LOCAL RULE 3011-1:  DISPOSITION OF UNCLAIMED FUNDS

1. Depositing of Unclaimed Funds.  Unclaimed funds shall be submitted to the Court no earlier than the time period set forth in 11 U.S.C. § 347.  The party submitting the unclaimed funds shall certify that the claim remains unsatisfied, describe the party's efforts to locate claimant, and, pursuant to Fed. R. Bankr. P. 3011, state the last known address for the claimant.
2. Chapter 11 Liquidating Plan.  A chapter 11 liquidating plan may provide that any unclaimed funds or undistributable funds[[1]](#footnote-2) may be:
3. Redistributed to other creditors or administrative claimants, or
4. Donated to a not-for-profit organization, which shall be identified in the plan or disclosure statement accompanying the plan.  In order for any donation pursuant to this rule to be effective, counsel for the proponent of the plan shall, at the confirmation hearing, call the Court's attention to the provision.
5. Application for Payment of Unclaimed Funds.  Any party[[2]](#footnote-3) who seeks the release of unclaimed funds held pursuant to 11 U.S.C. § 347(a) must file an Application for Payment of Unclaimed Funds in substantial conformance with [Director’s Form 1340](https://www.uscourts.gov/forms/bankruptcy-forms) and serve a copy of the application on the United States Attorney for the District of South Carolina.
6. Identifying Information.  The applicant shall also submit the Court's [local form](http://www.scb.uscourts.gov/lrforms/Pay_Unclaimed_Dividends%28sup_mot%29.docx), which requires information confirming the applicant’s identity along with a Form W-9 or AO 213.[[3]](#footnote-6)
7. Supporting Documentation.  The following supporting documentation, if applicable, shall be filed with the Application:
8. Owner of Record.
9. Proof of Identity.
10. Successor Claimants.
11. Successor Corporate Claimants.

(i) Proof of identity of owner of record;

(ii) A notarized power of attorney signed by an officer of the successor business;

(iii) A statement of the signing officer's authority; and

(iv) Documentation establishing chain of ownership from the original business claimant.
12. Transfer Claimants.

(i) Proof of identity of the owner of record;

(ii) Proof of identity of the successor claimant; and

(iii) Documentation evidencing the transfer of claim.
13. Decedent's Estate.

A. Proof of identity of the owner of record;

B. Proof of personal identity of the estate administrator; and

C. Certified copies of probate documents establishing the representative's right to act on behalf of the decedent’s estate.
14. Claimant Representatives [[4]](#footnote-7)

A. Proof of identity of the owner of record;

B. A notarized, original power of attorney signed by the claimant on whose behalf the representative is acting;

C. Proof of identity of the representative; and

D. Documentation sufficient to establish the claimant's entitlement to the funds.
15. Objection.  Any party objecting to the relief sought in the application shall, within twenty-one (21) days after service thereof, serve upon the applicant and other appropriate parties and file with the Court an objection to the application. If no objection is filed with the Court within twenty-one (21) days after the filing and service of the application, the application and accompanying documents may be considered by the Court without hearing.

Notes:

(2008) Former paragraph (a) was restyled.  Former paragraphs (b) and (c) were deleted as unnecessary.

(2009) The objection period was amended to a multiple of seven as part of time computation amendments.

(2011) The rule and Exhibit A were amended to provide for more specific provisions regarding the submission of unclaimed funds.  The provision regarding the certificate of service was deleted as unnecessary pursuant to SC LBR 9013-3, which requires all motions to be accompanied by a certificate of service.   Exhibit B was added to conform with requirements of the Administrative Office of the United States Courts and Fed. R. Bankr. P. 9037.

(2012) Paragraph (e) and related exhibits were amended to conform with Judicial Conference policy.  Paragraph (b) was added to allow for certain dividends in chapter 11 cases to be distributed to non-profit entities.

(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.

(2019) Conforming amendments were made to implement Director’s Form 1340.

