

CHAMBERS GUIDELINES
Hon. John E. Waites, Judge
United States Bankruptcy Court

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Proposed Orders: File on CM/ECF unless otherwise advised. All proposed orders should include a cover page¹ and must clearly set forth the grounds and contain findings that justify the entry of the order. A proposed order should not merely refer to or approve the application/motion. Orders due after court hearings should be filed within 10 days of the hearing.

Joint Statements of Dispute: File on CM/ECF by the following deadlines:

- Chapter 13 matters - 10:00 a.m. one business day before the hearing.
- Matters in cases of all other chapters - 10:00 a.m. two business days before the hearing.

Deadline to request continuance or notify Court of settlement or withdrawal in order to remove a matter from the hearing calendar: 10:00 a.m. two business days before the hearing.

Self-Scheduled Hearings: To determine if a matter should be self-scheduled, consult lists provided in SC LBR 9013-4 and the Court Calendar available [here](#).

To determine whether a Chapter 13 matter is to be scheduled on the consent or dispute calendar, consult [LIST OF MATTERS FOR SCHEDULING IN CHAPTER 13 CASES \(JUDGE WAITES CASES ONLY\)](#) set forth herein.

¹ The cover page expedites the signing of the large volume of orders received by the Judge.

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CONTINUANCES, SETTLEMENTS, & WITHDRAWALS

This section applies to all matters on the Judge's docket, with the exception of adversary proceedings, which are governed by separate sections below. **In order to be timely considered by the Judge, requests for continuances, notifications of settlement, or withdrawals must be filed on CM/ECF by no later than 10:00 a.m. two business days prior to the date of the hearing.**¹ **Absent removal of the matter from the court calendar, all counsel and parties shall attend.**

I. Continuances

Continuances may be timely requested using the *Request for Continuance* text event on CM/ECF (if all responding parties consent) or by filing a motion for continuance along with a separate calendar removal request (if unable to obtain consents of all responding parties). Prior to making a continuance request in chapter 13 matters, the chapter 13 trustee should be consulted.²

Continuances are not effective until granted by court order.³

II. Settlements

The settlement of a matter scheduled for hearing should be promptly reported to chambers using the *Notification of Settlement and Request for Removal from Court Hearing Calendar* text event on CM/ECF; or where applicable, by filing a notice and application for settlement pursuant to Fed. R. Bankr. P. 4001(d) or 9019, and a calendar removal request.

III. Withdrawals

Withdrawals of any filing upon which a hearing has been set should be filed on CM/ECF using the *Withdrawal from the Court Calendar* text event. When prompted by the text event, the party filing the withdrawal must specify the reason for withdrawal, including, but not limited to, the debtor's agreement to file an amended plan or the parties' agreement to enter into a consent order or take other action.

¹ Extraordinary circumstances such as illness or family emergency will also be considered to obtain a continuance after the deadline.

² For some matters relating to confirmation, the Trustee may announce the continuance on the record during the hearing and the matter will not be removed from the calendar in advance.

³ With regard to motions to dismiss or convert pursuant to 11 U.S.C. § 1112, a request for a continuance by the movant or consent to a continuance by the movant shall be deemed a waiver of the scheduling and ruling deadlines imposed by 11 U.S.C. § 1112(b)(3) and the rules.

JOINT STATEMENTS OF DISPUTE

If a matter set for hearing is contested, the parties should file a Joint Statement of Dispute by the applicable deadline, using the form attached as [Exhibit A](#).⁵ If the pleadings clearly set forth all issues to be decided by the Court and the statutory, case law or other applicable authority, the parties may simply reference the pleadings in those sections of the Joint Statement of Dispute and complete the other sections.

Parties and counsel submitting a Joint Statement of Dispute may not reserve the right to materially alter or supplement the Joint Statement of Dispute, shall be bound to the position and disclosures provided therein, and shall be presumed ready for a hearing upon reasonable notice at any time after the submission of the Statement of Dispute. Representations made in a Joint Statement of Dispute shall be considered binding on the parties. Counsel should be prepared to discuss the Statement and the affected proceeding with the Court at any time after its submission.

If parties cannot agree to a Joint Statement of Dispute, separate Statements shall be submitted to the Court by the same deadline and served upon opposing counsel via e-mail, telefax, or hand delivery.

The failure by any party/counsel to timely submit a Joint Statement of Dispute which is complete and submitted in good faith, to timely and fully consult with the Trustee or opposing party/counsel, or 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, pleading, or plan of reorganization or may result in other sanctions pursuant to Bankruptcy Rule 9011, 11 U.S.C. § 105, 28 U.S.C. § 1927, or the inherent authority of the Court.

If a matter is settled after the filing of a Joint Statement of Dispute, counsel should advise chambers immediately by e-mail to judgewaites_hearings@scb.uscourts.gov with copy to all participating counsel.

Deadlines to submit proposed Joint Statements of Dispute:

- **Chapter 13 matters – 10:00 a.m. one (1) business day before the hearing.**
- **Matters in cases of all other chapters – 10:00 a.m. two (2) business days before the hearing.**

⁵ **The form used by the Judge differs from the form provided in the Local Rules.**

CHAPTER 13 PROCEDURES

The following procedures⁶ for chapter 13 matters apply to cases assigned to the Judge.⁷

I. Local Rule 3015-4 Compliance

Upon the failure to timely provide to the chapter 13 trustee (the “Trustee”) the information required by Local Rule 3015-4, the Trustee shall report such deficiency to the Court at the confirmation hearing and advise counsel for the debtor(s) by no later than **10:00 a.m. two business days prior to the confirmation hearing** if a dismissal based on that failure will be requested at the hearing.

II. Duty to Consult

In order to comply with Bankruptcy Rule 9014(e), the Trustee, parties, and counsel who have a chapter 13 matter scheduled for hearing before the Court shall have a duty to timely consult with each other regarding the matter and discuss settlement possibilities or stipulations.

III. Chapter 13 Calendar

The calendar for hearing chapter 13 case matters before the Judge is divided into two calendaring types: a consent calendar and a dispute calendar.⁸ The type of case matter to be scheduled for each calendar is identified on [Exhibit B](#) and shall be scheduled accordingly by the Court and parties. Matters which are incorrectly scheduled may be stricken, determined, rescheduled or continued without notice as necessary by the Court or in the interests of justice.

A. Consent Calendar

- 1. Definition of Consent Matter.** Matters for the chapter 13 consent calendar are matters that are frequently uncontested or otherwise resolved.
- 2. General Procedures & Role of the Trustee.** Chapter 13 consent calendars may be conducted in court by the Trustee. Prior to the chapter 13 consent calendar, in a matter regarding confirmation, the Trustee shall provide notice of deficiencies in a debtor’s plan of reorganization (the “Plan”).⁹ In conducting the chapter 13 consent calendar, the Trustee shall address each scheduled matter and report the Trustee’s recommendations to the Court. In doing so, the Trustee may discuss Plan deficiencies and objections by parties in interest, examine debtors or other witnesses, identify other information needed for case administration, and report settled and disputed matters. Counsel or parties may also make statements on the record. The

⁶ These procedures **do not** govern the hearing of motions for relief from the automatic stay.

