United States Bankruptcy Court
District of South Carolina

LOCAL RULES

Effective as of 9/1/2013

Amended 12/1/2013

DAVID R. DUNCAN
Chief United States Bankruptcy Judge

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LOCAL RULE 1001-1: SCOPE, CITATION, AND APPLICABILITY OF LOCAL RULES

(a) **Scope and Citation of Rules.** These local rules govern practice and procedure before the Court. The rules are to be cited as "District of South Carolina Local Bankruptcy Rules" and the individual rules may be cited as "SC LBR ____" or "Bankr. D.S.C. R. _____."

(b) **Construction of Rules.**

(1) **Construction with Other Rules.** These rules do not create, modify or abrogate substantive rights. The rules are not to be construed in a manner inconsistent with the Federal Rules of Bankruptcy Procedure and the applicable Federal Rules of Civil Procedure.

(2) **Gender; Plural.** Whenever applicable, each gender includes the other gender and the singular includes the plural.

(3) **References to Rules and Statutes.** Any reference in the local rules to a statute or a rule shall include amendments or successors thereto.

(4) **References to Debtor and Creditor.** Reference to "debtor" or "creditor" in the local rules shall also include counsel for the party where appropriate.

(c) **Exhibits to the Rules.** When a rule requires a party to use a form provided in an exhibit to a rule, the filing party should ensure that the form filed is in substantial conformance with the required exhibit; however, the filing party should remove reference to "Exhibit ___." For proposed orders, instructional footnotes and document identification information, such as coding that indicates a form is internal to a law firm, should be removed prior to submitting the order to the Court.

(d) **Suspension or Modification of Local Rules.** A judge may, *sua sponte* or upon motion of a party in interest for good cause shown, suspend or modify the application of any local rule(s) to a particular case or proceeding.

Notes:

(2008) Portions of former SC LBR 9001-1 were consolidated into paragraph (b) of this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (c) and (e) were deleted as unnecessary.

(2013) Paragraph (a) was amended to reflect the Blue Book citation. Paragraph (b)(4) and (c) were added.

LOCAL RULE 1006-1: FEES- INSTALLMENT PAYMENTS

An application to pay filing fees in installments must be accompanied by a minimum payment established by the Court. The installment payments are equal to certain charges set by statute, rule, or other guideline and shall include the administrative fee, the trustee surcharge (if applicable), and a portion of the filing fee. The amount of the minimum payment shall be posted on the Court's website and in the Clerk's Office.

Notes:

(2008) Former paragraph (a) was restyled. Former paragraph (b) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

LOCAL RULE 1007-1: LIST OF CREDITORS

The requirement of a list of creditors pursuant to Fed. R. Bankr. P. 1007(a) shall be met by the filing of a mailing matrix as provided herein. The debtor must file the mailing matrix with the petition.

It is not necessary to include the debtor, joint debtor, attorney for the debtor, case trustee, the United States trustee, or the judge assigned to the case on the matrix because these, where applicable, will automatically be added by the Court's Case Management/Electronic Case Filing ("CM/ECF") system.

It is the debtor's responsibility to verify and ensure that the information on the mailing matrix is identical to that on the schedules, statements, and lists. The debtor shall update the mailing matrix as needed throughout the pendency of the case.

Please see the Court's website for an updated creditor address list containing the preferred addresses of creditors.

Notes:

(2008) Portions of this rule were restyled and procedures to ensure the integrity of the mailing matrix were clarified.

(2013) Portions of this rule were revised to conform with inclusion of various operating orders in the local rules.

LOCAL RULE 1007-2: MAILING

(a) **Return Addressee.** The party delegated notice is designated as the return addressee for the notice delegated to the party. The debtor or, if applicable, the debtor's attorney is designated as the return addressee for the notice of the commencement of a case and meeting of creditors, any delegated notice, and any order confirming a plan (if the debtor is the plan proponent), dismissing a case, or discharging a debtor.

(b) **Duty to Provide Accurate Address.** The debtor or the debtor's attorney shall file and, if appropriate, docket[1] a statement providing the Court with a correct address of any creditor or party in interest whose address appears invalid or undeliverable based either on the debtor's receipt of returned mail or a notice filed by the Court's noticing agent. The statement shall specifically reference the former address of the creditor or party in interest to ensure proper modification of the list of creditors. If the debtor is unable to determine a correct address for a creditor or party in interest, the debtor shall file or docket a statement specifying the creditor's name and indicating that a correct address cannot be found, the Clerk of Court is then authorized to delete that creditor or party in interest and the incorrect address from the list of creditors.

Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-05.

[1] The duty to docket applies to electronic filers.

LOCAL RULE 1007-I: INCORPORATION OF INTERIM BANKRUPTCY RULE 1007-I

Interim Bankruptcy Rule 1007-I, as amended, is applicable to all cases filed on or after December 19, 2008 and is to be read in conjunction with any corresponding Federal Rule.

Notes:

(2008) This rule was added to the Local Rules December 19, 2008 and serves to implement the National Guard and Reservists Debt Relief Act of 2008. Subdivision (n)(1) was added to the model Interim Bankruptcy Rule and subdivisions (n)(1) and (n)(2) of the model Interim Bankruptcy Rule were renumbered as subdivisions (n)(2) and (n)(3).

INTERIM BANKRUPTCY RULE 1007-I: LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS; TIME LIMITS; EXPIRATION OF TEMPORARY MEANS TESTING EXCLUSION

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(b) Schedules, Statements, and Other Documents Required.

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(4) Unless either: (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

(c) Time Limits. In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h), and (n) of this rule. In an involuntary case, the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

*** * * * ***

(n) Time Limits for, and Notice to, Debtors Temporarily Excluded from Means Testing.

(1) Within seven days of the petition date, a debtor, excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code, shall file or docket a statement of temporary exclusion from means testing. If a debtor, excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code, is released from active duty after the petition date and before the case is closed, the debtor shall file or docket a statement of release from active duty within seven days of being released from active duty.

(2) An individual debtor who is temporarily excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of the temporary exclusion if the expiration occurs within the time specified by Rule 1017(e) for filing a motion pursuant to § 707(b)(2).

(3) If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subdivision (n)(2), and if the debtor has not previously filed a statement and calculations required by subdivision (b)(4), the clerk shall promptly notify the debtor that the required statement and calculations must be filed within the time specified in subdivision (n)(2).

Notes:

(2008) CLERK'S NOTE: Subdivision (n)(1) is in addition to the provisions found in model Interim Bankruptcy Rule 1007-I. The paragraph clarifies the debtor's duty to docket a statement of temporary exclusion from means testing and requires the debtor to docket a statement of release from active duty, if released from duty during the pendency of the case, so that the Clerk of Court may send the notice required by subdivision (n)(3).

(2008) COMMITTEE NOTE: This rule is amended to take account of the enactment of the National Guard and Reservists Debt Relief Act of 2008, which amended § 707(b)(2)(D) of the Code to provide a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces. This exclusion applies to qualifying debtors while they remain on active duty or are performing a homeland defense activity, and for a period of 540 days thereafter. For some debtors initially covered by the exclusion, the protection from means testing will expire while their chapter 7 cases are pending, and at a point when a timely motion to dismiss under § 707(b)(2) can still be filed. Under the amended rule, these debtors are required to file the statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of their exclusion.

Subdivisions (b)(4) and (c) are amended to relieve debtors qualifying for an exclusion under § 707(b)(2)(D)(ii) from the obligation to file a statement of current monthly income and required calculations within the time period specified in subdivision (c).

Subdivision (n)(2) is added to specify the time for filing of the information required by subdivision (b)(4) by a debtor who initially qualifies for the means test exclusion under § 707(b)(2)(D)(ii), but whose exclusion expires during the time that a motion to dismiss under § 707(b)(2) may still be made under Rule 1017(e). If, upon the expiration of the temporary exclusion, a debtor has not already filed the required statement and calculations, subdivision (n)(3) directs the clerk to provide prompt notice to the debtor of the time for filing as set forth in subdivision (n)(2).

(2009) CLERK'S NOTE: Deadlines in paragraph (c) and (n) were amended to multiples of seven as part of time computation amendments.

(2010) CLERK'S NOTE: The deadline to file a statement of completion of a course in financial management in a chapter 7 case was extended from 45 days to 60 days in paragraph (c) in accordance with national time computation changes.

(2012) Amendments were made to paragraph (c) to conform with revisions to Fed. R. Bankr. P. 1007, which eliminated the time limit for filing a list of creditors in an involuntary bankruptcy case.

LOCAL RULE 1009-1: AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES AND STATEMENTS

(a) **Statement of Change.** In addition to the requirements under Fed. R. Bankr. P. 1009, when the debtor amends the petition, lists, schedules, or statements, the debtor must file with the Court and give notice of, to any party in interest affected by the amendment, a statement indicating the changes made by the amendment. The statement of change shall be the first page of the amendment filed.

(b) **Amendments Adding Creditors.** When the debtor adds a creditor by amending either the schedules or the list of creditors, or if the debtor initially files schedules that add creditors to the list filed with the petition, in addition to the requirements of subsection (a), the debtor also must update the mailing matrix for noticing purposes and simultaneously give notice to the added creditor of the following: (1) Notice of Meeting of Creditors; (2) Statement of Social Security Number (Official Bankruptcy Form B 21); (3) the order granting discharge (if any); and (4) any other document filed in the case which affects the rights of the creditor.

(c) **Address Changes.** When the debtor seeks only to change an address on a petition or list, or is required to change an address as a result of returned mail, such change is not considered an amendment, and the requirements of subsection (a) are not applicable.

Notes:

(2008) Portions of former paragraph (c) were consolidated with paragraph (b). Former paragraph (d) was restyled as paragraph (c). Former paragraph (e) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

LOCAL RULE 1015-1: JOINDER AND DIVISION OF CONSUMER CASES

(a) **Joinder of Spouse.** When a debtor has filed a petition under the Bankruptcy Code and subsequently the debtor's spouse seeks to join the case, the joining debtor must file a petition under the same chapter as the pending case and pay the appropriate fees. The petition shall be accompanied by all schedules, statements and lists required for that chapter. The joining debtor may then move for joint administration of the two cases.

(b) **Division of Joint Case.** When one debtor in a case commenced by the filing of a joint petition seeks to maintain a separate case, that debtor shall file a motion to divide the joint case and shall pay the applicable fee. The new case number shall be assigned to the case of the movant unless otherwise ordered by the Court.

(1) **Conversion.** If one of two joint debtors seeks conversion to a chapter other than that under which the joint case is pending, in addition to filing a motion to divide the joint case and paying the applicable fee, as provided in the preceding section, a motion to convert must be filed.

(2) **Dismissal of Debtor from a Joint Case.** When one debtor in a joint case seeks to be dismissed as a party, a motion to divide is not required.

Notes:

(2008) Portions of this rule were restyled. Former paragraph (b)(3) was deleted as unnecessary.

(2012) Technical amendments were made to paragraph (b) to refer to a motion to separate as a motion to divide pursuant to 28 U.S.C. § 1930.

(2013) The title of the rule was revised and technical amendments were made to paragraphs (a) and (b).

LOCAL RULE 1017-2: DISMISSAL OR SUSPENSION- CASE OR PROCEEDING

(a) **Dismissal for Failure to File Documents.** The Court may enter an order dismissing a voluntary case without further notice or hearing upon the certification by the Clerk of Court, the United States trustee, or the case trustee that the debtor failed to file or provide lists, schedules, statements, and other documents required pursuant to 11 U.S.C. § 521 or SC LBR 3015-4 within the time periods established therein or by Fed. R. Bankr. P. 1007(c) and 1019(1)(B). A chapter 11 case may also be dismissed without further notice or hearing if the debtor or trustee fails to timely file the documents required by SC LBR 2015-3(c).

(b) **Dismissal for Failure to Attend a Meeting of Creditors.** In a voluntary case, upon certification to the Court by the United States trustee or case trustee that either the debtor or attorney for the debtor has not appeared at the meeting of creditors, a continued meeting of creditors, or a special meeting of creditors, or that the debtor or attorney for the debtor has appeared but was unprepared to proceed, the Court may dismiss the case without further notice or hearing.

(c) **Dismissal for Failure to Provide Financial Information.** In a voluntary chapter 7 case, upon certification by the United States trustee or case trustee that the debtor failed to provide required documentation and financial information, including tax returns, at the meeting of creditors pursuant to Fed. R. Bankr. P. 4002 or otherwise as required by statute or rule, the Court may dismiss the case without further notice or hearing.

(d) **Dismissal for Failure to Timely File, Distribute, or Confirm Plan.** The Court may enter an order dismissing or converting a chapter 13 case if confirmation of the plan is denied or upon the certification by the Clerk of Court, the United States trustee, or the case trustee that the debtor has failed to timely meet the filing requirements of Fed. R. Bankr. P. 3015(b). If a chapter 11 plan or disclosure statement is not confirmed or approved by the Court, the case may be dismissed or converted without further notice or hearing if the plan proponent fails to correct the deficiencies that resulted in the denial of confirmation or rejection of the disclosure statement within fourteen (14) days after the hearing on the plan or disclosure statement or within the time period ordered by the Court.

(e) **Motion to Dismiss or Convert Pursuant to 11 U.S.C. § 1112.** Any party filing a motion to dismiss or convert a case pursuant to 11 U.S.C. § 1112 shall either: (1) ensure that the Court has an available hearing date that both allows for applicable notice and falls within the time required by statute, the Federal Rules of Bankruptcy Procedure, and Local Rules or (2) specially request by separate emergency motion that such a hearing be scheduled. The absence of such a request shall be deemed a waiver of the scheduling and ruling deadlines imposed by the statute and the rules.

(f) **Notice.** Notice of this local rule shall be provided in the Notice of Meeting of Creditors.

Notes:

(2008) Portions of former SC LBR 1007-2, 2003-1, and 3015-2 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Paragraph (d) was amended to include cause for dismissal or conversion currently included in the Meeting of Creditors Notice. Paragraph (e) was added and former paragraph (e) was moved to paragraph (f).

(2013) Technical amendments were made to paragraphs (a) and (e). Paragraph (a) was amended to include provisions previously found in SC LBR 2015-3(c). Paragraph (d) was amended to include a provision formerly found in SC LBR 3016-1(c)

LOCAL RULE 1073-1: ASSIGNMENT OF CASES

(a) **Manual Assignment of Certain Cases.** The filing party shall not use the "Judge/Trustee Assignment" feature in CM/ECF in the following categories of cases:

(1) Any chapter 7 case that relates to a chapter 7, chapter 11, or chapter 12 case currently pending or that was pending within one year prior to the current case; or

(2) Cases under any chapter where there is a simultaneous case pending by the same debtor.

(b) **Certification Regarding Judge Assignment.** The filing party of any case described in paragraph (a) shall file a "Certification Regarding Judge Assignment" in CM/ECF simultaneous with the filing of the case. For any case described in paragraph (a), the Clerk of Court shall make the judge assignment, notify filing counsel of the assignment, and note the assignment on the docket in an expeditious fashion.

(c) **Effect of Common Assignment.** The common assignment of related cases shall not constitute consolidation or joint administration pursuant to Fed. R. Bankr. P. 1015 nor shall it constitute substantive consolidation. Such a determination shall be made only upon proper motion and notice.

(d) **Failure to Comply.** The Clerk of Court is authorized to reassign any case not in compliance with this rule.

Notes:

(2008) Portions of former SC LBR 2081-2 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2010) This rule was amended to incorporate provisions of Operating Order 09-05 and other instances where the Judge/Trustee assignment is not used in the filing of a case. Exhibit A was replaced by the CM/ECF event "Certification Regarding Judge Assignment."

(2013) Former paragraphs (a)(1) through (6) were deleted as unnecessary. Paragraph (d) was revised to allow for the Clerk to reassign a case.

LOCAL RULE 2002-1: NOTICES

(a) **Duty of Certain Filers to Update Mailing Matrix.** Upon the filing of a proof of claim and/or notice of appearance by a CM/ECF user, the filing party shall add or substitute the address listed therein on the mailing matrix in CM/ECF for purposes of receiving further notices. Failure to comply shall be deemed a waiver of the right to receive notice.

(b) **Designation of Addresses.** A party in interest filing a notice of preferred address pursuant to 11 U.S.C. § 342(f) shall file the notice with the agency or agencies[1] that provide noticing services to the Court.[2] A party in interest who has filed an 11 U.S.C. § 342(f) notice of preferred address may, in a chapter 7 or 13 case, provide the Court with an 11 U.S.C. § 342(e) case specific address by filing a designation, which shall be in substantial conformance with Exhibit A. Parties may rely on the address and the method of notice specified by the party in interest to the Court's noticing agency.

(c) **Delegation of Re-Noticing.** If noticing is delegated and the notice is returned as undeliverable,[3] the party sending the notice or the debtor, if the matter is noticed by the Court, shall, re-notice the returned item upon the correction of the address, if known, or file a statement that notice was not provided to the particular party in interest.

Notes:

(2008) Portions of this rule were restyled. Former paragraph (c) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

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

(2013) Paragraphs (a) and (b) were restyled. Paragraph (b) was also amended to reference that a party in interest may advise the Court's noticing agency that it consents to a particular method of notice, such as electronic notice. Paragraph (c) was added to incorporate provisions found in former Operating Order 08-05.

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[1] The Court's noticing agent is the Bankruptcy Noticing Center.

[2] Forms and registration information are available on the Court's website.

[3] If the movant is a governmental unit or not otherwise a "person" as defined by 11 U.S.C. § 101(41), it may request that the Clerk of Court re-notice the document following the correction of the address.

EXHIBIT A TO SC LBR 2002-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: NOTICE OF CASE SPECIFIC ADDRESS PURSUANT TO 11 U.S.C. § 342(e) AND SC LBR 2002-1

Pursuant to 11 U.S.C. § 342(e) and SC LBR 2002-1, (*creditor*) files this notice of address to be used to provide notice in the above-captioned case. (*Creditor*) is aware that, pursuant to 11 U.S.C. § 342(e)(2), any notice in such case required to be provided to such creditor by the debtor or the Court will not be provided to the address designated herein until after seven (7) days following receipt of (*creditor's*) notice of address by the Court and the debtor.

Address to be changed (if applicable):

Name: _____
Address 1:_____
Address 2:_____
Address 3:_____
Address 4:_____
City, State, Zip _____

Address to be used for further noticing:

Name: _____
Address 1:_____
Address 2:_____
Address 3:_____
Address 4:_____
City, State, Zip _____

Authorization: Under penalty of perjury, I, the undersigned affirm that I am authorized to request this address change.

Name:_____
Signature: _____
Date:_____

LOCAL RULE 2014-1: EMPLOYMENT OF PROFESSIONALS

Upon entry of an order approving an application for employment pursuant to 11 U.S.C. § 327, employment is effective from the date of the filing of the application, unless otherwise ordered by the Court.

Notes:

(2008) Reference was made to Fed. R. Bankr. P. 6003 to clarify that the orders on application for employment will be considered no earlier than 20 days following the petition date.

(2009) The comment period for the United States trustee was extended to 14 days.

(2013) The rule was reduced and added to the list of approved motions and applications under SC LBR 9013-4.

LOCAL RULE 2015-3: TRUSTEE AND DEBTOR-IN-POSSESSION REPORTS

(a) **Monthly Reports.** In accordance with 11 U.S.C. §§ 704(a)(8), 1107(a), and 1203, and Fed. R. Bankr. P. 2015, the debtor-in-possession or, if applicable, the trustee, shall file with the Court a financial report for the preceding month not later than the 20th day of each month. This report must conform to the format provided by the United States trustee. The original report must be signed by the debtor or, if applicable, the trustee.

(b) **Post-Confirmation Reports.** Following the entry of an order confirming a plan of reorganization, the debtor or trustee, pursuant to Fed. R. Bankr. P. 2015(a), shall continue to file monthly operating reports until such time as the case is closed by the Court.

(c) **Report of Substantial Consummation.** Within ninety (90) days after the date the order confirming plan of reorganization is entered, or whatever time period the Court may require, the debtor, trustee, or other plan proponent shall file a report of substantial consummation, a final report, and an application for a final decree.

Notes:

(2008) Portions of former SC LBR 2015-1 and 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.

(2013) Technical amendments were made to paragraph (c) and some provisions of paragraph (c) were moved to 1017-2(a).

LOCAL RULE 2016-1: COMPENSATION OF PROFESSIONAL PERSONS

(a) **Chapter 11 Cases.** In a chapter 11 case, a professional paid a retainer shall maintain the retainer in a trust account and shall not draw on the retainer post-petition without approval of the Court. A trustee, examiner, attorney for the debtor, or any professional person employed under 11 U.S.C. §§ 327, 328, or 1103 may apply for allowance of compensation and reimbursement of expenses on or after thirty (30) days after the date of the order for relief. A second application may be made on or after sixty (60) days after the first application, and a third application may be made on or after ninety (90) days after the second application. After one hundred eighty (180) days following the date of the order for relief, applications may not be made more than once every one hundred twenty (120) days, unless the Court orders otherwise.

(b) **Chapter 13 Cases.**

(1) **Expedited Fee Approval Procedure.** An attorney representing debtor(s) in a chapter 13 case may obtain approval of attorney's fees without the filing of a formal fee application and a hearing when the attorney and the debtor(s) agree in writing that the fee for representation will be equal to or less than the amount set forth in Chambers Guidelines at the time of the filing of the case (collectively, the "Expedited Fee Amount").[1] Unless the Court orders otherwise, the Expedited Fee Amount is deemed conditionally approved for disbursement upon confirmation of the plan as a result of the attorney's filing of the Attorney Fee Disclosure Statement ("Statement") pursuant to Fed. R. Bankr. P. 2016(b) and by the insertion of the appropriate amount due in the chapter 13 plan and service thereof. The Statement and chapter 13 plan shall clearly indicate the fee agreed upon, the fee paid to date, and the fee to be paid through the chapter 13 plan. The Statement shall also define any charges or potential charges for supplemental fees described in paragraph (b)(2).

(2) **Application for Supplemental Fees.** If expressly authorized by a conspicuous provision of a written fee agreement attached to the Statement, the debtor(s) and attorney may agree to supplemental compensation of the attorney for additional work necessary as a result of any matters involving the default under or variance from the terms of the confirmed plan, adversary proceedings, appeals or for other complicating factors not present in the typical chapter 13 case.

(A) **Supplemental Fees Below Chambers Guidelines Threshold.** If an agreement for a supplemental fee is made between the debtor(s) and attorney and the total supplemental fee sought in the case does not exceed the supplemental fee threshold set forth in the Chambers Guidelines, such fee may be asserted:

(i) **Before Confirmation.** A supplemental fee arising before confirmation may be asserted by filing a timely Application for Approval of Chapter 13 Attorney Fees ("Application") and may be conditionally approved for disbursement upon plan confirmation via the procedure set forth in paragraph (1). The Statement and Application shall contain sufficient information to determine if the supplemental fee charged is fair and reasonable.

[1] This amount includes all typical costs and expenses other than filing fees and costs paid to non-attorney third parties for services necessary for the case, such as credit reports, credit counseling, and financial management course fees.

(ii) **After Confirmation.** Within a reasonable time after the completion of the additional services, the attorney shall file an amended Statement and Application that clearly indicate the fee agreed upon, the fee paid to date directly from the debtor(s) and the fee to be paid through the chapter 13 plan. The amended Statement and Application shall contain sufficient information to determine if the supplemental fee charged is fair and reasonable. Unless an objection to approval of the fee is filed within twenty (20) days of service of the amended Statement and Application or unless the Court orders otherwise, the supplemental fee shall be conditionally approved for disbursement subject to the terms of the confirmed plan and this rule.

(B) **Supplemental Fee Above Chambers Guidelines Threshold.** Within a reasonable time after the completion of the additional services, the attorney may request a supplemental fee above the supplemental fee threshold set forth in the Chambers Guidelines by filing an Application and amended Statement, which must contain sufficient information to determine if the total supplemental fee is fair and reasonable, and a proposed order. The attorney shall be entitled to the supplemental fee only after such fee is approved by order of the Court.[2] Compensable services under this paragraph are limited to those rendered in the event of unforeseen circumstances.

