

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

FILED
at O'clock & min. M
NOV - 4 2003
BRENDA K. ARGOE, CLERK
United States Bankruptcy Court
Columbia, South Carolina (31)

IN RE:)
)
AMENDMENTS TO SOUTH) OPERATING ORDER 03-04
CAROLINA LOCAL BANKRUPTCY)
RULES)
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Pursuant to Local Rule 83.X.02 of the United States District Court for the District of South Carolina and South Carolina Local Bankruptcy Rule (SC LBR) 9029-1, *Operating Orders and Amendments to the Local Bankruptcy Rules*, this Court hereby adopts and promulgates amendments to the South Carolina Local Bankruptcy Rules, as set forth below.

1. SC LBR 1006-1, *Payment of Filing Fee, Administrative Fee, and Trustee Surcharge Fee in Installments*, paragraph (b) is amended as follows:

(b) Minimum Payments and Installment Amounts. An application to pay the fees in installments must be accompanied by the following minimum payments:

- (1) Chapter 7 - \$ 89
- (2) Chapter 11 - \$339
- (3) Chapter 12 - \$114
- (4) Chapter 13 - \$ 74;
- \$39 of the minimum payment will be applied toward the administrative fee which is due in all cases.

2. SC LBR 1009-1, *Amendments of Voluntary Petitions, Lists, Schedules and Statements*, paragraph (a) is amended to add a new item three and to re-number subsequent items as follows:

(a) Service of Amendments Adding Creditors. If a debtor adds a creditor . . . the debtor must serve upon that creditor copies of the following: . . .

- (3) Statement of Social Security Number (Official Bankruptcy Form B21).

Item (3) becomes (4) and Item (4) becomes (5).

3. Local Official Form 1002-1, *Notice to Individual Consumer Debtor*, to SC LBR 1002-1, *Filing of Petition*, is replaced by Attachment 1 to this operating order.

4. Local Official Form 3011-1(a), *Individual Identification Form for Unclaimed Dividends*, to SC LBR 3011-1, *Disposition of Unclaimed Dividends*, is replaced by Attachment 2 to this operating order.

5. Local Official Form 3011-1(d), *Order Authorizing Payment of Unclaimed Dividends*, to SC LBR 3011, *Disposition of Unclaimed Dividends*, is replaced by Attachment 3 to this operating order.

6. Local Official Form 3015-1(a), *Notice, Chapter 13 Plan and Related Motions*, to SC LBR 3015-1, *Chapter 13 Requirements*, is replaced by Attachment 4 to this operating order.

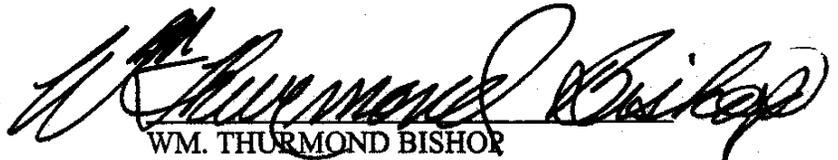
7. Local Official Form 4001-3(a), *Motion for Permission to Collect Child Support*, to SC LBR 4001-3, *Collection of Child Support from Wages*, is replaced by Attachment 5 to this operating order.

8. Local Official Form 4001-3(c), *Order Granting Motion for Permission to Collect Child Support*, to SC LBR 4001-3, is replaced by Attachment 6 to this operating order.

9. Clerk's Instruction 5001-1, *Automation Services*, is replaced by Attachment 7 to this operating order.

10. Clerk's Instruction 5005-1, *Filing of Documents in Clerk's Office*, is replaced by Attachment 8 to this operating order.

AND IT IS SO ORDERED.



WM. THURMOND BISHOP
Chief Judge



JOHN E. WAITES
United States Bankruptcy Judge

Columbia, South Carolina

November 4, 2003.

LOCAL OFFICIAL FORM 1002-1 TO SC LBR 1002-1

United States Bankruptcy Court for the District of South Carolina

NOTICE TO INDIVIDUAL CONSUMER DEBTOR

The purpose of this notice is to acquaint you with the four chapters of the United States Bankruptcy Code (Code) under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Neither the judges nor the court's employees may provide you with legal advice.