⁷ The goal of these procedures is to reduce unnecessary attendance and wait time at hearings for the bar and parties, allow compliance with Fed. R. Bankr. P. 9014(e), provide parties with further opportunity to settle matters or prepare arguments, and assist the Judge in preparing for significant issues not highlighted by the pleadings through research and review.

⁸ Consent and dispute calendars may be held on the same date, but may be scheduled at different times.

⁹ Trustees typically provide written notice of deficiencies in a debtor’s plan of reorganization at a debtor’s 11 U.S.C. § 341 meeting of creditors and, if developments require, several days in advance of the hearing on confirmation of a debtor’s plan of reorganization.

Court or Trustee may announce further hearing dates and times for continued matters or matters deemed in dispute. If a new hearing date is announced without objection, all counsel and parties will be presumed to agree to the date and time and no later conflicts will be accepted. Settlements, Trustee recommendations, and other agreed upon dispositions shall be recorded and considered by the Judge.

- 3. Attendance.** In most instances, unless otherwise advised, the Judge does not require the attendance of debtor(s) or witnesses at a hearing on the Chapter 13 consent calendar. However, **the Judge requires attendance by debtor(s) and counsel** in the following circumstances:
- a. If debtor(s) file an amended plan, amended schedules or statements, or a claims objection within 3 business days prior to a confirmation hearing, which materially affects the confirmation hearing, unless the filing or amended document resolves all objections and the Trustee has affirmatively excused the attendance.
 - b. There is an outstanding objection and the Trustee has not agreed to carry the matter over or excused attendance in accordance with the Joint Statement of Dispute procedures (set forth [here](#)). Counsel for the objecting parties and necessary witnesses would also be expected to attend.
 - c. A case in which the Trustee has provided notice that a request to dismiss the case will be made at the confirmation hearing pursuant to Local Rule 1017-2(a).

In all other circumstances, debtor(s)' attendance may be required by the Trustee in order for the Trustee to obtain relevant information and make recommendations to the Court. Accordingly, **it is the responsibility of debtor(s), objecting parties, and counsel to inquire with the Trustee as to the need for attendance.**¹⁰ If counsel has informed the Trustee of a resolution of a matter and the Trustee has agreed, the Trustee may report a resolution on the record and excuse counsel's attendance. The failure to attend by counsel or parties when not otherwise excused shall be reported to the Court by the Trustee and may be deemed a failure to prosecute.

4. Calendar Removal.

Continuances for Matters Identified as Being Contested – Joint Statement of Dispute Procedure. If any matter scheduled on the consent calendar is identified as being contested or requiring the presentation of testimony or other evidence or oral argument to the Judge, a Joint Statement of Dispute shall be filed in accordance with the Joint Statement of Dispute procedures set forth [here](#). The same duty to consult applies with respect to disputed matters involving the Trustee. In the event that the Trustee is a litigant to a disputed matter, unless excused, the Trustee shall also bear a duty to submit a Joint Statement of Dispute, except as to issues raised by the Chapter 13 Trustee in writing regarding compliance with 11 U.S.C. §§ 1322 and 1325.

If counsel and the Trustee have agreed to a continuance prior to the filing of a Joint Statement of Dispute or all counsel have requested a later hearing date in the Joint Statement

¹⁰ To assist the bar, Trustees may develop, implement, and publish standard rules and procedures governing attendance by debtors at hearings scheduled on the consent calendar.

of Dispute, the Trustee in his or her discretion may excuse attendance of counsel and the parties and may announce at the hearing a continuance of up to 30 days. If no Joint Statement of Dispute has been filed, the Trustee may extend the time for filing of a Joint Statement of Dispute to a time no later than 10:00 a.m. on the day before the continued hearing. If a continuance of more than 30 days is needed, a continuance request must be made in accordance with the procedures set forth in the [Continuances, Settlements & Withdrawals](#) section.

Upon failure to file a Joint Statement of Dispute or if the Trustee does not consent to a continuance, all counsel for the parties to the dispute shall appear at the hearing on the consent calendar. Counsel should be prepared on the issues and the law. A hearing will be held by the Judge and treated as a preliminary hearing unless otherwise indicated in advance by the Court.

B. DISPUTE CALENDAR

- 1. Definition of Disputed Matter.** Disputed matters are matters which by their nature are likely to require the presentation of testimony or other evidence or argument before the Judge. A list of matters that are to be originally scheduled for a hearing on the dispute calendar is provided in [Exhibit B](#).
- 2. General Procedures.** Parties and counsel should be fully prepared to proceed with a dispositive hearing on matters originally scheduled on the dispute calendar unless the matter is removed by the Court upon a continuance, report of settlement, or withdrawal as stated below or unless counsel are otherwise advised by the Court. In a disputed matter, parties and counsel shall have the duty, in advance of the hearing, to consult and define the issues to be decided by the Court, disclose the witnesses to be called at the hearing, timely exchange any evidence to be presented to the Court, enter into stipulations which may assist the Court at the hearing, and estimate the time needed for hearing.¹¹
- 3. Attendance.** Counsel, necessary witnesses, and parties are expected to appear for a matter originally scheduled on the dispute calendar, unless the matter is removed from the calendar pursuant to the procedures set forth below.
- 4. Calendar Removal.** For guidelines regarding reporting settlements, filing withdrawals, or requesting continuances of disputed matters for purposes of calendar removal, see the [Continuances, Settlements, & Withdrawals](#) section.
- 5. Filing of a Joint Statement of Dispute.** If the parties expect to present testimony or evidence (the admission of which has not been stipulated) or if all parties' pleadings do not clearly set forth all of the grounds for the dispute, a Joint Statement of Dispute must be filed in accordance with the procedures set forth [here](#). However, a Joint Statement of Dispute is **not** required prior

¹¹ For matters expected to take more than 1 hour, counsel should promptly advise chambers by e-mail to eliminate unnecessary wait time.

to the hearing if the hearing is limited to oral argument by counsel and if the issues are clearly set forth in the pleadings.¹²

IV. Requirement for Confirmation

As a condition to confirmation of a chapter 13 plan, the debtor(s) shall represent by filing a Debtor's Statement in Support of Confirmation via the Plan (by the addition of nonconforming language) or via CM/ECF, which indicates that they understand the following:

- (1) The obligations set forth in the plan, including the amount, method, and timing of payments made to the Trustee or directly to creditors;
- (2) The consequences of any default under the Plan;
- (3) That debtor(s) may not agree to sell or sell property, employ professionals, incur debt (including modification of debt), or request or agree to mortgage modification or other loss mitigation during the pendency of the case without the advance authorization of the Bankruptcy Court.

The Trustee shall not recommend confirmation without ensuring that such Statement has been either included in the Plan or filed on CM/ECF.

V. Expedited Fee Amount

The expedited fee amount for purposes of SC LBR 2016-1(b)(1) is \$3,500 for a consumer case and \$4,000 for a business case. An additional no-look fee of \$1500 is allowed for services provided under the Loss Mitigation/Mortgage Modification Portal Procedures. The supplemental fee amount for purposes of SC LBR 2016-1(b)(2)(A) is \$1,200.

¹² For all matters continued from the consent calendar to the dispute calendar as set forth herein, the Court should receive a Joint Statement of Dispute.