LOCAL RULE 3015-8: PROCEDURE FOR CHAPTER 13 DEBTORS OBTAINING CREDIT

1. **By consent**.  For amounts of $25,000 or less:
2. the chapter 13 trustee may approve a debtor’s request to obtain credit, without an order of the Court, and the document evidencing such approval shall be filed with the Clerk of Court; or
3. the debtor may file a proposed order, containing the chapter 13 trustee’s consent, for consideration by the Court.
4. By motion. If a debtor does not obtain the consent of the trustee under subdivision (a) or if the amount exceeds $25,000, the request shall be by motion.

Notes:

(2019) This rule is new.

LOCAL RULE 5075-1:  DELEGATION OF NOTICING AND SERVICE OF ORDERS

In addition to notice delegated by [SC LBR 4001-1](#_Ref2004777960), [6004-1](#_Ref2034917862), and [9013-4](#_Ref-828820652) and pursuant to Fed. R. Bankr. P. 2002 and 3019, noticing and service of notices[[5]](#footnote-9) and orders are delegated as follows:

1. Chapter 11.
2. Order and notice setting disclosure statement hearing to the plan proponent;
3. Order approving disclosure statement and setting confirmation hearing to the plan proponent;
4. Ballots to the plan proponent;
5. Notices pursuant to [SC LBR 2081-2](#_Ref1976017091):

A. Notice of a hearing to designate a case as complex to the movant;

B. Notice of a hearing to shorten the mailing matrix to the movant; and

C. Notice of status conference, omnibus, and final hearings to the debtor-in-possession or trustee.
6. Notice of a hearing and order on motion pursuant to 11 U.S.C. § 363 to the movant;
7. Notice of time fixed for filing objections and, if an objection is filed, the hearing to consider a proposed modification to plan pursuant to 11 U.S.C. § 1127(e) to the plan proponent;
8. Order on motion to extend the time period to file a plan or disclosure statement pursuant to [SC LBR 3016-1](#_Ref76154905) to the movant;
9. Order on motion to extend the exclusivity period to the movant;
10. Order on motion to appoint a chapter 11 trustee to the movant;
11. Order denying approval of disclosure statement or denying confirmation of a chapter 11 plan to the proponent; and
12. Order confirming the plan to the plan proponent.
13. Chapter 12.
14. Service of any [chapter 12 plan](http://www.scb.uscourts.gov/lrforms/Plan%28ch12%29.docx) or amended or modified plan, any embedded motions, exhibits, and notice of time for filing objections, as further specified in [SC LBR 2082-1](#_Ref990166824) to the debtor;
15. Notice of the pre-confirmation conference pursuant to [SC LBR 2082-1(e)](#_Ref990166824) to the debtor;
16. Notice of confirmation hearing to the debtor;
17. Order confirming the plan to the debtor; and
18. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor.
19. Chapter 13.
20. Service of any [chapter 13 plan](http://www.scb.uscourts.gov/lrforms/Chapter_13_plan_May2019.docx) or amended or modified plan, any embedded motions, notice of the time for filing objections, and [Notice of Confirmation Hearing](http://www.scb.uscourts.gov/lrforms/Hearing_Notice%28ch13_cnf%29.docx), other than as contained in the Notice of Chapter 13 Bankruptcy Case, to the debtor;
21. Order confirming plan and granting embedded motions on parties affected by the embedded motions to the debtor;[[6]](#footnote-10)
22. Any order pursuant to Fed. R. Bankr. P. 3002.1 to the prevailing party;
23. Order on a consensual motion to modify a mortgage to the debtor;
24. Order on motion to modify the co-debtor stay to the movant;
25. Order on motion to sell to the movant;
26. Order on motion to incur credit to the movant;
27. Order on motion to substitute collateral to the movant;
28. Order on motion for moratorium to the movant;
29. Notice of hearing on a Motion for Exemption from Conduit Mortgage Payment Requirement to the movant; and
30. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor.
31. All Chapters.
32. Order on motion to reconsider dismissal to the movant;
33. Order on application for professional fees to the applicant;
34. Order on a motion pursuant to 11 U.S.C. § 362(c) or (d) to the movant;
35. Order on motion confirming the termination of the automatic stay to the movant;
36. Notice of a hearing on an Application for Payment of Unclaimed Funds, if an objection is filed pursuant to [SC LBR 3011-1(f)](#_Ref-1973571904), to the applicant;
37. Notice required pursuant to Fed. R. Bankr. P. 3004 to the party filing the proof of claim;
38. Notice of a hearing on a Request for Tax Information, if an objection is filed pursuant to [SC LBR 6070-1](#_Ref693106038), to the applicant;
39. Order on motion or application to convert to the movant or applicant;
40. Order on motion to avoid or value a lien to the movant;
41. Notice of hearing and order on a motion for expedited, emergency, or temporary relief or to shorten the time period to object to the movant;
42. Settlement order to the movant or applicant;
43. Order on motion to divide a case or for joint administration or consolidation to the movant;
44. Order on motion to waive or exempt credit counseling or financial management to the movant;
45. Order on application for employment to the applicant;
46. Order on motion to reconsider relief from the automatic stay to the movant;
47. Order on motion to continue administration of case after death and/or designate person to act for the debtor to the movant;
48. Order on motion or application of a party in interest, other than a trustee, to dismiss to the movant or applicant;
49. Order on motion to reopen to the movant;
50. Order on motion to redeem to the movant;
51. Order on motion to value tax claim and establish priority to the movant;
52. Order on objection to claim to the objecting party;
53. Order on motion or application for Fed. R. Bankr. P. 2004 examination to the movant or applicant; and
54. Any other order or notice the Court or the Clerk's Office specifically delegates.