(3) **Formal Application for Compensation.** In lieu of paragraph (b)(1) and (b)(2), the attorney may apply for compensation pursuant to Fed. R. Bankr. P. 2002(a)(6) and 2016(a) for actual services rendered and expenses incurred. The Application and proposed order shall clearly indicate all compensation for the attorney that has been approved in the case prior to the Application and report any pending Applications. Attorneys electing this procedure shall estimate fees in the chapter 13 plan for confirmation purposes.

Notes:

(2008) Portions of former SC LBR 2081-1(c)(2) were incorporated into paragraph (a) pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Paragraph (b) is new.

(2013) A technical amendment was made to paragraph (a) to reference 11 U.S.C. § 328. Paragraph (b) was amended to incorporate the Operating Order Setting Procedures for Approval of Attorney's Fees in Chapter 13 Cases. Certain provisions of the former Operating Order were excluded as these provisions are addressed by other rules.

[2] An order approving the supplemental fee may be entered prior to the hearing on the fee application in the discretion of the judge.

LOCAL RULE 2081-1: CHAPTER 11 PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS

Unless otherwise ordered, a debtor in a case pending under chapter 11 with 500 or more creditors or parties in interest shall seek to employ a claims and noticing agent in accordance with 28 U.S.C. § 156(c) and in a form and manner acceptable to the Clerk of Court. The request shall be made upon the later of the filing of the petition, the entry of the order for relief, or the conversion of the case to a proceeding under chapter 11. The order employing the claims and noticing agent may be entered without notice and a hearing.

Notes:

(2008) Portions of former SC LBR 2081-1 were incorporated into other local rules pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. The provisions in current SC LBR 2081-1 are new.

LOCAL RULE 2081-2: REQUIREMENTS FOR COMPLEX CHAPTER 11 CASE

(a) **Designation as Complex.** A party filing a chapter 11 bankruptcy petition[1] who believes that the case should be classified as a complex chapter 11 case shall file with the petition a motion for designation as complex chapter 11 case. Factors to be considered in determining whether to move for designation as complex chapter 11 case must be addressed in the motion for consideration by the Court and must include:

(1) The need for hearings or orders on an emergency or expedited basis following the filing of the petition;

(2) The size of the case, either in number of parties, creditors, or employees, or amount of assets or indebtedness, whether claims against the debtor and/or equity interests are publicly traded; and

(3) The need for simplification of noticing or hearing procedures.

(b) **Affidavit in Support.** A party in a chapter 11 case filing a motion for designation as complex shall file an affidavit accompanying the motion setting forth:

(1) The nature of the debtor's business and a concise statement of the circumstances leading to the debtor's filing under chapter 11;

(2) The following information with respect to each of the holders of the twenty (20) largest unsecured claims, excluding insiders: the name, address, telephone number, name of the person familiar with the debtor's account, the amount of the claim, and an indication of whether the claim is contingent, unliquidated, disputed, or partially secured;

(3) The following information with respect to each of the holders of the five largest secured claims: the name, address, the amount of the claim, a brief description and an estimate of the value of the collateral securing the claim, and whether the claim or lien is disputed;

(4) The names of the individuals who comprise the debtor's existing senior management, their tenure with the debtor, and a brief summary of their relevant responsibilities and experience;

(5) The names, addresses, and positions of the debtor's professionals, including local counsel and any noticing agent, as of the date of the petition;

(6) A summary of the debtor's assets and liabilities; and

(7) The location of the debtor's substantial assets, the location of its books and records, and the nature, location, and value of any assets held by the debtor outside the territorial limits of the United States.

(c) **Content of Order Designating Case as Complex Chapter 11.** If the Court determines that the case qualifies for treatment as a complex chapter 11 case, the initial order for a complex chapter 11 case may address:

(1) Emergency or expedited hearings to be held within the first two (2) business days of the filing of the petition, or whatever time period demonstrated by the attorney for the debtor as necessary, and the filing and service of the necessary motions and notices related thereto;

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[1] This rule is contemplated to include a party filing an involuntary petition.

(2) Hearings to be held within the first two (2) weeks after the filing of the petition and the filing and service of the necessary motions and notices;

(3) Omnibus hearings to be held monthly to consider, among other things, other expedited motions filed, served, and noticed at least seven (7) business days prior to the date being used for the omnibus hearing, unless otherwise ordered by the Court; and

(4) Final hearings on the foregoing matters and other matters to be scheduled and heard as the Court deems appropriate.

(d) **Shortened Mailing Matrix and Service of Notices.** The debtor may, within seven (7) days after the filing date of the petition, file and serve on all parties in the case a motion and notice to establish a shortened mailing list that will apply to the extent permitted by Fed. R. Bankr. P. 2002. The notice shall provide parties with the option of receiving notices served by debtor or other party in interest via electronic mail or by facsimile, pursuant to Fed. R. Bankr. P. 9036, in lieu of service by first class mail.

(e) **Initial Status Conference.** The Court, in its initial order for complex chapter 11 cases, may set a status conference to be held within six (6) weeks of the filing of the petition, and following the meeting of creditors held pursuant to 11 U.S.C. § 341, or at such other times as designated by the Court. The status conference will be conducted pursuant to 11 U.S.C. § 105(d) and may include issues addressed by the Court in its initial order for complex chapter 11 cases, and may include other scheduling and procedural issues addressed by any other party in the case which files a motion entitled "Motion Regarding Administrative Issues to be Heard at Status Conference" not later than seven (7) days prior to the date set for the status conference. Such a motion will be served upon debtor's counsel (if debtor is not the movant); all secured creditors; the twenty (20) largest unsecured creditors (or unsecured creditors' committee, if one is appointed); any existing official committees; and any party that files a request specifically seeking notice of such status conferences.

Notes:

(2008) Portions of this former SC LBR 2081-3 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

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

(2013) Paragraph (a)(2) was amended to remove reference to a specific amount of indebtedness. Former paragraph (c) was deleted as unnecessary and the remaining paragraphs were relettered. Technical amendments were made to paragraph (a), (c), (d), and (e). Provisions in paragraph (c)(4) were deleted as unnecessary. Paragraphs (b)(5), (6), and (7) were added.

LOCAL RULE 2082-1: CHAPTER 12- GENERAL

(a) **Filing of Plan.** The chapter 12 plan, attached as Exhibit A, may be filed in a chapter 12 case in this District. Plans must be filed within the time limits set forth in 11 U.S.C. § 1221. If the form plan attached as Exhibit A is not used, the plan filed must state, conspicuously and in its first sentence, that the plan proposed is not presented in the format of the form plan.

(b) **Liquidation Analysis.** The debtor must attach, as an exhibit, a liquidation analysis to the proposed plan.

(c) **Feasibility Analysis.** The debtor must attach, as an exhibit to the plan, a feasibility analysis setting forth the feasibility of the plan which shall include, at a minimum, the following:

(1) The projected income for the family farming operation during the year in which the debtor's first plan payment is due;

(2) An itemized list of the sources of such income including the amount of property to be sold and the anticipated price per unit;

(3) An itemized statement of the debtor's expenses of doing business and living costs;

(4) The amount available for payment to the trustee under the terms of the confirmed plan; and

(5) Any amount to be retained by the debtor for expenditure as operating capital in the ensuing year.

(d) **Pre-Confirmation Conference.** A conference between the debtor, the attorney for the debtor, creditors, the trustee, equity security holders, and parties in interest shall be held at least fourteen (14) days before the hearing on confirmation of the debtor's plan. The purpose of the conference is to attempt to resolve objections to the plan and to narrow the issues for the Court. The trustee shall preside at the conference. Any amended plan resulting from the conference must be filed with the Court and served on the trustee and all creditors and equity security holders at least seven (7) days before the hearing on confirmation of the debtor's plan, in order to be considered at the confirmation hearing.

(e) **Notice.** The Clerk's Office, or some other person as the Court may direct, shall provide to the debtor or attorney for the debtor a notice to be served on the trustee, all creditors and all equity security holders, setting forth the date and time fixed for the pre-confirmation conference, the deadline for filing objections to the plan, and the date and time of the hearing to consider confirmation of a plan. Unless the Court fixes a shorter period, the notice shall be served at least thirty (30) days before the confirmation hearing. A copy of the plan and all exhibits shall accompany the notice.

(f) **Objections.** Objections to confirmation of the plan must be filed with the Court and served on the debtor, attorney for the debtor, the trustee, and on any other entity designated by the Court, at or before the time fixed for the pre-confirmation conference. Objections to the amended plan, if any, must be filed and served on the debtor, attorney for the debtor, and the trustee prior to the confirmation hearing to be considered at the confirmation hearing. An objection to confirmation is governed by Fed. R. Bankr. P. 9014 and SC LBR 9014-1. The Court may refuse to consider an objection that does not comply with these rules.

(g) **Summary of Operations.** At least seven (7) days before the pre-confirmation conference, the debtor shall serve on the trustee a completed summary of operations in a form to be provided by the trustee to the debtor after commencement of the case.

Notes:

(2008) Paragraphs (d), (e), (f), and (g) were reordered and portions of this rule were restyled.

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

(2012) The time periods in paragraph (d) were each reduced by seven days.

(2013) Exhibit A was revised to clarify that the automatic stay does not remain in effect if modified by 11 U.S.C. § 362.

EXHIBIT A TO SC LBR 2082-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: CHAPTER 12 PLAN
DEBTOR(S)	

The debtor certifies that:

(1) All motions to establish the value of collateral have been filed or are filed contemporaneously herewith.

(2) All motions to avoid liens have been filed or are filed contemporaneously herewith.

(3) All fees, charges and amounts required to be paid before confirmation pursuant to chapter 123 of Title 28 of the United States Code have been paid.

FUNDING OF PLAN
(INSTRUCTION: INCLUDE THE APPLICABLE FUNDING LANGUAGE)

The debtor hereby submits his/her future income in the amount of _____ per month for a period of _____ beginning _____.

The debtor hereby submits his/her future income in the amount of _____ per quarter for a period of _____ beginning _____.

The debtor hereby submits his/her future income in the amount of _____ per year for a period of _____ years. Annual payments are to begin on _____ and on _____ each year for a period of _____ years.

After deduction of ten (10%) percent from the above amount, to be applied towards administrative expenses, the trustee shall make disbursements as follows:

(1) To the attorney's fees of the debtor in an amount not to exceed _____, after approval by the Court, at the rate of ten (10%) percent of the gross payment, until paid in full. This percentage may be reduced or increased by the trustee as necessary.

(2) Payments to secured creditors, as follows: [INSTRUCTION: THE LANGUAGE SET FORTH IS TO BE REPEATED FOR EACH SECURED CREDITOR AND FOR EACH CLASS OF COLLATERAL HELD BY A SECURED CREDITOR.]

Name of Creditor: _____.

Claim No:_____ Claim Amount: _____.

Collateral: _____.

The Court established the value of this creditor's collateral as $_____ by order dated _____.

or

Motions to value collateral are filed contemporaneously herewith.

or

This creditor is wholly secured in the amount of _____ as of the effective date of confirmation.

The unsecured portion of this creditor's claim is $ _____.

This creditor is to be paid $ _____ per _____ for a period of _____ which includes interest at ____% *per annum*.

or

The collateral held by this creditor is hereby surrendered to it. No payment will be made to this creditor.

or

Payments to this creditor shall be based on any unsecured deficiency claim that may be filed.

Other provisions for this creditor:

(3) Subsequent to the above, dividends to priority creditors, including tax claims, will be paid on a *pro-rata* basis until paid in full. These are as follows: [INSTRUCTION: THE FOLLOWING SHOULD BE COMPLETED FOR EACH PRIORITY CREDITOR.]

Name of Creditor: _____

Claim No: _____ Claim Amount: _____

Payment Amount: _____(monthly, quarterly or annually)

This creditor shall be paid no interest on its claim.

or

This creditor shall be paid interest at ____ % *per annum* on its claim.

(4) Subsequent to the above, unsecured creditors will be paid on a *pro rata* basis.

(5) The following leases or executory contracts will be treated as follows:

Upon confirmation of the plan, property of the estate will remain property of the estate, but title to the property shall revest in the debtor. Unless the plan otherwise provides, secured creditors shall retain their liens upon their collateral until the allowed amounts of their claims are paid in full.

The automatic stay provisions of 11 U.S.C. § 362(a) shall remain in effect until the case is closed, but may be modified pursuant 11 U.S.C. § 362(d) on motion of a party in interest.

The effective date of confirmation is the date upon which the order of confirmation becomes final.

Date: _____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

LOCAL RULE 2090-1: ATTORNEYS- ADMISSION TO PRACTICE AND DUTIES[1]

(a) An attorney who is admitted to practice in the United States District Court for the District of South Carolina is admitted to practice in this Court. The Rules of Disciplinary Enforcement (DRE) of the United States District Court for the District of South Carolina are applicable to attorneys who practice before this Court.

(b) An attorney, not otherwise admitted to practice in this Court, may move for admission to practice in this Court *pro hac vice* as provided in the Local Rules of the United States District Court for the District of South Carolina. Attorneys admitted *pro hac vice* and their local counsel are required to sign all pleadings and keep each other fully informed and engaged in all material aspects of the case. Failure to adhere to this requirement may result in the revocation of *pro hac vice* status, reduction in fees, or other sanctions. Local counsel should be prepared to actively participate in all hearings in the case.

Notes:

(2008) Portions of former SC LBR 9010-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraph (a) was amended to incorporate former SC LBR 2090-2. Paragraph (b) was amended to clarify the duties of local counsel.

[1] This local rule is promulgated in compliance with the United States District Court for the District of South Carolina's Local Rules regarding bankruptcy practice.

LOCAL RULE 2091-1: ATTORNEYS- WITHDRAWALS AND SUBSTITUTIONS

(a) **Withdrawal from Representation.** The Court may permit an attorney to withdraw from representation of a party upon motion and cause shown or upon the consent of the represented party.

(b) **Withdrawal from Notice.** An attorney representing a party, other than the debtor, may withdraw from receiving notice by using the Attorney Withdrawal from Notice event in CM/ECF.

(c) **Substitution of Counsel.** In the event of an agreement among a party, the original attorney, and a substitute attorney that the original attorney will no longer represent the party and the substitute attorney will do so, a consent order signed by each attorney, accompanied by a certification contained within the consent order that the party requests or consents to the substitution, may be submitted for the Court's consideration without notice or a hearing.

(d) **Substitution within Law Firm.** In the event an attorney of record leaves a law firm, and the representation of a party is to remain with the law firm, notice which specifies the case by name and number and identifies the new responsible attorney within the firm must be provided to the Court and the party. Such notice may be in the form of a letter to the Clerk signed by both the previous and the new attorney.

Notes:

(2008) Portions of former SC LBR 9010-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraph (b) was added to recognize that CM/ECF allows an attorney representing a party other than the debtor to withdraw from receiving notices in a case. Provisions of paragraph (c) were moved to new paragraph (d).

LOCAL RULE 3001-1: CLAIMS AND RELATED DOCUMENTS- ELECTRONIC FILING

Every proof of claim, withdrawal of claim, or submission pursuant to Fed. R. Bankr. P. 3002.1 should be filed electronically through the Court's CM/ECF System or the electronic claim interface available on the Court's website. Proofs of claim and other documents requiring a signature and submitted through the claim interface shall be printed, signed, and retained by the submitting party pursuant to SC LBR 9011-4. *Pro se* creditors without internet access may file a paper proof of claim with the Court.

Notes:

(2013) This rule is new.

LOCAL RULE 3003-1: PROOFS OF CLAIM OR INTEREST IN CHAPTER 11 CASES

Proofs of claim or interest of nongovernmental entities required or permitted to be filed under Fed. R. Bankr. P. 3003(c) must be filed not later than ninety (90) days after the first date set for the § 341 meeting of creditors, and such proofs of claim or interest of governmental entities must be filed within one hundred eighty (180) days after the date of the order for relief, except as otherwise specified in the Bankruptcy Code or Federal Rules of Bankruptcy Procedure or ordered by the Court. A request to extend the times provided for by this local rule must be filed before the expiration of the time.

Notes:

(2008) Former paragraph (a) was restyled. Former paragraph (b) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2013) The rule is clarified to indicate that a request to extend time must be filed prior to the expiration of the deadline.

LOCAL RULE 3011-1: DISPOSITION OF UNCLAIMED DIVIDENDS

(a) **Depositing of Unclaimed Funds.** Unclaimed dividends 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 dividends 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.

(b) **Chapter 11 Liquidating Plan.** A chapter 11 liquidating plan may provide that any unclaimed funds or undistributable funds[1] may be:

(1) Redistributed to other creditors or administrative claimants, or

(2) 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.

(c) **Motion for Payment of Unclaimed Funds.** Any party[2] who seeks the release of unclaimed dividends held pursuant to 11 U.S.C. § 347(a) must file a motion for payment of unclaimed dividends in substantial conformance with Exhibit A and serve a copy of the motion on the United States Attorney for the District of South Carolina.[3]

(d) **Identifying Information.** The movant shall submit Exhibit B and provide the information required therein.[4]

(e) **Supporting Documentation.** The following supporting documentation, if applicable, shall be required:

(1) **Owner of Record.**

(A) Proof of Identity.

(2) **Successor Claimants.**

(A) **Successor Corporate Claimants.**

- Proof of identity of owner of record;
- A notarized power of attorney signed by an officer of the successor business;
- A statement of the signing officer's authority; and
- Documentation establishing chain of ownership from the original business claimant.

(B) **Transfer Claimants.**

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[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.

[2] For purposes of this rule, the "movant" is the party filing the motion and the "claimant" is the party entitled to the unclaimed dividends. The movant and the claimant may be the same.

[3] All relevant parts of the motion must be completed for consideration.

[4] Exhibit B shall be filed in CM/ECF and public access shall be restricted.

- Proof of identity of the owner of record;
- Proof of identity of the successor claimant; and
- Documentation evidencing the transfer of claim.

(3) Decedent's Estate.

- Proof of identity of the owner of record;
- Proof of personal identity of the estate administrator; and
- Certified copies of probate documents establishing the representative's right to act on behalf of the decedent's estate.

(4) Claimant Representatives.[5]

- Proof of identity of the owner of record;
- A notarized, original power of attorney[6] signed by the claimant on whose behalf the representative is acting;
- Proof of identity of the representative; and
- Documentation sufficient to establish the claimant's entitlement to the funds.

(f) Objection. Any party objecting to the relief sought in the motion shall, within twenty-one (21) days after service thereof, serve upon the movant and other appropriate parties and file with the Court an objection to the motion. If no objection is filed with the Court within twenty-one (21) days after the filing of the motion, the motion 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 dividends. 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.

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[5] The Court will only issue payment to the owner of record.

[6] All movants acting under a power of attorney must be represented by an attorney admitted to practice before this Court in accordance with SC LBR 2090-1.

EXHIBIT A TO SC LBR 3011-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER:
DEBTOR(S)	MOTION FOR PAYMENT OF UNCLAIMED DIVIDENDS

Now appears _____ ("Movant") and states that _____ (name of the "Claimant")[1] is entitled to $ _____ ("Unclaimed Funds") held in the United States Treasury in this case pursuant to 11 U.S.C. § 347(a) and as set forth in the attached supporting documents required by SC LBR 3011-1. For the following reasons, _____(INSERT NAME OF OWNER OF RECORD)[2] did not negotiate the original disbursement:_____
_____

Movant represents that the Claimant is entitled to receive the Unclaimed Funds and that no other party is entitled to the Unclaimed Funds based upon: (check the statement(s) that apply)

____ Claimant is the Owner of Record entitled to said Unclaimed Funds as appearing on the records of this Court (if the Owner of Record or Claimant is a corporate entity or partnership, attach the documentation required by SC LBR 3011-1(e)(1)(A)).

____ Claimant obtained title to the Unclaimed Funds by assignment, purchase, merger, acquisition, succession or by other means (attach the documentation required by SC LBR 3011-1(e)(2)).

____ Movant is a representative of a Decedent's Estate (attach the documentation required by SC LBR 3011-1(e)(3)).

____ Movant is a Claimant Representative and is named in the attached Power of Attorney by the owner of the unclaimed funds, valid under the laws of the State of South Carolina, which empowers Movant to collect the Unclaimed Funds described above on behalf of the rightful owner (attach the documentation required by SC LBR 3011-1(e)(4)).

Further, Movant is submitting, with this Motion, Exhibit B to SC LBR 3011-1 and providing the identifying information required therein.

WHEREFORE, the Movant submits to the jurisdiction of this Court and requests that an order be entered directing payment of the Unclaimed Funds described above to _____ (INSERT NAME OF CLAIMANT/PAYEE)[3] and mailed to _____ (INSERT ADDRESS WHERE PAYMENT IS TO BE MAILED).

---

[1] "Movant" and "Claimant" are defined by SC LBR 3011-1.

[2] Owner of Record is the original payee.

[3] Payment will only be issued to the claimant.

I, _____, hereby declare under penalty of perjury that the foregoing is true and correct and state that I am the Movant in the above-named case and request payment of the Unclaimed Funds pursuant to SC LBR 3011-1. On _____ (INSERT DATE)__, I served a copy of this motion and attachments on:

United States Attorney for the District of South Carolina
1441 Main Street, Suite 500
Columbia, SC 29201

Name of Movant _____

Movant's Phone No. _____

Previous Mailing Address of the Original Owner of Record _____

Current Mailing Address of the Claimant _____

Current Mailing Address of the Original Owner of Record _____

_____
Signature of Movant

I, _____, a notary public for the State of _____, certify that I have examined the Motion for Payment of Unclaimed Dividend and documentation of the Movant which establishes identity, and the above motion was subscribed and sworn to before me in _____, (city/town), _____ (state), this day of _____, _____.

_____(seal)
Notary Public
My commission expires: _____

EXHIBIT B TO SC LBR 3011-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER:

The following information is submitted pursuant to SC LBR 3011-1(d):

1. A completed Form W-9 is attached.

2. Proof of identification of the Owner of Record is attached.

LOCAL RULE 3015-1: CHAPTER 13-FILING A PLAN

A chapter 13 debtor must complete Exhibit A[1] or file a plan in substantial conformance with Exhibit A. Service of the plan is hereby delegated to the debtor pursuant to Fed. R. Bankr. P. 2002(b). If the debtor proposes changes to Exhibit A or proposes an alternative plan format, the debtor shall file and serve with the plan a cover sheet that identifies and summarizes the changes.

Notes:

(2008) Former SC LBR 3015-1 was revised and restyled. Portions of former SC LBR 3015-1 were incorporated into other local rules pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

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

(2011) Section IV(A) in Exhibit A was amended to allow attorneys to receive up to $1,000 from the initial disbursement. The certificate of service section in Exhibit A was amended to clarify that the specific list of the names and addresses of parties served with the plan should be attached to the plan filed with the Court. Sections II(A) and (B) were amended to clarify that a debtor does not have to claim an exemption to avoid a lien.

(2013) The rule was amended to require a statement where the debtor proposes changes that differ from Exhibit A. Section II(B) of Exhibit A was amended to conform with amendments made to the exhibits of SC LBR 4003-2. Section (I)(B) of Exhibit A was amended to clarify that the deadline to object runs from the date of the service of the plan.

[1] The referenced Exhibit is incorporated into and made part of this rule as if fully set out within its text.

