

Hon. David R. Duncan
United States Bankruptcy Judge
District of South Carolina

Telephone Number: 803-765-5657

Law Clerk: Dawn Hardesty
803-765-5659
Dawn_Hardesty@scb.uscourts.gov

Lucas Fautua
803-765-5658
Lucas_fautua@scb.uscourts.gov

Communication

Communications concerning a case or proceeding should be in the form of a filed, written document (i.e., motion, memorandum, or other pleading). Procedural assistance may be obtained by communication with chambers staff, courtroom services, or case administrator members of Judge Duncan's team. Other forms of communication concerning a case or proceeding (e.g., facsimile, mail, email, hand delivery, face to face, or telephone) are prohibited unless expressly authorized by local rule, chambers guideline, or other specific authorization. Do not provide the Court with copies of correspondence to others.

Proposed Orders

Do not include a signature cover page or a signature line for the judge with proposed orders. If you include applicant, movant, or consenting party information or signatures at the conclusion of the order please move these to the bottom of the page or to a subsequent page, leaving sufficient room for the judge's electronic signature after the text of the order and before the party information. Other than for consent orders the strong preference is that party information and signatures be omitted. Consistent with SC LBR 1001-1(c), do not include instructional footnotes or document identification information in any proposed order, including coding or file numbers that indicate a proposed order is internal to a law firm.

Contested Matters

This section does not apply to adversary proceedings.

Duty to Consult Concerning Attendance of Witnesses.

In order to comply with Federal Rule of Bankruptcy Procedure 9014(e), parties shall timely consult with each other regarding a contested matter and shall be prepared to go forward and present witnesses at the first scheduled hearing unless expressly excused by the Court.

Scheduling Orders in Contested Matters.

Time constraints imposed by statute or rule may preclude formal discovery in contested matters. If the parties agree that discovery will be helpful one of them should request a scheduling order using CM/ECF. The request

should be made sufficiently in advance of the first scheduled hearing to permit removal from the calendar. In the absence of an agreement, and after advance consultation, either party may request entry of a scheduling order well in advance of the first scheduled hearing and shall be prepared to go forward in the event the request is denied unless a motion for continuance has been filed and granted.

Settlements of Contested Matters.

Settlements should be reported by filing a Notice of Settlement and Request for Removal from the Court Hearing Calendar in CM/ECF. If the Notice of Settlement event is docketed prior to 10:00 a.m. on the business day before the hearing the parties may be excused from appearance.

Settlements of § 362 motions should be made using the Request for Settlement Order on Motion for Relief from Stay CM/ECF event and must be filed by the same deadline. If this event is used, there is no need to file a calendar removal request. If the request is timely filed, the motion will come off the calendar once the order is entered. Parties should not propose their own orders unless there is a need to do so.

Defaults on § 362 Motions.

If no response has been filed to a request for relief pursuant to § 362, and the objection time has run (as calculated in accordance with Fed. R. Bankr. P. 9006(f), the “mailbox rule”), the proponent of the motion shall file a Certification of Default and Request for Order Lifting the Stay in CM/ECF. For removal from the calendar, the Certification must be filed by 10:00 a.m. on the business day before any hearing scheduled on the motion. If this event is used, there is no need to file a calendar removal request. The timely utilization of this event will remove the proceeding from the calendar. Parties should not propose their own orders unless there is a need to do so.

Withdrawal.

Absent consent of all objecting parties, the pleading initiating a contested matter may not be withdrawn by its proponent once an objection, response or reply is filed. A proponent may withdraw a pleading initiating a contested matter before an objection, response, or reply is filed using the Withdrawal event in CM/ECF. The consensual withdrawal of a contested request for relief may be made by the proponent before 10:00 a.m. on the business day prior to the hearing and shall be made using the Withdrawal from the Court Calendar (text only) event in CM/ECF.

Continuance.