Notes:

(2008) Portions of former SC LBR 2081-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.  Paragraphs (c), (d), and (f) are new.

(2013) The rule was substantially rewritten.  Amendments were made to delegate noticing of certain matters without further order.

(2016) Paragraph (c)(10) is new.

(2017) Paragraphs (a)(3); (b)(3) and (5); and (c)(11) are new. Paragraph (c)(1) was amended.

(2019) A conforming amendment was made to paragraph (d)(5) because the Court now uses Director’s Form 1340.

LOCAL RULE 9013-4:  SELF-SCHEDULED MOTIONS

1. General Requirements.
2. Notice of the following motions shall be provided by the movant or applicant in accordance with this rule:[[7]](#footnote-11)
3. Passive Motions.  A list of motions that shall be noticed passively[[8]](#footnote-12) is attached as [Exhibit A](#_Ref-2121077167); and
4. Non-Passive Motions.  A list of motions that shall be noticed for a definite hearing[[9]](#footnote-13) is attached as [Exhibit B](#_Ref-1239274702).
5. Procedure.  The movant shall:
6. Select a Hearing Date.  Select a hearing date from the calendar posted on the [[Court's website](http://www.scb.uscourts.gov/)](http://www.scb.uscourts.gov/court_calendars.html), which is:
7. Not less than seven (7) days following the last day for objections;
8. Not further than sixty (60) days from the service of the motion; and
9. Scheduled in the same division as the venue of the case and before the judge assigned to the case, and in compliance with Chambers Guidelines,[[10]](#footnote-14) unless otherwise ordered.
10. Prepare the Hearing Notice.  Prepare a hearing notice that indicates the date, time of hearing, and hearing location (complete address) and sign the hearing notice.[[11]](#footnote-15)  The hearing notice shall be in substantial conformance with:
11. The Court’s local [passive notice form](http://www.scb.uscourts.gov/lrforms/Hearing_Notice%28psv%29.docx) for passive motions set forth in [Exhibit A](#_Ref-2121077167); or
12. The Court’s local [non-passive notice form](http://www.scb.uscourts.gov/lrforms/Hearing_Notice%28nonpsv%29.docx) for non-passive motions set forth in [Exhibit B](#_Ref-1239274702).
13. Serve the Motion and Notice.  The movant party shall serve the party entitled to notice[[12]](#footnote-16) pursuant to the applicable rule or statute and simultaneously file with the Court:
14. The motion;
15. The notice of hearing of the motion; and
16. A proposed order.[[13]](#footnote-17)

Notes:

(2008) Portions of former SC LBR 9014-2 were incorporated into this rule.

(2009) The periods in paragraphs (c)(1)(A) and (d) and Exhibit A were amended to multiples of seven as part of time computation amendments.