STAY RELIEF PROCEDURES

I. **Standard Form Orders Regarding Motions for Relief from the Automatic Stay in Chapter 13 Cases**

Due to the large volume of settlement orders and other § 362 orders reviewed in chambers, standard form orders have been developed to increase efficiency in the review and processing of these orders. The use of the following form orders relating to motions for relief from the automatic stay will allow for expedited consideration without a hearing:

1. Order granting relief from stay in Chapter 13 case based upon a failure to object to motion for relief from stay. See Exhibit C. This order may also be generated using the CM/ECF text only event “Certification of No Response and Request for Default 362 Order.”
2. Settlement order for a motion for relief from stay based upon a post petition default in payment pursuant to a plan in a Chapter 13 case. See Exhibit D. This order may also be generated using the CM/ECF text only event “Request for Settlement Order on Motion for Relief from Stay.”
3. Order granting relief from stay in Chapter 13 case based upon failure to comply with settlement order. See Exhibit E (to be used in connection with Exhibit D).
4. Settlement order for a motion for relief from stay based upon a post petition default in payment where equity/value exists above Movant’s lien. See Exhibit F. This order may also be generated using the CM/ECF text only event “Request for Settlement Order on Motion for Relief from Stay.”
5. Consent order granting relief from the automatic stay to continue or pursue an action in family court. See Exhibit J.

II. **Settlement Orders Containing Non-Standard Language (Hearing Required).**

Parties may include non-standard language in the form Settlement Orders in the section provided or they may draft a settlement order containing non-standard language. **Unless otherwise advised, a hearing, attended by counsel for all parties to the settlement, will be required for approval of any non-standard form order or a settlement order containing non-standard language.** A settlement order must also comply with the following guidelines:

1. Debtor(s)’ Certification. A settlement order must include the following certification by debtor(s)’ counsel **at the end of the order**:

Prior to consenting to this settlement order, the payment obligations set forth in this order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the debtor(s) or the party obligated to pay.

(signature of counsel)
Attorney for the Debtor(s)

2. Statement of Equity/Value Above Lien. Settlement orders must include a statement of the equity/value in the subject property above the movant’s lien according to the parties’ certifications of fact. The amount of equity stated should be the total equity or value above the movant’s lien in the property without regard to any claimed exemptions or junior liens.

(Example): According to the certification(s) of facts, the value/equity in the subject property above the movant's lien is \$_____.

3. *Ex parte* Relief. If a settlement order contains an *ex parte* stay relief provision based upon a failure to make a cure payment or a failure to make a future direct payment, the order must provide that the *ex parte* relief provision shall expire no more than 12 months from the expiration of the cure period. A demonstration of cause at a hearing is required for approval of proposed orders containing longer default periods.
 - a. Any *ex parte* relief provision upon failure to comply with the settlement order shall be stated as follows:

Relief from stay may be provided without further hearing upon the filing of an affidavit of default by the movant and the entry of the proposed order by the Court.

- b. In cases where there is significant equity (more than \$5,000.00) in the subject collateral, an *ex parte* relief provision will not be allowed. Instead, the settlement order should provide that in the event of a default, upon the filing of an affidavit of default and request for further hearing by the movant, the Court will set a further hearing to consider relief from stay. Upon default, the movant should use the CM/ECF event, Affidavit of Default and Request for Further 362 Hearing, to file the affidavit of default and request a hearing. The debtor(s) and Trustee shall have ten (10) days from the date of service of the notice of further 362 hearing to object to the Movant's request for relief. If no timely objections are filed, Movant may file a proposed order granting relief from the automatic stay and the Court may enter such order without any further hearing.

III. *Ex parte* Relief Due to Default on Settlement Order.

An affidavit of default should state that the default occurred within the effective time period for the *ex parte* relief provision included in the settlement order (e.g., within 12 months after the expiration of the cure period) and indicate with specificity the payments which have not been received since the entry of the settlement order. The affidavit must also include an attachment which demonstrates all direct post petition payments and their application.

IV. Motions to Extend the Automatic Stay

For all motions to extend the automatic stay filed in cases before the Judge, an affidavit of the movant shall be filed supporting such motion, which provides the information necessary to determine whether the requirements of 11 U.S.C. § 362(c)(3) are met. The affidavit must be filed at the same time as the motion to extend the automatic stay. The chapter 13 plan and all schedules must be filed by no later than five (5) business days prior to the scheduled hearing on the motion to extend the automatic stay. The failure to file the chapter 13 plan and all schedules and statements in time for the Trustee's consideration may result in the denial of the motion. The motion may be granted in advance of the hearing if the affidavit is timely submitted, there are no objections by parties in interest, and the Trustee consents to the extension.

**LOSS MITIGATION/MORTGAGE MODIFICATION
AND MEDIATION PROGRAM**

All loss mitigation/mortgage modification (“LM/MM”) occurring during a bankruptcy case must be approved by the Court¹³ using the following procedures to be effective.¹⁴ While nothing herein requires a mortgage creditor to agree to LM/MM, the procedures set forth below are intended to facilitate LM/MM discussions which may be otherwise required under applicable non-bankruptcy law or generally offered by the mortgage creditor (“Mortgage Creditor”).¹⁵

I. LM/MM via the Portal (Preferred Method)

a. LM/MM Portal. The Portal is a secure web platform operated by Default Mitigation Management LLC (“DMM”), available at <https://www.dclmwp.com>.¹⁶ The Portal is preferred because it allows Court oversight and reduces disputes by enabling parties interested in LM/MM to more quickly communicate and exchange all necessary documentation in a secure and transparent online environment while preserving the record of communication and documents exchanged and establishing deadlines for completion of the review.

b. LM/MM Portal Procedures.

(1) Debtor(s) are encouraged to participate in LM/MM via the Portal with the assistance Debtor(s)’ Counsel.¹⁷ Debtors who seek to represent themselves *pro se* for purposes of pursuing LM/MM assume all risks.¹⁸ At the beginning of the Debtor(s)’ bankruptcy case and/or before initiating the LM/MM process, Debtor(s)’ Counsel should determine whether

¹³ **References herein to the Court shall mean Judge Waites only.**

¹⁴ The deadlines and requirements set forth herein are not intended to supersede or extend any deadlines or requirements set forth by applicable non-bankruptcy law, including but not limited to regulations promulgated by the Consumer Financial Protection Bureau (“CFPB”).

¹⁵ **Other than the requirement that the Court approve the final LM/MM by Order, these procedures are not applicable to debtor accepted Streamlined Modifications, which by definition are offers from mortgage lenders or servicers without the need for the Debtor(s) to submit any documentation or financial information to obtain approval.** Streamlined Modifications include but are not limited to FNMA Streamlined Modifications, FHLMC Streamlined Modifications, Streamlined HAMP modifications, and other similar federally sponsored programs/initiatives. A Streamlined Modification may be approved by the Court through the submission of a proposed *Consent Order Approving Mortgage Modification* using the form attached as Exhibit R, using the CM/ECF event, *Proposed Consent Order Approving LM/MM*.