Chapter 7: Liquidation (\$155.00 filing fee and \$ 39.00 administrative fee and \$15.00 trustee surcharge fee = \$209.00 total fee)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Under chapter 7, a trustee takes possession of all your property. You may claim certain of your property as exempt under governing federal and state law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities set by the Code.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Code, your discharge may be denied by the court, and the purpose for which you filed the bankruptcy petition will be defeated. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts including, but not limited to, certain taxes and student loans, alimony and child support, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.

Under certain circumstances you may keep property that you have purchased subject to valid security interest. Your attorney can explain the options that are available to you.

Chapter 11: Reorganization (\$800.00 filing fee and \$39.00 administrative fee = \$839.00 total fee)

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are complex and any decision to file a chapter 11 should be made in consultation with an attorney.

Chapter 12: Family Farmer (\$200.00 filing fee and \$39.00 administrative fee = \$239.00 total fee)

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm.

Chapter 13: Repayment of All or Part of the Debts of an Individual (\$155.00 filing fee and \$39.00 administrative fee = \$194.00 total fee)

Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Code.

Under chapter 13, you must file a plan with the court to repay your creditors all or part of the money that you owe them, using future earnings. Usually the period allowed by the court to repay debts is three years, but not more than five years. Your plan must be approved by the court before it can take effect. Under chapter 13, unlike chapter 7, you may keep your property, both exempt and nonexempt, as long as you continue to make payments according to the plan.

After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

ACKNOWLEDGMENT

CASE NO _____

I hereby certify that I have read this notice.

Date: _____

Debtor

Joint Debtor (if applicable)

INSTRUCTIONS: If the debtor is an individual, a copy of this notice personally signed by the debtor must accompany any bankruptcy petition filed with the clerk. If filed by joint debtors, the notice must be personally signed by each.

REVIEW THE PLAN AND RELATED MOTIONS CAREFULLY TO DETERMINE THE TREATMENT OF YOUR CLAIM UNDER THE PLAN.

If an objection is filed within twenty-five (25) days after the date of filing and such timely objection is filed before the Confirmation Hearing, the objection will be heard at the Confirmation Hearing, notice of which is given in the Notice of Meeting of Creditors. If an objection is filed within twenty-five (25) days after the date of filing and such timely objection is filed after the Confirmation hearing, a hearing on the objection will be scheduled and notice of such hearing will be given.

If no objection is timely filed in accordance with SC LBR 9014-4, the court, upon the recommendation of the Trustee and without further hearing or notice, may enter an order confirming the plan following the Meeting of Creditors (11 U.S.C. §341 Meeting) and granting the other relief requested therein.

NOTICE
(TO BE COMPLETED ONLY IF FORM PLAN IS ALTERED)

The plan below contains language that is in addition to that approved for use in the Chapter 13 Plans in the United States Bankruptcy Court for the District of South Carolina, or otherwise alters the approved Form Plan. Such language is highlighted by _____ (state whether by bold type, italics, or underlining).

The unapproved language referred to above appears in Paragraph _____. Parties wishing to object to inclusion of unapproved language or any other provision of the Plan should review the following Notice, Chapter 13 Plan and Related Motions for the correct procedure to be followed.

CHAPTER 13 PLAN AND RELATED MOTIONS

1. The future earnings and income of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) shall pay to the trustee the sum of \$_____ per month, for a period of ___ months or longer if necessary for completion of this plan according to its terms, but not to exceed 60 months.
2. After the deduction from all disbursements of the allowed trustee's commission and expenses, the trustee shall make disbursements as follows:
3. A proof of claim for attorney's fees of the debtor(s) in the amount of \$_____ will be filed and shall be paid at a rate of ___% of the monthly payments to creditors (if no percentage is stated, then payment shall be made at twenty-five(25%)), until paid in full. This percentage may be reduced or increased by the trustee in order to ensure that there are funds available for payment to secured and support creditors as set forth below.
4. Payments to secured creditors, as follows:
 - (a) Long term or mortgage debt - ARREARAGE ONLY, to be paid to _____ at \$ ___ or more per month, along with ___% interest. Regular payments to be made directly by the debtor(s), beginning _____, _____.
 - (b) Long term or mortgage debt - ARREARAGE ONLY, to be paid to _____ at \$ ___ or more per month, along with ___% interest. Regular payments to be made directly by the debtor(s), beginning _____, _____.
 - (c) Secured debt - Payments of \$_____ or more per month, to _____ until the net balance/value of lien (strike one) plus ___% interest has been paid in full. If lien is to be valued, the debtor hereby moves to value the lien at \$_____ in accordance with SC LBR 3015-1 and the notice attached hereto. The basis of the debtor's value is as follows: _____ vehicle mileage (if applicable)_____. Liens senior to the above-named creditor are held by the following creditors in the following amounts: _____.