(2010) The objection period for agreements related to relief from the automatic stay in Exhibit A was amended to a multiple of seven as part of time computation amendments.  Exhibit A was also amended to allow trustees to use uniform notices approved by the EOUST and to add a motion to retain an asset to the list of approved passive matters.

(2012) Exhibit A was amended to clarify that the passive notice procedure is available to the trustee and debtor in possession for abandonment of property.

(2013) The rule was renamed to accommodate self-scheduling of other types of motions.  Former paragraph (a) was deleted.  Former paragraphs (b)(2) and (3) and (d) were moved to 9013-1.  Former paragraphs (c)(3) and (e) were deleted as unnecessary pursuant to SC LBR 9014-1.  The remaining paragraphs were relettered.   Paragraphs (a) and (b) were restyled to allow for self-scheduling of definite hearings. Exhibit A was amended to remove applications to employ and consensual motions to modify a mortgage.  The following were added to Exhibit A: motions under SC LBR 4001-1, motions to convert by a trustee, requests for exemption or waiver of credit counseling or financial management, motions pursuant to SC LBR 1015-1, and motions to extend time to file a chapter 11 plan or disclosure statement.  The deadline to object to a motion to modify the codebtor stay was changed from 21 to 14 days in Exhibit A.  Exhibits C and D were added.

(2014) A technical amendment was made to Exhibit C to reflect that the notice period in a chapter 11 case to sell, use, or lease property is 21 days.  Paragraph (b)(1)(C) was amended to cross-reference Chambers Guidelines. Clarifying amendments were made to Exhibits A and C to reflect that the United States trustee can use this rule for certain motions to dismiss or convert and that a debtor is not required to file a motion for a limited exemption from pre-petition credit counseling pursuant to 11 U.S.C. § 109(h)(3).    A clarifying amendment was also made to footnote 12 to Exhibit A to reflect that the self-scheduling procedure does not apply to certain requests for fees in chapter 13 cases.

(2016) Exhibit C was amended to require 28 days notice for a motion for hardship discharge.

(2017) Exhibit A and the Court’s local forms for passive and non-passive notices were updated to comply with Official Forms B 416A and B 420A. A footnote was added to Exhibit A to require a party objecting to a claim to use Official Form B 420B as the notice. Matters were added to the passive notice list. The following matters were added to the passive list: (1) Motions to Modify Confirmed Chapter 13 Plan, with objections due seven (7) days prior to the confirmation hearing date and (2) Motions to Declare Secured Claim Satisfied/Lien Avoided pursuant to Fed. R. Bankr. P. 5009(d), with a twenty-eight (28) day objection period. Motions/Applications Nunc Pro Tunc have been added to the non-passive list, with a fourteen (14) day objection period.

(2018) Exhibit A was amended to add motions pursuant to § 1307(c) and clarify that the Court will prepare the order for motions to convert or dismiss except under §§ 707(b), 1112, or 1307(c). A technical amendment was made to Exhibit A to add petitions to dismiss by a chapter 13 trustee pursuant to § 1307(c) to matters that may be self-scheduled.

(2019) Exhibit A was amended in light of new Local Rule 3015-8.

EXHIBIT A TO SC LBR 9013-4

Motions and applications approved for passive, self-scheduled hearing.

For matters marked with a \* the Court prepares the order and no proposed order is necessary.

|  |  |
| --- | --- |
| Motions/Applications in Chapter 11 Cases | No. Days for Objection |
| Convert to Chapter 12 or 13 (no previous conversion)  | 21  |
| Discharge for Individual[[14]](#footnote-18) | 21  |
| Extend Time to File Chapter 11 Plan or Disclosure Statement[[15]](#footnote-19) | 14  |
| \*Final Decree  | 30  |
| Shorten the Mailing Matrix[[16]](#footnote-20) | 21  |