EXHIBIT A TO SC LBR 3015-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
DEBTOR(S)	NOTICE, CHAPTER 13 PLAN, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE-MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE

I. NOTICE TO CREDITORS AND PARTIES IN INTEREST: The debtor[1] has filed a chapter 13 bankruptcy case and listed you as a creditor or interested party. The debtor has filed the following chapter 13 plan and motions which may affect your rights. **Failure to object may constitute an implied acceptance of and consent to the relief requested in this document.**

A. ADDITIONS, MODIFICATIONS, OR DELETIONS: All additions or modifications to the Court's form plan (See exhibits to SC LBR 3015-1 and 3015-2, "SC LBR" refers to the SC Local Bankruptcy Rules, available at www.scb.uscourts.gov) are highlighted by italics. Deletions are noted as "Not Applicable" or by striking through the deleted provisions. If changes to this form or if an alternative plan is proposed, a cover sheet that summarizes and identifies the changes shall be filed and served herewith.

B. DEADLINE FOR FILING OBJECTIONS, NOTICE OF HEARING ON CONFIRMATION OF CHAPTER 13 PLAN AND MOTIONS: Objections to the motions and any provision of the plan must be made in accordance with SC LBR 9014-1, properly served, and filed with the United States Bankruptcy Court, 1100 Laurel Street, Columbia, SC 29201, within twenty-eight (28) days from the date this document is served. Timely objections will be heard at the confirmation hearing, notice of which is given separately in the Notice of Meeting of Creditors. If a timely objection is filed after the confirmation hearing, a separate hearing on the objection will be scheduled and notice of such a hearing will be given. If no timely objection is filed, the Court, upon recommendation of the chapter 13 trustee and without further hearing or notice, may enter an order confirming the plan and granting the motions.

II. MOTION TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASEMONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE. The debtor requests that confirmation of this plan alter the rights of the following creditor:

A. Nonpossessory, Nonpurchase-Money Lien: The debtor moves, pursuant to 11 U.S.C. § 522(f), to avoid the following nonpossessory, nonpurchase-money security interest and lien in household goods:

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Total of all other liens	Exemption	Estimated security interest/debt	Security interest Not avoided (see IV(B)(4) below)	Security interest to be avoided (see IV(E) below)

[1] When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

B. Judicial Lien: The debtor moves, pursuant to 11 U.S.C. § 522(f), to avoid the following judicial lien:[2]

Name of creditor and description of property securing lien	Estimated judicial lien	Total of all senior/ unavoidable liens	Applicable Exemption and Code Section	Value of the debtor's interest in property	Judicial lien not avoided	Judicial lien avoided

C. Valuation of Security: The debtor moves, in accordance with 11 U.S.C. § 506, to establish the value of a lien as follows:

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Holder and amount of superior liens	Estimate of creditor's claim	Value of lien (see IV(B)(4) below)	Unsecured claim after valuation (see IV(E) below)

D. Assumption or Rejection of Executory Contract/Unexpired Lease: The debtor moves for the assumption of the following executory contract and/or unexpired lease. The debtor agrees to abide by all terms of the agreement and to cure any pre-petition arrearage or default in the manner below. Any executory contract or unexpired lease not specifically mentioned is rejected.

Name of Creditor and lease or contract to be assumed	Amount of regular payment	Estimated amount of Default (state if none)	Cure Provisions for any default paid by (Debtor or trustee)	Regular payments to be paid by Debtor directly to creditor beginning (month/year)

III. THE CHAPTER 13 PLAN: PAYMENT OBLIGATIONS OF THE DEBTOR.

A. Payments from the debtor to the chapter 13 trustee (the "trustee"): The debtor submits to the supervision and control of the trustee all or such portion of future earnings or other future income as is necessary for the execution of the plan. In addition, the debtor will pay to the trustee any portion of a recovery under a pre-petition claim or cause of action that constitutes disposable income or is not exempt.

The debtor shall pay to the trustee the sum of $ _____per month for a period of _____ months, unless all allowed claims (other than long-term claims) are fully paid pursuant to the plan.

B. Payments from the debtor directly to creditors: The debtor shall pay all post-petition priority obligations, including but not limited to taxes and post-petition domestic support, and pay regular payments on assumed executory contracts or leases, directly to the holder of the claim as the obligations come due, unless otherwise ordered by the Court. The debtor may be required to pay some or a portion of pre-petition debts directly to a creditor in addition to required payments to the trustee, as indicated in paragraph II(D) above and/or in the paragraphs that follow.

[2] For co-owned property, see In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001) and Exhibit C to SC LBR 4003-2.

IV. PLAN DISTRIBUTIONS TO CREDITORS. To receive a distribution from the trustee, a proof of claim, including adequate supporting documentation, must be filed with the Court. If a claim designated in this plan as secured is filed as an unsecured claim and the plan is confirmed, the claim may be treated as unsecured for purposes of plan distributions by the trustee. If a creditor files a proof of claim alleging that the claim is secured, but does not timely object to the confirmation of the plan and the claim is treated as unsecured in a confirmed plan, the claim may be treated as unsecured for purposes of plan distributions by the trustee. Confirmation of this plan does not bar a party in interest from objecting to a claim. The trustee, after the deduction of the trustee's commission and expenses, or the debtor, as indicated, shall make payments as follows:

A. Attorney for the debtor:

1. The debtor and the debtor's attorney have agreed to an attorney's fee in the amount of $_____ for the services identified in the Rule 2016(b) disclosure statement filed in this case. The amount of $_____ was paid prior to the filing of the case. The remaining fee shall be disbursed by the trustee as follows: Following confirmation of the plan and unless the Court orders otherwise, the trustee shall disburse $1,000.00 to the attorney from the initial disbursement.[3] Thereafter, the balance of the attorney's compensation as allowed by the Court shall be paid, to the extent then due, with all funds remaining each month after payment of allowed secured claims and pre-petition arrearages on domestic support obligations. In instances where an attorney assumes representation in a pending *pro se* case and a plan is confirmed, a separate order may be entered by the Court, without further notice, which allows for the payment of a portion of the attorney's fees in advance of payments to creditors.

2. If, as an alternative to the above treatment, the debtor's attorney has received a retainer and cost advance and agreed to file fee applications for compensation and expenses in this case pursuant to 11 U.S.C. § 330, the retainer and cost advance shall be held in trust until fees and expense reimbursements are approved by the Court. Prior to the filing of this case, the attorney has received $_____ and for plan confirmation purposes only, the fees and expenses of counsel are estimated at $_____ or less.

B. Secured Creditor Claims: The plan treats secured claims as follows:

1. General Provisions: The terms of the debtor's pre-petition agreement with a secured creditor shall continue to apply except as modified by this plan, the order confirming the plan, or other order of the Court. Holders of secured claims shall retain liens to the extent provided by 11 U.S.C. § 1325(a)(5)(B)(i). Secured creditors paid the full secured claim provided for by this plan shall timely satisfy any liens in the manner required by applicable law or order of this Court. Any creditor holding a claim secured by property that is removed from the protection of the automatic stay by order, surrender, or through operation of the plan will receive no further distribution from the chapter 13 trustee on account of any secured claim. This also applies to creditors who may claim an interest in, or lien on, property that is removed from the protection of the automatic stay by another lienholder or released to another lienholder, unless the Court orders otherwise. Any funds that would have been paid to any such creditor will be distributed according to the remaining terms of the plan. (The preceding language does not apply if the sole reason for its application arises under 11 U.S.C. § 362(c)(3) or (c)(4)). Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the removal of the property from the protection of the automatic stay. Secured creditors that will be paid directly by the debtor may send standard payment and escrow notices, payment coupons, or inquiries about insurance, and such action will not be considered a violation of the automatic stay.

2. Long-term or mortgage debt. No default: The debtor is current on obligations to (creditor name) and will continue regular payments directly to that creditor. Description of collateral:

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[3] The chapter 13 trustee shall not at any time disburse to the debtor's attorney more than: (a) the unpaid balance of (1) the fee to be paid under the plan pursuant to paragraph 1 herein, or (2) the fee previously applied for and authorized pursuant to paragraph 2 herein, plus (b) any supplemental fee then applied for and authorized under the terms of the applicable Procedures for Approval of Attorney's Fees in Chapter 13 Cases.

3. Long term or mortgage debt. Curing default: 11 U.S.C. 1322(b)(3) and/or (5):

a. Arrearage payments. The trustee shall pay the arrearage as stated in the creditor's allowed claim or as otherwise ordered by the Court to (creditor name) at the rate of $ (payment amount) or more per month, for (collateral description), along with (percentage)% interest. The creditor shall apply trustee payments solely to those designated arrearages, i.e., those arrearages accruing before the month specified in (b) below. For so long as the debtor complies with this plan, a creditor may not declare a default based on any payment delinquency to be cured by this paragraph and the creditor shall not impose any post-petition fee on account of any arrearage paid by the trustee.

b. Maintenance of regular non-arrearage payments. Beginning (month and year), the Debtor shall pay directly to the creditor non-arrearage payments arising under the agreement with the secured creditor. The creditor shall apply each payment under this paragraph solely to post-petition obligations that accrue during or after the month specified herein.

4. Secured portion of claims altered by valuation and lien avoidance: The trustee shall pay (creditor name) the sum of $ (payment amount) or more per month, along with (percentage) % interest until the secured claim of $ (amount of secured claim) established above is paid in full. The remaining portion of the allowed claim will be treated as a general unsecured claim.

5. Other secured debts (allowed claim to be paid in full without valuation or avoidance of lien): The trustee shall pay (creditor name) the sum of $ (payment amount) or more per month, along with (percentage) % interest until the allowed secured claim is paid in full.

6. Surrender of property: The debtor will surrender the following property upon confirmation of the plan. The order confirming plan shall terminate the automatic stay as to that property: (Name of creditor and property address or collateral description). Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the surrender of the property.

7. Secured tax debt: The trustee shall pay (creditor name) the sum of $ (payment amount) or more per month until the (net balance or value) of creditor's secured claim plus (percentage) % interest has been paid. If the lien is to be valued, the debtor shall file a separate motion to value the claim and establish priority of any remaining tax obligations. If a tax priority creditor files a claim designated as secured, is not treated as secured in this paragraph, and does not timely object to confirmation of this plan, then the claim may be paid as a priority claim for purposes of distributions from the trustee.

C. Priority Creditors: Priority claims shall be paid as follows:

1. Domestic Support Claims. 11 U.S.C. § 507(a)(1):

a. Pre-petition arrearages. The trustee shall pay the pre-petition domestic support obligation arrearage to (name of DSO creditor), at the rate of $ (amount) or more per month until the balance, without interest, is paid in full.

b. The debtor shall pay all post-petition domestic support obligations as defined in 11 U.S.C. § 101(14A) on a timely basis directly to the creditor.

c. Any party entitled to collect child support or alimony under applicable non-bankruptcy law may collect those obligations coming due after this case was filed from the income or assets of the debtor-parent/spouse without further order or relief from the automatic stay. (Any claim for child support or alimony due before this case was filed must be collected in accordance with 11 U.S.C. § 507(a)(1) and 11 U.S.C. § 1322(a)(2).)

2. Other Priority debt. The trustee shall pay all remaining pre-petition 11 U.S.C. § 507 priority claims on a *pro rata* basis.

D. Executory Contracts and Unexpired Leases: Regular payments that arise post-petition under an executory contract or lease that is being assumed shall be paid directly by the debtor according to the terms of the contract or lease. Pre-petition defaults will be cured by payments of the sum of $ (payment amount) or more per month by the trustee or the debtor according to paragraph II(D). Claims arising from the rejection of executory contracts or leases shall be general unsecured claims unless otherwise ordered by the Court.

E. General Unsecured Creditors: General unsecured creditors shall be paid allowed claims *pro rata* by the trustee to the extent that funds are available after payment of all other allowed claims. The debtor (does/does not) propose to pay 100% of general unsecured claims.

V. PROPERTY OF THE ESTATE, STATUS AND OBLIGATIONS OF THE DEBTOR AFTER CONFIRMATION: Upon confirmation of the plan, property of the estate will remain property of the estate, but possession of property of the estate shall remain with the debtor. The chapter 13 trustee shall have no responsibility regarding the use or maintenance of property of the estate. 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. Nothing herein is intended to waive or affect adversely any rights of the debtor, the trustee, or party with respect to any causes of action owned by the debtor.

Date: _____ BY: _____
Attorney for the Debtor/*Pro Se* Debtor
District Court I.D.

Debtor _____ Debtor _____

CERTIFICATE OF SERVICE

The above signing parties certify that the foregoing Notice, Plan and Motions was served on all creditors and parties in interest entitled to such notice on the above stated date. The list of the specific names and addresses of parties served with the plan is attached to the plan filed with the Court.

LOCAL RULE 3015-2: CHAPTER 13- AMENDMENTS TO PLAN

After compliance with SC LBR 3015-1, a debtor's proposed amendment or modification to the plan shall be presented to the Court as follows:

(a) **Before Confirmation.** The debtor must complete, serve, and file with the Court a notice in substantial conformance with Exhibit A with proper proof of service. Service must be made on all parties which may be adversely affected by the amendment.

(b) **Exception.** If the sole purpose of the amendment is to increase payments of the plan (paragraph (III)(A) of Exhibit A to SC LBR 3015-1), the debtor may complete and file a form in substantial conformance with Exhibit C, as applicable. The filing of an amendment, which does not adversely affect the plan treatment of any creditor or party in interest, shall be deemed to meet the notice requirements of Fed. R. Bankr. P. 3015(g).

(c) **After Confirmation.** The debtor must complete, serve, and file with the Court a notice in substantial conformance with Exhibit B with proper proof of service. Service must be made on all creditors and parties in interest. If the debtor proposes substantial changes to Exhibit A or proposes an alternative plan format, the debtor shall file and serve with the plan a cover sheet that identifies and summarizes the changes..

Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

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

(2013) Exhibit B was amended to clarify that the deadline to object runs from the date of service and to provide language consistent with Exhibit A to SC LBR 3015-1 regarding additions, modifications, and deletions to the form plan.

EXHIBIT A TO SC LBR 3015-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
DEBTOR(S)	NOTICE OF PLAN MODIFICATION BEFORE CONFIRMATION, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE-MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE

I. NOTICE TO AFFECTED CREDITORS AND PARTIES IN INTEREST: The above-captioned debtor[1] previously proposed a chapter 13 plan and motions; debtor now moves, pursuant to 11 U.S.C. § 1323 and Fed. R. Bankr. P. 2002(a)(5), to modify the proposed plan and motions as detailed below:

(include a brief explanation of the changes made and the reason for the change and the specific creditor(s) directly affected by the change.)

This modification to the chapter 13 plan and motions, and the remaining terms of the chapter 13 plan and motions set forth below, may affect your rights. Failure to object may constitute an implied acceptance of and consent to the relief requested.

A. (Beginning with paragraph (I)(A) repeat text of Exhibit A to SC LBR 3015-1 hereafter)

[1] When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

EXHIBIT B TO SC LBR 3015-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
DEBTOR(S)	NOTICE OF PLAN MODIFICATION AFTER CONFIRMATION, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE-MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE

I. NOTICE TO CREDITORS AND PARTIES IN INTEREST: The above-captioned debtor[1] proposed a chapter 13 plan and motions that were previously confirmed by this Court; debtor now moves, pursuant to 11 U.S.C. § 1329(a), Fed. R. Bankr. P. 3015(g), and Fed. R. Bankr. P. 2002(a)(5), to **modify the plan as follows**:

(Include a brief explanation of the change made, the reason for the change and the specific creditor directly affected by the change. This information replaces the Motion for Modification previously required for plan amendment).

This modification to the chapter 13 plan and motions may affect your rights. Failure to object may constitute an implied acceptance of and consent to the relief requested.

A. ADDITIONS, MODIFICATIONS, OR DELETIONS: All additions or modifications to the Court's form plan (See exhibits to SC LBR 3015-1 and 3015-2, "SC LBR" refers to the SC Local Bankruptcy Rules, available at www.scb.uscourts.gov) are highlighted by italics. Deletions are noted as "Not Applicable" or by striking through the deleted provisions. If changes to this form or if an alternative plan is proposed, a cover sheet that summarizes and identifies the changes shall be filed and served herewith.

B. DEADLINE FOR FILING OBJECTIONS, OPPORTUNITY FOR NOTICE AND HEARING ON CONFIRMATION OF MODIFIED CHAPTER 13 PLAN AND MOTIONS: Objections to the motions and any provision of the plan must be made in accordance with SC LBR 9014-1, properly served, and filed with the United States Bankruptcy Court, 1100 Laurel Street, Columbia, SC 29201, within twenty-eight (28) days from the date this document is served. Timely objections will be scheduled for hearing and separate notice of such a hearing will be given. If no timely objection is filed, the Court, upon recommendation of the chapter 13 trustee and without further hearing or notice, may enter an order confirming the modified plan and granting the motions.

II. (Repeat text of Exhibit A to SC LBR 3015-1 hereafter)

[1] When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

EXHIBIT C TO SC LBR 3015-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
DEBTOR(S)	AMENDMENT TO PARAGRAPH III(A) OF PLAN FOR THE SOLE PURPOSE OF INCREASING PAYMENTS FROM THE DEBTOR TO THE CHAPTER 13 TRUSTEE

The debtor[1] in this case has filed and served a NOTICE, CHAPTER 13 PLAN, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE-MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE. The debtor hereby **moves to modify ONLY paragraph III(A)** of the plan filed on (date) as follows:

III. THE CHAPTER 13 PLAN: PAYMENT OBLIGATIONS OF THE DEBTOR.

A. Payments from the debtor to the chapter 13 trustee (the "trustee"): The debtor submits to the supervision and control of the trustee all or such portion of future earnings or other future income as is necessary for the execution of the plan. In addition, the debtor will pay to the trustee any portion of a recovery under a pre-petition claim or cause of action that constitutes disposable income or is not exempt.

The debtor shall pay to the trustee the sum of $ _____ per month for a period of _____ months, unless all allowed claims (other than long-term claims) are fully paid pursuant to the plan.

The undersigned certifies that this change does not adversely affect the plan treatment of any creditor or party in interest in this matter and requests that this modification be approved upon recommendation of the chapter 13 trustee without further notice or hearing.

Date: _____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

[1] When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

LOCAL RULE 3015-3: CHAPTER 13- CONFIRMATION

(a) **Plan Confirmation.** If the time for filing objections set forth in the plan or any amendments has passed and all timely filed objections have been considered by the Court or otherwise resolved, the Court, without hearing, may enter an order confirming the chapter 13 plan and granting the relief sought in any motions included therein. As a condition of confirmation and at any time thereafter upon request of the trustee, a form in substantial conformance with Exhibit A shall be completed and submitted by the debtor to the chapter 13 trustee (but not filed with the Court) and served on the domestic support obligation recipient with the certificate of service provided to the chapter 13 trustee.

(b) **Denial of Confirmation.** If confirmation of the chapter 13 plan is denied, the Court may enter an order dismissing or converting the case without further notice.

Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Paragraph (b) was added to include cause for dismissal or conversion currently included in the Meeting of Creditors Notice.

(2013) A technical amendment was made to paragraph (a) to clarify that the domestic support obligation recipient should be served with a copy of Exhibit A.

EXHIBIT A TO SC LBR 3015-3

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: CERTIFICATION
DEBTOR(S)	

The above-captioned debtor hereby certifies that, if there is a post-petition obligation to pay any domestic support obligation, any such payments coming due after filing of the bankruptcy petition and continuing through the date of the confirmation hearing have been paid.

_____
Debtor

_____
Debtor

Date: _____, _____

LOCAL RULE 3015-4: CHAPTER 13- PROVIDING DOCUMENTS

Pursuant to 11 U.S.C. §§ 521 and 1308, Fed. R. Bankr. P. 1007 and 4002, certain information and documentation are required to be filed or provided to the chapter 13 trustee within the time periods prescribed therein. Certain additional information and documents listed in subsection (c) below have also been determined by the Court to be necessary to consideration of the confirmation of a chapter 13 plan. Therefore, the debtor shall timely provide same to the chapter 13 trustee upon request.

(a) **Requirement to Provide.** If the chapter 13 trustee has requested any of the information/documents listed below at the 11 U.S.C. § 341 meeting, or at any time thereafter in writing, it must be provided to the trustee at least seven (7) days prior to the original confirmation hearing.

(b) **Burden on Debtor.** It is the responsibility of the debtor to ensure that the required documents are provided to the trustee (and filed, as necessary).

(c) **Documents Subject to Request.**

(1) The most recent real estate tax appraisals covering all parcels of debtor's real property.

(2) Post-petition domestic support certificate signed and dated through the month of the confirmation hearing.

(3) The amount of the most recent year's income tax refund received by debtor, for both state and federal returns.

(4) Proof that all required income tax returns have been filed.

(5) Final, signed copies of the most recent year's federal and state income tax returns (including all attached schedules).

(6) Amended Schedules if identified as necessary by the trustee.

(7) Amended Statement of Financial Affairs if identified as necessary by the trustee.

(8) Amended Petition or Form 21 correcting the debtor's name and/or social security number if identified as necessary by the trustee.

(9) In any case involving a self-employed debtor, a completed self-employment questionnaire, business budget, and final, signed copies of the business's most recent year's federal and state income tax returns (including all attached schedules).

(10) Proof of charitable contributions made by the debtor.

(11) An itemization of unreimbursed medical expenses.

(12) An itemization of a non-filing spouse's monthly expenses, including the balance owed on each debt.

(13) Copies of the debtor's pay stubs and W-2 forms.

(14) Any other item not specified above which is reasonably related to the administration of the case and which the trustee requested either orally at the 11 U.S.C. § 341 meeting or in writing prior to the confirmation hearing.

Notes:

(2008) Portions of former SC LBR 3015-2 were incorporated into this rule.

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

(2013) Technical amendments were made to paragraphs (b) and (c).

LOCAL RULE 3015-5: CHAPTER 13- DISCHARGE[1]

The scheduling of matters under this rule are governed by SC LBR 9013-4. In addition to the requirements of that rule and in lieu of the forms of that rule, the provisions and forms of this rule apply.

(a) **Discharge Pursuant to 11 U.S.C. § 1328(a).** Upon filing by the trustee of the Notice of Plan Completion, the trustee shall contemporaneously serve on the debtor the Notice to Debtor of Plan Completion and Notification of Need to File Request for Discharge (the chapter 13 trustee's Notice, attached as Exhibit E). The debtor shall complete and file with the Court within fourteen (14) days of the date of the trustee's Notice:

(1) The Certification of Plan Completion and Request for Discharge (attached as Exhibit A);

(2) The Notice of Certification of Plan Completion and Request for Discharge (attached as Exhibit B); and

(3) A certificate of service of the items set forth above upon all creditors and parties and interest.

(b) **Discharge Pursuant to 11 U.S.C. § 1328(b).** Upon the filing of a motion by the debtor for a "hardship discharge" pursuant to 11 U.S.C. § 1328(b), the debtor shall contemporaneously therewith complete and file with the Court:

(1) The Certification of Debtor Information and Request for Hardship Discharge (attached as Exhibit C);

(2) The Notice of Hearing and Certification of Debtor Information Requesting Hardship Discharge (attached as Exhibit D); and

(3) A certificate of service of the items set forth above upon all creditors and parties in interest.

Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule.

(2009) The periods in paragraph (a) and Exhibits B, D, and E were amended to multiples of seven as part of time computation amendments.

(2013) The rule was revised to incorporate the procedures of 9013-4. Exhibit D was amended to reflect a definite hearing date on a motion for a hardship discharge. Clarifying amendments were made to paragraph (a). Paragraphs (a) and (b) were also amended to remove language describing the internal workings of the Court. Exhibits A and C were amended to clarify that a debtor does not file a financial management certificate if the debtor has sought an exemption pursuant to 11 U.S.C. § 1328(g)(2).

[1] Applicable only to cases governed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and are inapplicable to cases in which the Court has made a finding that the debtor will not be receiving a discharge.

EXHIBIT A TO SC LBR 3015-5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR DISCHARGE

The above-captioned debtor certifies under penalty of perjury that the following are true and correct:

1) All plan payments have been completed and the debtor is entitled to a discharge.

2) Pursuant to 11 U.S.C. § 1328(a), all amounts payable for domestic support obligations due on or before the date set forth below (including any amounts due before the filing of the bankruptcy petition to the extent provided for by the plan) have been paid to:

Name: _____.