Consensual first requests for a continuance of self-scheduled matters may be made using the Request for Continuance event in CM/ECF. The request must be made before 10:00 a.m. the business day prior to the hearing in order to be considered. Subsequent requests will be considered only upon timely, written motion of the party requesting the continuance. Judge Duncan may consider the request in chambers, conduct a telephonic hearing, or set the request for continuance for a separate hearing. Requests for continuance shall propose a date and time for the continued hearing from Judge Duncan’s published calendar and the request is a representation that all counsel agree to appear at such date and time.

Matters set for hearing by the Court may be continued only upon timely, written motion. The motion must report the good faith effort to consult with all opposing counsel, state the reason for the request, report the assent of those parties consenting to a continuance, and propose dates for the continued hearing, including the availability, if known after consultation, of opposing counsel.

Extraordinary circumstances justifying the belated consideration of a request for continuance, such as sudden illness or other emergency, should be reported to Judge Duncan's chambers or to courtroom services prior to the hearing and memorialized by motion filed the same day or as soon thereafter as is practical.

Calendar Removal Request.

If the parties are seeking to have a matter removed from the calendar other than by settlement, withdrawal or request for continuance as noted above, a separate calendar removal request should be filed using CM/ECF.

Submission of Exhibits.

Counsel shall provide the original and two copies of all exhibits to be introduced at trial or a hearing to the courtroom deputy clerk of court sufficiently in advance of the hearing to permit pre-marking the exhibits for identification. Advance consultation is prudent. Counsel shall also provide a sufficient number of copies of all such exhibits, including the mark for identification, for all opposing counsel at trial plus one for the witness stand. See also the instructions for electronic exhibits.

Proposed Orders.

The local rules require the submission of proposed orders in connection with the filing of a number of different motions. The form proposed order set forth in the local rules should be used whenever available. Any other proposed order should not contain extensive findings of fact; rather it should state the relief requested and the basis for relief (for example - with a claims objection the proposed order might state "the claim should be disallowed because the statute of limitations for suing on the underlying debt has expired"), that no response has been filed, and that relief is granted.

Do not include a signature cover page or a signature line for the judge with proposed orders. If you include applicant, movant, or consenting party information or signatures at the conclusion of the order please move these to the bottom of the page or to a subsequent page, leaving sufficient room for the judge's electronic signature after the text of the order and before the party information. Other than for consent orders the strong preference is that party information and signatures be omitted. Consistent with SC LBR 1001-1, do not include instructional footnotes or document identification information in any proposed order, including coding or file numbers that indicate a proposed order is internal to a law firm.

For orders due after a hearing, CM/ECF participants should file the proposed order on the CM/ECF docket unless otherwise instructed.

Adversary Proceedings

Extensions of Time for Filing of Responsive Pleadings in Adversary Proceedings.

Further extensions of time under SC LBR 7001-1(b) will generally be limited to thirty days and will generally not be repeated.

Pretrial Procedures.

Once the issues are joined, my chambers will enter an order that requires the parties to conduct a discovery conference pursuant to Federal Rule of Civil Procedure 26(f), make initial disclosures required by Rule 26(a)(1) including the intention to use an expert witness and the name of the expert, and report to the Court regarding the proposed discovery plan so that the Court may issue a scheduling order pursuant to Rule 16(b). In addition, the order will require the parties to confer and report on whether the adversary proceeding contains any non-core causes of action and/or core causes of action that this Court does not have constitutional authority to finally adjudicate, whether the parties consent to this Court finally adjudicating any such causes of action, and whether the parties consent to this Court conducting a jury trial if a jury trial has been requested. As set forth in the order, this information should be consolidated into a joint Adversary Proceeding Report that must be filed electronically in the adversary proceeding following the parties' discussion of these issues. The Adversary Proceeding Report should be filed electronically under the event "Adversary Proceeding Report." A copy of a blank Adversary Proceeding Report in Word format may be found on the Court's website.

After the Adversary Proceeding Report is filed, a scheduling order will issue. See Exhibit A. The request for a scheduling order other than the form order should be made in the Adversary Proceeding Report.

Submission of Exhibits.

See the sample scheduling order attached to these Chambers Guidelines as Exhibit A for general instructions concerning trial exhibits in adversary proceedings. The actual scheduling order entered in the adversary proceeding should be consulted for any variation. Counsel must consult with the courtroom deputy in order to pre-mark the exhibits. Counsel shall also provide a sufficient number of copies of all such exhibits, including the mark for identification, for all opposing counsel at trial plus one for the witness stand. See also the instructions for electronic exhibits.