¹⁶ DMM is identified as the Portal provider due to its experience and reasonable cost (\$40 for each Debtor(s)’ Prepared Package and \$40 for the portal submission by the Debtor(s)). Registration for portal use can be completed online at <https://www.dclmwp.com> or by contacting DMM at 1-800-481-1013. The Court may, upon application and review, approve other service providers, in which event such providers will be listed on the Court’s website.

¹⁷ Counsel filing the Debtor(s)’ case shall be presumed to be counsel for LM/MM efforts unless special counsel with expertise in LM/MM is employed by the Debtor(s) with notice to the Court using the *Limited Notice of Appearance, Request for Notice, and Disclosure of Compensation* form attached as **Exhibit M**. The *Limited Notice of Appearance, Request for Notice and Disclosure of Compensation* should be filed using the CM/ECF event, *Limited Notice of Appearance for LM/MM & Request for Notice*. In the event that the no-look fee for LM/MM purposes is to be paid to separate counsel from the attorney representing the Debtor(s) in the filing and administration of the bankruptcy case, the attorneys’ fees to each shall be paid in equal amounts in each distribution from the Trustee, unless otherwise agreed by counsel.

¹⁸ For an additional fee, DMM may offer document preparation and LM/MM facilitation services for debtors who are otherwise unrepresented in using the Portal.

the Mortgage Creditor provides applicable LM/MM programs that may benefit the Debtor(s) and whether LM/MM is feasible, and review LM/MM requirements with the Debtor(s).

- (2) If the Debtor(s) intend to seek LM/MM during the first 12 months of the case, the Debtor(s) must include the appropriate nonstandard plan language (set forth below in Paragraph e (1) or (2)) in the Plan.
- (3) If the Debtor(s) do not intend to seek LM/MM during the first 12 months of the case, but wish to reserve their rights to later pursue LM/MM after confirmation of the Plan, the Debtor(s) must include nonstandard reservation of rights language in the Plan (see Paragraph e (3)).¹⁹ Failure to include such language may preclude subsequent court approval of any LM/MM agreement.
- (4) As an initial matter, Debtor(s)' Counsel should contact the applicable Mortgage Creditor to determine whether it will consent or provide a statement of no objection to engage in LM/MM discussions via the Portal.
 - i. If the Mortgage Creditor agrees, Debtor(s)' Counsel may immediately submit a proposed **Order Requiring Loss Mitigation/Mortgage Modification ("LM/MM Order")**, using the form attached as Exhibit K with the following modifications:²⁰
 1. Change title of order to "Consent Order Requiring Loss Mitigation/Mortgage Modification."
 2. Replace the first paragraph of the order with the following: "This matter comes before the Court upon the agreement of the Debtor(s) and [Creditor Name] to participate in the Loss Mitigation/Mortgage Modification Portal Program. With the consent of the parties, it is hereby"
 3. Include consent signatures at the end of the order.
 - ii. If unable to obtain the agreement of the Mortgage Creditor, Debtor(s)' Counsel may file a **Notice and Motion for Loss Mitigation/Mortgage Modification** and proposed **Order Requiring Loss Mitigation/Mortgage Modification ("LM/MM Order")**,²¹ using the forms attached as Exhibits J and K, and serve on the applicable Mortgage Creditor, co-borrowers or obligors on the loan, and their counsel, if known.²²
 - a. The affected Mortgage Creditor, co-borrowers, and other obligors shall have 14 days from the date of service of the Motion to object to the Motion. Any objection must state specific reasons verified as accurate by counsel for the objecting party. Upon timely objection, a hearing shall be held on the date identified in the Notice and all applicable parties and counsel shall attend. In the absence of an objection, the Court may grant, without a hearing, the Motion and enter the **LM/MM Order**.

¹⁹ The LM/MM process should be commenced before discharge of the Debtor(s) and in time to allow completion of the procedures before the case is closed.

²⁰ The proposed order should be filed using the *Proposed Consent Order Requiring LM/MM (no motion filed)* CM/ECF event.

²¹ The **Notice and Motion for Loss Mitigation/Mortgage Modification** and proposed **LM/MM Order** should be filed using the *Loss Mitigation/Mediation* CM/ECF event.

²² In order to ensure timely responses to inquiries from the Court, the Mortgage Creditor's designated counsel shall be deemed to be the attorney who files the most recent pleading in the case on behalf of the Mortgage Creditor.

- (5) Upon entry of the ***LM/MM Order***, Debtor(s)' Counsel shall immediately register on the Portal. **Once the *LM/MM Order* is issued, all communication between the parties regarding LM/MM shall be through the Portal and the parties must comply with the deadlines and requirements set forth in the *LM/MM Order*.**
- (6) Within 7 days after entry of the ***LM/MM Order*** or within any other applicable deadline set by non-bankruptcy law (including CFPB requirements), if shorter, the Mortgage Creditor shall advise its counsel of entry of the ***LM/MM Order***, register to use the Portal (if not previously registered), assign to the Portal the Mortgage Creditor's designated counsel, and ensure that the Portal provider has been provided with any and all application forms and documentation requirements necessary for consideration of all available types of LM/MM. Debtor(s)' Counsel shall report, by correspondence filed on the Court's docket, any failure to timely register to use the Portal.
- i. **Loan Transfer during LM/MM Process.** The Mortgage Creditor, via counsel, is ordered to inform the Court, the Debtor(s), Debtor(s)' Counsel, the Trustee, and any participating co-borrower or obligor if the applicable loan is sold or securitized to another company during the LM/MM process within 7 days of the transfer. The transferee or new servicer of the loan shall be advised of these requirements by the original Mortgage Creditor and shall be bound by all prior orders, agreements, forms, and documentation. The transferee or servicer shall register for the Portal within 7 days and the Mortgage Creditor shall transfer the Portal account to the transferee so that the transferee may review all previously submitted transmissions and continue with the process.
- (7) Within 14 days after entry of the ***LM/MM Order***, unless exempted,²³ the Court's approved online document preparation program (the "Document Preparation Program") must be used to complete the standard LM/MM forms (the "Debtor(s)' Prepared Package") and upload the Debtor(s)' Prepared Package to the Portal. Use of the Document Preparation Program, provided at www.documods.com,²⁴ is required to expedite the exchange of information between the Debtor(s) and the Mortgage Creditor and ensure greater accuracy in the preparation of the required documentation.
- (8) Within 7 days after submission of the Debtor(s)' Prepared Package and any other necessary documentation on the Portal, the Mortgage Creditor shall:
- i. Acknowledge receipt of the information on the Portal;
- ii. Provide on the Portal all contact information of the representative in charge of the Debtor(s)' account; and
- iii. Notify Debtor(s)' Counsel of any additional or updated information required to process the application.

²³ Debtor(s)' Counsel who are experienced with LM/MM and with the use of the Portal may request by motion, stating grounds with specificity, to be exempted from using the Document Preparation Program. ***Pro se Debtors must use the Document Preparation Program.***

²⁴ Enter ***scbkdocs40*** for the \$40.00 rate. DMM also offers a DocuPrep program through which it directly assists the Debtor(s) in completing the Debtor(s)' Prepared Package (for a fee charge of approximately \$200.00).

