

United States Bankruptcy Court  
District of South Carolina

LOCAL RULES

Effective as of 12/01/2024



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Chief United States Bankruptcy Judge

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United States Bankruptcy Judge

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

- a. **Scope and Citation of Rules.** These local rules govern practice and procedure before the Court. The rules are to be cited as "District of South Carolina Local Bankruptcy Rules" and the individual rules may be cited as SC LBR \_\_\_\_ or "Bankr. D.S.C. R. \_\_\_\_."
- b. **Construction of Rules.**
  1. **Construction with Other Rules.** These rules do not create, modify, or abrogate substantive rights. The rules are not to be construed in a manner inconsistent with the [Federal Rules of Bankruptcy Procedure](#) and the applicable Federal Rules of Civil Procedure.
  2. **References to Debtor and Creditor.** Reference to "debtor" or "creditor" in the local rules shall also include counsel for the party where appropriate.
- c. **Local Forms.** For proposed orders, instructional footnotes, and document identification information, such as form version numbers or coding that indicates a form is internal to a law firm, should be removed prior to submitting the order to the Court.

### Notes:

(2023) Paragraphs (d) and portions of paragraphs (b) and (c) were superfluous and removed as duplicative of or in conflict with the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, and/or provisions in standard orders or notices.

## **LOCAL RULE 1007-1: LIST OF CREDITORS**

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

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

Please see the Court's website for an updated [creditor address list](#) containing the preferred addresses of creditors.

### **Notes:**

(2023) Portions of the rule were superfluous and removed as duplicative of or in conflict with Fed. R. Bankr. P. 1007.

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

- a. **Statement of Change.** In addition to the requirements under Fed. R. Bankr. P. 1009, when the debtor amends the petition, lists, schedules, or statements, the debtor must file with the Court and give notice of, to any party in interest affected by the amendment, a statement indicating the changes made by the amendment. The [local form](#) statement of change shall be the first page of the amendment filed.
- b. **Amendments Adding Creditors.** When the debtor adds a creditor by amending either the schedules or the list of creditors, or if the debtor initially files schedules that add creditors to the list filed with the petition, in addition to the requirements of subsection (a), the debtor also must update the mailing matrix for noticing purposes and simultaneously give notice to the added creditor of the following: (1) Notice of Bankruptcy Case; (2) Your Statement About Your Social Security Numbers; (3) the order granting discharge (if any); and (4) any other document filed in the case which affects the rights of the creditor.
- c. **Address Changes.** When the debtor seeks only to change an address on a petition or list, or is required to change an address as a result of returned mail, such change is not considered an amendment, and the requirements of subsection (a) are not applicable.



## LOCAL RULE 2002-1: NOTICES

- a. **Duty of Certain Filers to Update Mailing Matrix.** Upon the filing of a proof of claim and/or notice of appearance by a CM/ECF user, the filing party shall add or substitute the address listed therein on the mailing matrix in CM/ECF for purposes of receiving further notices. Failure to comply shall be deemed a waiver of the right to receive notice.
- b. **Designation of Addresses.** A party in interest filing a notice of preferred address pursuant to 11 U.S.C. § 342(f) shall file the notice with the agency or agencies<sup>1</sup> that provide noticing services to the Court.<sup>2</sup> A party in interest who has filed an 11 U.S.C. § 342(f) notice of preferred address may, in a chapter 7 or 13 case, provide the Court with an 11 U.S.C. § 342(e) case specific address by filing a designation, which shall be in substantial conformance with the Court's [local form](#). Parties may rely on the address and the method of notice specified by the party in interest to the Court's noticing agency.
- c. **Delegation of Re-Noticing.** If noticing is delegated and the notice is returned as undeliverable,<sup>3</sup> the party sending the notice or the debtor, if the matter is noticed by the Court, shall, re-notice the returned item upon the correction of the address, if known, or file a statement that notice was not provided to the particular party in interest.
- d. **Duty to Provide Accurate Address.** The debtor or the debtor's attorney shall file and, if appropriate, docket a statement providing the Court with a correct address of any creditor or party in interest whose address appears invalid or undeliverable based either on the debtor's receipt of returned mail or a notice filed by the Court's noticing agent. The statement shall specifically reference the former address of the creditor or party in interest to ensure proper modification of the list of creditors. If the debtor is unable to determine a correct address for a creditor or party in interest, the debtor shall file or docket a statement specifying the creditor's name and indicating that a correct address cannot be found. The Clerk of Court is authorized to remove a creditor or party in interest and the incorrect address from the list of creditors where the address fails to include all necessary information for delivery, the address results in returned mail, or the address is bypassed for mailing by the Bankruptcy Noticing Center.

### Notes:

(2023) Paragraph (d) was added to incorporate provisions from former SC LBR 1007-2.

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<sup>1</sup> The Court's noticing agent is the Bankruptcy Noticing Center.

<sup>2</sup> Forms and registration information are available on the Court's website.