Address: _____
_____

(repeat for multiple payees)

The debtor's employer and address:

Name: _____.

Address: _____
_____

Claims that were not discharged pursuant to 11 U.S.C. § 523(a)(2) or (4): _____
_____

Debts that were reaffirmed under 11 U.S.C. § 524(c): _____
_____

3) The provisions of 11 U.S.C. § 522(q)(1) are not applicable to this case under 11 U.S.C. § 1328(h) and there are no proceedings pending against the debtor of the kind described in 11 U.S.C. § 522(q)(1)(A) or 522(q)(1)(B).

4) The debtor has not received a discharge in a case filed under 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.

5) The debtor has either sought an exemption from or completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and, if completed, has either previously filed Official Form 23 so certifying with the Court, or such certification and accompanying documents are being contemporaneously filed herewith.

The undersigned requests that a discharge be granted in accordance with 11 U.S.C. § 1328.

DATE: _____, _____

_____
Debtor

_____
Debtor

EXHIBIT B TO SC LBR 3015-5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
	NOTICE OF CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR DISCHARGE
DEBTOR(S)	

To: The Trustee and to all creditors and parties in interest:

YOU ARE HEREBY NOTIFIED that the above-captioned debtor has requested a discharge pursuant to 11 U.S.C. § 1328(a) in the above case. A copy of the Certification of Plan Completion and Request for Discharge is attached. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you have any reason to believe that the provisions of 11 U.S.C. § 522(q)(1) apply to this debtor or that there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B) or that the debtor is otherwise not entitled to a discharge, then you or your attorney must:

1. File with the Court a written response to the Certification, specifying the basis for your response, no later than fourteen (14) days from the date of service of this Notice, and mail a copy to:

(insert debtor's attorney name and address) and
(insert debtor's name and address); and

2. Attend the hearing to be held as indicated below.

PLEASE TAKE FURTHER NOTICE that no hearing will be held on the Request for Discharge unless a response is timely filed and served, in which case, the Court will conduct a hearing on _____, 2_____ ,at __.m., at (Court street address and city), South Carolina. No further notice of this hearing will be given.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF REQUESTED.

Date of Service:_____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT C TO SC LBR 3015-5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: CERTIFICATION OF DEBTOR INFORMATION AND REQUEST FOR HARDSHIP DISCHARGE

The above-captioned debtor certifies under penalty of perjury that the following are true and correct:

1) All of the requirements of 11 U.S.C. § 1328(b) have been met and the debtor is entitled to a hardship discharge.

2) Pursuant to 11 U.S.C. § 1328(a), all amounts payable for domestic support obligations due on or before the date set forth below (including any amounts due before the filing of the bankruptcy petition to the extent provided for by the plan) have/ have not (select one) been paid to:

Name: _____

Address: _____
_____

(repeat for multiple payees)

The debtor's employer and address:

Name: _____

Address: _____
_____

Claims that were not discharged pursuant to 11 U.S.C. § 523(a)(2) or (4):

Debts that were reaffirmed under 11 U.S.C. § 524(c):_____

3) The provisions of 11 U.S.C. § 522(q)(1) are not applicable to this case under 11 U.S.C. § 1328(h) and there are no proceedings pending against the debtor of the kind described in 11 U.S.C. § 522(q)(1)(A) or 522(q)(1)(B).

4) The debtor has either sought an exemption from or completed an instructional course concerning personal financial management described in 11 U.S.C. § 111, if completed, and has either previously filed Official Form 23 so certifying with the Court, or such certification and accompanying documents are being contemporaneously filed herewith.

The undersigned requests that a discharge be granted in accordance with 11 U.S.C. § 1328(b).

DATE: _____, _____

_____
Debtor

_____
Debtor

EXHIBIT D TO SC LBR 3015-5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
	NO: _____
	CHAPTER 13
DEBTOR(S)	NOTICE OF HEARING AND CERTIFICATION OF DEBTOR INFORMATION REQUESTING HARDSHIP DISCHARGE

To the Trustee and all creditors and parties in interest:

YOU ARE HEREBY NOTIFIED that the above-captioned debtor has moved for a hardship discharge pursuant to 11 U.S.C. § 1328(b) in the above case. A copy of the Certification of Debtor Information and Request for Hardship Discharge and Motion for a Hardship Discharge are attached. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you have any reason to believe that the provisions of 11 U.S.C. § 522(q)(1) apply to this debtor or that there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B) or that the debtor is otherwise not entitled to a discharge, then you or your attorney must file with the Court a written response to the Certification, specifying the basis for your response, no later than fourteen (14) days from the date of service of this Notice, and mail a copy to:

(insert debtor's attorney name and address) and
(insert debtor's name and address); and

The Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina on the Motion for a Hardship Discharge. No further notice of this hearing will be given.

Date of Service: _____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT E TO SC LBR 3015-5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: TRUSTEE'S NOTICE TO DEBTOR OF PLAN COMPLETION AND NOTIFICATION OF NEED TO FILE REQUEST FOR DISCHARGE

TO: Debtor and attorney for the debtor

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The chapter 13 trustee has filed notice with the Court that the plan in the above case has been completed.

YOU ARE HEREBY NOTIFIED that, pursuant to SC LBR 3015-5, IF YOU BELIEVE YOU ARE ENTITLED TO A DISCHARGE, you must prepare, sign and file, within fourteen (14) days of the date of this notice, a Certification of Plan Completion and Request for Discharge and Notice (copies of which are attached) as they are required before a discharge can be entered. Your failure to file the required documents timely could result in the closing of the case without a discharge.

The Certification indicates that you understand and agree to the following:

1) All plan payments have been made and you are entitled to a discharge.

You agree that there has been no Court order which would deny you the right to a discharge, and that you meet all of the requirements for a discharge, as provided in the Bankruptcy Code. If you are not certain, please consult an attorney for advice.

2) All amounts payable for domestic support obligations due on or before the date of your certification (including any amounts due before the filing of the bankruptcy petition to the extent provided for by the plan) have been paid. Your certification must state the current name and address of each domestic support obligation payee.

The term "domestic support obligation" means a debt "in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly designated" that accrues ***before, on, or after*** the date of the order for relief in a case under Title 11, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of Title 11, that is owed to or recoverable by (i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or (ii) a governmental unit. 11 U.S.C. § 101(14A).

3) The provisions of 11 U.S.C. § 522(q)(1) are not applicable to your case and there are no proceedings pending against you of the kind described in 11 U.S.C. § 522(q)(1)(A) or 522(q)(1)(B).

11 U.S.C. § 522(q) applies:

if "...the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title (Title 11);"

11 U.S.C. § 522(q) also applies:

if "the debtor owes a debt arising from--(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws; (ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933; (iii) any civil remedy under section 1964 of title 18; or (iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years."

4) You have completed an instructional course concerning personal financial management as described in 11 U.S.C. § 111.

The debtor is not entitled to a discharge unless after filing a petition the debtor completes an instructional course concerning personal financial management. 11 U.S.C. § 1328(g)(1). This is *in addition to* the budget and credit counseling session you undertook before the bankruptcy case was filed.

Your signature on the certification is under penalty of perjury.

LOCAL RULE 3015-6: PERIODIC INTEREST RATE IN CHAPTER 13 PLANS

(a) **Presumption of Reasonableness.** In order to expedite the determination of an effective interest rate to be used by debtors in meeting the requirement of 11 U.S.C. § 1325, a presumed effective interest rate ("Periodic Interest Rate") will be set by the Court with the assistance of a committee of trustees and members of the consumer bar. If applied to a secured claim in a chapter 13 plan, there will be a rebuttable presumption that the Periodic Interest Rate – for plan confirmation purposes – is reasonable.

(b) **Presumption that Plan Pays Present Value.** A debtor who, in a chapter 13 plan, proposes to pay the Periodic Interest Rate on a secured claim (including, but not limited to, an arrearage on a real estate mortgage loan, an automobile loan, a mobile home loan, or a personal property loan) is presumed to be paying the present value of that claim as required by 11 U.S.C. § 1325(a)(5)(B)(ii), except as provided in subsection (c) below.

(c) **Objection to Periodic Interest Rate.** A party in interest objecting to the Periodic Interest Rate proposed in a chapter 13 plan must, within twenty-eight (28) days after service of the plan:

(1) **File the Objection.** File with the Court an Objection and Certification of Interest Rate in substantial conformance with Exhibit A, thereby indicating the objection and stating the interest rate to which the party in interest claims entitlement, and

(2) **Serve the Objection.** Serve the Objection and Certification of Interest Rate on the debtor and the attorney for the debtor.

(d) **Response to Objection to Periodic Interest Rate.** If the debtor opposes the interest rate claimed in the Objection and Certification of Interest Rate, the debtor must, within fourteen (14) days after service thereof on the debtor, file a response to the objection so that the dispute may be resolved at the hearing on the confirmation of the plan. If no response is filed, the Court may require that the debtor amend the chapter 13 plan to reflect the interest rate claimed by the party in interest.

Notes:

(2008) Portions of former SC LBR 3015-3 were incorporated into this rule.

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

(2013) Paragraph (c) was amended to clarify that the deadline to object runs from the date of service of the plan.

EXHIBIT A TO SC LBR 3015-6

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER:
	OBJECTION AND CERTIFICATION OF INTEREST RATE
DEBTOR(S)	

TO: Chapter 13 Trustee and Debtor

_____, a secured creditor in this case, hereby objects to the interest rate proposed by the debtor in the chapter 13 plan, dated _____, and claims entitlement to a rate of interest greater than the rate proposed in the chapter 13 plan; and, in support of its claim of entitlement to the interest rate set out below, certifies:

Contractual rate of interest: (copy of the obligation attached) _____.

Market rate of interest for similar loans in creditors' lending market: _____

Arrearage amount (if applicable): _____, as of _____

Payoff balance, as of date of filing: _____.

Hypothetical cost, in dollars, of liquidating collateral: _____

Hypothetical cost, in dollars, of making a new loan: _____

Interest rate to which creditor is entitled under plan: _____

If the debtor opposes the interest rate claimed in the Objection and Certification of Interest Rate, the debtor must, within fourteen (14) days after service thereof on the debtor, file a response to the objection so that the dispute may be resolved at the hearing on confirmation of the plan. If no response is filed, the Court may require the debtor to amend the chapter 13 plan to reflect the interest rate claimed by the creditor.

Date: _____

_____
Signature of Attorney

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

LOCAL RULE 3016-1: CHAPTER 11 PLAN AND DISCLOSURE STATEMENT

(a) **Deadline.** Except in a statutorily defined small business case or unless otherwise ordered by the Court, a disclosure statement and plan of reorganization shall be filed by the debtor or trustee not later than one hundred eighty (180) days after the entry of the order for relief. The debtor, trustee, or other plan proponent shall prosecute its disclosure statement and plan in a timely manner.

(b) **Amendments.** At the hearing on the disclosure statement or plan, the Court may consider for approval written amendments made prior to the hearing.

(c) **Denial of Confirmation.** If any plan of reorganization or disclosure statement filed by the debtor, trustee, or other plan proponent is not confirmed or approved by the Court, any amendment, modification, or supplement necessary to correct the deficiency must be filed within fourteen (14) days after the confirmation hearing or whatever time period the Court may require.

Notes:

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

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

(2012) A footnote was added to paragraph (a) to clarify the deadline in small business cases.

(2013) Technical amendments were made to paragraphs (a), (b), and (c) and the title of the rule was amended. The footnote regarding small business cases was moved to the body of paragraph (a).

LOCAL RULE 3018-1: BALLOTS IN CHAPTER 11 CASES

(a) **Ballot Tally.** At least seven (7) days prior to the hearing on confirmation of a chapter 11 plan, the plan proponent shall file with the Court a ballot tally of the votes cast for and against the plan, and shall certify to the Court in writing the amount and number of allowed claims or allowed interests of each class accepting or rejecting the plan. The ballot tally shall include a ballot report containing:

(1) An identification of each class and whether or not it is impaired;

(2) For each impaired class, the number of ballots received, the number of ballots voting to accept, and their aggregate dollar amount;

(3) A concluding paragraph indicating whether the plan has received sufficient acceptance to be confirmed;

(4) Copies of all ballots not counted for any reason and a statement why the same were not counted; and

(5) A representation that all ballots were counted for the classes for which those ballots were filed except for ballots appended to the report.

(b) **Defective Ballots.** The Court may refuse to recognize, in connection with the confirmation of a plan, a timely filed ballot which is not signed, which does not clearly indicate acceptance or rejection of the plan, or which does not clearly indicate its inclusion in a specific class of claims or interests under the plan.

(c) **Extension.** Upon motion at the confirmation hearing, the Court may extend the time for balloting and/or may permit the modification or withdrawal of ballots.

Notes:

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

(2013) The requirement to serve the ballot tally and certification was removed and the rule was reorganized into paragraphs.

LOCAL RULE 3070-1: CHAPTER 13- PAYMENTS

(a) Following confirmation of a plan, all funds in possession of the chapter 13 trustee shall be disbursed pursuant to the terms of the confirmed plan. Unless the Court orders otherwise, creditors shall receive adequate protection as required by 11 U.S.C. § 1326(a) from the plan and the provisions set forth below.

(b) Upon the conversion or dismissal of a case, the chapter 13 trustee shall, after first paying the balance of any sanctions as directed by the Court and next paying any unpaid fees, dispose of funds in the following manner, unless otherwise ordered by the Court:

(1) If there is a confirmed plan in the case, the chapter 13 trustee shall pay any funds received before the conversion or dismissal of the case to creditors pursuant to the terms of the plan. All funds received thereafter shall be paid to the debtor.

(2) If there is neither a confirmed plan nor an order directing otherwise, funds received prior to entry of an order of dismissal or conversion shall be disbursed as follows:

(A) First, unless otherwise ordered, the lesser of the amount due to debtor's attorney, to the extent that the amount owed has not been satisfied; $500.00; or the remaining balance of funds received by the chapter 13 trustee prior to dismissal or conversion, shall be disbursed to the debtor's attorney. The attorney may seek a greater payment upon timely application to the Court made prior to the disbursement by the chapter 13 trustee;

(B) Second, as adequate protection required by 11 U.S.C. § 1326(a), the trustee shall disburse scheduled payments to the holders of allowed secured claims and allowed claims for executory contracts scheduled to be paid through the most recently filed plan, divided based upon the monthly payments provided therein. Subject to the availability of funds, creditors will be paid a full payment for each full month beginning thirty (30) days after the order for relief and continuing through the date of dismissal or conversion. No payment will be made for partial months;

(C) Third, any fees still due the debtor's attorney after the above payment; and

(D) Any funds remaining after these payments, and all funds received after conversion or dismissal, shall be returned to the debtor.

(c) Subject to the above, the chapter 13 trustee shall pay any funds that would be considered an asset of a converted case to any subsequent trustee, and the chapter 13 trustee shall pay to the Court any remaining balance of the fee owed to the Court.

Notes:

(2008) Portions of former SC LBR 1019-1 and 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Former paragraph (b)(2) was eliminated and paragraph (b)(3) was renumbered to (b)(2) to eliminate reference to cases filed before the Bankruptcy Consumer Protection Act of 2005. Former paragraph (b)(3)(C) was renumbered to (b)(2)(D) and paragraph (b)(2)(C) was added to provide for an additional distribution to debtor's counsel.

LOCAL RULE 4001-1: MOTIONS REGARDING THE AUTOMATIC STAY[1]

The scheduling of motions regarding the automatic stay are governed by SC LBR 9013-4. In addition to the requirements of that rule and in lieu of the forms of that rule, the provisions and forms of this rule apply.

(a) Motions for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(a).

(1) Service and Transmittal of the Motion. The movant shall serve and file:

(A) The motion;

(B) The notice of hearing on the motion in substantial conformance with Exhibit A;[2]

(C) The movant's completed certification of facts in substantial conformance with Exhibit B; and

(D) A blank certification of facts form (applicable to service on *pro se* parties only).

(2) Objections. Any party objecting to the relief sought in the motion shall, within fourteen (14) days after service thereof, serve upon the movant and other appropriate parties and file with the Court an objection to the motion and its responding certification of facts. Failure to complete, serve, and file a responding certification of facts, or to complete fully the certification of facts shall be deemed an agreement to the terms contained in the movant's certification.

(3) Default on Motion. If no objection is filed and served upon the movant within fourteen (14) days after the service of items in subparagraph (a)(1), the movant shall submit a proposed order reciting the absence of objections and granting the relief sought.

(4) Settlement.

(A) Consent. Any settlement of a motion to modify the automatic stay, where the trustee, if any, is not a party to the settlement, must indicate that the trustee did not object to the relief requested.

(B) Settlement Default. If a prior settlement order provided for *ex parte* relief from the automatic stay, the attorney for the movant of the original motion may submit a certification of the debtor's noncompliance and a proposed order granting the relief sought. Any proposed order shall specifically state the details of the default, including the specific time period for which payments were not made. Modification of the stay is effective only upon entry of the order.

---

[1] Chambers Guidelines must be considered in connection with this local rule because the judges may have differing procedures or requirements related thereto.

[2] The movant waives the automatic lifting of the stay pursuant to 11 U.S.C. 362(e); if the movant selects a hearing date more than 30 days after the filing of the motion.

(5) **Resumption of Payments.** Absent grounds under Fed. R. Civ. P. 59(e) or 60, the Court will not rescind an order granting stay relief based solely on an agreement of the parties. However, in chapter 13 cases, upon agreement of the parties and the consent of the trustee, the Court may enter an order allowing the resumption of payments by a trustee on a claim for arrearage on a long-term debt. Any order to this effect must provide (i) that the chapter 13 trustee shall resume payments to the holder of the claim pursuant to the chapter 13 plan and (ii) that upon the future failure by debtor to pay according to the agreement between the debtor and creditor, the creditor may continue collection actions under non-bankruptcy law without further order. The Court will not normally consider more than one such order relating to the same claim during the pendency of the case.

(6) **Motion to Approve an Agreement Regarding the Stay.** Any motion for the approval of an agreement pursuant to Fed. R. Bankr. P. 4001(d) should be prepared using a form in substantial conformance with the form approved by the Court (see Exhibit A to SC LBR 4001-4).

(7) **Automatic Lifting of the Stay.** A movant waives the automatic lifting of the stay pursuant to 11 U.S.C. § 362(e) if the movant schedules a hearing more than thirty (30) days after the filing of a motion for relief; requests a continuance on the motion; or consents to a continuance on the motion.

(8) **General Matters.** Neither consent/settlement orders nor default orders should contain provisions which attempt to make the order binding upon a trustee or creditors in the event of the conversion of the case to another chapter or provisions which purport to limit the effect of the automatic stay in the event of a dismissal and refiling of the case. Such provisions require a showing of cause before the Court after a hearing.

(b) **Motions to Extend or Impose the Automatic Stay.** All motions pursuant to 11 U.S.C. § 362(c) must clearly set forth specific and detailed grounds in support of the motion and be scheduled by the movant within thirty (30) days following the filing of the case. The movant shall serve on all creditors sought to be stayed, the United States trustee, and any trustee serving in the case, and shall file with the Court:

(1) The 11 U.S.C. § 362(c) motion; and

(2) The notice of hearing on the motion in substantial conformance with Exhibit A.

(c) **Motion for an Order Confirming Termination of the Automatic Stay Pursuant to 11 U.S.C. §§ 362(h), 362(j), and 521(a)(6).** A motion for an order confirming termination of the automatic stay shall specifically recite facts and the applicable statutory authority upon which the stay has been terminated and may be considered on an *ex parte* basis.

Notes:

(2008) Former paragraphs (a)(6), (7), (8), (10), (13), and (14) were deleted based upon similar provisions in the Chambers Guidelines. Former paragraphs (a)(4) and (11) and (b)(2)(B) were deleted. Former paragraphs (a)(1)(D), (b)(1)(F), and (e) were deleted based upon SC LBR 9011-3. Former paragraphs (a)(2)(E) and provisions in other paragraphs were removed because certificates of service are now addressed by SC LBR 9013-3. Other paragraphs were renumbered and restyled based upon these changes. Paragraphs (a)(3), (a)(4), and (b)(3) were amended to extend the objection period from 10 to 14 days.

(2009) The periods in paragraphs (a)(1)(B), (a)(2), (b)(2), and (c)(2) were amended to multiples of seven as part of time computation amendments.

(2012) A technical change was made to the title of the rule to broadly refer to all motion types contained in the rule.

(2013) A technical change was made to paragraph (a)(1)(B) to provide that motions may be scheduled in other divisions if necessary.

(2013) Exhibit C was added and the rule was substantially re-drafted to include Chambers Guidelines and reduce language already contained in SC LBR 9013-4 and 9014-1.

EXHIBIT A TO SC LBR 4001-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
	NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY (11 U.S.C. § 362(A)) / MOTION TO EXTEND OR IMPOSE AUTOMATIC STAY (11 U.S.C. § 362(C)(3); 11 U.S.C. § 362(C)(4))
DEBTOR(S)	

TO: DEBTOR, TRUSTEE (if applicable), AND THOSE NAMED IN THE ATTACHED MOTION

PLEASE TAKE NOTICE THAT a hearing will be held on the attached motion on:

Date:_____

Time: _____

Place: [location including building and street address and city]

Within fourteen (14) days after service of the attached motion, the notice of motion, the movant's certification of facts, (and a blank certification of facts form, applicable only to motions for relief from the automatic stay and for service on *pro se* parties only), any party objecting to the relief sought shall:

(1) File with the Court a written objection to the 11 U.S.C. § 362 Motion;

(2) File with the Court a certification of facts (for motions for relief from the automatic stay);

(3) Serve on the movant items 1 and 2 above at the address shown below; and

(4) File a certificate of such service with the Court.

If you fail to comply with this procedure, you may be denied the opportunity to appear and be heard on this proceeding before the Court.

Date of Service: _____

_____
Signature of Attorney/Movant

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT B TO SC LBR 4001-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: CERTIFICATION OF FACTS
DEBTOR(S)	

In the above-entitled proceeding, in which relief is sought by (name of movant) from the automatic stay provided by 11 U.S.C. § 362, I do hereby certify to the best of my knowledge the following:

(1) Nature of Movant's Interest.

(2) Brief Description of Security Agreement, copy attached (if applicable).

(3) Description of Property Encumbered by Stay (include serial number, lot and block number, etc.).

(4) Basis for Relief (property not necessary for reorganization, debtor has no equity, property not property of estate, etc.) include applicable subsection of 11 U.S.C. § 362).

(5) Prior Adjudication by Other Courts, copy attached (Decree of Foreclosure, Order for Possession, Levy of Execution, etc., if applicable).

(6) Valuation of Property, copy of Valuation attached (Appraisal, Blue Book, etc.):

Fair Market Value: _____

Liens (Mortgages): _____

Net Equity: _____

Source/Basis of Value: _____

(7) Amount of Debtor's Estimated Equity (using figures from paragraph 6, supra).

(8) Month and Year in Which First Direct Post-petition Payment Came Due to Movant (if applicable).

(9)(a) For Movant/Lienholder (if applicable): List or attach a list of all post-petition payments received directly from debtor(s), clearly showing date received, amount, and month and year for which each such payment was applied.[1]

(b) For Objecting Party (if applicable): List or attach a list of all post-petition payments included in the Movant's list from (a) above which objecting party disputes as having been made. Attach written proof of such payment(s) or a statement as to why such proof is not available at the time of filing this objection.

[1] This requirement may not be met by the attachment of a payment history generated by the movant. Such attachment may be utilized as a supplement to a complete and detailed response to (9)(a) above, which should be shown on this certification.

(10) Month and Year for Which Post-petition Account of Debtor(s) is Due as of the Date of this Motion:

Date: _____

_____
Signature of Attorney

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT C TO SC LBR 4001-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER:
	ORDER ALLOWING RESUMPTION OF PAYMENTS
DEBTOR(S)	

THIS MATTER comes before the Court pursuant to a Motion to Reconsider Order Granting Relief from the Automatic Stay or a Motion for Resumption of Payments under chapter 13 plan filed by the Debtor(s) on _____.