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| --- | --- |
| Motions/Applications in Chapter 12 and 13 Cases  | No. Days for Objection  |
| \*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301  | 14  |
| Discharge pursuant to SC LBR 3015-5(a)/11 U.S.C. § 1328(a)[[17]](#footnote-21) | 14  |
| Modify Confirmed Chapter 12 or 13 Plan  | 21  |
| Moratorium on Payments (first motion)  | 21  |
| Use of cash collateral; prohibit or condition the use, sale, or lease of property; or obtain credit[[18]](#footnote-22) (Chapter 13) \*Trustee motion or petition to dismiss pursuant to 11 U.S.C. § 1307(c) | 14 14 |

|  |  |
| --- | --- |
| Motions/Applications by a Trustee or United States trustee | No. Days for Objection  |
| Abandon Property[[19]](#footnote-23) | 14  |
| \*Convert or Dismiss except pursuant to 11 U.S.C. §§ 707(b), 1112, or 1307(c)[[20]](#footnote-24) | 21  |
| Extend Time to File a Motion to Dismiss for Substantial Abuse  | 14  |
| Final Report in Chapter 12 Case  | 21  |
| Interim or Final Accounting (chapter 7 asset)[[21]](#footnote-25) | 21  |
| Retain Asset (chapter 7 trustee)  | 21  |

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| --- | --- |
|  Motions/Applications Related to Case Administration  | No. Days for Objection  |
| Approval of Settlement Pursuant to Fed. R. Bankr. P.  9019[[22]](#footnote-26) | 21  |
| \*Change Venue  | 21  |
| Credit Counseling or Financial Management Waiver pursuant to 11 U.S.C. § 109(h)(4)[[23]](#footnote-27) | 14  |
| \*Divide a Case or for Joint Administration[[24]](#footnote-28) | 14  |
| Exemption Objection  | 21  |
| Extend Time to Object to Discharge or Dischargeability of Debt  | 14  |
|  Motions/Applications Related to Claims and Expenses  | No. Days for Objection  |
| Allowance of Administrative Claims or Interests[[25]](#footnote-29) | 21  |
| Approve Fees[[26]](#footnote-30) | 21  |
| Claim Objection  | 30  |
| Establish Value (except if incorporated in another motion such as a motion to redeem)[[27]](#footnote-31) | 28  |
|  Motions/Applications Related to the Stay  | No. Days for Objection  |
| Approve Agreement Relating to Relief from Stay[[28]](#footnote-32) | 14  |
| \*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301  | 14  |
| Stay Relief Pursuant to 11 U.S.C. § 362(d)[[29]](#footnote-33) | 14  |
|  Motions/Applications Related to Property and Liens  | No. Days for Objection  |
| Approve Agreement Prohibiting or Conditioning the Use, Sale, or Lease of Property, Providing Adequate Protection, Use of Cash Collateral, and/or Obtaining Credit[[30]](#footnote-34) | 14  |
| Assume or reject leases/executory contracts pursuant to 11 U.S.C. § 365  | 21  |
| Avoid Lien pursuant to SC LBR 4003-2[[31]](#footnote-35) | 28  |
| Declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) | 28 |
| Redeem pursuant to 11 U.S.C. § 722  | 21  |
| Sell, use or lease property (excluding chapter 11 cases and cash collateral- any chapter)[[32]](#footnote-36) | 21  |
| Substitute Collateral | 14  |

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| --- | --- |
| Motions/Applications to Dismiss or Convert | No. Days for Objection  |
| \*Dismiss by a chapter 7 or 11 debtor (no previous conversion)  | 21  |

\*Convert to Chapter 13 by a chapter 7 debtor (no previous conversion) 21

EXHIBIT B TO SC LBR 9013-4

MOTIONS/APPLICATIONS APPROVED FOR NON-PASSIVE SELF-SCHEDULED HEARINGS

For matters marked with a \* the Court prepares the order and no proposed order is necessary.