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

### LOCAL RULE 2015-3: UNIFORM PERIODIC REPORTS

- a. **Monthly Reports.** In accordance with 11 U.S.C. §§ 704(a)(8), 1107(a), and 1203, and Fed. R. Bankr. P. 2015, the debtor-in-possession or, if applicable, the trustee, shall file with the Court a financial report for the preceding month not later than the 21st day of each month. This report must conform to the format provided by the United States trustee.
- b. **Post-Confirmation Reports.** Following the entry of an order confirming a plan of reorganization, the debtor, reorganized debtor, trustee, and any other authorized party involved in implementing a confirmed plan shall continue to file periodic operating reports until such time as the case is closed by the Court. This report must conform to the format provided by the United States trustee.
- c. **Report of Substantial Consummation.** Within ninety (90) days after the date the order confirming plan of reorganization is entered, or whatever time period the Court or Bankruptcy Code may otherwise require, the debtor, trustee, or other plan proponent shall file a report of substantial consummation, a final report, and an application for a final decree. However, this section shall not apply to cases where the plan of reorganization for a small business debtor proceeding under subchapter V is confirmed pursuant to 11 U.S.C. § 1191(b) and the trustee makes payments to creditors under the plan pursuant to 11 U.S.C. § 1194(b).

#### Notes:

(2021) The rule was amended to update reporting requirements in chapter 11 cases. When required, the filing party shall submit Official Form B425C or United States Trustee Form UST-11 PCR and other applicable forms.

## LOCAL RULE 2016-1: COMPENSATION OF PROFESSIONAL PERSONS

- a. **Chapter 11 Cases.** In a chapter 11 case, a professional paid a retainer shall maintain the retainer in a trust account and shall not draw on the retainer post-petition without approval of the Court. A trustee, examiner, attorney for the debtor, or any professional person employed under 11 U.S.C. §§ 327, 328, or 1103 may apply for allowance of compensation and reimbursement of expenses on or after thirty (30) days following the date of the order for relief. A second application may be made on or after sixty (60) days after the first application, and a third application may be made on or after sixty (60) days following the second application. After one hundred fifty (150) days following the date of the order for relief, applications may not be made more than once every ninety (90) days, unless the Court orders otherwise.
- b. **Chapter 13 Cases.** An attorney representing a debtor in a chapter 13 case may obtain approval of attorney's fees without the filing of a formal fee application and a hearing when the attorney and the debtor(s) agree in writing that the fee for representation will be equal to or less than \$5,000.00 for the representation of consumer debtor(s) and \$6,000.00 for representation of debtor(s) engaged in business at the time of the filing of the case (collectively, the "Expedited Fee Amount").
  1. **Definition of Business Case.** A debtor shall be considered to be engaged in business for purposes of this Rule if: (1) the debtor's business meets the requirements of 11 U.S.C. § 1304; or (2) a significant amount of the debtor's and/or the debtor's spouse's income necessary for performance under the debtor's chapter 13 plan is derived from the debtor's and/or the debtor's spouse's business.
  2. **Expedited Fee Amount.** The Expedited Fee Amount includes all actions required for representation of the debtor from the pre-filing initiation of the representation to the conclusion of the case (whether by dismissal, conversion, discharge, or closing),<sup>1</sup> **except** the following:
    - a. Adversary proceedings
    - b. Appeals
    - c. Motions to Reconsider Dismissal
    - d. Motions to Reopen
    - e. Defending or Settling Motions for Relief from Stay
    - f. Motions to Impose Stay
    - g. Pre-Confirmation Motions to Incur Debt
    - h. Pleadings relating to the sale of property, substitution of collateral, and disbursement of insurance proceeds (unless contemplated by the debtor's plan)
    - i. Defending or settling motions to dismiss by parties other than the chapter 13 trustee
    - j. Motions to Divide or Sever Case
    - k. Motions to Substitute Attorney or Take Over Case
    - l. Post-confirmation modified plans, including motions to modify
    - m. Student loan services
    - n. Loss mitigation services
  3. **Responsible Attorney of Record.** The attorney filing the chapter 13 petition on behalf of the debtor(s) is deemed the responsible attorney of record pursuant to SC LBR 9011-1. If the attorney seeks additional fees for a service not listed in section (b)(2)(a-n) (including unanticipated, extraordinary matters requiring exorbitant amounts of attorney time), the attorney may file a Statement of Supplemental Fees under section 6. The Statement should detail the time spent and the services provided as well as an explanation regarding why the service should not be included in the Expedited Fee Amount.
  4. **Administrative Claim.** Unless the Court orders otherwise, the expedited fee is deemed an allowed administrative claim under 11 U.S.C. § 503(b)(2). The amount may be claimed by the attorney's

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<sup>1</sup> Attorneys should review their duty to represent the debtor under SC LBR 9011-1(b). SC LBR 2016-1(b)(2) only addresses what services are covered by the expedited fee amount. Attorneys should also review case law regarding their duty to the debtor and payment. Rule 2016-1(b) does not alter existing case law.

filing of Form B2030. The B2030 Form shall clearly indicate the fee agreed upon, the amount paid to date, and the amount to be paid through the plan, and shall define any charges or potential charges for supplemental fees. Counsel must include as an attachment to the B2030 Form, a copy of counsel's signed representation agreement with the debtor(s).