- (9) Unless a shorter time is set by applicable law, rules or regulations (such as the CFPB), the Mortgage Creditor shall have a total of 90 days from entry of the **LM/MM Order** (“Loss Mitigation Period”) to conclude its consideration and provide a final response to the Loss Mitigation request by advising on all means of Loss Mitigation, including mortgage modification, or verify a denial by filing a **Mortgage Loan Modification Report**, using the form attached as Exhibit L.²⁵ **Any denial shall state specific reasons for the denial.**
- i. Upon the failure to reach an agreement regarding LM/MM within the 90-day Loss Mitigation Period, any party may request an extension of the Loss Mitigation Period by motion, which states specific grounds for the extension.
- (10) Upon acceptance of the Debtor in a Trial Period Plan and before the first trial period payment is due, Debtor(s)’ Counsel shall submit a proposed **Order Approving Trial Period Plan** using the form attached as Exhibit N for consideration and approval by the Court.²⁶ If a copy of the trial period agreement is attached to the proposed order, **any private information must be redacted** according to Federal Rule of Bankruptcy Procedure 9037.
- (11) Any final agreement for LM/MM shall be submitted for approval by the Court by way of **Consent Order Approving Loss Mitigation/Mortgage Modification**, using the form attached as Exhibit O.²⁷ If a copy of the LM/MM agreement is attached to the proposed order, **any private information must be redacted** according to Federal Rule of Bankruptcy Procedure 9037.
- i. If the modification to the mortgage involves an extension of new funds or credit, a motion to incur debt or obtain credit should also be filed and properly noticed to all creditors and parties in interest.
- ii. Dismissal of the bankruptcy case, relief from the automatic stay as to the affected property, or reaffirmation of the debt shall not be a prerequisite of an agreement for loss mitigation, including modification of mortgage loan, unless allowed by the Court after consideration at a hearing.
- (12) Absent entry of a **Consent Order Approving Loss Mitigation/Mortgage Modification**, a final report, using the form attached as Exhibit L, must be submitted within thirty (30) days of the expiration of the Loss Mitigation efforts.
- (13) In order to ensure the timely completion of LM/MM and unless a final report concluding LM/MM has been filed, the Court will set a status hearing on the LM/MM efforts (“Status Hearing”) within 120 days from the entry of the **LM/MM Order**. The Debtor(s), Debtor(s)’ Counsel, the representative of the Mortgage Creditor with the most knowledge regarding the LM/MM efforts made in the case and counsel for the affected Mortgage Creditor shall appear in person at the Status Hearing. In the event the LM/MM process is completed, approved or denied prior to that time, parties via counsel may file a report to that effect and a calendar removal request.

²⁵ The **Mortgage Loan Modification Report** should be filed using the CM/ECF event of the same name.

²⁶ The proposed **Order Approving Trial Period Plan** should be filed using the CM/ECF event, *Proposed Order Approving Trial Period Plan*.

²⁷ The proposed **Consent Order Approving Loss Mitigation/Mortgage Modification** should be filed using the CM/ECF event, *Proposed Consent Order Approving LM/MM*.

(14) No later than 60 days after entry of the ***Consent Order Approving Loss Mitigation/ Mortgage Modification***, the Mortgage Creditor shall deliver all documents necessary to complete the permanent modification to Debtor(s)' Counsel and the parties shall execute all necessary documents to finalize the modification. Upon the Mortgage Creditor's failure to timely deliver the necessary documents, the Debtor(s) may file a Motion to Compel and seek attorney's fees incurred as a result of unreasonable delay.

- c. Good Faith Requirement.** All parties are required to act in good faith throughout the LM/MM process. Debtor(s)' Counsel and counsel for the Mortgage Creditor shall immediately report to the Court the other party's failure to timely comply with any of the LM/MM procedures or deadlines or failure to otherwise act in good faith by filing correspondence on the Court's docket.
- d. LM/MM Mediation.** At any time after the ***LM/MM Order*** is entered, any party may request or the Court, *sua sponte*, may direct the appointment of a mediator to facilitate LM/MM discussions and resolve disputes between the parties.²⁸ If approved, the Court will select a mediator and issue an ***Order Appointing Mediator***.²⁹

(1) Within 3 days after the entry of the ***Order Appointing Mediator***, the mediator shall register to the Portal at no cost. Once registered, Debtor(s)' Counsel shall assign the mediator to the account on the Portal so that the mediator may review the file and have access to the account on the Portal. Each mediation session shall be conducted via telephone conference call on a date set by the mediator and last no longer than one hour. Debtor(s)' Counsel shall publish the phone number for the conference call on the Portal no later than 3 days before the scheduled mediation. Any party may request an expedited hearing before the Court on issues not resolved by mediation.

(2) Costs for a mediator shall not, without Court order, exceed \$500.00 for two one-hour sessions, and shall be equally divided and paid within 10 days of the ***Order Appointing Mediator*** and in advance of the session by the parties unless otherwise ordered.³⁰

²⁸ A request for mediation made more than 60 days after entry of an order granting relief from stay on the subject property or made after denial of an appeal must allege specific grounds that demonstrate a lack of good faith, change in circumstances, or other cause. The request for mediation should be filed using the CM/ECF event, *Request for Appointment of Mediator*.

²⁹ If the selected mediator is unable to serve, the parties may contact Chambers to request the appointment of a new mediator.

³⁰ In the event of a settlement of issues before mediation takes place, the mediator may nevertheless be entitled to fees for time spent in preparation for mediation at the hourly rate of \$250/hour, but such fee request shall not exceed \$500.00 without Court order.

- e. **Chapter 13 Plan Language.** The following nonstandard language has been approved for inclusion in the Chapter 13 plan to indicate the Debtor(s) intention to pursue LM/MM, subject to objection by affected parties.

(1) Option One (The Debtor(s) are capable of making regular contract payments or adequate protection payments)

The Debtor(s) shall seek loss mitigation or consensual mortgage modification of the mortgage loan secured by the following property via the Portal process set forth in Chamber's Guidelines:

[Real Property Description]

Beginning on [date], the Debtor(s) will pay either regular contract payments or adequate protection payments in the amount of \$_____ directly to [Mortgage Creditor]. The Debtor(s) will also be responsible for payment of any arrearage directly to [Mortgage Creditor] if not relieved through a loss mitigation or loan modification process. No payment will be made by the Trustee on this secured claim.

(2) Option Two (The Debtor(s) are unable to make present payments)

The Debtor(s) are unable to resume payments to [Mortgage Creditor] at this time, and therefore, the Debtor(s)' plan relies upon loss mitigation or a consensual mortgage loan modification of the mortgage loan secured by the following property:

[Real Property Description]

If the mortgage loan modification is approved, the Debtor(s) shall directly pay [Mortgage Creditor]'s allowed mortgage claim, including any prepetition and post petition amounts. No payment will be made by the Trustee on this secured claim.

In the event that (1) the request for mortgage loan modification (and any necessary documentation) is not submitted or is denied (after appeal) or (2) the Debtor(s) fail to timely make any required Trial Period Plan Payments, the Mortgage Creditor may, after 14 days' written notice to the Debtor(s), Debtor(s)' Counsel, and the Trustee, submit an affidavit and proposed order seeking relief from the stay. However, the Mortgage Creditor may not obtain relief until its final consideration of loss mitigation or mortgage modification is concluded and reported to the Debtor(s) and Debtor(s)' Counsel.

