties all actual or potential conflicts of interest reasonably known to the mediator; any current, past, or expected future professional relationship, consulting relationship, personal relationship, or pecuniary interest with or in any party or attorney involved in the mediation; as well as any other circumstance or matter which would result in the disqualification of a judicial officer under 28 U.S.C. § 455. Mediators must also disclose to all parties any offer made to the mediator before completion of the mediation process of a future professional, consulting, or pecuniary relationship with any party or attorney or law firm involved in the underlying dispute.

(f) Confidentiality and Restrictions on the Use of Information. The mediation conference and all proceedings relating thereto, including statements made by any party, attorney, or other participant, are confidential and are inadmissible to the same extent as discussions of compromise and settlement are inadmissible under Federal Rule of Evidence 408. Mediation proceedings may not be reported, recorded, placed into evidence, or made known to the presiding judge, or construed for any purpose as an admission against interest. A mediator must not divulge the details of information imparted to them in confidence in the course of a mediation without the consent of the parties, except as otherwise may be required by law.

(g) Compensation of Mediators. Mediators will be compensated at rates to be agreed upon by the parties and the mediator. Compensation for any mediator's services must be borne equally by the parties to the mediation unless other arrangements are agreed to by the parties.

(h) Subpoenas. Neither the parties to the mediation nor any other person in any forum may attempt to subpoena the mediator or any documents created in connection with, and for the purpose of, mediation, without first obtaining leave of court to do so.

(i) Qualification of Mediators. Unless the presiding judge orders otherwise, an individual may be approved to serve as a mediator if he or she is—

(1) a member of the mediation panel; or
(2) selected by agreement of all of the parties.

The presiding judge has complete discretion and authority to withdraw the approval of any mediator at any time.

(j) Party Attendance Required. Unless otherwise excused by the mediator in writing, all parties, or party representatives, and any required claims professionals (e.g., insurance adjusters) must be present at the mediation conference with full authority to negotiate a settlement. Failure to comply with the attendance or settlement authority requirements may subject a party to sanctions by the court.

(k) Mediation Report. Within 7 days following the conclusion of each mediation conference, the mediator must file a mediation report, which includes a statement as to whether—

(1) all parties were present;
(2) the adversary proceeding or contested matter settled;
(3) the mediation was continued with the consent of the parties; and
(4) the mediation was terminated without a settlement.

No other information may appear on the mediation report; nor, without the consent of all parties, may any other or additional report or communication regarding the status of the mediation be provided by the mediator to the presiding judge.

(l) Special Procedures When Mediation is Ordered Without the Consent of the Parties. In the event the parties cannot agree on a mediator, the plaintiff (in the case of an adversary proceeding) or movant (in the case of a contested matter) must submit a list of at least 5 proposed mediators selected from the mediation panel and the defendant or respondent must select a mediator from that list and notify the plaintiff or movant of the selection within 7 days after receipt of the list. If the defendant or respondent does not timely notify the plaintiff or movant of a selection, the plaintiff or movant may then select a mediator from the list submitted. At the request of an approved mediator, the presiding judge may order the parties to pay the cost of the mediator's services.

RULE 9036-1. NOTICE BY ELECTRONIC TRANSMISSION

(a) Registered CM/ECF Users. Upon the electronic filing of a document, the ECF system will generate a Notice of Electronic Filing (NEF) that will be automatically transmitted to the filing party and all other parties in the case or adversary proceeding who are Registered Users. This electronic transmission of the NEF by the ECF system constitutes notice or service of the filed document to the Registered Users in the case or proceeding, equivalent to service by first class mail, postage prepaid, subject to the provisions of Fed. R. Bankr. P. 7004 and 9014(b).

(b) Debtor Electronic Bankruptcy Notification (DeBN).

(1) *DeBN Form.* Each debtor who files a voluntary petition must file with the petition a completed DeBN Election Form, Local Form 9036-1, indicating whether the debtor—

- (i) requests creation of a new DeBN account to begin receiving court notices and orders electronically pursuant to Fed. R. Bankr. P. 9036;
- (ii) declines participation in the DeBN program;
- (iii) requests an update to or reactivation of an existing DeBN account; or
- (iv) requests deactivation of an existing DeBN account.

(2) *Email Address.* A request to create a new DeBN account or to update or reactivate an existing DeBN account must list a valid and active email address for the debtor. A debtor may list the same email address that was listed on a joint debtor's DeBN Form; however, each debtor and each joint debtor must sign and file a separate DeBN Form regardless of whether they share the same email address.