5. **Initial Disbursement.** After confirmation, and to the extent funds are available after deduction of the Trustee's commission, the Trustee may disburse up to \$1,500.00 as part of the initial disbursement under the plan.
6. **Statement of Supplemental Fees.** Any supplemental compensation charged by the debtor's attorney and relating to the debtor's bankruptcy case must be disclosed, whether that amount will be paid through disbursements by the Trustee or paid directly by the debtor(s) or by a third party on behalf of the debtor(s), to the Court and all parties-in-interest by utilizing the "Statement of Supplemental Chapter 13 Attorney Fees and Costs" event in CM/ECF ("Statement").<sup>2</sup> The Statement shall contain a description of services provided with sufficient information to determine whether the supplemental fee is fair and reasonable. The Statement must be used for the disclosure of any supplemental compensation that will be paid through disbursements by the Trustee or paid directly by the debtor(s). Notice of the Statement must be provided to the debtor(s) and the Trustee. All supplemental fees approved for disbursement by the Trustee or approved as a direct payment by the debtor(s) remain subject to the Court's consideration of the fee under 11 U.S.C. § 329(b) at any time prior to the closing of the case.
  - i. **Before Confirmation.** Upon plan confirmation, the supplemental fees set forth in the Statement are deemed approved for disbursement by the Trustee or, if the fee or costs have been or will be paid directly by the debtor(s) or a third party on behalf of the debtor(s), are deemed approved as a direct payment by the debtor(s).
  - ii. **After Confirmation.** Unless an objection to the Statement is filed within fourteen (14) days of service or unless the Court orders otherwise, the supplemental fees or costs shall be approved for disbursement by the Trustee or, if the fees or costs have been or will be paid directly by the debtor(s) or a third party on behalf of the debtor(s), shall be approved as direct payment by the debtor(s) subject to the terms of the confirmed plan and these Rules.
7. **Application for Reimbursement of Chapter 13 Costs.** The Expedited Fee Amount includes all typical costs and expenses, except for filing fees and costs paid to non-attorney third parties for services necessary for the case, such as credit reports, credit counseling, and financial management course fees. If costs and expenses incurred by the attorney exceed \$50.00 for a single event or pleading, the attorney may file an application for reimbursement of costs using the Statement provided in subsection (b)(6). If the attorney incurs an expense for a filing fee after the initial filing of the case, the attorney may file an application for reimbursement of the filing fee using the Statement provided in subsection (b)(6). The Statement shall contain a detailed explanation of the costs incurred and whether the amount will be paid through disbursements by the Trustee or paid directly by the debtor(s).
8. **Time Limits.** A Statement under subsection (b)(6) or (7) shall be filed within 30 days after conclusion of the matter for which the fees or costs are requested.
9. **Review of Expedited Fee Amount.** The Advisory Committee on Local Rules, Practice, and Procedures shall review the Expedited Fee Amount at least every other year to determine if an increase is warranted. In addition to this biennial review, the Committee may review the Expedited Fee Amount for adjustments at any time the Committee or the Court determines that circumstances

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<sup>2</sup> If the attorney enters into an agreement not previously disclosed, the attorney must file an updated Form B2030 within 14 days.

warrant review.

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

**Notes:**

(2020) Paragraph (b) of the rule was substantially amended to simplify the process for requesting supplemental fees and clarify that an expedited fee is deemed to be an allowed administrative claim under 11 U.S.C. § 503(b)(2). Paragraph (b)(4) was added to address nonstandard case representation.

(2021) Paragraph (b)(4) was removed.

(2023) The time periods provided in paragraph (a) of the rule were revised.

(2024) Paragraph (b) of the rule was substantially amended to incorporate the expedited fee amount, define a “business case,” clarify matters excluded from the expedited fee amount, provide for reimbursement of costs and expenses, and require the Advisory Committee on Local Rules, Practice, and Procedures to review the expedited fee amount at least every other year. Subsection (b)(3) was amended to clarify that the attorney filing the chapter 13 petition on behalf of a debtor is deemed the responsible attorney of record as set forth in LBR 9011-1(b). Subsection (b)(7) was also modified to provide that an attorney may seek reimbursement for a filing fee incurred after the filing of the case by complying with the provisions in (b)(6).