Other secured debt - Payments of \$ _____ or more per month, to _____ until the net balance/value of lien (strike one) plus ___% interest has been paid in full. If lien is to be valued, the debtor hereby moves to value the lien at \$ _____ in accordance with SC LBR 3015-1 and the notice attached hereto. The basis of the debtor's value is as follows: _____, vehicle mileage (if applicable) _____. Liens senior to the above-named creditor are held by the following creditors in the following amounts: _____.

Other secured debt - Payments of \$ _____ or more per month, to _____ until the net balance/value of lien (strike one) plus ___% interest has been paid in full. If lien is to be valued, the debtor hereby moves to value the lien at \$ _____ in accordance with SC LBR 3015-1 and the notice attached hereto. The basis of the debtor's value is as follows: _____, vehicle mileage (if applicable) _____. Liens senior to the above-named creditor are held by the following creditors in the following amounts: _____.

Other secured debt - Payments of \$ _____ or more per month, to _____ until the net balance/value of lien (strike one) plus ___% interest has been paid in full. If lien is to be valued, the debtor hereby moves to value the lien at \$ _____ in accordance with SC LBR 3015-1 and the notice attached hereto. The basis of the debtor's value is as follows: _____, vehicle mileage (if applicable) _____. Liens senior to the above-named creditor are held by the following creditors in the following amounts: _____.

Secured tax debt - Payments of \$ _____ or more per month, to _____ on its claim secured by a tax lien until the net balance/value of lien (strike one) plus ___% interest has been paid in full. If lien is to be valued, the debtor hereby moves to value the lien at \$ _____ in accordance with SC LBR 3015-1 and the notice attached hereto. The basis of the debtor's value is as follows: _____. Liens senior to the above-named creditor are held by the following creditors in the following amounts: _____. Of the remaining tax claim, the following amount of \$ _____ will be accorded priority unsecured tax status and the balance of the claim will be accorded general unsecured status and paid in accordance with paragraph 6(a) if a proof of claim is timely filed.

Prepetition alimony and child support - Payments of \$ _____ or more per month to _____ until the prepetition obligation has been paid in full, without interest.

(d) Other secured debt(s) to be treated as follows:

(e) The following payments to mortgage creditors are current and the debtor(s) will continue making the regular payments directly to:

(f) The debtor hereby moves to avoid the following nonpossessory, nonpurchase-money security interests pursuant to 11 U.S.C. §522(f), and SC LBR 3015-1, and the notice attached hereto. If the debtor intends to avoid a security interest pursuant to other applicable sections of the United States Bankruptcy Code (Code), then the debtor shall so state below and shall file and serve the necessary pleadings on or before the date set for the initial meeting of creditors.

Name of creditor	Amount of Security Interest	Amount of lien not to be avoided and to be paid as set out in Paragraph 4(c) Above
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(g) The debtor hereby moves to avoid the following judicial liens pursuant to 11 U.S.C. §522(f), and SC LBR 3015-1, and the notice attached hereto. If the debtor intends to avoid a judicial lien pursuant to other applicable sections of the Code, then the debtor shall so state below and shall file and serve the necessary pleadings on or before the date set for the initial meeting of creditors.

Name of Creditor	Value of Debtor's Interest	Total Amt. of Unavoidable Senior Liens	Amt. of Exemption Impaired	Amt. of Judicial Lien	Amt. Of Judicial Lien to be Avoided	Amt. Of Judicial Lien Not to be Avoided
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<hr/>						

5. Subsequent to full payment of the above claims, all 11 U.S.C. §507 priority creditors, (including, but not limited to, past due prepetition alimony, support or maintenance or taxes or other claims of governmental units) will have the allowed amounts of their prepetition claims paid on a pro-rata basis. The debtor shall pay all similar post-petition obligations to such creditors as they come due directly to such creditors.