Dismissal of Adversary Proceedings.

If a stipulation of dismissal is allowed by Fed. R. Bankr. P. 7041, do not request entry of an order of dismissal by the Court.

Electronic Exhibits

Coordinate the use of the equipment for electronic evidence presentation with the courtroom deputy sufficiently in advance of trial or a hearing to ensure compatibility of your electronic devices with the Court's equipment. Generally counsel should meet with the courtroom deputy at least two business days in advance of trial. Paper copies of each electronic document, pre-marked for identification, must be submitted for the record by the applicable times set forth in these guidelines or relevant orders. If electronic presentation of evidence is to be used, only one paper copy need be submitted. A copy of electronic evidence other than documents (VHS tapes, DVDs, audio recordings, photographs, etc.) must be submitted in a format as is most practical, within the deadlines set forth in these guidelines or relevant orders.

Chapter 11 Attorney Fees

Applications for professional fees by counsel for the debtor in possession will be heard by Judge Duncan at the time noticed for the passive hearing whether there are objections or not.

Chapter 13 Matters

The monthly court calendar for hearing chapter 13 matters includes two chapter 13 days. Each chapter 13 day will have two chapter 13 hearing times. General chapter 13 matters will be heard at 10:00 a.m. and disputed matters will be heard at 10:30 a.m. The type of matter to be scheduled for a general chapter 13 time or dispute time is identified on Exhibit B attached hereto and shall be scheduled accordingly. Matters which are incorrectly scheduled may be stricken, determined, rescheduled or continued.

Trustee Notes Concerning Confirmation.

Seven (7) days prior to the first scheduled confirmation hearing date the chapter 13 trustee will post hearing notes on 13Network.com. Information regarding access to or questions related to 13Network.com should be directed to the office of the chapter 13 trustee. The notes will indicate either:

- A. That previously requested documents under SC LBR 3015-4 have not been received and must be filed with the Court or provided to the trustee, as applicable, overnight. If the documents are filed or provided as requested the trustee will then forward the information required in B. on the sixth (6th) day prior to the confirmation hearing.
- B. That the trustee will be prepared to go forward, absent a timely filed objection from another party in interest, premised upon the following information:
 - a. The filing date of the plan being considered at the hearing,
 - b. The trustee's objections to confirmation, if any,
 - c. Recommendations, if any, for a modified plan or new plan,
 - d. Recommendations for confirmation or entry of a form order, and
 - e. Whether the attorney and/or the debtor must attend the upcoming hearing.

The calendar of confirmation hearings on a chapter 13 day will be called by the trustee at 10:00 a.m. Matters requiring the presence of Judge Duncan may be heard at 10:30 a.m. if the matter is otherwise ripe for determination.

If a form CI or CII order is entered following the first scheduled confirmation hearing, another confirmation hearing may be set. This confirmation hearing date will ordinarily be at least sixty (60) days from the date of the first scheduled confirmation hearing. If a plan or modified plan is recommended for confirmation within forty-five (45) days from the entry of a CI order, then the subsequent hearing will be removed from the calendar. Copies of the form CI and CII orders are attached as Exhibit C.

Statements of Dispute.

In the event of a chapter 13 trustee objection, the parties are not required to file a joint statement of dispute. If an objection to confirmation is filed by any other party, the confirmation hearing will generally be continued to a new hearing date. In that event, a joint statement of dispute must be filed five (5) days prior to the continued confirmation hearing date. If after the first scheduled confirmation hearing, a modified plan is filed and additional objections are filed, a joint statement of dispute must be filed five (5) days prior to the continued confirmation hearing date. All objections will be taken up at the continued confirmation hearing.

Joint statements of dispute must be detailed, specifically identify by name the witnesses to be called, and specifically reference all exhibits to be offered. The burden of ensuring that a joint statement of dispute is submitted falls on the objecting party. Failure to timely submit a joint statement of dispute may result in the objection to confirmation being overruled and the plan being confirmed unless the objecting party separately files a statement of dispute and notes the inability, after reasonable effort, to file a joint statement. Please use the joint statement of dispute form attached as Exhibit D.

