

FILED

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

2013 NOV -1 PM 3: 18

IN RE,
LOCAL RULE AMENDMENTS

U.S. BANKRUPTCY
DISTRICT OF SOUTH CAROLINA

OPERATING ORDER
13-05

Following amendment of the Local Rules on September 1, 2013 and in consultation with the Local Rules Committee, additional technical and clarifying changes are necessary and hereby incorporated in the Local Rules:

1. SC LBR 3015-3(a) is amended to clarify that a debtor should serve the domestic support obligation certificate on the domestic support obligation recipient and provide a certificate of service to the chapter 13 trustee.
2. Exhibits A and C of SC LBR 3015-5 are amended to clarify that a debtor does not need to file a certificate of completion of an instructional course in financial management if the debtor has sought and received a waiver pursuant to 11 U.S.C. § 1328(g)(2).
3. SC LBR 5075-1 is amended to restyle certain provisions and add service of certain orders and notices as follows:
 - a. In paragraph (a), the following delegations are added:
 - i. order on motion to extend the time period to file a plan or disclosure statement pursuant to SC LBR 3016-1 to the movant;
 - ii. order on motion to extend the exclusivity period to the movant;
 - iii. order on motion to appoint chapter 11 trustee to the movant;
 - iv. order denying approval of disclosure statement or denying confirmation of a chapter 11 plan to the proponent.

- b. Paragraph (b)(1) is amended to reflect that the chapter 12 plan and all required exhibits are served by the debtor and to add the following delegations:
 - i. notice of the pre-confirmation conference to the debtor and
 - ii. order confirming chapter 12 plan to the debtor.
- c. In paragraph (c), the following delegations are added:
 - i. any order pursuant to Fed. R. Bankr. P. 3002.1 to the prevailing party;
 - ii. order on a consensual motion to modify a mortgage to the debtor;
 - iii. order on motion to modify the co-debtor stay to the movant;
 - iv. order on motion to sell to the movant;
 - v. order on motion to incur credit to the movant;
 - vi. order on motion to substitute collateral to the movant; and
 - vii. order on motion for moratorium to the movant.
- d. Paragraph (d), subparagraph (2) is amended to clarify that a professional fee applicant is delegated service of an order on the application regardless of whether the application is approved.
- e. The following delegations are added:
 - i. order on motion to divide a case or for joint administration or consolidation to the movant;
 - ii. order on motion to waive or exempt credit counseling or financial management to the movant;
 - iii. order on application for employment to the applicant;
 - iv. order on motion to reconsider relief from the automatic stay to the movant;
 - v. order on motion to continue administration of case after death and/or designate person to act for the debtor to the movant;

- vi. order on motion or application of a party in interest, other than a trustee, to dismiss to the movant or applicant;
 - vii. order on motion to reopen to the movant;
 - viii. order on motion to redeem to the movant;
 - ix. order on motion to value tax claim and establish priority to the movant;
 - x. order on objection to claim to the objecting party; and
 - xi. order on motion or application for Rule 2004 examination to the movant or applicant.
4. SC LBR 9013-3 is amended to separately set forth in paragraph (b) the existing service requirements of matters delegated pursuant to SC LBR 5075-1 and to clarify that a party delegated service should file the certificate of service within seven days and may also attach to the certificate of service the notice of electronic filing as proof that certain parties were electronically served.
5. Exhibit A to SC LBR 9013-4 is amended to modify the passive self-scheduled motion list as follows:
- a. remove applications to employ as these may be considered *ex parte*;
 - b. remove consensual motions to modify mortgages as these may be considered *ex parte*;
 - c. amend the deadline to object to a motion pursuant to 11 U.S.C. § 1301 from twenty-one days to fourteen days;
 - d. add motion to extend time under SC LBR 3016-1 to file a chapter 11 plan;
 - e. add motion to divide case or for joint administration under SC LBR 1015-1;
 - f. add request for exemption or waiver from credit counseling or financial management; and
 - g. other provisions were restyled.

6. Exhibit C to SC LBR 9013-4 is amended to modify the non-passive, self-scheduled motion list as follows:

- a. add application to employ *nunc pro tunc*;
- b. add motion to reconsider relief from the automatic stay;
- c. add motion to continue administration of case after death and/or designate person to act for the debtor to the movant;
- d. add motion to extend exclusivity period in chapter 11 cases;
- e. add objection to notice of post-petition fees, expenses, and charges pursuant to Fed. R. Bankr. P. 3002.1(e);
- f. add motion to determine final cure pursuant to Fed. R. Bankr. P. 3002.1(h);
- g. add motion to appoint chapter 11 trustee;
- h. add substantial abuse motions of the United States trustee;
- i. add motion to dismiss or convert by a creditor or party in interest; and
- j. add debtor's motion to dismiss or convert where the case has been previously converted.

AND IT IS SO ORDERED.



David R. Duncan, Chief Judge

Columbia, South Carolina
November 1, 2013