(3) *Clerk's Duties.* The clerk of court will act upon the DeBN Form promptly after it is filed. While the debtor's DeBN account is active, the clerk is directed to send court-issued notices and orders via email pursuant to Fed. R. Bankr. P. 9036 whenever the clerk would otherwise be required to send the notice or order by regular mail.

(4) *Undeliverable Email Notices.* If an attempt to deliver a notice or order via email fails, the debtor's DeBN account may be immediately deactivated. A debtor may reactivate the debtor's DeBN account by submitting a DeBN Form, requesting that an existing account be reactivated and supplying a valid and active email address.

(5) *Scope of DeBN.* The existence of an active DeBN account does not authorize any person other than the court to provide notice or service solely by email if notice or service would otherwise be required by regular mail or other means.

(c) Non-Registered Users Other than Debtors. Non-Registered Users other than debtors may elect to receive court notices and other documents electronically via the Electronic Bankruptcy Noticing service (EBN). Otherwise, a party who is not a Registered User is entitled to receive a paper copy of any electronically- filed pleading or other document. Accordingly, the Registered User must serve a paper copy of the filed document on each party that is neither a Registered User nor an EBN subscriber as set forth in the Federal Rules of Bankruptcy Procedure and the rules of this court.

Comment

This rule is new and incorporates the remaining portions of the Administrative Procedures for Electronic Case Filing in subdivisions (a) and (c). Subdivision (b) is new and implements a procedure for court electronic notification to debtors, including new local form 9036.1.

RULE 9070-1. EXHIBITS

Exhibits introduced during a hearing on a contested matter or trial of an adversary proceeding should be withdrawn after 30 days following the final determination of the contested matter or adversary proceeding unless an appeal is filed. Exhibits not withdrawn may be destroyed by the clerk of court upon notice to the parties.

RULE 9072-1. PROPOSED ORDERS

(a) Generally. Unless otherwise excused by the court or these rules, every motion (whether in connection with a case, contested matter, or adversary proceeding) must be accompanied by a proposed order granting the requested relief and signed by the party or attorney who prepared the order. Every agreed order (whether in connection with a case, contested matter, or adversary proceeding) must be accompanied by an appropriate motion requesting entry of the order, unless the agreed order resolves a previously filed motion.

(b) Electronic Transmission. The proposed order must be filed as an attachment to the motion so that it can be electronically served on other interested parties through the ECF system. In addition, the proposed order must be separately uploaded to the court through the use of the court's E-Orders program, which is a separate system designed for uploading proposed orders to the court.

(c) Format of Proposed Orders.

(1) *Top Margin.* The top margin on the first page must be four inches.

(2) *End of Order.* The last line in the proposed order must be three pound symbols (###), centered in the middle of the line to indicate the end of the order.

(3) *Signature by Judge.* No signature line should be included for the judge because the judge will electronically sign the document in the blank space provided by the top margin on the first page.

(4) *Signature by Attorney.* All orders prepared by legal counsel must indicate the name of the law firm, name of the attorney responsible for the order, mailing address and telephone number for the firm and, if desired, the fax number and/or email address.

This information shall be included on the order, after the line containing the three pound symbols.

(d) Agreed Orders and Other Documents with Multiple Signatures. Documents filed electronically that require the signature of more than one party may be filed by—

(1) submitting a scanned document containing all necessary signatures;
(2) representing the consent of the other parties on the document; or
(3) in any other manner approved by the court.

Unless the agreed order resolves, in whole or in part, a previously filed motion, each agreed order must be accompanied by a motion requesting entry of the agreed order. As set forth in subdivision (b) above, the proposed agreed order must be filed as an attachment to the motion and uploaded into the E-Orders system. If the agreed order resolves a previously filed motion, the agreed order must be uploaded into the E-Orders system and linked to the previously filed motion.

(e) Judge's Electronic Signature. An electronic signature or facsimile signature of a judge on an order entered electronically by the court will have the same effect as the judge's handwritten signature on a paper copy of the order.

(f) Entry of Orders. The clerk will enter all signed orders, judgments, and decrees in the ECF system, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021.

LOCAL FORM 1007.1

[CAPTION]

STATEMENT REGARDING PAYMENT ADVICES OR OTHER EVIDENCE OF PAYMENT

CERTIFICATION OF DEBTOR

I hereby certify under penalty of perjury that

☐ attached hereto are copies of all payment advices or other evidence of payment [such as paycheck stubs, direct deposit advices, statements of payment, etc.] that I have received from an employer within 60 days before the date of the filing of the petition, with all but the last four digits of the debtor's Social Security number redacted,*

or

☐ I did not receive any such documents from an employer within 60 days before the date of the filing of the petition.