Joint statements of dispute are not required for other contested matters.

Duty to Consult Concerning Attendance of Witnesses.

In order to comply with Fed. R. Bankr. P. 9014(e), the trustee, parties, and counsel shall timely consult with each other regarding disputed matters and discuss settlement possibilities. If a matter is not fully resolved prior to the conclusion of the first confirmation hearing, and it is reported as a disputed matter that will require presentation to the judge for determination, it shall be scheduled for an available 10:30 a.m. time slot, at which witnesses shall appear.

Other 10:30 a.m. Hearings.

Matters identified in Exhibit B to be originally scheduled at 10:30 a.m. are matters likely to require the presentation of testimony or other evidence or oral argument. Parties and counsel should be fully prepared to proceed with a dispositive hearing on such matters unless removed by the Court upon a report of settlement or withdrawal, or unless counsel are otherwise advised by the Court. A statement of dispute is not required prior to the hearing with respect to those matters originally scheduled at 10:30 a.m. Settlement of disputed matters or withdrawal of pleadings should be immediately reported to chambers so as to permit efficient preparation for matters scheduled before the Court. Submission of settlement orders and withdrawal of pleadings are to be formally filed with the Court.

Attorney Fees.

The expedited fee amount for purposes of SC LBR 2016-1(b)(1) for all cases assigned to Judge Duncan is \$4,000 for a consumer case and \$4,500 for a business case.

The Chambers Guideline limitation for supplemental fees for Judge Duncan is eliminated effective March 1, 2020. Attorneys should use the procedure for applications for supplemental fees set forth in SC LBR 2016-1(b). Fees charged must match the complexity and scope of work described in the application and are limited by the attorney/client fee agreement.

After confirmation, and to the extent funds are available after the deduction of the trustee's commission, the trustee may disburse up to \$1,500.00 to counsel as part of the initial disbursement under the chapter 13 plan.

Supplement to Exhibits A and B to SC LBR 9013-4.

- Allowance of Administrative Claims or Interests (11 U.S.C. § 503) – a passive hearing shall be noticed by the movant for a general docket hearing time for chapter 7, 11, or 12 cases, or the 10:30 a.m. hearing time for chapter 13 cases.

- Chapter 13 Plan and Embedded Motions – responding parties must be given at least 28 days’ notice of the confirmation hearing (Fed. R. Bank. P. 2002(b)) and at least the same to file a response pursuant to SC LBR 9013-4 (Exhibit A). However, pursuant to Fed. R. Bankr. P. 3015(f), the ultimate deadline for filing a response with the Court (both to the plan and embedded motions) is no later than seven days before the date set for the hearing on confirmation.
- Motions to Reopen (11 U.S.C. § 350) – the response deadline for motions to reopen chapter 13 cases is 14 days. The movant must serve the motion on the mailing matrix.

Requests for Loss Mitigation/Mortgage Modification and Notification of Permanent Loan Modifications

If litigants need an order from the Court to facilitate a loss mitigation/mortgage modification or permanent loan modification, parties may use CM/ECF events designed for these requests.

Request for Loss Mitigation/Mortgage Modification. The event will generate an order modifying the stay in both chapter 7 and chapter 13 cases to permit the debtor to enter into negotiations with the creditor. The orders differ slightly depending on the chapter. *See Exhibit E.* This event itself does not require consent. The order will not be entered if the stay has previously been lifted for any other reason. In a chapter 7 case, the request may only be filed if the trustee has filed a report of no distribution or a report of abandonment of the specific property on which the debtor intends to pursue loss mitigation.

Notification of Permanent Loan Modification. The event permits debtors to upload documents evidencing an agreed permanent loan modification. The chapter 13 trustee receives electronic notice of this filing and will docket an electronic consent or contact the debtor’s attorney to discuss any problems. The trustee’s electronic consent generates an order modifying the stay, if needed, and authorizes the trustee to stop making payments on the mortgage arrears, if any are to be paid pursuant to the plan. *See Exhibit F.*

Further information on using these events can be found in the Participant’s Guides on the Court’s website.