(3) Option Three (Reservation of Rights Language)

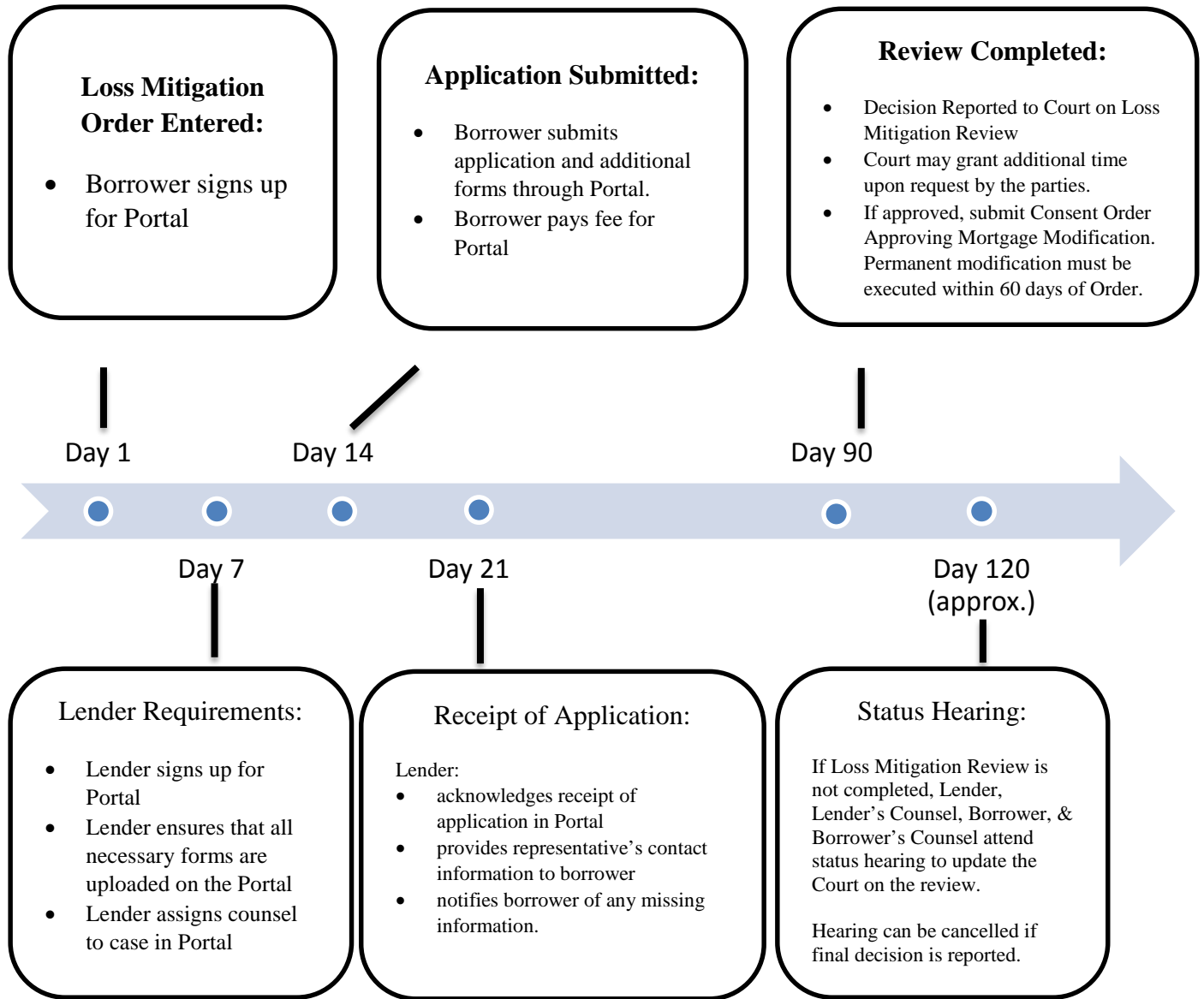
The Debtor(s) reserve the right to seek loss mitigation or modification of the mortgage loan using the Loss Mitigation/Mortgage Modification Portal procedures described in Chambers Guidelines during the bankruptcy case, which may be effective upon subsequent approval by order of the Court

- f. Attorney's Fees for LM/MM via the Portal.** Counsel assisting the Debtor(s) with LM/MM via the Portal shall be permitted to charge an attorney's fee for LM/MM related services. In Chapter 13 cases, a **\$1500** no-look fee shall be allowed (in addition to the no-look fee established under the Guidelines for compensation for professionals), which may be paid directly by the Debtor from post petition income or exempt assets or through the confirmed Plan, with **\$1000** of that fee allowed to be distributed in the initial distribution by the Trustee. The manner of payment of the no-look fee for loss mitigation/mortgage modification must be addressed in the ***LM/MM Order***. See Exhibit K. The fee provides additional compensation for all services through the completion of the LM/MM process and includes:
- a. Filing of the ***Notice and Motion for Loss Mitigation/Mortgage Modification*** and proposed ***LM/MM Order***;
 - b. Assembling and submitting Debtor(s)' Prepared Package;
 - c. Filing of other required pleadings and preparation of proposed orders, as applicable;
 - d. Communicating with the Mortgage Creditor, co-borrower or obligor, and the Mediator, if appointed;
 - e. Filing of the proposed ***Order Approving Trial Period Plan***, if applicable; ***Consent Order Approving Loss Mitigation/Mortgage Modification***, or a ***Mortgage Loan Modification Report***; and
 - f. Appearing at hearings relating to LM/MM.

\$1000 of the no-look fee shall be deemed earned and payable after the filing of an Attorney Fee Disclosure Statement and upon completion of the submission of all documents necessary for consideration of loss mitigation/mortgage modification. The remaining portion of the no-look fee shall be deemed earned and payable upon submission of a proposed ***Order Approving Trial Period Plan, Consent Order Approving Loss Mitigation/Mortgage Modification, or Mortgage Loan Modification Report***. Additional fees for LM/MM efforts may be allowed in the event of extraordinary circumstances or if LM/MM mediation is ordered upon motion specifying cause and further order.

As an alternative to the no-look fee, an application seeking additional compensation may also be submitted for expedited consideration.

Timeline for Loss Mitigation Review:



These deadlines are supplemental to and do not supersede the deadlines required in other legal mandates, including the National Mortgage Settlement and the CFPB.