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| --- | --- |
| Motions/Applications in Chapter 11 Cases | No. Days for Objection |
| Appoint Trustee | 21 |
| Extend Exclusivity | 14 |
| Sell, Use, or Lease Property[[33]](#footnote-37) | 21 |

|  |  |
| --- | --- |
| Motions/Applications in Chapter 13 Cases | No. Days for Objection |
| Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h) | 14 |
| Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e) | 14 |
| \*Hardship Discharge Pursuant to 3015-5(b)/11 U.S.C. § 1328(b)[[34]](#footnote-38) | 28 |

|  |  |
| --- | --- |
| Motions/Applications by a Trustee or United States trustee | No. Days for Objection |
| Dismiss by Trustee Pursuant to 11 U.S.C. § 707(b) | 21 |

|  |  |
| --- | --- |
| Motions/Applications Related to Case Administration | No. Days for Objection |
| Continue Case Administration After Death of Debtor and/or Designate a Person to Act for Debtor | 14 |
| Motions/Applications Nunc Pro Tunc[[35]](#footnote-39) | 14 |
| \*Reconsider Dismissal | 14 |
| \*Reopen | 14 |
| Withdraw as Counsel[[36]](#footnote-40) | 14 |

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| --- | --- |
|  Motions/Applications Related to Claims and Expenses | No. Days for Objection |
| Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h) | 14 |
| Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e) | 14 |
| Value Tax Claim and Establish Priority | 28 |

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| --- | --- |
| Motions/Applications Related to the Stay | No. Days for Objection |
| \*Extend or Impose the Stay Pursuant to 11 U.S.C. § 362(c)(3) or (4)[[37]](#footnote-41) | 14 |
| Reconsider Stay Relief | 14 |

|  |  |
| --- | --- |
| Motions/Applications Related to Property and Liens | No. Days for Objection |
| \*Reaffirmation Agreement Approval with Presumption of Undue Hardship | 14 |
| Use Cash Collateral; Prohibit or Condition the Use, Sale, or Lease of Property or Obtain Credit (Chapter 7, 11, and 12 cases)  | 14 |

|  |  |
| --- | --- |
| Motions/Applications to Dismiss | No. Days for Objection |
| Convert or Dismiss by Creditor or Party in Interest | 21 |
| Convert or Dismiss by Debtor (previous conversion) | 21 |
| Dismiss by Trustee Pursuant to 11 U.S.C. § 707(b) | 21 |