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

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

## LOCAL RULE 2082-1: CHAPTER 12- GENERAL

- a. **Filing of Plan.** The Court's [local form chapter 12 plan](#) may be filed in a chapter 12 case in this District. Plans must be filed within the time limits set forth in 11 U.S.C. § 1221. If the [local form plan](#) is not used, the plan filed must state, conspicuously and in its first sentence, that the plan proposed is not presented in the format of the form plan.
- b. **Liquidation Analysis.** The debtor must attach, as an exhibit, a liquidation analysis to the proposed plan.
- c. **Feasibility Analysis.** The debtor must attach, as an exhibit to the plan, a feasibility analysis setting forth the feasibility of the plan which shall include, at a minimum, the following:
  1. The projected income for the family farming or fishing operation during the year in which the debtor's first plan payment is due;
  2. An itemized list of the sources of such income including the amount of property to be sold and the anticipated price per unit;
  3. An itemized statement of the debtor's expenses of doing business and living costs;
  4. The amount available for payment to the trustee under the terms of the confirmed plan; and
  5. Any amount to be retained by the debtor for expenditure as operating capital in the ensuing year.
- d. **Pre-Confirmation Conference.** A conference between the debtor, the attorney for the debtor, creditors, the trustee, equity security holders, and parties in interest shall be held at least fourteen (14) days before the hearing on confirmation of the debtor's plan. The purpose of the conference is to attempt to resolve objections to the plan and to narrow the issues for the Court. The trustee shall preside at the conference. Any amended plan resulting from the conference must be filed with the Court and served on the trustee and all creditors and equity security holders at least seven (7) days before the hearing on confirmation of the debtor's plan, in order to be considered at the confirmation hearing.
- e. **Summary of Operations.** At least seven (7) days before the meeting of creditors, the debtor shall serve on the trustee a completed summary of operations in a form to be provided by the trustee to the debtor after commencement of the case.
- f. **Discharge Following the Completion of Plan Payments.** As soon as practicable following the completion by the debtor or trustee of all payments under a confirmed plan, the debtor shall file a [Certification of Plan Completion and Request for Discharge](#). The certification shall state whether the debtor has made all payments due under the plan. In the case of an individual debtor, the certification shall state whether the debtor is required to file the statement set forth in Fed. R. Bankr. P. 1007(b)(8). The certification shall be served by the debtor on all creditors and the trustee. Any party objecting to granting the debtor a discharge under 11 U.S.C. § 1228(a) shall, within fourteen (14) days after service of the Certification of Plan Completion and Request for Discharge, serve an objection upon the debtor, debtor's counsel, and the trustee and file the objection with the Court.

**LOCAL RULE 2083-1: CHAPTER 11 SUBCHAPTER V CASES – GENERAL**

A debtor, who elects to proceed as a subchapter V case, shall file with the Court not later than 14 days before the date of the status conference a Subchapter V Status Report in substantial conformance with the Court's [local form](#).



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

- a. An attorney who is admitted or excepted from the admission requirements to practice in the United States District Court for the District of South Carolina is permitted to practice in this Court. The Rules of Disciplinary Enforcement (RDE) of the United States District Court for the District of South Carolina are applicable to attorneys who practice before this Court.<sup>1</sup>
- b. An attorney, not otherwise permitted to practice in this Court, may move for admission to practice in this Court *pro hac vice* as provided in the Local Rules of the United States District Court for the District of South Carolina. In addition to the application required by the United States District Court, attorneys seeking to be admitted *pro hac vice* shall file a supplemental application, in conformance with the Court's [local form](#), with the motion to be admitted *pro hac vice* setting forth the applicant's proficiency in bankruptcy law and procedure and agreement to abide by local rules and Chamber's Guidelines. Attorneys admitted *pro hac vice* and their local counsel are required to sign all pleadings and keep each other fully informed and engaged in all material aspects of the case. Failure to adhere to this requirement may result in the revocation of *pro hac vice* status, reduction in fees, or other sanctions. Local counsel should be prepared to actively participate in all hearings in the case. Attorneys admitted *pro hac vice* (or their local counsel) shall promptly notify the Court, by email to the Court's CM/ECF help desk, of the closing of the case or counsel's termination of participation in the case to which the attorney was *pro hac vice* admission, whichever occurs earlier. The CM/ECF privileges, login, and password of the *pro hac vice* attorney are then terminated.

### Notes:

(2023) The rule was revised to account for federal government attorneys excepted from the admission requirements but otherwise permitted to practice in the District of South Carolina.

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

## **LOCAL RULE 2091-1: ATTORNEYS- WITHDRAWALS AND SUBSTITUTIONS**

- a. **Withdrawal from Representation.** The Court may permit an attorney to withdraw from representation of a party upon motion and cause shown or upon the consent of the represented party.
- b. **Withdrawal from Notice.** An attorney representing a party, other than the debtor, may withdraw from receiving notice by using the Attorney Withdrawal from Notice event in CM/ECF.
- c. **Substitution of Counsel.** In the event of an agreement among a party, the original attorney, and a substitute attorney that the original attorney will no longer represent the party and the substitute attorney will do so, a consent order signed by each attorney, accompanied by a certification contained within the consent order that the party requests or consents to the substitution, may be submitted for the Court's consideration without notice or a hearing.