II. Non-Portal LM/MM

- a. Duty to Report Non-Portal LM/MM Efforts for Approval.** Non-Portal LM/MM efforts must be reported to the Court via the filing of correspondence by Debtor(s)' Counsel, counsel for the Mortgage Creditor or the parties *pro se* or by submission of an order seeking approval.³¹ Failure to timely notify the Court of such efforts may result in adverse rulings.
- b. Approval of Non-Portal Trial Period Plan.** Upon acceptance of the Debtor in a Trial Period Plan and before the first trial period payment is due, Debtor(s)' Counsel shall submit a ***Consent Order Approving Trial Period Plan (Non-Portal)*** using the form attached as Exhibit P. If a copy of the trial period agreement is attached to the proposed order, **any private information must be redacted** according to Federal Rule of Bankruptcy Procedure 9037.
- c. Approval of Non-Portal Final Agreement for Loss Mitigation/Mortgage Modification.** Any final agreement for LM/MM shall be submitted for approval by the Court by way of a proposed ***Consent Order Approving Loss Mitigation/Mortgage Modification (Non-Portal)***, using the form attached as Exhibit Q. If a copy of the LM/MM agreement is attached to the proposed order, **any private information must be redacted** according to Federal Rule of Bankruptcy Procedure 9037.
- i. If the modification to the mortgage involves an extension of new funds or credit, a motion to incur debt or obtain credit should also be filed and properly noticed to all creditors and parties in interest.
 - ii. Dismissal of the bankruptcy case or reaffirmation of the debt shall not be a prerequisite of an agreement for loss mitigation, including modification of mortgage loan, unless ordered by the Court after consideration at a hearing.
 - iii. If not provided in a previously confirmed plan, an amended plan which provides that all mortgage payments shall be made directly by Debtor(s) to the Mortgage Creditor shall be filed prior to the approval of the final agreement for LM/MM.
 - iv. Upon approval of the final agreement for LM/MM, the Court will grant relief from the automatic stay for the benefit of the Mortgage Creditor upon submission of a proposed order from the Mortgage Creditor via counsel.³² Unless otherwise ordered, the automatic stay shall remain effective as to all other lienholders.
- d. Attorney's Fees for Non-Portal LM/MM.** No additional no-look attorney's fee is authorized for Non-Portal LM/MM efforts. Debtor(s)' Counsel may seek attorney's fees in an amount of up to \$300 for efforts to obtain Court approval by filing an application for supplemental fees in accordance with SC LBR 2016-1.
- e. Pursuing LM/MM without Assistance of Counsel.** Debtors who elect to represent themselves *pro se* for purposes of pursuing LM/MM assume all risks, and if unsuccessful, a further opportunity to seek LM/MM during the bankruptcy case will not be approved.

³¹ Unrepresented Mortgage Creditors may submit correspondence to chambers by e-mail to jwaites_prose@scb.uscourts.gov, with copy provided to Debtor(s)' Counsel and the Trustee.

³² The proposed order should be titled "Order Granting Relief from Stay as to [Mortgage Creditor Name] Only" and should be filed using the CM/ECF event, *Proposed Order*.

MOTIONS TO SUBSTITUTE COLLATERAL/USE INSURANCE PROCEEDS

Motions to substitute collateral or use insurance proceeds to purchase a vehicle of equal or greater value may be filed on passive notice and scheduled for a possible hearing on the consent calendar. Proposed orders granting motions to substitute collateral should be filed using the form attached as Exhibit B.

EXHIBITS IN ADVERSARIES & CONTESTED MATTERS

The original and one bench copy of all paper exhibits and an itemized list of the exhibits are to be submitted to the courtroom deputy prior to the hearing or at the hearing and are not to be filed on CM/ECF.¹ Counsel should also ensure that there are enough copies of the exhibits for all opposing counsel, *pro se* parties, and any witness providing testimony regarding the exhibits. To avoid confusion, the exhibits of the party initiating the matter should be premarked using letters (e.g., Movant's or Plaintiff's Exhibit A, B, C, etc.), and the responding party's exhibits should be premarked using numbers (e.g., Respondent's or Defendant's Exhibit 1, 2, 3, etc.) The parties should exchange exhibits and confer **prior** to the hearing to determine whether they will be able to stipulate to the admission of exhibits set forth in the Joint Statement of Dispute or Joint Pretrial Order. If a matter is scheduled to be heard by video or telephone conference, the premarked exhibits should be provided to the courtroom deputy two business days prior to the scheduled hearing by email to judgewaites_hearings@scb.uscourts.gov, or by delivery to the applicable Court location via U.S. Mail, FedEx/UPS, or hand delivery.

¹ Exhibits in Adversaries are to be submitted with the Joint Pretrial Order in accordance with the terms of the Judge's Scheduling Order. In contested matters, exhibits should be submitted to the courtroom deputy prior to the hearing with sufficient time provided to ensure proper identification and handling.

ADVERSARY PROCEEDINGS

I. Scheduling Orders

Once the issues are joined or upon order of the Court, counsel are notified by chambers to meet the requirements of Fed. R. Civ. P. 26(f) within 14 days and are requested to e-mail a Discovery Report to the law clerks to advise the Court of the time necessary for discovery. Scheduling orders are thereafter entered pursuant to Fed. R. Civ. P. 16(b). In its discretion or if requested by the parties, the Court may conduct an initial pretrial or status conference.

II. Modification of Scheduling Orders

If the parties wish to alter a deadline in a scheduling order and it does not require the rescheduling of a hearing before the Court, the request should be made to chambers and should indicate the proposed change and whether all parties agree to the modification. If the proposed amendment would necessitate rescheduling a matter already noticed for hearing, including the final pretrial hearing, or trial, the parties must file a motion seeking an amended scheduling order and indicate the reasons for amendment, whether all parties consent, and the status of discovery efforts. **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.**

III. Consent to Entry of Final Orders and Judgments

Any party objecting to the entry of final orders or judgments by this Court on any issue in the adversary proceeding, whether or not designated as “core” under 28 U.S.C. § 157(b), shall file a motion by the deadline specified in the scheduling order requesting that this Court determine whether the proceeding is subject to the entry of final orders or judgments by this Court. **FAILURE OF ANY PARTY TO FILE A MOTION ON OR BEFORE THE DEADLINE PROVIDED IN THE SCHEDULING ORDER SHALL CONSTITUTE CONSENT BY SUCH PARTY TO THIS COURT ENTERING FINAL ORDERS AND JUDGMENTS IN THE PROCEEDING.**

IV. Availability of Court During Depositions

Absent advance notification, the Judge is usually not available to address discovery issues arising during a deposition. If parties anticipate the need for the Court’s involvement, the issues should be raised in advance by motion or joint request.

V. Continuances

Continuances for hearings scheduled in adversary proceedings, including trial, may be requested **only** by the filing of a motion for continuance along with a calendar removal request. The motion should clearly indicate the reason for the continuance, whether the other parties consent to the continuance, and the time needed before the next hearing. **Hearings and trials in adversary proceedings may not be continued merely through the submission of a consent order of continuance or through use of the CM/ECF “Request for Continuance” event.**

VI. Settlements

Settlements of adversary proceedings may be reported by filing a consent order, by filing a notice and application for settlement, if required under the Bankruptcy Rules, or through use of the “Notice of Settlement and Request for Removal from Court Hearing Calendar” text event on CM/ECF. **The consent order must clearly indicate whether it resolves all issues in the adversary proceeding in order for the matter to be removed from the calendar.** Counsel are also encouraged to promptly report settlements of adversary proceedings to chambers by e-mail to judgewaites_hearings@scb.uscourts.gov. To ensure removal from the calendar or to excuse counsel and parties from attendance, settlements must be reported **no later than two business days before the hearing or trial.**

The terms of any settlement resulting in the filing of a Stipulation of Dismissal must be provided to chambers for *in camera* review if any consideration is exchanged in return for the dismissal. In Chapter 13 cases, notice of any such settlement must be provided to the Chapter 13 Trustee so that the Trustee can advise chambers whether he/she consents to the settlement.