1. For purposes of this rule, undistributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because (a) a creditor has affirmatively rejected a distribution, (b) the administrative costs of distribution effectively interfere with distribution, or (c) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds. [↑](#footnote-ref-2)
2. For purposes of this rule, the "applicant" is the party filing the application and the "claimant" is the party entitled to the unclaimed funds. The applicant and the claimant may be the same. Parties other than individuals be must represented by an attorney admitted to practice in this Court. SeeSC LBR 2090-1 and 9011-2(c). [↑](#footnote-ref-3)
3. These forms shall be filed in CM/ECF and public access shall be restricted. Form W-9 is available at [www.irs.gov](http://www.irs.gov) and Form AO 213 is available at www.uscourts.gov/services-forms/forms. [↑](#footnote-ref-6)
4. The court will only issue payment to the owner of record. [↑](#footnote-ref-7)
5. Where a notice requires scheduling or a deadline, the noticing party shall contact a Courtroom Deputy for the applicable date if the matter is outside of the scope of [SC LBR 9013-4](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%209013%204%20SELF%20SCHEDULED.htm). [↑](#footnote-ref-9)
6. The Court will notice the debtor, the trustee, and objecting parties with the confirmation order. [↑](#footnote-ref-10)
7. The use of the word motion herein also includes applications, objections, and notices where applicable as set forth in Exhibits A and B attached hereto. Only motions and applications listed in this rule may be noticed using the procedure in this rule. [↑](#footnote-ref-11)
8. Passive motions are those motions where relief will likely be granted without a hearing if no objection is filed. [↑](#footnote-ref-12)
9. In the discretion of the Court, matters noticed for a hearing may be removed if no objection is filed. [↑](#footnote-ref-13)
10. Chambers Guidelines must be considered in connection with the Local Rule because judges may have differing procedures or requirements related thereto.  [↑](#footnote-ref-14)
11. The hearing notice should be signed by the movant's attorney or the movant, if moving pro se. [↑](#footnote-ref-15)
12. Parties entitled to receive notice may include the debtor, debtor's counsel, the United States Trustee, and the case trustee. [↑](#footnote-ref-16)
13. In certain instances, the Court will prepare an order and no proposed order is necessary. Those instances are reflected in the exhibits to this rule. [↑](#footnote-ref-17)
14. See [SC LBR 4004-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%204004%201%20DISCHARGE.htm)(a) and (c). [↑](#footnote-ref-18)
15. See [SC LBR 3016-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%203016%201%20CHAPTER.htm). [↑](#footnote-ref-19)
16. See [SC LBR 2081-2](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%202081%202%20REQUIREMENTS.htm)(d). [↑](#footnote-ref-20)
17. See [SC LBR 3015-5](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%203015%205%20CHAPTER.htm) and the local form to that rule related to the required notice. [↑](#footnote-ref-21)
18. See SC LBR 3015-8(b). [↑](#footnote-ref-22)
19. See [SC LBR 6007-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%206007%201%20ABANDONMENT.htm) and applicable local form related to the required notice. [↑](#footnote-ref-23)
20. The proposed order is not required to be served on all creditors by the trustee. [↑](#footnote-ref-24)
21. Notices by a trustee may conform with uniform notices approved by the Executive Office of the United State Trustee. [↑](#footnote-ref-25)
22. See [SC LBR 9019-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%209019%201%20COMPROMISE.htm). [↑](#footnote-ref-26)
23. See the Court's [website](http://www.scb.uscourts.gov/) for the forms and the proposed orders necessary to request a waiver or exemption from credit counseling or financial management. [↑](#footnote-ref-27)
24. See [SC LBR 1015-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%201015%201%20JOINDER.htm). [↑](#footnote-ref-28)
25. A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The application and proposed order are not required to be served on all creditors. See [Chambers' Guideline](http://www.scb.uscourts.gov/chambers_guidelines.html)s for individual judge scheduling requirements. [↑](#footnote-ref-29)
26. The procedure in this rule does not apply to requests for fees under SC LBR 2016-1(b)(1) or (2)(A). A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The application and proposed order are not required to be served on all creditors. See [Chambers' Guidelines](http://www.scb.uscourts.gov/chambers_guidelines.html) for individual judge scheduling requirements. A suggested application form is found on the Court's website. [↑](#footnote-ref-30)
27. In chapter 13 cases, this motion is embedded in the form plan. [↑](#footnote-ref-31)
28. See [SC LBR 4001-4](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%204001%204%20AGREEMENTS.htm) and applicable local form related to the required notice. [↑](#footnote-ref-32)
29. See [SC LBR 4001-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%204001%201%20MOTIONS.htm) and applicable local form related to the required notice. [↑](#footnote-ref-33)
30. See [SC LBR 4001-4](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%204001%204%20AGREEMENTS.htm). The procedure for chapter 13 debtors obtaining credit is set forth in SC LBR 3015-8. [↑](#footnote-ref-34)
31. See [SC LBR 4003-2](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%204003%202%20LIEN%20AVOIDANCE.htm). In chapter 12 and 13 cases, this motion is embedded in the form plan. [↑](#footnote-ref-35)
32. See [SC LBR 6004-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%206004%201%20SALE%20OF%20PROPERTY.htm) and applicable local form related to the required notice. [↑](#footnote-ref-36)
33. See [SC LBR 6004-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%206004%201%20SALE%20OF%20PROPERTY.htm) and applicable local forms related to the required notice. The movant shall substitute the passive notice hearing language with the hearing language contained in local form for non-passive hearings. [↑](#footnote-ref-37)
34. See [SC LBR 3015-5](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%203015%205%20CHAPTER.htm) and local forms to that rule related to the required notice. [↑](#footnote-ref-38)
35. See [SC LBR 2014-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%202014%201%20EMPLOYMENT.htm). [↑](#footnote-ref-39)
36. See [SC LBR 2091-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%202091%201%20ATTORNEYS.htm). [↑](#footnote-ref-40)
37. See [SC LBR 4001-1](file:///C%3A%5CUsers%5CDawn%20Hardesty%5CAppData%5Clisahuppertz%5CAppData%5CLocal%5CAppData%5CLocal%5CTemp%5CLOCAL%20RULE%204001%201%20MOTIONS.htm) and applicable local form related to the required notice. [↑](#footnote-ref-41)