

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

FILED

2007 NOV 30 PM 12: 06

U.S. BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE: )  
)  
RETURNED MAIL AND )  
CHANGE OF ADDRESS )  
)  
\_\_\_\_\_ )

AMENDED OPERATING ORDER 07-03

**RETURNED MAIL**

Pursuant to 11 U.S.C. § 521(a), Federal Rule of Bankruptcy Procedure 1007, and South Carolina Local Bankruptcy Rule 1007-1, it is the debtor's responsibility to file a list of creditors and mailing matrix and therefore to ensure the accuracy of the provided information. In instances of incorrect or incomplete addresses, mail is often returned to the Court or counsel. The failure to correct addresses causes a volume of returned mail. In order to ensure the efficient use of Court resources and continue to maintain a record of returned mail, the Clerk of Court is authorized on instances of returned mail to delete an incorrect address from the matrix or correct an address<sup>1</sup> upon notification from the United States Postal Service.<sup>2</sup>

Pursuant to South Carolina Local Bankruptcy Rule 1009-1(d), the debtor (or trustee in an involuntary case or creditor itself) shall file a statement providing the Court with a correct address

---

<sup>1</sup> The Clerk will not delete an address that has been provided by a particular entity in a proof of claim or pleading filed in a case. The Clerk will not delete or correct an address for a creditor if the returned document is one that indicates the case is or soon will be closed or has been reopened including: Final Decree, Discharging Trustee and Closing Case, Order Discharging Chapter 13 Debtor, Order Discharging Trustee, Order Closing Case, Order of Dismissal of Case, Order on Motion to Reopen Case.

Upon the filing of a motion to reopen case by the debtor, the attorney for the debtor shall review and submit any needed address changes or deletions of creditors to the mailing matrix.

<sup>2</sup> In the event a custodian has been appointed by the South Carolina Supreme Court to protect the interests of a suspended or disbarred attorney's clients, the custodian may receive mail at the attorney's address. However, the custodian should inform clients that they must advise the Court in writing of the name and address of any new counsel immediately. Until counsel is substituted, the Clerk shall make no changes in the Court's records, except as stated herein, and all notices would continue to be sent to the address on record. In the instance of returned mail addressed to a suspended or disbarred attorney, the Clerk shall not delete the address but is relieved from placing any notation of the returned mail on the docket.

of any creditor whose address has been deleted or to correct an improperly modified address pursuant to the procedures set forth above. Such statement shall specifically reference the former address to ensure proper modification of the list of creditors. The debtor's duty to report to the Court that a correct address cannot be found is hereby abrogated.<sup>3</sup>

**CHANGE OF ADDRESS BY ATTORNEY**

Upon notification from an attorney of a change in the attorney's address, specific case numbers must be referenced in order to ensure the proper updating of records. If specific case numbers are referenced, the Clerk of Court will update the address only with respect to those cases so indicated. If particular case numbers are not specified, the Clerk of Court will modify the address for all pending and closed cases in which the attorney is associated.

**AND IT IS SO ORDERED.**

Columbia, South Carolina  
November 30, 2007

  
\_\_\_\_\_  
John E. Waites, Chief Judge

---

<sup>3</sup> It is no longer necessary to report to the Court that a correct address cannot be found in instances of returned mail pursuant to South Carolina Local Bankruptcy Rule 1009-1(d). However, Counsel is still responsible for notifying the Court of a complete address or advising that a correct address cannot be obtained in instances of undeliverable mail, i.e. invalid or incomplete address, as identified by the Court's noticing agent and returned directly to Counsel (not to the Court). Upon notification from counsel by filing a "Notice of Change of Address" entry on the docket, the Clerk of Court will process the address modification as requested. If Counsel indicates that a correct address cannot be located, the Court will delete the address, if applicable.