Motions to Extend or Impose the Automatic Stay

Judge Duncan convenes a hearing on 11 U.S.C. § 362(c)(3) or (4) motions. The debtor must testify and demonstrate that the filing is in good faith.

Request for Waiver of Stay of Orders

Fed. R. Bankr. P. 4001(a)(3) and 6004(h), respectively, provide for 14-day stays of orders granting motions for relief from an automatic stay and orders for the use, sale, or lease of property other than cash collateral. Judge Duncan requires a hearing before ordering otherwise. Counsel should be prepared to show cause for the request.

Exhibit A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re,	
Debtor(s).	C/A No. XX-XXXX-DD
Plaintiff(s),	Adv. Pro. No. XX-XXXXX-DD
v.	Chapter
Defendant(s).	ORDER:

**SETTING DISCOVERY SCHEDULE
FIXING DATES TO FILE MOTIONS
REQUIRING PREPARATION AND FILING
OF A PRETRIAL STIPULATION
SETTING PRETRIAL HEARING**

TO: PLAINTIFF(S) AND DEFENDANT(S) ABOVE-NAMED:

The issues having been joined and the parties having apprised the Court of the need for discovery, this scheduling order is entered to expedite the disposition of this proceeding in accordance with Fed. R. Civ. P. 16(b), made applicable herein by Fed. R. Bankr. P. 7016.

1. Initial disclosures under Fed. R. Civ. P. 26(a)(1) must be made no later than ____.
2. Motions to join other parties and to amend the pleadings shall be filed and served on or before _____. Upon the amendment of any pleading to join a new party, the amending party shall forthwith provide a copy of this scheduling order, as from time to time amended, to the new party or its attorney.
3. Discovery shall be concluded on or before _____. Parties shall timely comply with all discovery requests and parts thereof, except those to which timely and specific objection is made. Discovery shall be served upon counsel or parties as appropriate, but shall not be filed with the Court except as ordered by the Court. The party responsible for service of the discovery requests or responses shall retain the original and be the custodian thereof until the same shall be used at a hearing or at trial. Motions to compel, objections to discovery, and motions for protective orders shall be filed in accordance with SC LBR 7026-1. Counsel's attention is specifically drawn to SC LBR 7026-1(c) and (e).
4. All motions other than those governed by paragraph one, including motions for summary judgment and final evidentiary motions, shall be filed and served on or before _____. Motions for summary judgment shall not be filed until the discovery period closes. Any objections or other responses to motions governed by this paragraph shall be filed and served within 14 days of service of a copy of the motion. If no objection or response is filed the Court may grant the motion without a hearing.
5. In accordance with Fed. R. Civ. P. 26(a)(2)(A), each party shall disclose any expert witness to be used in this proceeding in a manner that complies with the provisions of Rule 26(a)(2), including providing a written report when such report is required under Rule 26(a)(2)(B) and complying with Rule 26(a)(2)(C) when a written report is not required. Disclosure of the intention to use an expert witness and the name of the expert should have been made during the initial meeting of counsel or the parties following joinder of the issues. Subsequent disclosures of expert witnesses, if permitted, must be made in a timely manner that allows a reasonable opportunity for the opposing party to retain a rebuttal expert prior to the conclusion of discovery and allows for a reasonable opportunity for expert witnesses to be deposed prior to conclusion of discovery.
6. If this adversary proceeding requires a change of schedule from that heretofore stated, a party in interest may timely move to amend this order. The movant must indicate the reasons therefore and whether all parties consent. A showing of exceptional

circumstances must be shown for such modification affecting the trial calendar. An agreement to modify a deadline or a request to so modify is not effective absent entry of an amended scheduling order by the Court. In the event the parties agree that discovery is concluded or unnecessary and that they are ready for trial, a trial date may be immediately requested. Such a request shall estimate the time necessary for trial.