6. Subsequent to the above, unsecured creditors will be treated as follows:

(a) General unsecured creditors will be paid ___% of their allowed claims, on a pro-rata basis. If no percentage is stated, then general unsecured creditors will be paid 100% of their allowed claims, on a pro rata basis. If the unsecured creditors are entitled to full payment on their claims plus interest, then interest shall be paid at the rate of ___ %.

(b) The following creditors who hold unsecured consumer claims with codebtors will be paid ___% of their allowed claims plus ___% interest on a pro-rata basis:

(c) The following creditors who hold unsecured claims of the kind specified in 11 U.S.C. §1328(a)(2) and (3) will be paid ___% of their allowed claims plus ___% interest on a pro-rata basis. _____

7. The debtor moves for assumption of the executory contracts and leases listed below. The debtor agrees to abide by all terms of the agreements and to cure any prepetition arrearages or defaults in the manner listed below.

<u>Creditor</u>	<u>Amount of regular payment</u>	<u>Amt. of default (state if none)</u>	<u>Cure Provisions</u>	<u>Regular pmts. and cure pmts. paid by debtor/by trustee</u>
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<hr/>				

An executory contract or lease not specifically mentioned above is treated as rejected.

8. Upon confirmation of the plan, property of the estate will remain property of the estate, but title to the property shall revert in the debtor. Unless the plan provides otherwise, secured creditors shall retain the liens until the allowed amounts of their secured claims are paid. The terms of the debtor's prepetition agreement with a secured creditor shall continue to apply except as otherwise provided for in this plan or the order confirming plan. Any party entitled to collect child support or alimony under applicable non-bankruptcy law may collect post-petition obligations from the income or assets of the debtor-parent without further Order or relief from the automatic stay. Any claim for pre-petition child support or alimony must be collected in accordance with 11 U.S.C. §507 (a)(7) and 11 U.S.C. §1322 (a)(2).(See SC LBR 4001-3)

Unsecured claims which are not filed within the time required by (Federal Rule of Bankruptcy Procedure 3002(c) (Fed. R. Bankr. P. 3002(c))) will be allowed claims unless disallowed by court order, but such claims shall be subordinated to timely filed unsecured claims and paid pro-rata only to the extent that funds listed in paragraph 1 are available after full payment of timely filed unsecured claims pursuant to paragraph 6(a).

To receive payment from the trustee, a secured creditor must file a proof of claim. Secured claims which are not filed within the time required by Fed. R. Bankr. P. 3002(c) may be disallowed or subordinated to other claims upon further order of the court.

Confirmation of this plan does not bar a party in interest from objecting to a claim which is not filed in accordance with Fed. R. Bankr. P. 3001 or Fed. R. Bankr. P. 3002.

If property is to be released or otherwise surrendered pursuant to this plan, the creditors holding a lien on, or interest in, the property to be released must provide the trustee with acceptable evidence of perfection of the lien or interest, otherwise the property may not be released or surrendered.

Any creditor holding a claim secured by property which is removed from the protection of the automatic stay, whether by judicial action, voluntary surrender, or through operation of the plan, will receive no further distribution from the trustee, unless an itemized proof of claim for any deficiency is filed within a reasonable time after the removal of the property from the protection of the automatic stay. Any funds that would have been paid to such a creditor will be distributed to other creditors, unless the court orders otherwise. This also applies to creditors who may claim an interest in, or lien on, property which is removed from the protection of the automatic stay by another lienholder or released to another lienholder, unless the court orders otherwise.

If a tax creditor files a claim purporting to be a secured claim but does not timely object to confirmation of this plan, then the claim may be paid as a priority claim.

If a claim is scheduled as unsecured, and the creditor files a proof of claim alleging that the claim is secured but does not timely object to confirmation of the plan, then the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph is not intended to limit the right of the creditor affected by this paragraph to seek relief from the stay or to object to the discharge of the debt.