_____

[SIGNATURE OF DEBTOR]

Date:_____

CERTIFICATION OF JOINT DEBTOR

I hereby certify under penalty of perjury that

☐ attached hereto are copies of all payment advices or other evidence of payment [such as paycheck stubs, direct deposit advices, statements of payment, etc.] that I have received from an employer within 60 days before the date of the filing of the petition, with all but the last four digits of the debtor's Social Security number redacted,*

or

☐ I did not receive any such documents from an employer within 60 days before the date of the filing of the petition.

_____

[SIGNATURE OF JOINT DEBTOR]

Date:_____

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* Other evidence of payment may consist of the debtor's most recent paycheck stub showing year-to-date earnings if the debtor has worked the same job the last 60 days before the date of the filing of the petition.

Penalty for making a false statement: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

LOCAL FORM 3015.2

[CAPTION]

NOTICE OF MOTION TO MODIFY CONFIRMED PLAN, MEETING WITH TRUSTEE, AND OBJECTION DEADLINE

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1329 and Fed. R. Bankr. P. 2002(a)(5):

1. The debtor is filing the attached motion to modify confirmed plan and proposed modified plan.

2. The debtor will meet with the chapter 13 trustee on [date and time] [a date at least 21 days after service of motion, plan, and notice] at [address of meeting]. You may attend that meeting and examine the debtor regarding the proposed modified plan.

3. **Any party wishing to object to the proposed modified plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the meeting with the chapter 13 trustee referenced in paragraph 2 of this Notice or before the scheduled time of any continued meeting, or lodge a written objection with the chapter 13 trustee at the meeting**. Any objection to the modified plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the debtor(s), the attorney listed below, and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the scheduled meeting.

4. Absent an objection, the court may enter an order granting the motion to modify the confirmed plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [in the Northeastern and Northern Divisions - the first scheduled time for confirmation hearings that is at least 7 days after the meeting with the trustee / in the Southern and Winchester Divisions - the first scheduled time for confirmation hearings that is at least 14 days after the meeting with the trustee], unless the debtor and the objecting parties agree to a different date at the scheduled meeting.

The undersigned hereby certifies that he/she has properly served this notice, the motion to modify, and the proposed modified plan on the chapter 13 trustee and parties listed below.

Date:_____

_____

[SIGNATURE AND TYPED NAME OF ATTORNEY FOR DEBTOR, ADDRESS, PHONE NUMBER, AND BAR NUMBER]

LOCAL FORM 3015.3

/ 4 inch margin /

[CAPTION]

ORDER GRANTING MOTION TO MODIFY AND CONFIRMING MODIFIED PLAN

The debtor having filed a motion to modify the confirmed chapter 13 plan and the court having found after notice and an opportunity for hearing that the modified plan meets the requirements of the Bankruptcy Code, the debtor's motion to modify is granted and the modified plan, a copy of which is attached, is hereby confirmed.

# # #

APPROVED FOR ENTRY BY:

_____

[SIGNATURE AND TYPED NAME OF CHAPTER 13 TRUSTEE OR ATTORNEY FOR TRUSTEE, ADDRESS, PHONE NUMBER, AND BAR NUMBER]

LOCAL FORM 3015.4

[CAPTION]

NOTICE OF PLAN MODIFICATION BEFORE CONFIRMATION, CONTINUED MEETING OF CREDITORS, AND OBJECTION DEADLINE

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1323 and Fed. R. Bankr. P. 2002(a)(5),

1. The debtor is filing the attached amended plan.

2. The § 341(a) meeting of creditors in this case has been continued to [date and time] [a date at least 21 days after service of plan and notice] and will be held at [address of meeting].

3. **Any party wishing to object to the proposed amended plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the continued § 341(a) meeting of creditors referenced in paragraph 2 of this Notice or before the scheduled time of any further continuance of the § 341(a) meeting of creditors, or lodge a written objection with the chapter 13 trustee at the meeting**. Any objection to the amended plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the debtor(s), the attorney listed below, and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.

4. Absent an objection, the court may enter an order confirming the amended plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [in the Northeastern and Northern Divisions - the first scheduled time for confirmation hearings that is at least 7 days after the completion of the continued meeting of creditors / in the Southern and Winchester Divisions - the first scheduled time for confirmation hearings that is at least 14 days after completion of the continued meeting of creditors], unless the debtor and the objecting parties agree to a different date at the continued meeting of creditors.