Upon consideration of the Motion and record in this case, the Court finds that insufficient grounds have been stated pursuant to Fed. R. Civ. P. 60 for relief from the Order granting relief from the automatic stay. However, upon the consent of the parties and the chapter 13 trustee, the Court authorizes the trustee to resume payments to _____("Creditor") to cure the pre-petition arrearage pursuant to the previously confirmed chapter 13 plan under the following conditions:

1) By the consent evidenced below, the chapter 13 trustee recommends resumption of these payments as in the best interests of all creditors because it promotes the likelihood of a successful reorganization.

2) A written forbearance agreement, separate and distinct from any settlement order previously entered in this case, has been entered between Debtor(s) and Creditor and clearly provides the terms upon which the Creditor shall forbear from collecting against the subject collateral. The terms of the forbearance agreement include the resumption of payments through the chapter 13 trustee to the Creditor according to the plan. A copy of said forbearance agreement has been provided to the chapter 13 trustee, but shall not be filed with the Court.

3) The parties agree that a resumption of payments in this fashion may be requested and granted only once in the chapter 13 case and that upon the trustee's receipt of written request from either Debtor(s) or Creditor, the resumption of payments may be terminated by the trustee without further direction or order from the Court.

4) Creditor has a duty to advise the chapter 13 trustee in writing of any future default in the forbearance agreement and/or any other cause which leads to Creditor's renewal of efforts to liquidate or collect against the subject collateral. Upon that event, the trustee may discontinue payments under the plan without further direction or order from the Court.

AND IT IS SO ORDERED.

LOCAL RULE 4001-4: AGREEMENTS RELATING TO RELIEF FROM THE AUTOMATIC STAY, PROHIBITING OR CONDITIONING THE USE, SALE OR LEASE OF PROPERTY, PROVIDING ADEQUATE PROTECTION, USE OF CASH COLLATERAL, AND OBTAINING CREDIT

(a) **Form of Motion.** A motion for the approval of an agreement pursuant to Fed. R. Bankr. P. 4001(d) shall be in substantial conformance with Exhibit A.

(b) **Guidelines for 4001(d) Notices and Orders.** All notices, proposed consent orders, or applications for approval of Fed. R. Bankr. P. 4001 agreements must recite whether the notice, proposed order, or stipulation contains any provision that the Court does not normally approve and should identify any such provision and explain the justification for the provision. If such an order or stipulation is presented in connection with a hearing, counsel shall call the Court's attention to such provision on the record.

(1) The following will not normally be approved:

(A) Provisions or findings of fact that bind the estate or parties in interest with respect to the validity, perfection, or amount of the secured party's lien or debt;

(B) Provisions or findings of fact that bind the estate or parties in interest with respect to the relative priorities of the secured party's lien and liens held by persons who are not parties to the stipulation. (This would include, for example, an order approving a stipulation providing that the secured party's lien is a "first priority" lien);

(C) Waivers of 11 U.S.C. § 506(c), unless the waiver is effective only during the period in which the debtor is authorized to use cash collateral or borrow funds;

(D) Provisions that operate, as a practical matter, to divest the debtor in possession of any discretion in the formulation of a plan or administration of the estate or limit access to the Court to seek any relief under other applicable provisions of law;

(E) Cross-collateralization clauses, i.e., clauses that secure pre-petition debt by post-petition assets in which the secured party would not otherwise have a security interest by virtue of its pre-petition security agreement;

(F) "Rollup" clauses, i.e., clauses that include the application of proceeds of post-petition financing to pay, in whole or in part, pre-petition debt;

(G) Releases of liability for the creditor's alleged pre-petition torts or breaches of contract;

(H) Waivers, assignment, transfer or encumbrance of avoidance actions arising under the Bankruptcy Code;

(I) Immediate entitlement to relief from the automatic stay upon default, conversion of the case, or appointment of a trustee, absent further order;

(J) Waivers of the procedural requirements for foreclosure mandated under applicable non-bankruptcy law;

(K) Adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code;

(L) Findings of fact on matters extraneous to the approval process. (For example, in connection with an application to borrow on a secured basis, a finding that the debtor cannot obtain unsecured credit would be acceptable, whereas a "finding" that the lender acted in good faith in declaring the pre-petition loan in default would not be acceptable. Do not include long histories of the relationship between the parties or a lengthy recitation or detailing of documents. A finding that notice is proper should be replaced by a provision which states that notice has been given according to the certificate of service filed by the movant);

(M) Provisions which merely recite the Bankruptcy Code. (For example, a provision that in the event the adequate protection provided by the debtor is insufficient that the creditor is entitled to an administrative priority claim is unnecessary since that is the effect of § 507(b));

(N) Any provision which purports to bind a later appointed trustee to the agreement of the debtor;

(O) Provisions which prohibit or restrict the Court's ability to vacate, modify, or stay the effect of a consent order or which provide for conditional approval by the Court before notice and an opportunity for hearing or provisions in which the Court independently finds "all of the terms of the agreement to be fair and reasonable," for such provisions presume a detailed determination which may not have been undertaken; or

(P) Waivers that divest the Court of its power or discretion in a material way, or interfere with the exercise of the fiduciary duties of the debtor or unsecured creditors' committee in connection with the operation of the business, administration of the estate, or the formulation of a reorganization plan, such as provisions that deprive the debtor or unsecured creditors' committee of the ability to file a request for relief with the Court, to grant a junior post-petition lien, or to obtain future use of cash collateral.

(2) Provisions that will normally be approved:

(A) Withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default or conversion to chapter 7;

(B) Securing any post-petition diminution in the value of the secured party's collateral with a lien on post-petition collateral of the same type as the secured party had pre-petition, if such lien is subordinated to the compensation and expense reimbursement (excluding professional fees) allowed to any trustee thereafter appointed in the case;

(C) Securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is subordinated to all the expenses of administration (including professional fees) of a superseding chapter 7 case;

(D) Reservations of rights under Bankruptcy Code § 507(b), unless the stipulation calls for modification of the Bankruptcy Code's priorities in the event of a conversion to chapter 7;

(E) Reasonable reporting requirements, including access to books and records;

(F) Reasonable access for inspection of collateral, including access for purposes of appraisal and environmental impact studies;

(G) Requirement to segregate cash collateral and the use of lockbox agreements;

(H) Reasonable reporting and controls regarding compliance with any budget approved by the Court, including provisions that material deviations from the budget constitute a default under the consent order or stipulation;

(I) Provisions requiring proof of insurance;

(J) Provisions providing a reasonable carve out for professional fees and costs;

(K) Default provisions which state that in the event of a default by the debtor or trustee (if applicable) under the provisions of the order or stipulation, the creditor may have its attorney file an affidavit attesting to the default, and the creditor thereby will be entitled to relief from the automatic stay without further notice or hearing upon entry of an order by the Court.

(c) **Procedure Upon Default.** In the event a party seeks relief upon default under an order, settlement, or agreement covered by Fed. R. Bankr. P. 4001(d), the attorney for that party shall file with the Court a certification of noncompliance or affidavit attesting to default which specifies the grounds and a proposed order granting the relief sought. The requested relief, including any modification of the stay, is effective only upon entry of the order by the Court.

Notes:

(2008) Portions of this rule were restyled.

(2010) The objection period for agreements related to relief from the automatic stay was amended in Exhibit A to a multiple of seven as part of time computation amendments.

EXHIBIT A TO SC LBR 4001-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER:
DEBTOR(S)	NOTICE AND MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 4001(d)

TO: All Creditors and Parties in Interest Entitled to Notice under Federal Rule of Bankruptcy Procedure 4001(d)

The debtor/trustee and _____ hereby move the Court for an order approving the agreement between them which is described below and attached to this notice.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Court no later than (enter number of days) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application, except as required by the judge, unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina. No further notice of this hearing will be given.

(A) TYPE OF AGREEMENT: (Specify if the agreement involves (Indicate all that apply): (i) adequate protection, (ii) terms that prohibit or condition the use, sale, or lease of property, (iii) modification or termination of the automatic stay, (iv) use of cash collateral, (v) or creation of a lien.)

(B) The agreement and proposed order are attached.

(C) PROVISIONS OF THE AGREEMENT: (Pursuant to Rule 4001(d)(1)(B), a motion of a category or type enumerated in (i) B (v) in section (A) of this form shall consist of or (if the motion is more than five (5) pages in length) begin with a concise statement of the relief requested, not to exceed five (5) pages, that lists or summarizes and sets out the location within the relevant documents all material provisions of the agreement.) Set forth the agreement or a concise statement listing or summarizing the material provisions contained in the agreement and each provision's location within such agreement:

> (I) USE OF CASH COLLATERAL (IF APPLICABLE): (If the agreement being noticed includes terms for the use of cash collateral, in addition to any material provisions summarized or listed under section (C), the following information is provided: (1) the name of each entity with an interest in the cash collateral; (2) the purposes for the use of the cash collateral; (3) the material terms, including duration, of the use of the cash collateral; and (4) any liens, cash payments, or other adequate protection that will be provided to each entity with an interest in the cash collateral or, if no additional adequate protection is proposed, an explanation of why each entity's interest is adequately protected.)
>
> (II) OBTAINING CREDIT (IF APPLICABLE): (If the agreement is to (1) obtain credit *and* (2) includes terms or provisions that represent relief that is within a category or type enumerated as (i) - (v) under section (A) of this form the following information [and its location in the relevant documents] is provided:

Material provisions of the proposed credit agreement and the proposed order, including interest rate, maturity, liens, borrowing limits, and borrowing conditions.)

1. If the credit agreement or proposed order includes any provisions listed below, a statement must follow that briefly lists or identifies the applicable provision(s), identifies its specific location in the agreement and proposed order, and identifies any such provision that is proposed to remain in effect if interim approval is granted, but final relief is denied, as provided under Rule 4001(c)(2).

a. A grant of priority or a lien on property of the estate under § 364(c) or (d);

b. The providing of adequate protection or priority for a claim that arose before the commencement of the case, including granting of a lien on property of the estate to secure the claim, or the use of property of the estate or credit obtained under § 364 to make cash payments on account of the claim;

c. A waiver or modification of Code provisions or applicable rules relating to the automatic stay;

d. A waiver or modification of any entity's authority or right to file a plan, seek an extension of time in which the debtor has the exclusive right to file a plan, request the use of cash collateral under § 363(c), or request authority to obtain credit under § 364;

e. The establishment of deadlines for filing a plan of reorganization, for approval of a disclosure statement, for a hearing on confirmation, or for entry of a confirmation order;

f. A waiver or modification of the applicability of nonbankruptcy law relating to the perfection of a lien on property of the estate, or on the foreclosure or other enforcement of the lien;

g. A release, waiver, or limitation on any claim or other cause of action belonging to the estate or the trustee, including any modification of the statute of limitations or other deadline to commence an action;

h. The indemnification of any entity;

i. A release, waiver, or limitation of any right under § 506(c); or

j. The granting of a lien on any claim or cause of action arising under §§ 544, 545, 547, 548, 549, 553(b), 723(a), or 724(a).

(D) IMPACT ON PRE-PETITION CLAIMS: (Indicate terms, conditions, and/or facts that determine the validity, enforceability, priority, or the amount of pre-petition claims.)

(E) DEFAULT: (List events that constitute default of agreement.)

(F) RESULT OF DEFAULT: (Briefly state the consequences of the failure to abide by the terms of the agreement. State how the Court will be notified of the breach.)

(G) DESCRIPTION OF PROPERTY SUBJECT TO LIEN:

(H) APPRAISED VALUE OF PROPERTY SUBJECT TO LIEN: (List the values placed upon the collateral by the debtor/trustee and by the creditor. "Unknown" is unacceptable. Include the source of each value. If an appraisal exists [i.e. tax appraisal, blue book, or formal appraisal] include the following information regarding each appraisal:

the date and type of appraisal, the appraised value, and the name of the appraiser. If an appraisal exists, it must be disclosed and addressed.)

(I) LIEN AMOUNT (IF APPLICABLE): (State the amount of the claim secured by each lien encumbering the collateral, the relative priority of the liens, and the name of each lienholder).

(J) MOVING PARTIES: (State the name, address, and telephone number of attorney for the debtor/trustee and for the creditor or other moving party.)

(K) LOCAL RULE DISCLOSURE: (Disclose the substantive information or language prescribed by SC LBR 4001-4.)

Date: _____

_____
Signature of Attorney for Debtor or Trustee

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

_____
Creditor

_____
Signature of Attorney

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

The minimum time period for response, return, and/or objection to use of cash collateral, obtaining credit, or an agreement relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit is fourteen (14) days.

LOCAL RULE 4001-5: RENTAL DEPOSITS

Pursuant to 11 U.S.C. § 362(l), if the debtor is depositing rent with the Court, the debtor must remit to the Clerk of Court simultaneously with the filing of the petition:

(a) A cashier's check, certified check, or United States Postal money order, made payable to the lessor indicated on the petition, in the amount of such rent;[1] and

(b) A copy of the applicable judgment for possession.

Notes:

(2008) Former paragraph (b) was deleted as unnecessary and other portions of this rule were restyled.

(2013) The hanging paragraph was moved to footnote 1.

[1] The Clerk of Court will promptly transmit the rent by first class mail, return receipt requested to the lessor at the address indicated on the petition.

LOCAL RULE 4003-1: EXEMPTIONS

A debtor that is claiming property as exempt pursuant to S.C. Code Ann. § 15-41-30(A)(7) shall specify which unused exemption is the basis for the "wildcard claim."[1]

Notes:

(2008) This rule is new.

[1] Example: (A)(7) in the amount of $ X .00 of unused Motor Vehicle Exemption.

LOCAL RULE 4003-2: LIEN AVOIDANCE

(a) **Chapter 7, 11, and 12 Cases.** In a chapter 7, 11, or 12 case, a debtor seeking to avoid a lien pursuant to 11 U.S.C. § 522(f) shall use the passive notice procedure prescribed by SC LBR 9013-4 and must file with the Court simultaneously:

(1) A hearing notice (See Exhibit B to SC LBR 9013-4);

(2) The lien avoidance motion (See attached Exhibits A, C, and E); and

(3) A proposed order (See attached Exhibits B, D, and F).

(b) **Chapter 13 Cases.** In a chapter 13 case where the debtor's confirmed plan avoided a lien and the debtor has completed all plan payments and received a discharge, the debtor may move for the entry of a specific order avoiding the lien. The debtor shall submit a proposed order in conformance with the exhibits of this rule, which may be entered *ex parte*.

(c) **Filing of Motions Following Closure of Case.** Unless otherwise ordered, following discharge and the closure of a case, a lien may be avoided pursuant to 11 U.S.C. § 522(f) and amended schedules may be filed in relation thereto without reopening the case pursuant to 11 U.S.C. § 350.

Notes:

(2008) Portions of former SC LBR 4003-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (b)(3), (d), and (e) were deleted as unnecessary. Former paragraph (f) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2011) Exhibits A, B, C, D, and E were amended to clarify that a debtor does not have to claim an exemption to avoid a lien.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders.

(2013) Technical and clarifying amendments were made to Exhibits A, B, C, and D. Former paragraph (a) was deleted and new paragraph (b) was added. The hanging paragraph of (a)(2) was deleted and moved to 1001-1(c).

EXHIBIT A TO SC LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: MOTION TO AVOID JUDICIAL LIEN (11 U.S.C. § 522(F)(1)(A))[1]

TO THE TRUSTEE (if one is appointed) AND THE JUDGMENT LIEN CREDITOR LISTED BELOW:

Name of creditor and description of property securing lien	Estimated judicial lien	Total of all senior/ unavoidable liens	Applicable Exemption and Code Section	Value of the debtor's interest in property	Judicial lien not avoided	Judicial lien avoided[2]

The debtor hereby moves, in accordance with 11 U.S.C. § 522(f)(1)(A), to avoid the judicial lien of the creditor(s) named above in the amount listed above on the grounds that the judicial lien impairs the exemptions to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended). The undersigned certifies the following:

(a) The judicial lien referenced above represents a judgment which has been recorded in a county in which the debtor owns real estate or in which there is a levy/attachment on personal property; and

(b) The property on which the judicial lien is sought to be avoided is owned by the debtor and the debtor is entitled to an exemption therein.

Date: _____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

[1] This form is for use only in chapter 7, chapter 11 and chapter 12 cases where the property subject to the lien is not co-owned as contemplated in In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001).

[2] The judicial lien is avoided to the extent that the sum of the judicial lien plus the total of all senior/unavoidable liens plus the amount of the exemption that the debtor could claim exceeds the value of the debtor's interest in property.

EXHIBIT B TO SC LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: ORDER AVOIDING JUDICIAL LIEN (11 U.S.C. § 522(F)(1)(A))[1]

Before the Court is the motion of the debtor to avoid the judicial lien held by the following creditor:

Name of creditor and description of property securing lien	Estimated judicial lien	Total of all senior/ unavoidable liens	Applicable Exemption & Code Section	Value of the debtor's interest in property	Judicial lien not avoided	Judicial lien avoided

The Court finds that the judicial lien of the above-named creditor impairs the exemptions to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended), and that the judicial lien should therefore be avoided pursuant to 11 U.S.C. § 522(f)(1)(A) in the amount set forth above.

Therefore, IT IS ORDERED that the judicial lien held by the above-named creditor be, and hereby is, avoided in the amount set forth above. Any judicial lien set forth above which is avoided in full may be canceled of record at any time after thirty (30) days after a discharge in this case is granted.

[1] This form is for use only in chapter 7, chapter 11 and chapter 12 cases where the property subject to the lien is not co-owned as contemplated in In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001).

EXHIBIT C TO SC LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: MOTION TO AVOID JUDICIAL LIEN (11 U.S.C. § 522(F)(1)(A)) EQUITY ANALYSIS/ CO-OWNED PROPERTY[1]

TO THE TRUSTEE (if one is appointed) AND JUDGMENT LIEN CREDITOR LISTED BELOW:

Name of creditor and description of property securing lien	Total Equity (Value of debtor's property less senior/ unavoidable liens)[2]	Debtor's Equity (Total equity multiplied by debtor's proportional interest in property)[3]	Applicable Exemption and Code Section	Non-exempt Equity (Debtor's equity less exemption)[4]	Estimated judicial lien	Judicial lien not avoided	Judicial lien avoided[5]

The debtor hereby moves, in accordance with 11 U.S.C. § 522(f)(1)(A), to avoid the judicial lien of the creditor(s) named above in the amount listed above on the grounds that the judicial lien impairs the exemptions to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended). The undersigned certifies the following:

(a) The judicial lien referenced above represents a judgment which has been recorded in a county in which the debtor owns real estate or in which there is a levy/attachment on personal property; and

(b) The property on which the judicial lien is sought to be avoided is owned by the debtor and the debtor is entitled to an exemption therein.

Date: _____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____

[1] This form is for use in chapter 7, chapter 11, and chapter 12 cases when the Court's equity analysis for co-owned property is applicable pursuant to In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001).

[2] Deduct any senior judicial liens for which the debtor and co-owner(s) are jointly liable here. Senior judicial liens encumbering debtor's interest only should be deducted from debtor's non-exempt equity.

[3] For example, for property owned in equal shares by two individuals, multiply by ½.

[4] Deduct any senior judicial liens encumbering debtor's interest only here. See Ware, 274 B.R. at 209 (stating that under the debtor's equity analysis, judicial liens according to their priority remain to the extent of available non-exempt equity and the remainder of judicial liens are avoided).

[5] The judicial lien is avoided to the extent that the estimated judicial lien exceeds the available non-exempt equity.

Address/Telephone/Facsimile/E-mail

_____

District Court I.D. Number

EXHIBIT D TO SC LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: ORDER AVOIDING JUDICIAL LIEN (11 U.S.C. § 522(F)(1)(A)) EQUITY ANALYSIS/CO-OWNED PROPERTY[1]

Before the Court is the motion of the debtor to avoid the judicial lien held by the following creditor:

Name of creditor and description of property securing lien	Total Equity (Value of debtor's property less senior/ unavoidable liens)[2]	Debtor's Equity (Total equity multiplied by debtor's proportional interest in property)[3]	Applicable Exemption and Code Section	Non-exempt Equity (Debtor's equity less exemption)[4]	Estimated judicial lien	Judicial lien not avoided	Judicial lien avoided

The Court finds that the judicial lien of the above-named creditor impairs the exemptions to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended), and that the judicial lien should therefore be avoided pursuant to 11 U.S.C. § 522(f)(1)(A) in the amount set forth above.

Therefore, IT IS ORDERED that the judicial lien held by the above-named creditor is avoided in the amount set forth above. Any judicial lien set forth above which is avoided in full may be canceled of record at any time after thirty (30) days after a discharge in this case is granted.

---

[1] This form is for use in chapter 7, chapter 11, and chapter 12 cases when the Court's equity analysis for co-owned property is applicable pursuant to In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001).

[2] Deduct any senior judicial liens for which the debtor and co-owner(s) are jointly liable here. Senior judicial liens encumbering debtor's interest only should be deducted from debtor's non-exempt equity.

[3] For example, for property owned in equal shares by two individuals, multiply by ½.

[4] Deduct any senior judicial liens encumbering debtor's interest only here. See id. at 209 (stating that under the debtor's equity analysis, judicial liens according to their priority remain to the extent of available non-exempt equity and the remainder of judicial liens are avoided).

EXHIBIT E TO SC LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: MOTION TO AVOID SECURITY INTEREST (11 U.S.C. § 522(F)(1)(B))[1]

TO THE TRUSTEE (if applicable) AND THE SECURED CREDITOR LISTED BELOW:

Name and Address of Creditor	Type of Property/Date of Security Agreement

The debtor moves pursuant to 11 U.S.C. § 522(f)(1)(B) to avoid the nonpurchase-money, nonpossessory security interest held by each creditor named above in the property, which could be claimed as exempt by the debtor in the absence of liens.

Date: _____

_____
Signature of Attorney/*Pro Se* Debtor

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

[1] This form is for use only in chapter 7, chapter 11 and chapter 12 cases.

EXHIBIT F TO SC LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: ORDER AVOIDING NONPURCHASE-MONEY, NONPOSSESSORY SECURITY INTEREST (11 U.S.C. § 522(F)(1)(B))[1]

Before the Court is the motion of the debtor to avoid the security interest held by the following creditor:

Name and Address of Creditor	Type of Property/Date of Security Agreement

The Court finds that the security interest of the above-named creditor is nonpurchase-money and nonpossessory in nature and impairs an exemption to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended). The security interest should therefore be avoided pursuant to 11 U.S.C. § 522(f)(1)(B).

Therefore, IT IS ORDERED that the nonpossessory, nonpurchase-money security interest held by the above-named creditor be, and hereby is, avoided.

[1] This form is for use only in chapter 7, chapter 11 and chapter 12 cases.

LOCAL RULE 4004-1: DISCHARGE- INDIVIDUAL CHAPTER 11

(a) Discharge Following the Completion of Plan Payments. Following the completion of payments due under a confirmed plan, an individual debtor may file a Notice of Completion of Plan Payments and Request for Discharge. The Notice shall state whether the debtor has made all payments due under the plan, whether 11 U.S.C. § 1141(d)(3) is applicable, and whether the debtor is required to file the statements set forth in Fed. R. Bankr. P. 1007(b)(7) and (8). The Notice shall be served by the debtor on all creditors and the United States trustee.

(b) Discharge at Confirmation Pursuant to 11 U.S.C. § 1141(d)(5)(A).

An individual debtor seeking a discharge at confirmation shall provide conspicuous notice in bold print on the face of the plan and disclosure statement indicating that debtor seeks a discharge at confirmation. The debtor shall describe in the plan and disclosure statement the grounds constituting cause to grant the debtor a discharge at confirmation, whether 11 U.S.C. § 1141(d)(3) is applicable, and whether the debtor is required to file the statements set forth in Fed. R. Bankr. P. 1007(b)(7) and (8).