If a claim is listed in the plan as secured, and the creditor files a proof of claim as an unsecured creditor, the creditor may be treated as unsecured for purposes of distribution under the plan.

The debtor will not incur indebtedness or sell property outside the ordinary course of business without permission of the court.

The debtor is responsible for protecting the non-exempt value of all property of the estate and for protecting the estate from any liability resulting from operation of a business by the debtor.

9. Pay order request or other plan provisions not inconsistent with the above:

Dated: _____, _____

Signature of Debtor

Signature of Debtor

Signature of Attorney

Typed/Printed Name/Address/Telephone

District Court ID Number

Certificate of Service

The undersigned hereby certifies that he/she served foregoing Notice, Plan and Related Motions on creditors and parties in interest entitled to such notice. The parties served are individually listed on the accompanying list or mailing matrix.

Dated: _____, _____

UNITED STATES BANKRUPTCY COURT

SOUTH CAROLINA

Clerk's Instruction: Automation Services (CI-5001-1¹)

The United States Bankruptcy Court for the District of South Carolina has a number of automated services for public access to court records and these are regularly being updated and enhanced.

The current Voice Case Information System (VCIS) and Public Access to Court Electronic Records (PACER a/k/a "PACER Classic") remain as they always have. There is no access fee for VCIS; the \$.60 per minute access fee for PACER Classic remains in effect.

During calendar year 1999, two new Internet based services were introduced. The first, www.scb.uscourts.gov is a free site (has no access fee by the judiciary). This site contains information about the court, court calendars, local rules, official forms, clerk's instructions, etc.

The second Internet based service, WEB PACER, (<http://pacer.scb.uscourts.gov>) offers similar functionality to the current PACER Classic system, but uses a web browser over the Internet. This system provides the ability for you to download case image documents. This site charges an access fee of .07 cents per page².

The Administrative Office of the US Courts is currently phasing in a new case management system to the courts. This system is called Case Management/Electronic Case Files, or CM/ECF. This new system will have many new benefits. You will be able to file cases and documents from your office 24 hours a day. Once this court implements CM/ECF, PACER Classic will be discontinued, so you should begin to plan for Internet access in your office if you do not already have it. We will release more information on CM/ECF through Public Notices.

¹ See SC LBR 5001-1 (This document replaces forms B-212:11/30/93 and B-213:7/3/97)

² The \$.07 per page rate was calculated so that, if the same PACER activities were performed on an Internet connection as on PACER Classic dial-up connection, the total charges for each connection, on average, would be the same or less.

Pacer Classic

Pacer (Public Access to Court Electronic Records) allows you to retrieve electronic docket summaries using your computer or terminal modem (up to 33.6K baud) in your office or home virtually 24 hours a day.

You can search for a case by participant name or case number. Once you find the case you want, you can have all the basic case information and a listing of the case docket entries. You can track the progress of a case in seconds.

All case information entered during the day is updated into PACER that night. Case information for active and recently closed cases is available, without making telephone calls or trips to the court.

PACER FEATURES

- Access to daily case report of new bankruptcy filings
- PACER/Court News
- Retrieve official registry of claims/interests for a case
- View docket entries in reverse chronological order
- Select, if desired, only a portion of lengthy docketed cases
- Access to archived case summary information
- Public Notices and Operating Orders
- 362 and Passive Notice Calendars
- Previous Month's Closed and Reopened Cases Report

We encourage you to consider registering for PACER. It will save much time and will permit you to "track" a case on your own PC. You will be able to determine whether an order you are interested in has been docketed -- if not, you can check again the next day.

The cost for this service is .60 per minute (established by the Judicial Conference of the United States) -- you should be able to download 3-4 cases from PACER per minute. To register, contact: PACER Billing Center, PO Box 780549, San Antonio, Texas 78278-0549 (telephone: 1-800-676-6856). You will receive your PACER system Login ID and Password, billing information and PACER User Documentation directly from the Billing Center.

PACER is available at many appellate, district and bankruptcy courts -- a list of those courts and access telephone numbers is available from the Intake Division of the clerk's office. Billing procedures vary and in some courts there is currently no charge for PACER.

This service will be discontinued with the implementation of CM/ECF.