VII. Joint Pretrial Orders

Pretrial orders, the requirements of which are detailed in prior scheduling orders issued in the proceeding, are to be submitted timely on CM/ECF. The parties need not agree on every matter contained therein in order to submit the order as joint. If there is disagreement on a matter, the joint pretrial order may reflect the disagreement. The original and one copy of all paper exhibits as well as an itemized list of exhibits shall be submitted to the courtroom deputy at the same time as the Joint Pretrial Order.

REQUESTS FOR EMERGENCY RELIEF
(Supplement to Local Rule 9075-1)

Motions for Expedited Hearings or for Shortened Notice. Motions for expedited or emergency hearings or to shorten notice are to be filed in accordance with SC LBR 9075-1. Upon the failure to indicate how quickly the matter needs to be heard, the Court will set the matter for a hearing within approximately 20 days from the date of the filing of the motion. **Hearings set on less than 10 days notice will require service of motion/pleading and notice of hearing on all parties entitled to notice by expedited means (facsimile, e-mail, overnight mail or hand delivery).**

TELEPHONE/VIDEO CONFERENCE PARTICIPATION IN HEARINGS

Requests to Participate by Telephone or Videoconference. The Court will consider written requests by counsel to participate by telephone or videoconference capabilities in hearings or trials in which counsel can demonstrate that travel or attendance creates an unnecessary expense or burden and that opposing counsel is informed of the request and does not object to the appearance by telephone. All such requests must be made in writing to chambers as soon as possible and **no later than two business days before the date of the hearing or trial**. Counsel should indicate in their written request the extent of their participation (e.g., mere listening, argument, questioning of witnesses or presenting evidence). The presentation or viewing of evidence by non-attending counsel will require prior coordination with the courtroom deputy. Counsel should not rely on requests for such participation unless and until approved by the Court. Participation by these means may be limited based on the technological capabilities of the Court location.

JUDICIAL LIEN AVOIDANCE

Instructions to Complement Local Rules

Motions to avoid judicial liens should be filed in accordance with the Bankruptcy Code and Rules as well as SC LBR 4003-2 and accompanying exhibits. In chapter 13 cases, motions to avoid judicial liens should be included in the chapter 13 plan.

Pursuant to 11 U.S.C. § 522(f)(2)(B), all liens must be examined in the context of all other unavoids and unavoidable liens. All liens should be addressed within one motion, or motions submitted concurrently, clearly indicating the priority of the lien to be avoided and that senior unavoids liens are included in the calculation.

Motions are to be avoided from junior to senior. Begin with the most junior lien and determine whether it is avoidable in its entirety. All senior judicial liens would be included in the calculation. If the senior lien is avoidable, then it is appropriate to proceed to the next junior lien to determine its avoidability. The junior lien just avoided would not be included in the calculation, but all senior judicial liens would be included. If it is not avoidable or only avoidable in part, then all senior liens would be unavoidable and there is no need to do any further calculation.

In reviewing motions to avoid judicial liens, the following factors are examined:

- Whether a judgment constitutes a lien (the debtor owns real property upon which the judgment has attached or whether a judgment has attached to the debtor's personal property).
- Whether the debtor is entitled to claim an exemption on Schedule C for the applicable property and whether the applicable property is listed on Schedule A. (If no exemption is claimed on Schedule C, a hearing is required in order for the debtor to present evidence demonstrating his or her entitlement to the exemption.)
- Whether the numerical amounts provided on the motion are consistent with the Schedules and Statement of Financial Affairs.
- Whether the judgment is listed in Debtor's Schedules and Statement of Financial Affairs.
- Whether the total amount of all other liens on property includes all mortgages and/or senior judicial liens, where applicable (see Exhibits A and C to [SC LBR 4003-2](#)).

If it is necessary to file a motion to avoid a judicial lien in a closed case, a motion to reopen the case may not be necessary. Likewise, if it is necessary to amend a schedule in direct relation to a lien avoidance issue, a motion to reopen may not be necessary. Nothing herein should be construed to waive any notice requirements with respect to the motion to avoid judicial lien or amendment of schedules.

**LIST OF MATTERS FOR SCHEDULING IN CHAPTER 13 CASES
(JUDGE WAITES CASES ONLY)**

Consent Calendar	
<p>Confirmation Hearings</p> <p>Objections to Amended Plan (after confirmation hearing)</p> <p>Motions to Value*</p> <p>Motions to Assume or Reject*</p> <p>Motions to Avoid Judicial Lien*</p> <p>Motions for Moratorium*</p> <p>Motions to Change Venue*</p> <p>Motions to Divide Case or for Joint Administration*</p> <p>Motion for Exemption or Waiver from Credit Counseling or Financial Management Course*</p> <p>Motions to Obtain Credit*</p> <p>Motions to Sell, Use, or Lease Property or to Prohibit or Condition the Use, Sale or Lease of Property*</p> <p>Motions to use Cash Collateral*</p> <p>Trustee's Application to Abandon Property</p> <p>Motions to Substitute Collateral/Use Insurance Proceeds*</p>	<p>Application for Fees/Compensation*</p> <p>Motions to Withdraw as Attorney</p> <p>Application for Administrative Expense*</p> <p>Motions to Approve Settlement*</p> <p>Objection to Exemptions (if by Trustee, passive*)</p> <p>Motions to Value Tax Claim & Establish Priority</p> <p>First Motion to Extend Time to Object to Discharge or Dischargeability of Debt*</p> <p>Request for Chapter 13 Discharge (BAPCPA) pursuant to SC LBR 3015-5(a)*</p> <p>Trustee's Motion to Dismiss or Convert *</p> <p>Motions to Reconsider Dismissal or Reopen</p>
Dispute Calendar	
<p>Claims Objections*</p> <p>Requests to Convert or Dismiss Case by Creditor or Other Non-Trustee Party</p> <p>Motion for Hardship Discharge and Notice/ Request pursuant to SC LBR 3015-5(b)</p> <p>Motion to Allow Continued Administration of Case After Death and/or Designate Person to Act for Debtor</p> <p>Motion to Convert/Dismiss by Debtor (previous conversion)</p> <p>Motions to Employ Nunc Pro Tunc</p> <p>"CATCH ALL" – motions not otherwise listed on the consent calendar.</p>	
§ 362 Calendar	
<p>Motions for Relief from the Automatic Stay or Agreements related thereto*:**</p> <p>Co-debtor Stay Motions*:**</p> <p>Motions to Extend/Impose the Automatic Stay*:**</p> <p>Motions to Reconsider Relief from Stay</p> <p>Matters arising under Rule 3002.1*</p>	

*Indicates motions on passive notice/self-scheduled list, which are set by counsel.

**The scheduling of motions for relief from or to extend/impose the automatic stay shall be governed by SC LBR 4001-1 and, where applicable, the § 362 calendar published on the Court's web page. Co-debtor stay relief motions should also be scheduled on the dates and times provided for other types of stay relief motions on the § 362 calendar.