(c) Discharge Prior to the Completion of Plan Payments Pursuant to 11 U.S.C. § 1141(d)(5)(B).

An individual debtor seeking a discharge following confirmation but prior to the completion of plan payments shall file a motion requesting discharge and serve the motion on all creditors and the United States trustee. The Motion shall state whether the requirements of 11 U.S.C. § 1141(d)(5)(B) have been met; whether 11 U.S.C. § 1141(d)(3) is applicable, and whether the debtor is required to file the statements set forth in Fed. R. Bankr. P. 1007(b)(7) and (8).

(d) Objections.

Any party objecting to the granting of a discharge pursuant to paragraphs (a) or (c) shall, within twenty-one (21) days after service of the motion or notice, serve upon the debtor and debtor's counsel and file with the Court an objection. Any party objecting to the granting of a discharge pursuant to paragraph (b) shall, within the time period set forth by an order fixing the last day for filing written objections to confirmation, serve upon the debtor and debtor's counsel and file with the Court an objection.

Notes:

(2010) This rule is new.

(2013) A technical amendment were made to the paragraph titles of paragraphs (b) and (c).

LOCAL RULE 4008-1: REAFFIRMATION AGREEMENTS

A reaffirmation agreement or, for a debtor appearing *pro se*, a motion for approval of a reaffirmation agreement, must be accomplished by filing the form in compliance with Director's Form B 240A.

Notes:

(2008) Former paragraph (a) was restyled. Former paragraph (b) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure. Exhibit A was amended to require disclosure of when the agreement was filed and signed in relation to the 341 hearing. Part D of Exhibit A was amended to require an explanation of any difference between the income and expenses disclosed in Schedules I and J and that disclosed in Part D.

(2009) Reference to a local form was removed and Exhibit A was deleted. The current rule does not contain a local form but requires parties to a reaffirmation agreement to file a form in substantial conformance with the Director's Form.

LOCAL RULE 5005-4: ELECTRONIC FILING

(a) **Record of the Court.** All pending, reopened, and newly filed cases and proceedings in the Court shall be assigned to the Case Management/Electronic Case Filing system (CM/ECF). The docket of the cases and proceedings shall be available electronically. The electronic record is the official record of this Court. The Court's electronic records are available for public access (view only) at www.pacer.gov.

(b) **Manner of Filing.** Except as provided, all documents, including proofs of claim, shall be electronically filed utilizing the CM/ECF system or the Court's electronic claims interface.[1] Attorneys and certain parties may become registered CM/ECF participants. Information about registration is available on the Court's website.

(c) **Exceptions to Mandatory Electronic Filing.**

(1) **Pro Se Parties.** Parties without legal representation may effect filings in paper form. Filing may be made by submitting the documents to the Clerk of Court at 1100 Laurel Street, Columbia, South Carolina 29201 or by other methods specified by the Chambers Guidelines.

(2) **Registered CM/ECF Participants and Represented Parties.**

(A) **CM/ECF Unavailable.**

(i) **Normal Hours.** If CM/ECF cannot be accessed during regular business hours of the Clerk's Office, the filer shall contact the CM/ECF Help Desk at the Clerk's Office to confirm that CM/ECF is not accessible and make suitable arrangements with the Clerk of Court for the filing to occur.

(ii) **After Hours.** If CM/ECF cannot be accessed after regular business hours of the Clerk's Office, and the filing is time-sensitive and will be made untimely as the result of a technological failure of CM/ECF, the filer shall either electronically mail the document to the CM/ECF Help Desk at cmecf_helpdesk@scb.uscourts.gov or send the document to the attention of the Clerk's Office by facsimile to 803-253-3368.

(B) **CM/ECF Available.** If the filer is unable to file electronically notwithstanding the general availability of CM/ECF,[2] filing of a time-sensitive document may be made by filing the paper document with the Clerk of Court in Columbia, electronically mailing the document to the CM/ECF Help Desk at cmecf_helpdesk@scb.uscourts.gov or sending the document to the attention of the Clerk's Office by facsimile to 803-253-3368.

(C) **Certification of Inability to File Electronically.** Any document submitted under paragraphs (c)(2)(A) or (B) shall be accompanied by a certification setting forth in detail the reasons for the filer's failure to submit the documents though CM/ECF, the time-sensitive nature of the filing, and a request to receive the documents in the manner submitted.

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[1] Information about claim filing and the interface to file a claim or related document is available at www.scb.uscourts.gov/epoc.html.

[2] If the inability to electronically file is expected to persist, due to natural disaster or other reasons beyond the control of the filer, the request for an alternative means of filing may govern multiple cases if requested and approved by the applicable judge of the United States Bankruptcy Court.

(D) **Determination of Filing.** The Clerk's Office shall immediately submit the documents received pursuant to paragraphs (c)(2)(A)-(C) to the judge assigned to the case for consideration, with or without hearing, and to determine whether to allow the filing or an extension to file. The Court may strike the pleading, deny relief, and require electronic filing if the submission is found to be an abuse of the Court's exceptions to electronic filing.

Notes:

(2013) This new rule incorporates provisions previously found in Operating Order 08-07.

LOCAL RULE 5011-1: WITHDRAWAL OF REFERENCE

(a) **Form of Request; Place of Filing.** A request for withdrawal, in whole or in part, of the reference of a case or proceeding referred to the Bankruptcy Court, other than a *sua sponte* request by a bankruptcy judge, shall be by motion filed with this Court and must clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

(b) **Designation of Record.** The moving party shall serve on the debtor, attorney for the debtor, any trustee appointed in the case, and any other interested party and file with this Court, together with the motion to withdraw the reference, a designation of those portions of the record of the case or proceeding that the moving party believes will be reasonably necessary or pertinent to the United States District Court's consideration of the motion. Within fourteen (14) days after service of the designation of record, any other party may serve and file a designation of additional portions of the record. If the record designated by any party includes a transcript of any hearing or trial, or a part thereof, that party shall immediately after filing the designation deliver to the Court a written request for the transcript and make satisfactory arrangements for payment of its cost. All parties shall take any action necessary to enable the Clerk's Office to assemble and transmit the record to the United States District Court.

(c) **Responses to Motions to Withdraw the Reference; Reply.** Opposing parties must file with the Court, and serve on all parties set forth in subsection (b), their written responses to the motion to withdraw the reference within fourteen (14) days after being served with a copy of the motion.

(d) **Transmittal to and Proceedings in the United States District Court.** When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Clerk's Office shall promptly transmit to the United States District Court the motion, any filed objections or responses, and the portions of the record designated. Following transmittal, documents pertaining to the matter under review by the United States District Court shall be filed with the United States District Court, but all documents relating to other matters in the bankruptcy case, adversary proceeding, or contested matter shall continue to be filed with this Court.

(e) **Stay.** The filing of a motion to withdraw the reference does not stay proceedings before the Court. Service of a motion seeking a stay pursuant to Fed. R. Bankr. P. 5011(c) shall be served upon the same parties as set forth in subsection (b). The motion shall be accompanied by a notice that the responding party has fourteen (14) days from the date of service of the motion in which to object or respond to the motion.

Notes:

(2008) Portions of this rule were restyled.

(2009) The periods in paragraphs (b), (c), and (e) were amended to multiples of seven as part of time computation amendments.

LOCAL RULE 5070-1: CALENDARS AND SCHEDULING

The Court does not honor general requests for calendaring or scheduling protection. Counsel or a party proceeding *pro se* who asserts a conflict with a scheduled hearing must, absent an agreement to continue that has been approved by the Court, move for a continuance for each matter affected by the conflict.

Notes:

(2013) This new rule incorporates provisions of the Chambers Guidelines.

LOCAL RULE 5073-1: PHOTOGRAPHY, RECORDING DEVICES, AND BROADCASTING

(a) **Prohibition Against Camera, Video, Transmitter, Receiver, and Recording Equipment.** Absent a Court order directing otherwise, no camera, video, transmitter, receiver, or recording equipment may be brought into the United States Bankruptcy Court for the District of South Carolina at any of its locations.

(b) **Exemptions from Prohibition.**

(1) Use of such equipment by an authorized representative of the Court for an official purpose;

(2) Use of the Court's videoconferencing system by an authorized representative of the Court to permit the judge to conduct proceedings from or to a remote location;

(3) Use of such equipment during ceremonial proceedings with the express permission of the Court and under the supervision of the Court;

(4) A device required because of a person's disability; and

(5) As otherwise permitted by a judge of the Court.

(c) **Wireless Communication Devices.**

Wireless Communication Devices (such as laptop computers, cell phones, PDAs, tablet computers, and other wireless devices) are allowed in the courthouse locations, excluding Spartanburg,[1] under the following terms and conditions:

(1) Wireless Communication Devices may be brought into the courthouse locations by an attorney (or support staff accompanying the attorney). Litigants, witnesses, *pro se* parties, members of the media, and the public may bring wireless communication devices into the courthouse only in connection with a hearing or trial and only with the prior authorization of the presiding judge. All Wireless Communication Devices are subject to security screening.

(2) All Wireless Communication Devices must be programmed or rendered to be inaudible upon entering a courtroom or areas adjacent to a courtroom or judicial chambers.

(3) Any party bringing a Wireless Communication Device into the United States Bankruptcy Court shall use the device only for purposes of evidence presentation, research, electronic mailing, note taking, communication, and scheduling in connection with a matter pending before the Court and other legitimate business purposes. Under no circumstances may a device be used to conduct broadcasting,[2] televising, recording, or photographing in any courthouse location.

(4) Use is permitted only to the extent that it does not interfere with judicial proceedings, including a 341 meeting conducted in the courthouse, or with the ability of the public to observe proceedings. A presiding judge or trustee at a 341 meeting may order the discontinuance of the use of such Wireless Communication Devices at any time.

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[1] The policy of the United States District Court for the District of South Carolina governs wireless communication devices for the Spartanburg Division.

[2] Broadcasting is construed in the broadest sense and includes commentary about court proceedings on the internet or to a third party.

Notes:

(2008) Portions of this rule were restyled and a reference to a separate Administrative Order was added.

(2011) The title of the rule was amended to conform with the model numbering and naming conventions recommended by the Judicial Conference. Paragraph (a) was amended to remove reference to specific electronic devices and to broadly cover all such devices under the term "wireless communication devices" as recommended by the Judicial Conference.

(2013) Paragraph (c) was added to incorporate the Administrative Order on the Use of Electronic Devices. Former paragraph (b) was deleted as unnecessary.

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

In addition to notice delegated by SC LBR 4001-1, 6004-1, and 9013-4 and pursuant to Fed. R. Bankr. P. 2002 and 3019, noticing and service of notices[1] and orders are delegated as follows:

(a) Chapter 11.

(1) Order and notice setting disclosure statement hearing to the plan proponent;

(2) Order approving disclosure statement and setting confirmation hearing to the plan proponent;

(3) Notices pursuant to SC LBR 2081-2:

(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.

(4) Notice of a hearing and order on motion pursuant to 11 U.S.C. § 363 to the movant;

(5) 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;

(6) Order on motion to extend the time period to file a plan or disclosure statement pursuant to SC LBR 3016-1 to the movant;

(7) Order on motion to extend the exclusivity period to the movant;

(8) Order on motion to appoint a chapter 11 trustee to the movant;

(9) Order denying approval of disclosure statement or denying confirmation of a chapter 11 plan to the proponent; and

(10) Order confirming the plan to the plan proponent.

(b) Chapter 12.

(1) Service of any chapter 12 plan or amended or modified plan, any embedded motions, exhibits, and notice of time for filing objections, as further specified in SC LBR 2082-1 to the debtor;

(2) Notice of the pre-confirmation conference pursuant to SC LBR 2082-1(e) to the debtor; and

(3) Order confirming the plan to the debtor

(c) Chapter 13.

(1) Service of any chapter 13 plan or amended or modified plan, any embedded motions, and notice of time for filing objections, as further specified in SC LBR 3015-1 and 3015-2 to the debtor;

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[1] 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.

(2) Order confirming plan and granting embedded motions on parties affected by the embedded motions to the debtor;[2]

(3) Any order pursuant to Rule 3002.1 to the prevailing party;

(4) Order on a consensual motion to modify a mortgage to the debtor;

(5) Order on motion to modify the co-debtor stay to the movant;

(6) Order on motion to sell to the movant;

(7) Order on motion to incur credit is to the movant;

(8) Order on motion to substitute collateral to the movant; and

(9) Order on motion for moratorium to the movant.

(d) All Chapters.

(1) Order on motion to reconsider dismissal to the movant;

(2) Order on application for professional fees to the applicant;

(3) Order on a motion pursuant to 11 U.S.C. § 362(c) or (d) to the movant;

(4) Order on motion confirming the termination of the automatic stay to the movant;

(5) Notice of a hearing on a Motion to Pay Unclaimed Dividends, if an objection is filed pursuant to SC LBR 3011-1(f), to the movant;

(6) Notice required pursuant to Fed. R. Bankr. P. 3004 to the party filing the proof of claim;

(7) Notice of a hearing on a Request for Tax Information, if an objection is filed pursuant to SC LBR 6070-1, to the applicant;

(8) Order on motion or application to convert to the movant or applicant;

(9) Order on motion to avoid or value a lien to the movant;

(10) 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;

(11) Settlement order to the movant or applicant;

(12) Order on motion to divide a case or for joint administration or consolidation to the movant;

(13) Order on motion to waive or exempt credit counseling or financial management to the movant;

(14) Order on application for employment to the applicant;

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[2] The Court will notice the debtor, the trustee, and objecting parties with the confirmation order.

(15) Order on motion to reconsider relief from the automatic stay to the movant;

(16) Order on motion to continue administration of case after death and/or designate person to act for the debtor to the movant;

(17) Order on motion or application of a party in interest, other than a trustee, to dismiss to the movant or applicant;

(18) Order on motion to reopen to the movant;

(19) Order on motion to redeem to the movant;

(20) Order on motion to value tax claim and establish priority to the movant;

(21) Order on objection to claim to the objecting party;

(22) Order on motion or application for Rule 2004 examination to the movant or applicant; and

(23) 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.

LOCAL RULE 5080-1: FEES

(a) Form of Payment.

(1) Electronic Filers.[1] All parties electronically filing documents shall use the Internet Credit Card Module of CM/ECF for the payment of fees.

(2) Non-Electronic Filers. All other parties shall pay fees in the form of cash, check, money order, debit, or credit card. The Clerk of Court shall not accept credit or debit cards or personal checks from current or prospective debtors. All payments shall be for the exact amount due and made payable to "Clerk, United States Bankruptcy Court." Remittances made payable to a named individual will not be accepted. Payments must be made to the Clerk of Court at 1100 Laurel St, Columbia, South Carolina 29201.

(b) Timing of Payments. Unless the Court orders otherwise or the filing party moves to waive the fee, all fees required by 28 U.S.C. § 1930 or other applicable rule or law shall be paid on the same day as the documents are filed. Failure to pay may result in the striking of the pleading or other adverse action.

Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

[1] SC LBR 5005-4 generally mandates electronic filing for all documents except documents filed by those without legal representation. Other exceptions and requirements are also noted in SC LBR 5005-4.

LOCAL RULE 6004-1: SALE OF PROPERTY

The scheduling of motions regarding the sale of property are governed by SC LBR 9013-4. In addition to the requirements of that rule and in lieu of the forms of that rule, the provisions and forms of this rule apply.

(a) **Notice Procedure.** Applications to sell property free and clear of liens pursuant to Fed. R. Bankr. P. 6004 and 11 U.S.C. § 363 must be made using the procedure prescribed by SC LBR 9013-4. The application should be in substantial conformance with Exhibit A and shall be served by the movant on all parties in interest.

(b) **Order Approving Sale.** A proposed order approving a sale, in substantial conformance with Exhibit B, must specify the terms of the sale and not merely incorporate by reference the terms of the notice of sale. In order for a waiver of the stay of an order pursuant to Fed. R. Bankr. P. 6004 to be effective and included in any order approving sale, the sale application or notice must specifically request such a waiver or the parties must have agreed to the waiver in writing. The judge may require a hearing on waiver of the stay and may have Chambers Guidelines, which contain additional requirements.

(c) **Report of Sale.** A report of sale, in substantial conformance with Exhibit C, must be filed by the moving party within fourteen (14) days after the closing of any sale of estate property.

Notes:

(2008) Portions of this rule were restyled. Former paragraphs (a) and (e) were deleted. Current paragraph (d) is new.

(2009) The period in paragraph (c) was amended to a multiple of seven as part of time computation amendments. Paragraph (b) and Exhibits A and B were restyled to refer to the applicable rule.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders.

(2013) Paragraph (b) was amended to refer to the Chambers Guidelines and paragraph (d) was deleted as unnecessary. The rule was revised to incorporate the procedures of 9013-4.

EXHIBIT A TO SC LBR 6004-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: NOTICE AND APPLICATION FOR SALE OF PROPERTY FREE AND CLEAR OF LIENS

TO: All Creditors and Parties in Interest

YOU ARE HEREBY NOTIFIED that (the debtor or trustee, as applicable) is applying for approval to sell the property of the debtor's estate described below free and clear of all liens and encumbrances according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return, and/or objection to this application, should be filed with the Court no later than (enter number of days) days from service of the application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application, except as directed by the judge, unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: (public, private)

PROPERTY TO BE SOLD: (specific legal description, includes identification numbers on all property where obtainable, vehicle ID numbers, serial numbers, tax ID numbers, lot and block number, street address including zip code, county, acreage, etc.)

PRICE: (gross sales price, terms of sale, or highest bid and with or without reserve if public auction)

APPRAISAL VALUE: (state value and source of appraisal; if no formal appraisal, put the trustee's estimated value)

BUYER: (full name, address, relationship to debtor and interest in the case, if any, or state if public auction)

PLACE AND TIME OF SALE: (street address and mailing address, if different, time if public sale)

SALES AGENT/AUCTIONEER/BROKER: (name, mailing address, phone number to call with questions concerning the property or the sale)

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: (amount of commission, method of computation, and $ _____ cap placed on expenses {if applicable} for this sale)

ESTIMATED TRUSTEE'S COMPENSATION: Reasonable compensation to be determined by the Court (but not to exceed the limits set in 11 U.S.C. § 326(a)).

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY: (name of each lienholder, lien position, estimated amount due, whether lienholder consents to sale, whether lien attaches to proceeds of sale or whether lien is to be satisfied upon sale)

DEBTOR'S EXEMPTION: (amount, type or not applicable)

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: (net to estate after costs of sale, including all commissions and expenses, and payment of liens encumbering property)

STAY OF ORDER: (If appropriate, a request that the stay provided by Fed. R. Bankr. P. 6004 not apply to the final order may be included here)

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by (public or private sale). Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

The trustee or debtor in possession, as applicable, may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the Court issue an order authorizing sale of said property and such other and further relief as may be proper.

Date: _____

_____
Signature of Applicant

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT B TO SC LBR 6004-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: ORDER AUTHORIZING SALE OF ASSET
DEBTOR(S)	

This proceeding comes before the Court on the application of _____ for authority to sell free and clear of liens the estate's interest in (specific legal description of property).

The Court has been informed that all parties in interest have been notified of the intention to sell said property and that no objection to the proposed sale has been received or filed by any party with the Court. The (trustee or debtor in possession) has represented to the Court that such sale is in the best interest of creditors of the estate. The (trustee or debtor in possession) also has informed the Court that liens claimed by _____ against said property (should attach to the proceeds of sale, or should be paid upon the sale) of said property. It is therefore,

ORDERED, ADJUDGED, AND DECREED, that the (trustee or debtor in possession) is authorized to sell and to convey the estate's interest in the above-described property, and that the liens claimed by the above-named creditors (shall attach to the proceeds of sale, or shall be paid upon the sale) of said property.

[(Include the following paragraph if the application/notice included a request for such relief. (See SC LBR 6004-1(b)) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the stay provided by Fed. R. Bankr. P. 6004 does not apply to this sale.]

THE APPLICANT:

Date: _____

_____
Signature of Applicant

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT C TO SC LBR 6004-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: REPORT OF SALE

DATE OF SALE: (month, day, year)
TYPE OF SALE: (public auction or private)
PROPERTY SOLD: (specific description or attach notice of sale)
PURCHASER: (name- if public auction attach tickets and buyer's list showing property purchased and names of purchasers)
PRICE: (gross sales price)
SALES AGENT, AUCTIONEER, BROKER, ETC: (name, date of order of employment; if none, so state)
COMMISSION PAID ON SALE: (include % and amount paid to sales agent, auctioneer, broker, etc.)
EXPENSES OF SALE: (itemize, name of party incurring the expenses)
DEBTOR'S EXEMPTION: (amount, type, if applicable; if none, so state)
LIENS PAID FROM SALE PROCEEDS/ATTACHING TO PROCEEDS: (name of lienholder and amount; state if paid, if liens attach to proceeds of sale, if lienholder is partially paid, or if lienholder is not to be paid from proceeds of sale)
NET TO ESTATE: (what estate will net)
AMOUNT DISBURSED TO DATE/RETAINED BY TRUSTEE OR DEBTOR: (amount of sale proceeds trustee is still holding to be disbursed later)

Date: _____

_____
Signature of Debtor/Trustee

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

LOCAL RULE 6007-1: ABANDONMENT OR DISPOSITION OF PROPERTY

(a) **Abandonment by Specific Notice.** The scheduling of applications regarding the abandonment of estate property are governed by SC LBR 9013-4. In addition to the requirements of that rule and in lieu of the forms of that rule, the provisions and forms of this rule apply. Estate property may be abandoned pursuant to Fed. R. Bankr. P. 6007(a) by filing and serving a notice and order in substantial conformance with the attached Exhibits A and B.

(b) **Abandonment at the Meeting of Creditors.** Except in chapter 11 cases, property may also be abandoned at a meeting of creditors in any case in which a trustee has been appointed and in which notice that estate property may be abandoned at the meeting has been given in the Notice of Meeting of Creditors. To effect abandonment in this manner, the trustee must announce the abandonment at the meeting of creditors and hear no objections. The trustee is responsible for clearly identifying the property abandoned at the meeting of creditors and ensuring entry on the Court's docket. An order in substantial conformance with Exhibit B shall thereafter be submitted to the Court by the trustee.

Notes:

(2008) Portions of this rule were restyled. Former paragraph (c) was deleted.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders. Exhibit A is also clarified to indicate that this procedure is available to a trustee or debtor in possession. Other interested parties seeking to compel the abandonment of property should file a motion pursuant to 11 U.S.C. § 554(b).

(2013) Technical amendments to paragraphs (a) and (b) were made.

EXHIBIT A TO SC LBR 6007-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER:
DEBTOR(S)	NOTICE AND APPLICATION FOR ABANDONMENT OF PROPERTY

TO: All Creditors and Parties in Interest

YOU ARE HEREBY NOTIFIED that (debtor in possession or trustee, as applicable) proposes that the estate property described herein be abandoned according to the terms and conditions stated below. Applicant is informed and believes that it would be in the best interest of creditors and the estate to abandon the estate's interest in said property.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Court no later than (enter number of days) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application, except as directed by the judge, unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina. No further notice of this hearing will be given.

PROPERTY TO BE ABANDONED: (specific description, include identification numbers on all property where obtainable, vehicle I.D. numbers, serial numbers, real estate legal description, etc.)

APPRAISAL VALUE: (list both the value placed upon the collateral by the debtor and, if applicable, by the party seeking the abandonment. "Unknown" is unacceptable. Include the source of each value. If an appraisal exists, i.e. tax appraisal, blue book, or formal appraisal, include the following information regarding each appraisal: the date and type of appraisal, the appraised value, and the name of the appraiser. If an appraisal exists, it must be acknowledged and addressed.)