Requirements

- Personal Computer
- Modem
- Communications Software (Hyperterminal, PCAnywhere, ProComm, etc)
- PACER Account (available from San Antonio Billing Center 800-676-6856)

Cost

0.60 cents per minute

NOTE: This service will be discontinued with the implementation of CM/ECF.

Web Pacer

Accessible via the World Wide Web at <http://pacer.scb.uscourts.gov>

This service utilizes the same login and password as your PACER Classic account.

Features

Case Information

Summary

Docket Sheet

DOCUMENT IMAGES!

Case Status

Parties

Deadlines/Schedules

New Cases Report

User selectable date range

Mailing Matrices

Previous Month's Filed, Closed and Reopened Cases Report

Requirements

PC with Windows 95+ or NT

PACER Account (available from San Antonio Billing Center 800-676-6856 or <http://pacer.psc.uscourts.gov>)

Internet Access

Web Browser (such as Netscape or Internet Explorer)

Cost

.07 cents per page

Internet Web Site

Accessible via the world wide web at www.scb.uscourts.gov

Features

Local Rules

Clerk's Instructions

Attorney Desk Reference Manual

Judge's Opinions

Court Info (Phone Numbers, Clerks Instructions, etc)

Judge's Court Calendar

362 Motions Calendar

Passive Notice Calendar

Downloads (Adobe Reader, Forms, Reference Manuals, etc)

Requirements

PC with Windows 95+ or NT

Internet Access

Web Browser (such as Netscape or Internet Explorer)

Cost

Free

VCIS (Voice Case Information System)

Bankruptcy case information available using touch tone phone. You may search for information by Case Number, Party Name, last four digits of SSN or complete Tax ID.

803-765-5211 or 1-800-669-8767

Features

Case Name(s)	Case Number	Bankruptcy Chapter
Filing Date	Asset Status	Attorney for Debtor
Name of Trustee	Name of Judge	Current Case Status
Next Hearing Info	Discharge Date	Closing Date

Requirements Touch tone phone

Cost Free

**INSTRUCTIONS FOR USING
VOICE CASE INFORMATION SYSTEM
(VCIS)**

- a. DIAL (803) 765-5211 or 1-800-669-8767 for VCIS for the United States Bankruptcy Court for the District of South Carolina.
- b. ENTER THE NAME of the debtor or a party to an adversary proceeding.

Names are given to the computer by pressing the keys on a touch-tone type telephone that correspond to the letters in the name. Use the "1" key for the letters "Q" and "Z", and skip any characters that are not letters, such as spaces, apostrophes, and dashes.

- 1. If the case is filed by an individual, enter the last name followed by the first name. For example, to enter the "Joe O'Riley", the following keys should be pressed:

O R I L E Y J O E

MNO 6	PRS 7	GHI 4	JKL 5	DEF 3	WXY 9	JKL 5	MNO 6	DEF 3	#
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- 2. If the case is filed by a business, enter the business or company name. Suffixes such as "Inc." or "Corp." should be omitted. For example, to enter the name "Joe's Subs, Inc.", the following keys should be pressed:

J O E S S U B S

JKL 5	MNO 6	DEF 3	PRS 7	PRS 7	TUV 8	ABC 2	PRS 7	#
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- c. PRESS THE # KEY to tell the computer that you have finished entering the name.
- d. LISTEN and the computer will read information about the case. If more than one case is found which matches the name entered, information will be ready about each case. If the caller is not interested in the case being read, any key may be pressed to go the next case.
- e. If a user knows the procedures to follow, the user can go directly to a name search without listening to the full instructions-- touch 1 for VCIS help; touch 2 for searching cases on VCIS, touch 3 for information about PACER (Public Access to Court Electronic Records).

UNITED STATES BANKRUPTCY COURT

SOUTH CAROLINA

Clerk's Instruction: Filing of Documents in Clerk's Office (CI-5005-1¹)

All papers, including proposed orders, shall be filed with or submitted to the clerk's office, rather than directly to a bankruptcy judge. In an emergency after office hours, papers may be filed by making prior arrangements to do so during public business hours by contacting the clerk or chief deputy. The clerk's office shall perform any necessary processing of papers before forwarding the papers to a bankruptcy judge for consideration.