The undersigned hereby certifies that he/she has properly served this notice and the accompanying plan on the chapter 13 trustee and parties listed below.

Date:_____

_____

[SIGNATURE AND TYPED NAME OF ATTORNEY FOR DEBTOR, ADDRESS, PHONE NUMBER, AND BAR NUMBER]

LOCAL FORM 3015.5

/ 4 inch margin /

[CAPTION]

ORDER CONFIRMING CHAPTER 13 PLAN

The chapter 13 plan having been transmitted to scheduled creditors and it having been determined that the plan as finalized complies with 11 U.S.C. § 1325 and should be confirmed, the court directs the following:

1. The plan, a copy of which is attached, is confirmed;.
2. Property of the estate does not vest in the debtor(s) until completion of the plan;
3. The attorney for the debtor(s) is awarded the fee set forth in the plan; and
4. All pending objections to confirmation, if any, are resolved, withdrawn, or overruled.

# # #

APPROVED FOR ENTRY BY:

_____

[SIGNATURE AND TYPED NAME
OF CHAPTER 13 TRUSTEE OR ATTORNEY
FOR TRUSTEE, ADDRESS, PHONE NUMBER,
AND BAR NUMBER]

LOCAL FORM 9013.1

[CAPTION]

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on ____[date]____, at __[time],__ in _____[identify courtroom]___ ,
_____[address of courthouse]_____, on the following:
_____[description of motion or other paper initiating matter to be heard]_____

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the [motion, application, or objection] and may enter an order granting that relief.

Dated: _____

_____
[SIGNATURE AND TYPED NAME OF ATTORNEY, ADDRESS, PHONE NUMBER, AND BAR NUMBER]

LOCAL FORM 9036.1

[CAPTION]

In re: _____ Debtor(s) Case No. _____

DEBTOR ELECTRONIC NOTICING ELECTION (DeBN)

CHECK ONLY ONE BOX FOR THE APPLICABLE SECTION BELOW:

☐ **INITIAL REQUEST:** (Check this box to begin receiving notices and orders from the U.S. Bankruptcy Court via email)

Pursuant to Bankruptcy Rule 9036, I hereby request receipt of court notices and orders via email, instead of U.S. mail, from the Bankruptcy Noticing Center (BNC) through the U.S. Bankruptcy Court's Debtor Electronic Bankruptcy Noticing (DeBN) program.

I understand that this request is limited to receipt of only notices and orders filed by the U.S. Bankruptcy Court. I will continue to receive documents filed by all other parties, such as the trustee and creditors, via U.S. mail or in person pursuant to court rules.

I understand that I will receive electronic notice of any documents filed by the court in any current or future bankruptcy or adversary case from any bankruptcy court district in which I am listed with the same name and address, including cases where I am listed as a creditor.

I understand that the first time the BNC receives an email bounce-back (undeliverable email), my DeBN account will be automatically disabled. I will then receive notices and orders via U.S. mail, and I must file an updated request form if I wish to reactivate my account.

I understand that enrollment in DeBN is completely voluntary, and I may file a request to deactivate my account at any time.

☐ **INITIAL DECLINE:** (Check this box to decline receiving notices and orders from the U.S. Bankruptcy Court via email)

☐ **UPDATE TO ACCOUNT INFORMATION:** (Check this box to make changes to your existing DeBN account)

I request the following update(s) to my DeBN account:

☐ I have a new email address as indicated below.

☐ I filed a new bankruptcy case, and I have an existing DeBN account. Please review my account to ensure my name and address in my account match this new case.

☐ I request reactivation of my DeBN account so that I may receive court notices and orders via email, instead of U.S. mail.

☐ **REQUEST TO DEACTIVATE ELECTRONIC NOTICING:** (Check this box to request deactivation of your DeBN account)

I request deactivation of my DeBN account. I understand that by deactivating my account, I will begin receiving notices and orders filed by the U.S. Bankruptcy Court via U.S. mail, instead of email.

I understand that I will continue to receive electronic notices until such time as the Court has deactivated my account.

I am a debtor in this bankruptcy case, or the debtor's authorized representative if the debtor is a business, and I have read the applicable section check-marked above and understand and agree to the terms and conditions set forth therein. Neither the U.S. Bankruptcy Court nor the BNC bears any liability for errors resulting from the information I have submitted on this form.

Each debtor must file a separate form.

Signature: _____ Date: _____

Printed Name (and title if not the debtor):_____

Email Address (type or print clearly): _____

For more information about the DeBN program, visit the Court's website at: www.tneb.uscourts.gov.