7. A deadline established by this order will be extended only upon a showing of good cause. In the absence of disabling circumstances, the deadline for completion of discovery will not be extended unless there has been active discovery and a good faith effort to comply with the discovery schedule. Attorneys may not privately agree to continue discovery beyond the deadline established herein except in writing and only if the extension will not alter the other deadlines established herein.

8. Motions to withdraw the reference shall be filed and served in accordance with SC LBR 5011-1 on or before _____. In accordance with SC LBR 5011-1(c), any opposition to the motion shall be filed and served within fourteen (14) days after being served with a copy of the motion.

9. **A pre-trial conference will be held before this Court on _____ at _____ AM in _____** to determine the trial date, hear any outstanding motions and consider any other matters appropriate under the circumstances of the case. The pre-trial conference shall be attended by the attorneys who will conduct the trial for each of the parties, or by parties appearing *pro se*. The Court expects that the attorneys for each party participating in this conference will be prepared to estimate the time necessary for trial and shall have authority to enter into stipulations, to discuss settlement, and to make admissions regarding all matters that the participants may reasonably anticipate to be discussed. The Court may also enter orders setting a date for a further pretrial conference, a date for the filing of further proposed pretrial stipulations or briefs, and/or a trial date.

AND IT IS SO ORDERED.

Exhibit B

Scheduling Chart			
Self-Scheduled Chapter 13 Matters¹ assigned to Judge Duncan			
Chapter 13 Motion/Application Passively Scheduled (SC LBR 9013-4 Exhibit A)	10:00 a.m.	10:30 a.m.	362
Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301			X
Discharge pursuant to SC LBR 3015-5(a)/11 U.S.C. § 1328(a)	X		
Moratorium on Payments (first motion)	X		
Use of cash collateral; prohibit or condition the use, sale, or lease of property; sell property or obtain credit*	X		
Convert or Dismiss (by Chapter 13 Trustee- for non-payment)	X		
Convert or Dismiss (by Chapter 13 Trustee- for reasons other than non-payment)		X	
Approval of Settlement Pursuant to Fed. R. Bankr. P. 9019*	X		
Change Venue		X	
Credit Counseling or Financial Management Exemption or Waiver	X		
Divide a Case or for Joint Administration	X		
Exemption Objection (by Trustee)	X		
Exemption Objection (by creditor or party in interest)		X	
Allowance of Administrative Claims or Interests	X		
Approve Fees (SC LBR 2016-1(b)(2)(B) and (b)(3))	X		
Claim Objection (by Chapter 13 Trustee)	X		
Claim Objection (by debtor or party in interest)		X	
Stay Relief Pursuant to 11 U.S.C. § 362(d)			X
Assume or reject leases/executory contracts pursuant to 11 U.S.C. § 365	X		
Substitute Collateral	X		
Motion to Modify Plan After Confirmation		X	
Allowance of Administrative Claims or Interests (11 U.S.C. § 503)		X	
Chapter 13 Motion/Application Non-Passive (SC LBR 9013-4 Exhibit B)	10:00 a.m.	10:30 a.m.	362
Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h)			X
Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e)			X
Hardship Discharge Pursuant to 3015-5(b)/11 U.S.C. § 1328(b)		X	
Continue Case Administration After Death of Debtor and/or Designate a Person to Act for Debtor	X		
Employ <i>Nunc Pro Tunc</i>		X	
Reconsider Dismissal		X	
Reopen		X	
Withdraw as Counsel		X	
Value Tax Claim and Establish Priority		X	
Extend or Impose the Stay Pursuant to 11 U.S.C. § 362(c)(3) or (4)			X
Reconsider Stay Relief			X
Convert or Dismiss by Creditor or Party in Interest		X	
Convert or Dismiss by Debtor (previous conversion)		X	
Hearings on Chapter 13 matters not listed in SC LBR 9013-4 will be scheduled by the Court			

¹ See SC LBR 9013-4, Self-Scheduled Calendar Dates and Chambers Guidelines under “Chapter 13 Matters” available at www.scb.uscourts.gov

*Such matters may include requests to substitute collateral/use insurance proceeds and similar relief.