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

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

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

## LOCAL RULE 3011-1: DISPOSITION OF UNCLAIMED FUNDS

- a. **Depositing of Unclaimed Funds.** The party submitting the unclaimed funds shall certify that the claim remains unsatisfied, describe the party's efforts to locate claimant, and, pursuant to Fed. R. Bankr. P. 3011, state the last known address for the claimant. The Clerk's Office maintains a [searchable database](#) of unclaimed funds deposited with the Court pursuant to 11 U.S.C. § 347.
- b. **Chapter 11 Liquidating Plan.** A chapter 11 liquidating plan may provide that any unclaimed funds or undistributable funds<sup>1</sup> may be:
  1. Redistributed to other creditors or administrative claimants, or
  2. Donated to a not-for-profit organization, which shall be identified in the plan or disclosure statement accompanying the plan. In order for any donation pursuant to this rule to be effective, counsel for the proponent of the plan shall, at the confirmation hearing, call the Court's attention to the provision.
- c. **Application for Payment of Unclaimed Funds.** Any party<sup>2</sup> who seeks the release of unclaimed funds held pursuant to 11 U.S.C. § 347(a) must file an Application for Payment of Unclaimed Funds in substantial conformance with [Director's Form 1340](#) and serve a copy of the application on the United States Attorney for the District of South Carolina.
- d. **Identifying Information.** The applicant shall also submit the Court's [local form](#), which requires information confirming the applicant's identity along with a Form W-9, AO 213P, or AO 213.<sup>3</sup>
- e. **Supporting Documentation.** The following supporting documentation, if applicable, shall be filed with the Application:
  1. **Owner of Record.**
    - A. Proof of Identity.
  2. **Successor Claimants.**
    - A. **Successor Corporate Claimants.**
      - (i) Proof of identity of owner of record;
      - (ii) A notarized power of attorney signed by an officer of the successor business;
      - (iii) A statement of the signing officer's authority; and
      - (iv) Documentation establishing chain of ownership from the original business claimant.

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<sup>1</sup> For purposes of this rule, undistributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because (a) a creditor has affirmatively rejected a distribution, (b) the administrative costs of distribution effectively interfere with distribution, or (c) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

<sup>2</sup> For purposes of this rule, the "applicant" is the party filing the application and the "claimant" is the party entitled to the unclaimed funds. The applicant and the claimant may be the same. Parties other than individuals must be represented by an attorney admitted to practice in this Court. See [SC LBR 2090-1](#) and [9011-2\(c\)](#).

<sup>3</sup> These forms shall be filed in CM/ECF and public access shall be restricted. Form W-9 is available at [www.irs.gov](http://www.irs.gov) and Forms AO 213P and AO 213 are available at [www.uscourts.gov/services-forms/forms](http://www.uscourts.gov/services-forms/forms).

**B. Transfer Claimants.**

- (i) Proof of identity of the owner of record;
- (ii) Proof of identity of the successor claimant; and
- (iii) Documentation evidencing the transfer of claim.

**3. Decedent's Estate.**

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

**4. Claimant Representatives <sup>4</sup>**

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

- f. **Objection.** Any party objecting to the relief sought in the application shall, within twenty-one (21) days after service thereof, serve upon the applicant and other appropriate parties and file with the Court an objection to the application. If no objection is filed with the Court within twenty-one (21) days after the filing and service of the application, the application and accompanying documents may be considered by the Court without hearing.

**Notes:**

(2023) Paragraph (a) was amended to note the unclaimed funds searchable database maintained by the Clerk's Office to conform to amendments to Fed. R. Bankr. P. 3011.

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<sup>4</sup> The court will only issue payment to the owner of record.

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

- a. **Local Form Plan.** The District of South Carolina [local form plan](#), adopted pursuant to Fed. R. Bankr. P. 3015.1 and as amended from time to time, must be used as the plan and as any modified plan proposed in a chapter 13 case.
- b. **Conduit Plans.** A debtor seeking to make post-petition contractual payments secured by a properly perfected mortgage on the debtor's principal residence ("Mortgage Payments") to the chapter 13 trustee ("Trustee") through a chapter 13 plan filed pursuant to 11 U.S.C. §§ 1321, 1322, 1323, or 1329 and the provisions of this Rule and SC LBR 3015-2 ("Conduit Plan") shall comply with the following:

### 1. PROCEDURE

- A. **Feasibility Factors.** If one or more of the circumstances enumerated below ("Feasibility Factors") exists on the petition date with respect to Mortgage Payments, arguments exist regarding the feasibility of a proposed plan under 11 U.S.C. § 1325(a)(6), and a Conduit Plan may be warranted:
  1. the Mortgage Payments are three or more months past due;
  2. within one year of the petition date in the current case:
    - a. any mortgagor was a debtor in a Chapter 13 case that was dismissed; or
    - b. any mortgagor was a debtor in a prior Chapter 13 case in which a mortgagee obtained relief from the stay pursuant to 11 U.S.C. § 362; or
  3. a foreclosure action related to the Mortgage Payments was pending in state court on the petition date.
- B. **Requirements When a Feasibility Factor Is Present.** For cases presenting one or more Feasibility Factors in which the debtor proposes a plan that is not a Conduit Plan ("Non-Conduit Plan"), the debtor shall provide to the Trustee at least fourteen (14) days prior to the first confirmation hearing evidence of feasibility of the Non-Conduit Plan substantially in the form of the [Statement in Support of Non-Conduit Plan](#), along with, but not limited to, all the information required therein (this document should not be filed with the Court at this time). If the Trustee is satisfied with the evidence provided as to the Non-Conduit Plan's feasibility, the Trustee may elect to recommend confirmation if other conditions for confirmation are met.
- C. **Contested Confirmation Hearings.** Absent the Trustee receiving timely, satisfactory evidence of feasibility of the debtor(s)' Non-Conduit Plan, the Trustee may object to confirmation of the Non-Conduit Plan. If an objection is filed, not less than five (5) business days prior to the confirmation hearing, the debtor shall file with the Court the [Statement in Support of Non-Conduit Plan](#) previously provided to the Trustee, indicating that a contested confirmation hearing will be held.
- D. **No Limitation of Rights.** Nothing herein shall be interpreted to limit the ability of the Trustee or any other party to object to confirmation of a plan on any grounds or the filing of a Conduit Plan by the debtor(s) on a voluntary basis to address debts not described herein.

### 2. CONDUIT PLAN

- A. **Form.** A Conduit Plan is proposed by checking the appropriate box in the form plan provided, as applicable, and including [Approved Non-Standard Language for Conduit Mortgage Plans](#) in Part 8, and through compliance with the terms herein.
- B. **Mortgage Payment Classification.** The Conduit Plan may include up to five (5) Mortgage Payment classes:
  1. **Pre-Petition Arrears.** This class includes any pre-petition Mortgage Payments and the Mortgage Payment due during the month of filing the

petition or the date of an order converting the case to chapter 13 (“Conversion Date”).

2. **Conduit Mortgage Payments.** This class includes:
  - a. post-petition Mortgage Payments, beginning with the payment due in the third calendar month following the month of filing the petition or the Conversion Date; or
  - b. post-petition Mortgage Payments, beginning with the payment due in the third calendar month following the occurrence of any other event requiring the debtor to make Mortgage Payments through a Conduit Plan.
3. **Gap Payments.** This class includes post-petition Mortgage Payments due the two (2) months:
  - a. immediately after the month of filing the petition or the Conversion Date; or
  - b. immediately after the occurrence of any other event requiring the debtor to make Mortgage Payments through a Conduit Plan.
4. **Post-Petition Charges.** This class includes fees, expenses, or charges itemized in the Notice of Fees, Expenses, and Charges pursuant to Bankruptcy Rule 3002.1 (“3002.1(c) Notice”).
5. **Post-Petition Arrears.** This class includes:
  - a. a delinquency in Mortgage Payments resulting from a moratorium granted for a prior Conduit Plan, or a post-petition delinquency on the gross monthly payment by the debtor to the Trustee under a Conduit Plan; and
  - b. with the consent of the Trustee, Mortgage Payments to be paid pursuant to 11 U.S.C. § 362 settlement orders.

**C. Plan Payments Due from the Debtor.**

1. **Trustee Percentage Fees.** The proposed Conduit Plan shall provide sufficient funding to cover the Trustee fee fixed pursuant to 28 U.S.C. § 586(c).
2. **Conduit Mortgage Payments.** The sums included in the plan payment required by the Trustee for disbursement to the Conduit Mortgage Payment class (SC LBR 3015-1(b)(2)(B)(2)) shall be in the amount:
  - a. initially as estimated by the debtor in the Conduit Plan;
  - b. set forth in the mortgage creditor’s Compliant Proof of Claim (a proof of claim filed in full compliance with the Official Forms and Bankruptcy Rules 3001 and 3002) or any allowed Notice of Mortgage Payment Change filed in compliance with the deadlines and service requirements set forth in Bankruptcy Rule 3002.1(b) and using the applicable Official Forms; or
  - c. set forth in a proof of claim filed for the mortgage creditor pursuant to 11 U.S.C. § 501(c) if no Compliant Proof of Claim is filed.
3. **Increases in Plan Payments.** *See* SC LBR 3015-2.
4. **Moratoriums.** Requests for moratoriums filed in cases with Conduit Plans may be in the form of a motion for moratorium or a modified plan. Motions shall be in substantial conformance with the local form [Motion to Modify Plan to Allow a Moratorium of Payments \(Conduit Plan\)](#) and must be filed and served on all

interested parties.