Filing of documents in the United States Bankruptcy Court may be made at the clerk's office from 9:00 A.M. to 4:30 P.M. on all days except Saturdays, Sundays, the legal holidays listed in Federal Rules of Bankruptcy Procedure 9006(a) (Fed. R. Bankr. P. 9006(a)), and other times as may be ordered by the court. Personnel specifically assigned to receive petitions and documents are required to verify that certain rules and requirements have been met. Those who are registered CM/ECF participants may file documents electronically in the United States Bankruptcy Court, 24 hours a day, 7 days a week regardless of legal holidays, provided they have undergone the necessary training and become authorized users. Beginning January 21, 2003, a limited number of law firms who have undergone the certification process will begin electronic filing. Others interested in becoming CM/ECF certified can submit their requests for consideration to:

Clerk of Court
ATTN: CM/ECF Help Desk
P.O. Box 1448
Columbia, SC 29202

Should expedited processing of papers be required during a term of court in a division of the district not regularly staffed by the clerk, the court may, upon a showing of compelling need by a party, direct the courtroom deputy clerk to file a judgment, final order or other paper. The party requesting such action shall arrange for prompt service of the paper and shall execute and deliver a certificate of service to the courtroom deputy clerk at the time of filing.

The clerk will not accept for filing any petition or document not accompanied by the filing fee prescribed by 28 U.S.C. § 1930 and the Appendix thereto (Bankruptcy Court Miscellaneous Fee Schedule).

The following criteria regarding the form of documents presented for filing with this court must be met. Should documents submitted for filing not meet the following criteria or not contain the following information, the court may issue an Order Returning Document(s) or an Order Striking Document(s). (See South Carolina Local Bankruptcy Rule 5005-1 (SC LBR 5005-1)).

(a) All Documents.

- (1) If a stamped copy is needed to acknowledge the filing of an action with the court, i.e., "Original Filed", an extra copy must be provided at the time of filing for this purpose. If the filing is by U.S. Postal Service or other mail delivery service, a metered or pre-stamped self-addressed envelope large**

¹See SC LBR 5005-1

enough to accommodate the return copy must also be provided.

- (2) The signature of the attorney must always be followed by his/her District Court I.D. number, printed, (or typed) name, address, telephone number and facsimile number.
- (3) All signatures of creditors must be followed by his/her typed or printed name and address.
- (4) All documents must show the case name, case number with judge's initials and chapter.

(b) Bankruptcy Petitions.

- (1) Filing Fee to be paid (28 U.S.C. § 1930(a)):

Total fees (including administrative fee and trustee surcharge fee):

(A)	Chapter 7	\$ 209.00
(B)	Chapter 9	\$ 839.00
(C)	Chapter 11	\$ 839.00
(D)	Chapter 11 Railroad	\$1,039.00
(E)	Chapter 12	\$ 239.00
(F)	Chapter 13	\$ 194.00

Installment payments are authorized only in voluntary cases filed by an individual.

Note: If paid in installments, the filing fee must be paid in full before any payment is made to an attorney or other person rendering services to the debtor in connection with the case. (Fed. R. Bankr. P. 1006(b)(3)).

- (2) An administrative fee of \$39.00 is required to be paid simultaneously with the filing of the petition in chapter 7, 9, 11, 12 and 13 cases; and a trustee surcharge fee of \$15.00 is required to be paid simultaneously with the filing of the petition in chapter 7 cases. (28 U.S.C. § 1930(b)).
- (3) The chapter number under which the petition is filed (7, 9, 11, 12 or 13) must be specified.
- (4) The address of the debtor must be specified, and the last four digits of the social security number and complete tax identification number (if one is assigned) of the debtor must be specified. (Fed. R. Bankr. P. 1005).
- (5) All petitions must be submitted with a mailing matrix in accordance with SC LBR 1007-1.
- (6) In chapter 11 cases, a list of the twenty (20) largest unsecured creditors must

be submitted (Fed. R. Bankr. P. 1007(d)).

