

UNITED STATES BANKRUPTCY COURT

SOUTH CAROLINA

Clerk's Instruction: Notices to Creditors (CI-2002-1¹)

Notice Requirements.

Pursuant to Federal Rule of Bankruptcy Procedure 2002(m), and in accordance with the Guidelines on Noticing promulgated by the Judicial Conference of the United States, notice of a hearing or of an opportunity for a hearing upon request, shall be provided as follows:

(a) IN A CHAPTER 13 CASE

(1) By the Trustee

- (A) Trustee's objection to a claim.
- (B) Trustee's petition to dismiss.
- (C) Trustee's notice of final report and account.
- (D) Trustee's motion to reopen case.

(2) By the Debtor

- (A) Debtor's motion to change venue.
- (B) Debtor's motion to reopen case.
- (C) Debtor's motion to modify confirmed plan.
- (D) Debtor's motion to incur secured debt.
- (E) Debtor's motion to extend time under South Carolina Local Bankruptcy Rule 1007-2 (SC LBR 1007-2).
- (F) Notice of continued or rescheduled first meeting.

(3) By a Creditor

- (A) Creditor's motion to change venue.
- (B) Creditor's motion to dismiss, or in the alternative, to convert.
- (C) Creditor's motion to reopen case.

¹See SC LBR 2002-1

(b) IN A CHAPTER 12 CASE

(1) By the Trustee

- (A) Trustee's notice of final report and account.
- (B) Trustee's objection to claim.
- (C) Trustee's petition to dismiss.
- (D) Trustee's motion to reopen case.

(2) By the Debtor

- (A) Debtor's motion to obtain credit.
- (B) Debtor's motion to change venue.
- (C) Debtor's motion to reopen case.
- (D) Debtor's motion to extend time under SC LBR 1007-2 or to extend the period during which a plan may be filed.
- (E) Notice of preconfirmation conference and confirmation hearing (a copy of the plan and all Local Official Forms should be attached).
- (F) Debtor's motion to modify a confirmed plan.
- (G) Debtor's motion to sell property free and clear of lien.
- (H) Debtor's request for waiver of requirement to file monthly reports.
- (I) Debtor's objection to claim.
- (J) Debtor's motion to abandon property.
- (K) Notice of continued or rescheduled first meeting.

(3) By a Creditor

- (A) Creditor's motion to dismiss or, in the alternative, to convert.
- (B) Creditor's motion to change venue.
- (C) Creditor's motion to reopen case.

(c) IN A CHAPTER 7 CASE

(1) By the Trustee

- (A) Trustee's notice to sell, use or lease property.
- (B) Trustee's motion to compromise a controversy.
- (C) Notice of filings with the court (Chapter 7 Asset Cases Only).
- (D) Trustee's objections to claims (Chapter 7 Asset Cases Only).
- (E) Notice to file claims (Chapter 7 Asset Cases Only).
- (F) Motion to shorten mailing matrix.

(G) Trustee's motion to reopen case.

(2) By the Debtor

(A) Debtor's motion to extend time under SC LBR 1007-2.

(B) Notice of continued or rescheduled first meeting.

(C) Debtor's motion to reopen case.

(D) Debtor's motion to redeem property.

(3) By a Creditor

(A) Creditor's motion to dismiss.

(B) Creditor's motion to change venue.

(C) Creditor's motion to reopen case.

(D) Creditor's motion to abandon property.

(E) Creditor's motion to allow claim.

(d) IN A CHAPTER 11 CASE

(1) By the Debtor

(A) Notice of Meeting of Creditors.

(B) Debtor's motion to use cash collateral pursuant.

(C) Debtor's request for waiver of requirement to file monthly reports.

(D) Debtor's request for extension of exclusive period within which the debtor may file a disclosure statement and/or plan of reorganization.

(E) Debtor's motion to obtain credit.

(F) Debtor's objection to a claim.

(G) Debtor's motion to change venue.

(H) Debtor's motion to reopen case.

(I) Debtor's motion to abandon property.

(J) Debtor's motion for approval of an agreement relating to relief from the automatic stay, providing adequate protection, use of cash collateral and obtaining credit.

(K) Debtor's motion for assumption or rejection of an executory contract or unexpired lease.

(L) Debtor's motion to extend time under SC LBR 1007-2.

(M) Notice of continued or rescheduled first meeting.

(N) Motion to shorten mailing matrix.

(2) By a Plan Proponent

- (A) A disclosure statement.
- (B) A plan of reorganization.
- (C) An application for final decree.

(3) By a Creditor

- (A) Creditor's motion to dismiss or to convert.
- (B) Creditor's motion for assumption or rejection of an executory contract or unexpired lease.
- (C) Creditor's motion for approval of an agreement relating to relief from the automatic stay, providing adequate protection, use of cash collateral and obtaining credit.
- (D) Creditor's motion to change venue.
- (E) Creditor's motion to reopen case.
- (F) Creditor's motion to abandon property.

(e) **IN ALL CHAPTERS**

(1) By the Proponent

- (A) Notice regarding a matter listed on the passive notice list.
- (B) Applications to employ professionals *nunc pro tunc*.

Inspection of Mailing Labels.

When a person orders mailing lists or labels from the clerk's office or from a chapter 13 trustee's office for the purpose of giving notice, that person must inspect them to ensure that all parties required to receive notice are included thereon.

New Mailing Lists.

Because mailing lists change as a result of notices of appearance, claims or other documents being filed which effect the parties and the addresses on the lists, a party must request new mailing lists or labels from the clerk's office each time any documents are served on the full mailing matrix.

Form of Notices.

Parties should utilize the appropriate Local Official Forms when performing noticing functions which are available on the court's Internet web site at www.scb.uscourts.gov and are available at the Intake Division of the clerk's office.