LIENS/SECURITY INTERESTS: (list the name of each party having a lien against the property to be abandoned. State the amount of each lien against the property. These liens total the sum of $ _____)

MOVING PARTIES: (state the name, address, and telephone number of the trustee, the debtor, and their attorney, and of the moving party, if different)

WHEREFORE, applicant requests the Court issue an order authorizing the abandonment of the estate's interest in said property and for such other and further relief as may be proper.

Date: _____

_____
Signature of Applicant

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT B TO SC LBR 6007-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER: ORDER AUTHORIZING ABANDONMENT OF PROPERTY

This proceeding comes before the Court on the application of the party named below for the authority to abandon the estate's interest in the below-described property.

The Court has been informed that all parties in interest have been notified of the applicant's desire to have the estate's interest abandoned in said property, and that no objection to the proposed abandonment has been received or filed by any party with the Court. The applicant has represented to the Court that abandonment is in the best interest of creditors and the estate. It is, therefore,

ORDERED, ADJUDGED, AND DECREED, that the below-described property shall be deemed abandoned from the estate.

PROPERTY ABANDONED: (specific legal description, include identification numbers of all property where obtainable, vehicle I.D. numbers, serial numbers, real estate legal description, etc.)

THE APPLICANT:

Date: _____

_____
Signature of Applicant

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

LOCAL RULE 6070-1: FILING OF TAX INFORMATION

(a) **Tax Information.** Pursuant to 11 U.S.C. § 521(f), certain tax information is required to be filed with the Court upon request. No tax information filed with the Court will be available to the public, and debtors providing tax information under 11 U.S.C. § 521 should redact personal information in accordance with the Fed. R. Bankr. P. 9037.

(b) **Procedure for Request.** To gain access to a debtor's tax information pursuant to 11 U.S.C. § 521(f), the requesting party must file with the Court a written request that a debtor file copies of tax returns with the Court pursuant to 11 U.S.C. § 521(f). Such request shall be served upon the debtor and attorney for the debtor along with a copy of a proposed order as provided in subsection (c). The request must include a description of the movant's status in the case, a description of the specific tax information sought, a statement indicating that the information cannot be obtained by the movant from any other source, a statement showing the demonstrated need for the tax information, and the mailing address of the requesting party. A request will be considered after the expiration of fourteen (14) days from filing the request. A debtor may object to the request during this fourteen (14) day period and may assert any defense to access by the requesting party or may seek to condition access to and dissemination of the tax information. A hearing will be held on the debtor's objection.

(c) **Order.** A proposed order should be submitted granting access to the tax information. The order must include a provision that the tax information will be treated as confidential and must specifically condition further dissemination of the tax information as appropriate under the circumstances of the particular case.

(d) **Transmission of Tax Information.** The tax information requested as set forth above and approved by the Court will be mailed by the Clerk of Court by first class mail to the requesting party.

Notes:

(2008) Portions of former SC LBR 4002-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The periods in paragraphs (b) were amended to multiples of seven as part of time computation amendments.

LOCAL RULE 7001-1: ADVERSARY PROCEEDINGS- GENERAL

(a) **Scheduling Orders.** Scheduling and other pre-trial orders may be entered according to procedures described in the Chambers Guidelines.

(b) **Extensions of Time.** A party which has asserted a claim against another party in an original or amended pleading may grant to that party, prior to the expiration of the original deadline, and without a Court order, one extension of time to respond to the pleading. The extension may not exceed fourteen (14) days. All such extensions must be in writing and in the form of a certification of extension, properly captioned in accordance with Fed. R. Bankr. P. 9004, signed by a party to the extension agreement, and filed with the Court prior to the expiration of the original response deadline. Further extensions may be granted only pursuant to a motion demonstrating exceptional circumstances or consent orders which propose extensions or agreements between counsel which meet these requirements.

Notes:

(2013) Portions of the Chambers Guidelines were moved to this new rule.

LOCAL RULE 7026-1: DISCOVERY[1]

(a) **Motions, Memoranda, and Responses.** All motions filed and served in connection with discovery, pursuant to Fed. R. Bankr. P. 7026 through 7037, shall be accompanied by a memorandum stating the pertinent facts and applicable legal authority relied upon and shall be filed and served no later than fourteen (14) days following the deadline for a response to the applicable discovery, except as provided in subsection (b). Any response to a motion filed in connection with discovery shall be filed and served within fourteen (14) days after service of the motion and shall state the pertinent facts and applicable legal authority relied upon in opposition to the motion. Motions regarding discovery may be considered and ruled upon by the Court on an *ex parte* basis or scheduled for hearing.

(b) **Motions for Protective Orders and Objections to Discovery Process.** Any motion for a protective order shall be filed and served no later than the deadline for response to such discovery. Any objection to any interrogatory, deposition, request, or application under Fed. R. Bankr. P. 7026 through 7037 shall be in writing and shall also be served no later than the deadline for response to the applicable discovery. Any such motion or objection shall not extend the time within which the objecting party must otherwise answer or respond to any unobjected discovery matter.

(c) **Certification of Consultation.** Any motion concerning discovery matters must contain a certification that counsel has conferred and explored with opposing counsel, or has in good faith attempted to confer and explore, the possibility of resolving the discovery matters in controversy.

(d) **Compliance with Discovery Orders.** After the Court has ruled on a discovery motion, any answer, production, designation, inspection, or examination required by the Court shall be completed within fourteen (14) days after the entry of the order of the Court, unless otherwise ordered by the Court.

(e) **Extensions.** Parties may grant informal extensions of time for the purpose of resolving disputes concerning discovery only if the extension does not alter or conflict with the deadline for concluding all discovery set forth in the scheduling order. Any other extensions of time to respond to discovery may only be obtained by order of the Court following appropriate motion.

Notes:

(2008) Portions of this rule were restyled. Paragraphs (b) and (c) were reordered.

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

(2013) A technical amendment was made to paragraph (b). Paragraph (e) was amended to allow for informal extensions of time.

[1] In addition to adversary proceedings, this local rule applies to discovery in contested matters pursuant to Fed. R. Bankr. P. 9014(c) and SC LBR 9013-1(b)(2).

LOCAL RULE 7030-1: DEPOSITIONS AND EXAMINATIONS

(a) At the beginning of each deposition or Rule 2004 examination, deposing counsel shall instruct the witness to ask deposing counsel, rather than the witness's own counsel, for clarifications, definitions, or explanations of any words, questions, or documents presented during the course of the deposition. The witness shall abide by these instructions.

(b) All objections, except those which would be waived if not made at the deposition under Fed. R. Civ. P. 32(d)(3), and those necessary to assert a privilege, to enforce a limitation directed by the Court, or to present a motion pursuant to Fed. R. Civ. P. 30(d), shall be preserved.

(c) Counsel shall not direct or request that a witness not answer a question, unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court or unless that counsel intends to present a motion under Fed. R. Civ. P. 30(d)(1). In addition, counsel shall have an affirmative duty to inform their clients that unless such an objection is made, the question must be answered. Counsel directing that a witness not answer a question on those grounds or allowing their clients to refuse to answer a question on those grounds shall move the Court for a protective order under SC LBR 7026-1 within five (5) business days of the suspension or termination of the deposition or examination. Failure to timely file such a motion will constitute waiver of the objection, and the deposition or examination may be reconvened.

(d) Counsel shall not make objections or statements which might suggest an answer to a witness. Counsel's objections shall be stated concisely and in a non-argumentative and non-suggestive manner, stating the basis of the objection and nothing more.

(e) Counsel and witnesses shall not engage in private, "off the record" conferences during depositions or during breaks or recesses regarding the substance of the testimony at the deposition or examination, except for the purpose of deciding whether to assert a privilege or to make an objection or to move for a protective order.

(f) Any conferences which occur pursuant to, or in violation of, paragraph (e) are proper subjects for inquiry by deposing counsel to ascertain whether there has been any witness coaching and, if so, to what extent and nature.

(g) Any conferences which occur pursuant to, or in violation of, paragraph (e) shall be noted on the record by the counsel who participated in the conference. The purpose and outcome of the conference shall be noted on the record.

(h) Deposing counsel shall provide to opposing counsel a copy of all documents to be shown to the witness during the deposition or examination, either before the deposition or examination begins or contemporaneously with the showing of each document to the witness. If the documents are provided (or otherwise identified) at least three (3) business days before the deposition, then the witness and the witness's counsel do not have the right to discuss the documents privately during the deposition or examination. If the documents have not been so provided or identified, then counsel and the witness may have a reasonable amount of time to discuss the documents before the witness answers questions concerning the document.

(i) If an objecting party or deponent demands, after good faith consultation, that the deposition be suspended pursuant to Fed. R. Civ. P. 30(d), the assigned judge's office shall be contacted to allow that judge to resolve the matter telephonically, if possible.

(j) Violation of this local rule may be deemed to be a violation of a Court order and shall subject the violator to sanctions under Fed. R. Civ. P. 37(b)(2).

Notes:

(2010) This rule is new and incorporates provisions found in the local rules of the District Court.

(2013) Provisions of paragraph (i) were deleted as unnecessary. A technical amendment was made to paragraph (j).

LOCAL RULE 7067-1: DEPOSITING FUNDS WITH THE COURT[1]

Any deposit of funds in the registry of the Court pursuant to Fed. R. Civ. P. 67 and 28 U.S.C. § 2041 shall be authorized by order which shall include:

(a) A statement of the amount of funds to be invested;

(b) A statement of the name of the depository approved by the Treasurer of the United States as a depository for such funds;

(c) The designation of the type of account or investment instrument in which the funds are to be invested;

(d) The following language:

> "The Clerk of this Court shall deduct a registry fee determined on the basis of the rates published by the Director of the Administrative Office as approved by the Judicial Conference;"

(e) The names and addresses of all parties claiming an interest in the funds; and

(f) A statement that the funds shall be disbursed only upon further order of the Court.

A depository designated by the Court for the deposit of registry funds shall pledge sufficient collateral prior to receipt of the funds.

[1] This rule does not apply to rent that is deposited by the debtor pursuant to 11 U.S.C. § 362(l). See SC LBR 4001-5.

LOCAL RULE 9010-2: POWER OF ATTORNEY

When a petition is signed pursuant to a power of attorney the following is required:

(a) The power of attorney must be: (a) a general power of attorney authorizing the attorney-in-fact to take any action which the principal could take; or (b) a special power of attorney authorizing the attorney-in-fact to file the petition;

(b) The power of attorney must be in writing, signed by the principal, and properly executed; and

(c) A copy of the power of attorney must accompany the petition.

Notes:

(2008) Portions of former SC LBR 1002-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

LOCAL RULE 9011-1: ATTORNEYS- DUTIES

(a) **Competency.** Attorneys admitted to practice pursuant to SC LBR 2090-1, prior to appearing in a matter or submitting a filing with the Court, must possess a working knowledge of the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, the local rules, local administrative and operating orders, Chambers Guidelines, and the applicable local rules of the United States District Court.

(b) **Extent of an Attorney's Duty to Represent.** Except as may be provided in an attorney's written agreement with a party concerning appeals and adversary proceedings, any attorney who files documents for or on behalf of a party in interest shall remain the responsible attorney of record for all purposes including the representation of the party at all hearings and in all matters that arise in conjunction with the case.

(c) **Professional Conduct.** Any attorney admitted to practice before this Court, including admissions *pro hac vice*, shall maintain respect and courtesy and display professionalism, integrity, and civility in all Court proceedings and in all written and oral communications not only to this Court, its officers, and those who assist them, but also to opposing parties and their counsel, as well as to the trustees and those who assist them.

(d) **Duty to Determine Eligibility.** A debtor and attorney for the debtor shall have the duty to ascertain that no previous order, statute, or rule makes the debtor ineligible to file or bars the applicable filing of a petition in bankruptcy before this Court. The signing and filing of a petition by a debtor and/or attorney for the debtor will be deemed a certification to the Court that the debtor is eligible to file the petition and is not in violation of a previous order of dismissal with prejudice, statute, or rule.

Notes:

(2008) Portions of former SC LBR 9010-1 and 9010-3 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Technical amendments were made to paragraphs (a) and (c).

LOCAL RULE 9011-2: PRO SE PARTIES

In any petition for relief, motion, adversary proceeding, or other document, or objections or responses thereto:

(a) An individual may represent himself or herself.

(b) An individual may represent an unincorporated business if that individual is the sole proprietor of that business.

(c) All partnerships, corporations and other business entities must be represented by an attorney duly admitted to practice as specified in SC LBR 2090-1, except with respect to the filing of proofs of claim or interests and related documents and reaffirmation agreements or unless allowed by the Court.

Notes:

(2008) Portions of former SC LBR 9010-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Technical amendments were made to paragraph (c).

LOCAL RULE 9011-3: SANCTIONS

(a) **Failure to Comply.** Failure to comply with a notice of deficiency, if issued, the local rules, or Chambers Guidelines may result in the striking of a document, denial, dismissal, or other adverse ruling without further notice or hearing. Nothing herein precludes *ex parte* or *sua sponte* action by a judge.

(b) **Petitions by Barred Debtors.** If a petition is filed in violation of a previous order of dismissal with prejudice, statute, or rule, the Court may dismiss the case and/or annul the automatic stay *ex parte*, provide *in rem* relief, or take other action, with the Court retaining jurisdiction for the purpose of considering further action or sanctions including barring further filings with the Court.

Notes:

(2008) Portions of former SC LBR 9010-2 and 9010-3 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraphs (a) and (b) were restyled.

LOCAL RULE 9011-4: SIGNATURES

(a) **Electronic Signatures.** Filing any document using a CM/ECF login and password or the Court's claim interface constitutes the filer's signature for purposes of signing the document under Fed. R. Bankr. P. 9011 and any other applicable authority relating to signatures. The filer's name on the document must be displayed in one of the following ways: by a "/s/" and the name of the person typed in the space where the signature would otherwise appear (e.g., /s/Jane Doe), by a scanned original document containing original signatures, or by an image of the original signature either by facsimile or digital signature. All signatories must provide their name, address, telephone number, electronic mail address, facsimile number, United States District Court identification number (where applicable), and any other information as directed by judge, local rule, or order. In instances where there is a discrepancy between the login and signature upon the electronic filing of a document, or in instances in which multiple signatures are included, both the filer whose login was used and the signatory/signatories are responsible attorneys for both Fed. R. Bankr. P. 9011 and SC LBR 2090-1 purposes.

(b) **Original Signatures.** The electronic filing of a bankruptcy petition; lists; schedules and statements, all amendments thereto; original plans; amended plans; claims; monthly or periodic financial reports; affidavit; and/or unsworn declaration constitutes an attorney's representation that the original signature of the debtor(s) or other signing party has been affixed to the original document. With regard to documents signed by debtor(s), the electronic filing by the attorney constitutes the attorney's representation that the debtor(s) authorized the filing of the documents. Unless otherwise provided by statute, rule, or order, the party filing a document is not required to obtain or retain original signatures on other electronically filed documents, including consent orders, where the person whose signature is displayed has expressly authorized in writing, including a writing transmitted by e-mail, that the document be filed with that person's electronic signature affixed.

(c) **Retention of Original Signature.** The filing party must retain the original ("wet") signature in paper form of any document that requires an original signature under paragraph (b) and must retain any documentation memorializing the consent of counsel or a party to the filing of a document with counsel's or a party's signature where permitted by these rules and where original signatures are not required until the case or adversary proceeding is closed and all maximum allowable times for appeals in that case or adversary proceeding have expired, and, if applicable, the time within which a discharge of the debtor may be revoked has passed. In the event a case is dismissed, all original signed petitions or other documents signed by debtor or other verifying party shall be maintained by the attorney of record or, if there is no attorney of record, the party originating the document for a period of three (3) years. Under order of the Court, an original document or petition must be provided for review to parties.

(d) **Local Counsel.** Unless ordered by the Court upon a showing of exceptional circumstances, an attorney acting as local counsel for an attorney admitted *pro hac vice* must sign all documents filed with the Court.

Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

LOCAL RULE 9013-1: MOTIONS PRACTICE GENERALLY

(a) **Service of Motion and Proposed Order.** The moving party shall file the motion and simultaneously serve on all appropriate parties copies of the motion and a proposed order. For self-scheduled motions under SC LBR 9013-4, the movant shall also file and serve a copy of the hearing notice on all appropriate parties.

(b) **Duty to Confer.** When self-scheduling a hearing, a movant should make a reasonable and good faith effort to confer with opposing counsel, if known, to coordinate a hearing on a motion considering the availability of opposing counsel and the trustee in the case. If the movant anticipates that a hearing in a contested matter may take one (1) hour or more, the movant should consult Chambers Guidelines for individual judge's preferences before scheduling a motion under SC LBR 9013-4.

(c) **Motion to Reduce Time.** In instances of a need for expedited relief, a motion to reduce the time for allowed notice may be filed, which details and supports the reasons for shortening notice and provides a proposed date for hearing (from the calendar posted on the Court's website). The Court will not shorten the time for notice to less than fourteen (14) days absent a sufficient showing of extraordinary circumstances.

(d) **Scheduling Orders.** If discovery is necessary to prepare for a hearing in a contested matter, a scheduling order may be requested by any party after consulting with all other parties. Whether all parties consent to the entry of a scheduling order should be noted.

(e) **Denial of Relief.** Relief may be denied without a hearing for any motion incorrectly scheduled, noticed, or docketed.

Notes:

(2008) Portions of former SC LBR 9014-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

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

(2013) Former paragraph (a) was deleted to conform with amendments to SC LBR 9013-4. Former paragraph (c) was deleted and moved to SC LBR 9014-1. Former paragraph (d) was moved to SC LBR 9075-1(a). The remaining paragraphs were re-lettered. Paragraph (a) was amended. New paragraphs (b) and (c) were moved from SC LBR 9013-4. New paragraph (d) was added to include portions of the Chambers Guidelines. Paragraph (e) is new.

LOCAL RULE 9013-2: BRIEFS AND MEMORANDA OF LAW

(a) Any memorandum or brief required to be filed by the Court, or filed by the parties in instances where they have determined that a memorandum would materially assist the Court in its determination of the issues, shall be filed and simultaneously served, with proof of such service filed with the Court, upon all appropriate parties no later than seven (7) days prior to the hearing on the matter, unless otherwise ordered by the Court. The memorandum shall contain:

(1) A concise statement of the facts that pertain to the matter before the Court for ruling;

(2) A brief argument relating to the matter before the Court with citations to applicable authorities; and

(3) Copies of any unpublished decisions or decisions published in any specialized reporting services cited in the memorandum.

(b) Joint Statements of Dispute may be required by the presiding judge on a form in substantial conformance with Exhibit A. **Chambers Guidelines** must be considered in connection with this local rule because the judges may have differing procedures or requirements related thereto.

Notes:

(2008) Portions of former SC LBR 9014-5 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

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

(2013) The rule was amended to add paragraph (b) and Exhibit A and reference joint statements of dispute may be required by the presiding judge.

EXHIBIT A TO SC LBR 9013-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: (JOINT) STATEMENT OF DISPUTE
DEBTOR(S)	

The undersigned hereby certify that after consultation, the hearing on [type of hearing] originally scheduled for [date and time], after good faith efforts cannot be settled and remains contested so as to require the presentation of evidence and/or argument to the Court for determination. The following information is presented by way of stipulation of the parties:

1. Issues to be decided by the Court.

2. Position of Party/Parties (state w/ specificity).

3. Names of Witnesses to be called at the hearing.

4. Exhibits/Evidence to be presented.

5. Statutory, Case Law or other Applicable Authority.

6. Estimated Length of Hearing.

7. Telephone and Facsimile Number, Electronic Mail address of Counsel/Party/Parties.[1]

_____	_____
(DATED)	(SIGNATURE)
_____	_____
(DATED)	(SIGNATURE)

[1] Parties, or a person designated that is fully knowledgeable about the matters herein, are to be prepared to discuss this matter with the Court at any time after submission. Failure to provide a thorough and meaningful Joint Statement of Dispute, and/or the failure of any party or person designated to be reasonably available for discussion with the Court, may be deemed a failure to prosecute which may result in dismissal or denial of the party's position or pleading or may result in sanctions pursuant to Bankruptcy Rule 9011, 11 U.S.C. § 105, 28 U.S.C. § 1927 or the inherent authority of the Court.

LOCAL RULE 9013-3: CERTIFICATE OF SERVICE

(a) **Service in General.** Unless otherwise ordered, every plan, motion, pleading, objection, reply, or other document requesting relief and all amendments or attachments thereto shall be served by the filing party on all appropriate parties and their attorney of record in the proceeding pending before this Court and shall be accompanied by a certificate of service that indicates the names and addresses of the parties served with the document(s), the manner of service, and the date of service.

(b) **Delegated Matters.** A certificate of service that indicates the names and addresses of the parties served with the document(s), the manner of service, and the date of service, shall be filed by the party delegated service of an order or notice pursuant to SC LBR 5075-1. Where service on some or all of parties in interest is effected electronically pursuant to SC LBR 9036-1, the delegated party may attach the Notice of Electronic Filing to the certificate of service. Service shall be made promptly and a certificate of service of the delegated document should be filed within seven (7) days. The failure to timely file a certificate of service does not, in and of itself, affect the validity or enforceability of the underlying document.

Notes:

(2008) This rule is new.

(2013) The rule was amended to add paragraph (b) to reference orders and notices delegated pursuant to SC LBR 5075-1.

LOCAL RULE 9013-4: SELF-SCHEDULED MOTIONS

(a) General Requirements.

(1) Notice of the following motions shall be provided by the movant or applicant in accordance with this rule:[1]

(A) **Passive Motions.** A list of motions that shall be noticed passively[2] is attached as Exhibit A; and

(B) **Non-Passive Motions.** A list of motions that shall be noticed for a definite hearing[3] is attached as Exhibit C.

(b) Procedure. The movant shall:

(1) **Select a Hearing Date.** Select a hearing date from the calendar posted on the Court's website, which is:

(A) Not less than seven (7) days following the last day for objections;

(B) Not further than sixty (60) days from the service of the motion; and

(C) Scheduled in the same division as the venue of the case and before the judge assigned to the case, unless otherwise ordered.

(2) **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.[4] The hearing notice shall be in substantial conformance with:

(A) Exhibit B for passive motions set forth in Exhibit A; or

(B) Exhibit D for non-passive motions set forth in Exhibit C.

(3) **Serve the Motion and Notice.** The movant party shall serve the party entitled to notice[5] pursuant to the applicable rule or statute and simultaneously file with the Court:

(A) The motion;

(B) The notice of hearing of the motion; and

(C) A proposed order.[6]

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[1] The use of the word "motion" herein also includes applications, objections, and notices where applicable as set forth in Exhibits A and C attached hereto. Only motions and applications listed in this rule may be noticed using the procedure in this rule.

[2] Passive motions are those motions where relief will likely be granted without a hearing if no objection is filed.

[3] In the discretion of the Court, matters noticed for a hearing may be removed if no objection is filed.

[4] The hearing notice should be signed by the movant's attorney or the movant, if moving pro se.

[5] Parties entitled to receive notice may include the debtor, debtor's counsel, the United States Trustee, and the case trustee.

[6] 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.

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.

EXHIBIT A TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

MOTIONS/APPLICATIONS APPROVED FOR PASSIVE SELF-SCHEDULED HEARINGS

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[1]	21
Extend Time to File Chapter 11 Plan or Disclosure Statement[2]	14
*Final Decree	30
Shorten the Mailing Matrix[3]	21

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)[4]	14
Modify Confirmed Chapter 12 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 (Chapter 13)	14

Motions/Applications by a Trustee	**No. Days for Objection**
Abandon Property[5]	14
Convert or Dismiss[6]	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)[7]	21
Retain Asset (chapter 7 trustee)	21

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[1] See SC LBR 4004-1(a) and (c).

[2] See SC LBR 3016-1.

[3] See SC LBR 2081-2(d).

[4] See SC LBR 3015-5 and Exhibit B to that rule related to the required notice.

[5] See SC LBR 6007-1 and applicable exhibit related to the required notice.

[6] The proposed order is not required to be served on all creditors by the trustee.