- (7) The signature of the petitioner must be on the original petition. (Unless power of attorney is used, see SC LBR 1002-1) (Fed. R. Bankr. P. 1008).
- (8) Only the original petition must be filed.
- (9) The original petition and all copies thereof in all cases shall include the attorney disclosure statement of compensation. (Fed. R. Bankr. P. 2016(b)).
- (10) A single petition in the name of both an individual and a corporation or one in the name of two or more corporations shall not be submitted for filing. Separate petitions must be filed for each separate legal entity, and appropriate motions to consolidate made in accordance with Fed. R. Bankr. P. 1015. (The only joint case authorized under the United States Bankruptcy Code is that of a husband and wife filing a joint petition (11 U.S.C. § 302)).
- (11) A voluntary petition or consent to an involuntary petition filed by a corporation shall be accompanied by a copy of the corporate resolution or other appropriate authorization, duly attested to, authorizing such filing.

(c) Conversions.

- (1) Pursuant to 28 U.S.C. § 1930(b) a \$15 trustee surcharge fee is due:
 - (A) By the debtor when filing a notice of conversion of a Chapter 11, 12 or a chapter 13 case to chapter 7.
 - (B) By the movant when filing a motion for conversion to a case to a chapter 7.
- (2) Pursuant to 28 U.S.C. § 1930(b) for converting on request of the debtor a case under chapter 7 or 13 to a case under chapter 11, the debtor shall pay a fee of \$645.00 which is due within forty-eight hours (48) of the signing of the order granting the conversion.

(d) Proofs of Claim or Interest.

- (1) Only the original must be filed.
- (2) The signature of the claimant must be on the original claim.
- (3) The amount of the claim must be specified.
- (4) The case name, case number (which includes judge's initials), trustee's initials, and chapter under which the bankruptcy case is

filed (7, 9, 11, 12 and 13) must be specified on the form.

(e) Adversary Proceedings.

- (1) Only the original of all documents must be filed.
- (2) Signature of attorney for plaintiff/defendant must be on original documents.
- (3) The chapter under which the bankruptcy case is filed must be specified.
- (4) In chapter 7 or 13 cases, a filing fee of \$150.00 must accompany the complaint unless it is filed by the debtor or trustee.¹
- (5) In chapter 11 cases, a filing fee of \$150.00 must accompany the complaint.²
- (6) The adversary proceeding cover sheet must accompany the complaint.
- (7) The original complaint shall contain the bankruptcy case number. All subsequent documents shall, in addition, contain the adversary proceeding number.

(f) 11 U.S.C. § 362 Motions.

- (1) An original of the document must be filed.
- (2) Signature of attorney must be on original document.
- (3) The \$150 filing fee must accompany the motion. Appendix to 28 U.S.C. § 1930)

(g) Applications.

- (1) Only the original of an application must be filed.
- (2) Signature of attorney must be on original documents.

(h) Motions to Reopen a Bankruptcy Case.

- (1) Only the original motion must be filed.

¹If a trustee or the debtor in possession is the plaintiff, the fee is payable only from the estate and to the extent there is any estate realized. An affidavit should accompany the adversary proceeding which attests to the reason the fee is absent whenever the adversary proceeding is submitted without the applicable fee.

²Ibid.

(2) Signature of attorney must be on original documents.

(3) The following filing fee must be paid upon the filing of the motion:
(Appendix to 28 U.S.C. § 1930)

(A)	Chapters 7 and 13	-	\$ 155.00
(B)	Chapter 9	-	\$ 800.00
(C)	Chapter 11	-	\$ 800.00
(D)	Chapter 11 Railroad	-	\$1,000.00
(E)	Chapter 12	-	\$ 200.00

(i) Lien Avoidance and Valuation of Security Motions.

(1) An original of the motion and accompanying documents required by SCLBR 4003-1 and 3012-1 must be filed. (See SC LBR 3015-1 for requirements of such motions in chapter 13 cases).

(2) Signature of attorney for movant must be on original documents.

(j) Plans.

(1) Chapter 11 - only the original must be filed.

(2) Chapter 12 - only the original must be filed.

(k) Notice, Chapter 13 Plan and Related Motions.

(1) Only the original must be filed.

(l) Monthly Reports.

(1) Chapter 11 - only the original must be filed.

(2) Chapter 12 - only the original must be filed.