5. **Insufficient Funds.** Plan payments from the debtor to the Trustee that are not honored due to insufficient funds or for any other reason by the Trustee's financial institution will be deemed "not received."

### 3. DISBURSEMENT BY THE TRUSTEE

A. **Timing.** Unless otherwise ordered by the Court, Mortgage Payments paid through a Conduit Plan will be retained by the Trustee until entry of an Order pursuant to 11 U.S.C. § 1325 ("Order Confirming the Plan, after which time the Trustee shall commence disbursements as soon as is practicable. Thereafter, disbursements by the Trustee will be made after receipt and posting of payments from the debtor, but no disbursements will be made until the Trustee can ensure funds are available. All disbursements will be made in accordance with the Trustee's established office policies and procedures and, therefore, may not coincide with the payment due date set forth in the agreement or documents governing the loan terms between the debtor and mortgage creditor. If funds are available, payments by the Trustee to mortgage creditor shall continue through the final month of the confirmed Plan term, with the debtor to resume direct payments to the mortgage creditor the month following or as directed by the Trustee.

#### B. Confirmed Plan.

1. **Partial Payment Disbursement.** If the debtor pays the Trustee less than the full plan payment, the Trustee is authorized to apply the funds received and make disbursements in the following order: (1) Trustee Percentage Fees; (2) Mortgage Payments provided in the Conduit Plan; (3) all other secured claims (including but not limited to Pre-Petition Arrears, Gap Payments, Post-Petition Charges, and Post-Petition Delinquencies) included in the Conduit Plan and the balance of the debtor's attorney's fees on a *pro rata* basis; (4) priority unsecured claims on a *pro rata* basis; and (5) general unsecured claims on a *pro rata* basis.
2. **Mortgage Creditor Claims.**
  - a. **Compliant Proof of Claim.** Until such time as the mortgage creditor files a Compliant Proof of Claim or a proof of claim for the mortgage creditor is filed pursuant to 11 U.S.C. § 501(c), the Trustee will not disburse funds to the mortgage creditor for the Mortgage Payment paid through the Conduit Plan. If the Mortgage Payments paid through a Conduit Plan are placed into a suspense, forbearance, or similar account, they will be deemed to have been timely applied pursuant to this subsection.
  - b. **Request for Mortgage Creditor Report.** If the mortgage creditor has not filed a Compliant Proof of Claim but the plan is otherwise ready for confirmation, the Trustee may file a Request for Mortgage Creditor Report (the "Request") requiring the mortgage creditor to file either a Compliant Proof of Claim or a Mortgage Creditor Report, providing: an estimate of Pre-Petition Arrears, the ongoing monthly payment amount, and the status of escrow. The Request shall contain notice to the mortgage creditor that a hearing on the Request has been scheduled. Any hearing on the matter shall be attended by a representative of the mortgage creditor sufficiently knowledgeable to testify about the specific amounts due, and counsel for the mortgage creditor.
  - c. **Notice of Payment Change.** No Notice of Payment Change filed by the mortgage creditor pursuant to Bankruptcy Rule 3002.1 is effective to change the amount of the Mortgage Payment paid through



a Conduit Plan unless and until a Compliant Proof of Claim is filed. Mortgage creditors shall file and serve a Notice of Mortgage Payment Change in accordance with the applicable [Official Form](#), within the deadline and in compliance with the service requirements set forth in Bankruptcy Rule 3002.1(b), to reflect any changes in the monthly mortgage payments or escrow amounts that occur during the term of the plan.

- C. **Plan Not Confirmed.** See [SC LBR 3070-1](#) and [Local Forms](#) (Consent Allowing Payment of Funds to Creditor(s) and Debtor(s) Attorney and Order Allowing Payment of Funds to Creditor(s) and Debtor(s)' Attorney).

#### 4. DUTIES OF MORTGAGE CREDITORS

- A. **Post-Petition Charges.** Regardless of the disbursement date of the Mortgage Payment paid through a Conduit Plan, the mortgage creditor shall not: (1) declare the loan in default; (2) impose any Post-Petition Charges incurred on account of any delay in the mortgage creditor's receipt of any payment paid pursuant to the Conduit Plan; or (3) seek to recover or assess late fees or penalties incurred on account of any delay in the mortgage creditor's receipt of any payment paid pursuant to the Conduit Plan. The debtor should timely review all 3002.1(c) Notices. If the debtor advises the Trustee of an agreement to pay the Post-Petition Charges or fails to file a timely objection to the 3002.1(c) Notice, the Trustee may pay the Post-Petition Charges. The debtor's advice to the Trustee of an agreement to pay or the debtor's failure to timely object will be deemed a waiver of any claim against the Trustee for payment of the Post-Petition Charges.
- B. **Change by Mortgage Creditor of Name, Address, Servicer, or Trustee, or Transfer or Sale of Loan Documents.** To disburse payments, the Trustee will not acknowledge any change of the name or address of the mortgage creditor or any transfer or assignment of claim until a reasonable time after the filing of a notice that complies with Bankruptcy Rule 3001(e) and/or other applicable Rules.
- C. **Notices of Mortgage Servicing Transfers.** Notices pursuant to 12 CFR § 1024.33 ("hello" and "goodbye" letters) shall be provided to the Trustee within the deadlines provided in that authority, as may be amended from time to time, by the filing of the notice with the bankruptcy court with privacy information redacted. The Trustee may then hold disbursements pending compliance with SC LBR 3015-1(b)(3)(B).