[7] Notices by a trustee may conform with uniform notices approved by the Executive Office of the United State Trustee.

[8] See SC LBR 9019-1.

[9] See the Court's website for the forms and the proposed orders necessary to request a waiver or exemption from credit counseling or financial management.

[10] See SC LBR 1015-1.

Motions/Applications Related to Case Administration	No. Days for Objection
Approval of Settlement Pursuant to Fed. R. Bankr. P. 9019[8]	21
*Change Venue	21
Credit Counseling or Financial Management Exemption or Waiver[9]	14
Divide a Case or for Joint Administration[10]	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[11]	21
Approve Fees[12]	21
Claim Objection	30
Establish Value (except if incorporated in another motion such as a motion to redeem)[13]	28

Motions/Applications Related to the Stay	No. Days for Objection
Approve Agreement Relating to Relief from Stay[14]	14
*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301	14
Stay Relief Pursuant to 11 U.S.C. § 362(d)[15]	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[16]	14
Assume or reject leases/executory contracts pursuant to 11 U.S.C. § 365	21
Avoid Lien[17]	28
Redeem Pursuant to 11 U.S.C. § 722	21
Sell, use or lease property (excluding chapter 11 cases and cash collateral- any chapter)[18]	21
Substitute Collateral	14

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

[11] 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 for individual judge scheduling requirements.

[12] See id.

[13] In chapter 13 cases, this motion is embedded in the form plan.

[14] See SC LBR 4001-4 and applicable exhibit related to the required notice.

[15] See SC LBR 4001-1 and applicable exhibit related to the required notice.

[16] See SC LBR 4001-4.

[17] See SC LBR 4003-2. In chapter 13 cases, this motion is embedded in the form plan.

[18] See SC LBR 6004-1 and applicable exhibit related to the required notice.

EXHIBIT B TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	
	CASE NO: CHAPTER:
	NOTICE OF MOTION/ APPLICATION AND OPPORTUNITY FOR HEARING
DEBTOR(S)	

TAKE NOTICE that (Movant) filed a _____

[ANY SUBSTANTIVE INFORMATION OR LANGUAGE PRESCRIBED BY THE U.S. CODE, FEDERAL RULES, THIS COURT'S LOCAL RULES AND EXHIBITS SHOULD BE INCLUDED IN EITHER THE NOTICE OR MOTION/APPLICATION AND OPPORTUNITY FOR HEARING.]

A copy of the motion and proposed order accompanies this notice.

TAKE FURTHER NOTICE that any response, return, and/or objection to this motion should be filed with the Court no later than (enter number of days) days from service of motion (enter number of days from filing of motion/application if using form for § 1301 motion) and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this motion, except at the direction of the judge, unless a response, return, and/or objection is timely filed and served, in which case the Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina. No further notice of this hearing will be given.

Date: _____

_____
Signature of Attorney

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

EXHIBIT C TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

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.

Motions/Applications in Chapter 11 Cases	**No. Days for Objection**
Appoint Trustee	21
Extend Exclusivity	14
Sell, Use, or Lease Property[1]	14

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)[2]	14

Motions/Applications by a 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
Employ *Nunc Pro Tunc*[3]	14
*Reconsider Dismissal	14
*Reopen	14
Withdraw as Counsel[4]	14

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

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)[5]	14
Reconsider Stay Relief	14

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[1] See SC LBR 6004-1 and applicable exhibit related to the required notice.

[2] See SC LBR 3015-5 and Exhibit D to that rule related to the required notice.

[3] See SC LBR 2014-1.

[4] See SC LBR 2091-1.

[5] See SC LBR 4001-1 and applicable exhibit related to the required notice.

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

EXHIBIT D TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: NOTICE OF HEARING
DEBTOR(S)	

TAKE NOTICE that (Movant) filed a _____

[ANY SUBSTANTIVE INFORMATION OR LANGUAGE PRESCRIBED BY THE U.S. CODE, FEDERAL RULES, THIS COURT'S LOCAL RULES AND EXHIBITS SHOULD BE INCLUDED IN EITHER THE NOTICE OR MOTION/APPLICATION AND OPPORTUNITY FOR HEARING.]

A copy of the motion and proposed order accompanies this notice.

TAKE FURTHER NOTICE that any response, return, and/or objection to this motion should be filed with the Court no later than (enter number of days) days from service of motion and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that the Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina. No further notice of this hearing will be given.

Date: _____

_____
Signature of Attorney

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

LOCAL RULE 9014-1: OBJECTIONS

When any order, plan, notice, statute, rule,[1] pleading or any other document (any one of which is hereinafter referred to as the "document") requires parties in interest which oppose the relief sought in the document to file an objection, return, or response within a specified time, the following applies:

(a) The objection must be in writing and properly captioned in accordance with Fed. R. Bankr. P. 9004 and set forth with particularity the reasons for opposition, citing applicable statutes, rules and controlling case law. The parties may be limited to arguing the matters raised in the objection.

(b) Where opposing a motion for summary judgment, the objection or memorandum in support of objection should include a short and concise statement of the genuine issues of material facts which remain to be determined before judgment can be granted.

(c) Prior to any scheduled hearing, the Court may consider withdrawals of objections, or settlements between the party requesting relief and the objecting parties indicated by consent order, and remove a matter from the hearing calendar.

(d) If no objection is filed within the applicable time period, the Court may grant the movant relief without further hearing.

(e) Absent Court approval, no extension of the time permitted to respond to any motion, objection, or other contested matter is effective.

Notes:

(2008) Portions of former SC LBR 9014-4 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (b) and (e) were deleted pursuant to SC LBR 9011-3 and 9013-3.

(2013) Paragraph (d) is new. Paragraph (e) was moved from SC LBR 9013-1.

[1] See SC LBR 9013-4 for deadlines to object to self-scheduled matters.

LOCAL RULE 9015-1: JURY TRIALS

(a) **Demand.** Any demand for jury trial shall contain a statement indicating whether the demanding party consents to the jury trial being conducted by the bankruptcy judge.

(b) **Statement of Entitlement and Consent.** Within the later of the time for filing a response to the pleading in which the right to jury trial is asserted, or fourteen (14) days after the right to jury trial is asserted if no responsive pleading is due, a party affected by the demand shall file any response or objection to the claim of the right to a jury trial and a statement whether that party consents to the jury trial being conducted by the bankruptcy judge.

(c) **Memorandum.** In the event a hearing is scheduled to determine the existence of a right to jury trial, or as directed by the Court, the parties demanding and opposing trial by jury shall file and simultaneously serve on each other and any other affected party a memorandum of the relevant facts and authorities no later than seven (7) days before the hearing.

Notes:

(2008) Portions of this rule were restyled.

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

LOCAL RULE 9018-1: DOCUMENTS SUBMITTED UNDER SEAL

Requests to seal documents pursuant to 11 U.S.C. § 107 or Fed. R. Bankr. P. 9018 shall be made by motion. If the motion itself contains confidential information, the movant shall file and serve electronically a redacted version clearly marked as such and shall submit the unredacted version to chambers.[1] The order authorizing the filing of such documents under seal shall be entered electronically unless otherwise directed by the Court. Following entry of the order, sealed documents shall be electronically filed using the appropriate CM/ECF event for sealed documents.

Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

[1] Contact the Court for the submission of in camera documents.

LOCAL RULE 9019-1: COMPROMISE AND SETTLEMENT[1]

Notice of settlement or compromise must be filed and served within ten (10) days after the report of settlement to the Court. A form in substantial conformance with Exhibit A may be used. Notice of settlement or compromise must: (1) provide parties in interest sufficient detail of the settlement to arrive at a reasoned basis for objecting to or accepting the settlement or compromise, (2) be signed by the attorneys for the settling parties and any *pro se* party to the dispute, and (3) be accompanied by a consent settlement order. If a notice of settlement or compromise is not timely filed and served, the Court may strike the pleading or objection of the party responsible for the delay or take other action that is just.

Notes:

(2008) Portions of this rule were restyled.

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

(2013) The time period to file a report of settlement was changed from 14 to 10 days.

[1] Chambers Guidelines must be considered in connection with this Local Rule because the judges may have differing procedures or requirements related thereto.

EXHIBIT A TO SC LBR 9019-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: CHAPTER: _____ (If applicable, use adversary caption.) Adv. Pro. No. NOTICE AND APPLICATION FOR SETTLEMENT AND COMPROMISE
DEBTOR(S)	

TO:_____

YOU ARE HEREBY NOTIFIED THAT THE (debtor, trustee, as applicable) is applying for approval of the following compromise or settlement.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Court no later than (enter number of days) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application, except at the direction of the judge, unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on _____, ___, at _____m., at _____, _____, South Carolina. No further notice of this hearing will be given.

NATURE OF DISPUTE: (Specifically state the dispute between the parties.)

AMOUNT DISPUTED: (Specifically state the monetary amounts which are the subject of the dispute.)

PROPOSED SETTLEMENT OR COMPROMISE: (Summarize the proposed resolution of the dispute and enclose a copy of the consent order.)

BENEFIT TO THE ESTATE: (Specifically state the benefits to the estate as a result of the settlement. Include the amount of any monetary benefit to be received. Also include any risks to the estate which may result from the failure to accept the proposed settlement or compromise.)

MOVING PARTIES: (Specifically state the names and addresses and telephone numbers of the attorney for the debtor or trustee, as applicable, and any other party proposing the settlement.)

The (name of party) hereby certifies that the terms set out above are complete and have been agreed upon by the moving parties named herein. *[This paragraph to be used when all settling parties are not signing this notice and application.]* WHEREFORE, the moving parties request the Court issue an order authorizing the settlement and compromise and such other and further relief as may be proper.

Date: _____

_____
Signature of Debtor/Trustee

_____
Typed Printed Name

_____
Address/Telephone/Facsimile/E-mail

_____
District Court I.D. Number

LOCAL RULE 9019-2: MEDIATION

(a) **Initiation of Mediation and Costs.** Any party may file and serve on all other parties to the proceeding a motion for mediation.[1] A party opposing mediation shall have fourteen (14) days to file and serve an objection to the request. After reviewing the request, any objections and, if appropriate, conducting a conference with the parties, the Court may order mediation. The Court may also, *sua sponte* or upon stipulation of all parties, order mediation.[2] Unless the parties agree upon the sharing of the costs of the mediation, including fees of the mediator, the division of such costs shall be determined by the Court. Election of mediation by agreement of the parties shall occur no later than the earlier of the filing of a joint pretrial order, the time of the final pretrial conference, or seven (7) days prior to the hearing scheduled in a contested matter.

(b) **Proposed Order.** Any order to mediate shall designate the mediator, specify responsibility for the costs of mediation, and may contain additional provisions regarding the conduct and timing of mediation and the duties and compensation of the mediator.[3] The Court may stay the proceeding, in whole or in part, to allow time to complete mediation, but such proceedings and/or hearings related thereto are not to be delayed absent Court approval which may require a showing of exceptional circumstances.

(c) **Selection of the Mediator.** The mediator may be selected from the list of mediators available via the Court or, upon the agreement of all the parties, may be some other person otherwise qualified by training or experience to mediate all or some of the issues involved. The mediator must promptly determine all conflicts or potential conflicts pursuant to applicable rules and disclose that circumstance to the parties in writing. If a dispute arises concerning the disqualifying effect of any conflict the Court shall resolve the issue and may appoint another mediator.

(d) **Timing and Conclusion of Mediation.** Unless otherwise ordered, mediation shall be concluded within thirty (30) days of the order appointing a mediator. The mediator shall report to the Court in writing within seven (7) days following conclusion of mediation whether an agreement was reached by the parties and, if so, whether such agreement will resolve the proceeding and which party or parties will be responsible for the proposed order, stipulation, or notice of settlement. The proposed order, stipulation, or notice of settlement is due within fourteen (14) days of the mediator's report. If the proceeding is not resolved by mediation, the proceeding will be set for hearing, pre-trial conference, or trial in the ordinary course.

Notes:

(2008) Portions of this rule were restyled.

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

(2013) Footnotes 2 and 3 and Exhibit A were added to incorporate provisions of the Chambers Guidelines.

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[1] Mediation as described herein is contemplated to be non-binding unless the parties otherwise agree.
[2] A list of approved mediators may be obtained by contacting the Court.
[3] Parties submitting a proposed order should submit an order in substantial conformance with Exhibit A.

EXHIBIT A TO SC LBR 9019-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER:

THIS MATTER comes before the Court for consideration of mediation, as requested by the parties.

Therefore, it is ordered that mediation be scheduled and completed in this proceeding on or before **[insert deadline]**. Upon completion of the mediation, counsel for the Plaintiff shall advise the Court in writing only that the mediation has occurred, the date of the mediation, whether the case was settled in whole or in part, and whether a trial is required.

The Court appoints **[insert attorney's name]** of the **[insert firm name**] law firm to serve as mediator in this matter.

All parties and their trial counsel, having authority to settle and to adjust pre-existing settlement authority if necessary, are required to attend the mediation in person unless excused by the Court for good cause shown. Insurer representatives **[if applicable]** with decision-making authority also are required to attend in person, unless excused by the Court, if their agreement would be necessary to achieve a settlement. Every person who is excused from attending in person must be available to participate by telephone, unless otherwise ordered. At the mediation, parties, their insurer representatives and their primary trial counsel should be prepared to participate in a mutual, good faith effort to negotiate a fair and reasonable settlement. All necessary discovery should be completed prior to mediation unless otherwise agreed to by counsel for all parties. Lack of discovery or settlement authority is no excuse for failure to appear and/or participate.

This order shall be served on all counsel of record. Counsel are responsible for notifying and ensuring the presence of parties and insurer representatives as described above. If a case has been mediated previously, counsel shall notify the Court immediately in writing. All costs of mediation shall be divided equally between the parties and paid within ten (10) days of submission of the mediator's report. Since a portion of the cost of mediation shall be incurred by the trustee in administration of the estate, at this stage, the Court limits the hourly rate of the mediator and his associates to $_____ per hour and the total cost of mediation to $_____ absent further order. In his discretion, the mediator may require costs, including fees, to be paid in advance of the mediation conference.

Communications made in connection with or during the mediation are confidential and protected by Federal Rule of Evidence 408 and Federal Rule of Civil Procedure 68. If a settlement is not reached at mediation, settlement discussions are neither admissible at trial nor to be disclosed to the presiding judge.

If any reason exists why any party or counsel should not participate in this mediation, the Court is to be advised of these reasons in writing.

AND IT IS SO ORDERED.

LOCAL RULE 9027-1: REMOVAL

Following removal to this Court pursuant to 28 U.S.C. §§ 1441 or 1452, the attorney for the party who sought removal shall electronically file copies of all documents previously filed in the removed case together with the Notice of Removal.

Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

LOCAL RULE 9029-1: OPERATING ORDERS, GUIDELINES REGARDING CASE MANAGEMENT, AND AMENDMENTS TO THE LOCAL BANKRUPTCY RULES

Certain matters of practice and procedure may be addressed by operating orders or guidelines. Substantive amendments to these rules may be made by separate order and notice of such will be posted on the Court's website. Technical correction to any local rule may be made by the Court at any time.

Notes:

(2008) Portions of this rule were restyled.

LOCAL RULE 9033-1: PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

If a bankruptcy judge enters proposed findings of fact and conclusions of law, the procedures in this rule apply.

(a) **Designation of Record.** Upon the filing of any objection or response pursuant to Fed. R. Bankr. P. 9033 or otherwise, the filing party shall also file and serve on the opposing party a statement designating those items in the record that are to be included in the transmittal of the record to the United States District Court.

(b) **Transmittal.** Following the time period for objections and the filing of responses, the Clerk of Court shall transmit the proposed findings of fact and conclusions of law with any items designated pursuant to paragraph (a), if any, to the Clerk of the United States District Court.

Notes:

(2013) This rule is new.

LOCAL RULE 9036-1: NOTICE BY ELECTRONIC TRANSMISSION

(a) **Registered CM/ECF Participants Entitled to Notice or Service by the Court or Others.**[1] Electronic transmission of documents through CM/ECF to Registered CM/ECF Participants constitutes sufficient Notice of Judgment or Order pursuant to Fed. R. Bankr. P. 9022 and sufficient notice and service pursuant to applicable Federal Rules of Bankruptcy Procedure, except with respect to those documents to which the service requirements of Fed. R. Bankr. P. 7004 apply. Nothing in this rule should be construed as relieving any party from preparing and filing a certificate of service as required by SC LBR 9013-3.

(b) **Non-CM/ECF Participants Entitled to Notice from the Court.**[2]

(1) **Pro Se Debtors.** A debtor, not represented by counsel, with a valid e-mail address may register for receipt of notices delivered by the Court electronically through the Bankruptcy Noticing Center. If elected, in a joint case (individual and individual's spouse, see 11 U.S.C. § 302) each debtor shall register separately.

(2) **Debtors Represented by Counsel.** At the time the petition is filed or within thirty (30) days thereafter, a debtor represented by counsel is directed to request receipt of notices delivered by the Court electronically through the Bankruptcy Noticing Center. In a joint case (individual and individual's spouse, see 11 U.S.C. § 302), each debtor shall register separately.

(3) **Creditors and Parties in Interest.** Creditors and other parties in interest with a valid e-mail address are directed to request receipt of notices delivered by the Court electronically through the Bankruptcy Noticing Center.

(4) **Registration.** Registration for electronic notice should be completed through ebn.uscourts.gov and the required form mailed to:

BAE Systems
Bankruptcy Noticing Center
2525 Network Place
Herndon, VA 20171-3514

(5) **Non-Compliance.** The Clerk of Court may request that any party not in compliance with part (b)(2) and (3) of this rule be ordered to appear before the Court and show cause for non-compliance.

Notes:

(2013) Paragraph (a) of this new rule incorporates provisions of former Operating Order 08-07. Paragraph (b) is new.

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[1] See SC LBR 5005-4.
[2] See SC LBR 5005-4.

LOCAL RULE 9037-1: REDACTION OF PRIVACY INFORMATION

(a) **Unredacted Documents.** Unless otherwise ordered by the Court, once a document containing private information is filed with the Court, a motion and proposed order[1] are required to disable public access to the document and a corrected document must be filed. If the filer is also the movant and does not wish to file a corrected document, the motion and proposed order should additionally include a withdrawal of the underlying document. The motion must contain specific information detailing how the pleading violates Fed. R. Bankr. P. 9037.

(b) **Transcripts.** Access to transcripts filed with the Court will initially be restricted to allow interested parties the opportunity to review transcripts and request redaction. Upon submission of a proper request, transcripts published or otherwise made available to the public by the Court shall limit privacy protected information to the following:

1. The last four digits of the social security number and taxpayer identification number;

2. The year of the individual's birth;

3. The minor's initials; and

4. The last four digits of the financial account number.

(c) **Sealing.** The Clerk of Court is authorized, but not required, to seal any document that appears to be filed in violation of Fed. R. Bankr. P. 9037. The sealed document will be immediately forwarded to the presiding judge to determine if the document should remain under seal and whether the filing party should be instructed to submit a redacted document.

Notes:

(2013) This rule is new. Paragraph (a) incorporates provisions of the Chambers Guidelines. Paragraph (b) incorporates Operating Order 08-04.

[1] Parties should submit proposed orders in substantial conformance with the attached exhibits. Exhibit A addresses those circumstances where a party that is not the filer of the document is seeking an order disabling public access due to privacy information. Exhibit B addresses those circumstances where the filer of the document is seeking an order disabling public access on its own motion.

EXHIBIT A TO SC LBR 9037-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER:

ORDER DISABLING PUBLIC ACCESS TO FILED DOCUMENTS AND

DIRECTING FILING OF A CORRECTED PLEADING

This matter comes before the Court on the motion of (name of movant) to disable public access to filed documents not in compliance with Fed. R. Bankr. P. 9037. It appears that (name of filer) has filed a (name of pleading) which contains (description). Accordingly, pursuant to Fed. R. Bankr. P. 9037(d), it is hereby:

ORDERED that the Clerk of Court shall disable public access to (name of pleading) filed by (name of filer) on (date of filing). Access to (name of pleading) may still be provided by the Clerk of Court to Debtor(s), any attorney for the Debtor(s), the case trustee, if any, and the United States trustee upon request.

(Name of filer), by service of a copy of this Order, is directed to amend the (name of pleading) filed in this case within twenty (20) days from entry of this Order with any privacy information redacted.

EXHIBIT B TO SC LBR 9037-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: DEBTOR(S)	CASE NO: CHAPTER:

ORDER DISABLING PUBLIC ACCESS TO FILED DOCUMENTS AND

DIRECTING FILING OF A CORRECTED PLEADING

This matter comes before the Court by (name of filer) on its own motion to disable public access to documents inadvertently filed with unredacted privacy information as set forth in Fed. R. Bankr. P. 9037. The privacy information contained in the documents are (description). Accordingly, pursuant to Fed. R. Bankr. P. 9037(d), it is hereby:

ORDERED that the Clerk of Court shall disable public access to (name of document) filed by (name of filer) on (date of filing). Access to (name of pleading) may still be provided by the Clerk of Court to Debtor(s), any attorney for the Debtor(s), the case trustee, if any, and the United States trustee upon request.

(Name of filer) is directed to amend the (name of pleading) filed in this case within twenty (20) days from entry of this Order with any privacy information redacted.

LOCAL RULE 9070-1: EXHIBITS IN ADVERSARIES AND CONTESTED MATTERS[1]

Unless otherwise provided by a Court order:

(a) **Submission of Exhibits.** Exhibits for a hearing or trial are to be submitted to the courtroom deputy in advance in accordance with Chambers Guidelines and exchanged with the opposing party. The party submitting the exhibits shall note any stipulation to the admission of the exhibits.

(b) **Marking of Exhibits.** Exhibits must be marked for identification in advance of a hearing or trial. Parties must contact a courtroom deputy at least two (2) days prior to the hearing or trial in order to receive instructions on the marking of exhibits.

(c) **Custody of Exhibits.** Exhibits admitted into evidence or marked for identification at a hearing or trial shall be claimed by the proponent within fourteen (14) days after expiration of the time for appeal, unless otherwise directed by the Court. If the party who offered the exhibit fails to claim it as provided herein, the Clerk of Court may provide notice to the attorneys of record and *pro se* parties advising that the exhibits will be destroyed if not claimed and removed within a specified time not less than fourteen (14) days thereafter.

Notes:

(2008) Portions of former SC LBR 9017-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) Periods were amended to multiples of seven as part of time computation amendments.

(2010) Paragraph (a) was added to reflect the process announced to the bar on December 1, 2009.

(2013) The title of the rule was restyled and the introductory clause added. Paragraph (a) was added from the Chambers Guidelines and the remaining paragraphs re-lettered. Technical amendments were made to paragraph (b).

[1] Chambers Guidelines must be considered in connection with this Local Rule because the judges may have differing procedures or requirements related thereto.

LOCAL RULE 9075-1: EMERGENCY ORDERS

(a) **Motions for Emergency or Expedited Hearing.** A motion for an emergency hearing or a hearing to be held on less than fourteen (14) days' notice should be filed as a separate document from the motion upon which relief is sought and should contain a complete and detailed explanation of the urgency of the request, including the proposed time for scheduling of a hearing, the potential for irreparable harm if relief is not granted, and the efforts made to communicate with other parties in interest to the motion in a good faith attempt to resolve the matter.

(b) **Ex Parte Relief.** A pleading seeking *ex parte* relief, such as a temporary restraining order, shall be accompanied by a proposed order.

(c) **Immediate Turnover.** In an adversary proceeding seeking immediate turnover of property, the filing party must also file a Motion For Immediate Turnover and a request for an expedited hearing on the motion.[1]

Notes:

(2013) This new rule incorporates provisions of the Chambers Guidelines and SC LBR 9013-1(d).

[1] The Motion for Immediate Turnover should refer to the complaint and ask for the substantive relief of an immediate turnover. The request for an expedited hearing on the motion should be filed as a separate document.