Exhibit C

C1 Order Duncan

The Plan as presently filed may be confirmed if the trustee recommends confirmation. If the plan is not confirmed within forty-five (45) days, a further confirmation hearing will be held on _____ at _____ a.m./p.m. At that hearing, the Court may also review the attorney's fees being charged in this case to determine their reasonableness under the circumstances of the case. The Court may also consider dismissal of the case pursuant to SC LBR 3015-3, if appropriate.

CII Order Duncan

The plan does not comply with the requirements for confirmation. Therefore, confirmation of the plan and any modifications considered for confirmation is denied. The debtor(s) shall prepare and file a chapter 13 plan within fourteen (14) days from the entry of this order. If no such plan is timely filed, this case may be dismissed without further notice or hearing. A hearing on confirmation of that plan and of any timely modifications to that plan will be held on at _ a.m./p.m. At that hearing, the Court may also review the attorney's fees being charged in this case to determine their reasonableness under the circumstances of the case. The Court may also consider dismissal of the case pursuant to SC LBR 3015-3, if appropriate.

Exhibit D

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:			
	Debtor.		C/A No. (JOINT) STATEMENT OF DISPUTE AND STIPULATION Chapter

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.

(DATED)

(SIGNATURE)

(DATED)

(SIGNATURE)

Exhibit E

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re,

,

Debtor.

Case No.

Chapter 7

**ORDER AUTHORIZING LOSS
MITIGATION/MORTGAGE
MODIFICATION**

_____ (“Debtor”) requested an order from this Court authorizing modification of the automatic stay to engage in Loss Mitigation/Mediation with creditor _____ its agents, servicers, successors or assigns (“Creditor”) in connection with property located at _____ (the “Property”). The automatic stay of 11 U.S.C. § 362 is lifted to the extent necessary for Debtor(s) and Creditor, at their discretion, to engage in and complete any loss mitigation related to the Property. The parties may negotiate and enter into a consensual loan modification agreement including, if applicable, a trial modification, permanent loan modification, and the execution of any other conforming and amended documents. The issuance of this order does not extend any time period or deadline in this case.

AND IT IS SO ORDERED.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

,

Debtor(s).

C/A No.

Chapter 13

**ORDER AUTHORIZING LOSS
MITIGATION/MORTGAGE
MODIFICATION**

_____ (“Debtors”) requested an order from this Court authorizing modification of the automatic stay to engage in Loss Mitigation/Mediation with creditor _____ its agents, servicers, successors or assigns (“Creditor”) in connection with property located at _____ (“the Property”). The automatic stay of 11 U.S.C. § 362 is lifted to the extent necessary for Debtor(s) and Creditor, at their discretion, to engage in and complete any loss mitigation related to the Property. The parties may negotiate and enter into a consensual loan modification agreement including, if applicable, a trial modification, permanent loan modification, and the execution of any other conforming and amended documents. For so long as the case remains pending in this Court, Debtor shall promptly provide notice of any permanent loan modification by filing notice with the Court. Debtor shall notify the chapter 13 trustee of the status of loss mitigation within 120 days of the entry of this order. The chapter 13 trustee shall, unless otherwise ordered, continue to make disbursements to the Creditor as provided in the confirmed plan.

AND IT IS SO ORDERED.

Exhibit F

Generated order if no previous loss mitigation order:

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE: , Debtor(s).		C/A No. Chapter 13 ORDER
-----------------------------------	--	---

Based upon the consents of the trustee and those contained in the proposed mortgage modification, the automatic stay is lifted to permit Debtor(s) to enter into a loan modification agreement. The trustee shall cease making payments to the mortgage holder. Notice and service of this event is delegated pursuant to SC LBR 5075-1.

AND IT IS SO ORDERED.

Generated order if there was a previous loss mitigation order:

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE: , Debtor(s).		C/A No. Chapter 13 ORDER
-----------------------------------	--	---

The automatic stay was previously modified to permit the parties to engage in loss mitigation. With the trustee's consent and pursuant to that order the parties have entered into a loan modification. The trustee shall cease making payments to the mortgage holder. Notice and service of this event is delegated pursuant to SC LBR 5075-1.

AND IT IS SO ORDERED.