#### Notes:

(2022) Paragraph (b) was added to incorporate former Operating Order 22-03.

(2023) Paragraph (b) was amended to incorporate former Operating Order 23-01.

## LOCAL RULE 3015-2: MODIFICATIONS TO CHAPTER 13 PLAN

- a. **Before confirmation.** The debtor must complete, serve, and file with the Court the [local form plan](#) required by [SC LBR 3015-1](#) with the boxes checked indicating a pre-confirmation modification and, if necessary, the [local form Notice of Confirmation Hearing](#).
- b. **After confirmation.** The debtor must complete, serve, and file with the Court a motion in substantial conformance with the Court's [local form](#), along with the [local form plan](#) required by [SC LBR 3015-1](#) with the boxes checked indicating a post-confirmation modification. Service may be made only on parties who may be, or are, adversely affected by the modification.
- c. **Exceptions for certain plan payment increases.** Plan payments may be increased for the purpose of providing adequate funding of a proposed plan or a confirmed plan upon the filing of a stipulation of the debtor and trustee without otherwise modifying such proposed or confirmed plan. Plan payments may also be increased upon the Trustee's Notice of Plan Payment Change in a Conduit Plan. Such change in plan payment may decrease the dividend to general unsecured creditors unless the debtor is required to pay a specific dividend to general unsecured creditors under 11 U.S.C. § 1325(a) or (b), in which instance a modified plan must be proposed.

#### LOCAL RULE 3015-4: CHAPTER 13- PROVIDING DOCUMENTS

- a. **Documents Subject to Request.** In addition to any information required by the Bankruptcy Code or applicable rules, the debtor shall timely provide the following to the chapter 13 trustee upon request.
1. The most recent real estate tax appraisals covering all parcels of debtor's real property.
  2. Post-petition domestic support certificate signed and dated through the month of the confirmation hearing.
  3. The amount of the most recent year's income tax refund received by debtor, for both state and federal returns.
  4. Proof that all required income tax returns have been filed.
  5. Final, signed copies of the most recent year's federal and state income tax returns (including all attached schedules).
  6. Amended Schedules if identified as necessary by the trustee.
  7. Amended Statement of Financial Affairs if identified as necessary by the trustee.
  8. Amended Petition or Your Statement About Your Social Security Numbers correcting the debtor's name and/or social security number if identified as necessary by the trustee.
  9. In any case involving a self-employed debtor, a completed self-employment questionnaire, business budget, and final, signed copies of the business's most recent year's federal and state income tax returns (including all attached schedules).
  10. Proof of charitable contributions made by the debtor.
  11. An itemization of unreimbursed medical expenses.
  12. An itemization of a non-filing spouse's monthly expenses, including the balance owed on each debt.
  13. Copies of the debtor's pay stubs and W-2 forms.
  14. [Statement in Support of Non-Conduit Plan](#) pursuant to [SC LBR 3015-1\(b\)](#).
  15. Any other item not specified above which is reasonably related to the administration of the case and which the trustee requested either orally at the 11 U.S.C. § 341 meeting or in writing prior to the confirmation hearing.
- b. **Requirement to Provide.** If the chapter 13 trustee has requested any of the information/documents listed above at the 11 U.S.C. § 341 meeting, or at any time thereafter in writing, it must be provided to the trustee at least seven (7) days prior to the original confirmation hearing.
- c. **Burden on Debtor.** It is the responsibility of the debtor to ensure that the required documents are provided to the trustee (and filed, as necessary).

#### Notes:

(2023) The rule was restyled and former paragraph (a) was superfluous and removed as duplicative of or in conflict with the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, and/or provisions in standard orders or notices

## LOCAL RULE 3015-5: CHAPTER 13- DISCHARGE

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

- a. **Discharge Pursuant to 11 U.S.C. § 1328(a).** Upon filing by the trustee of the Notice of Plan Completion, the trustee shall contemporaneously serve on the debtor the Notice to Debtor of Plan Completion and Notification of Need to File Request for Discharge (the chapter 13 trustee's Notice is a [local form](#)). The debtor shall complete and file with the Court within twenty-eight (28) days of the date of the trustee's Notice:
  1. The Certification of Plan Completion and Request for Discharge (See the Court's [local form certification](#)); and
  2. The Notice of Certification of Plan Completion and Request for Discharge (See the Court's [local form notice](#)).
- b. **Discharge Pursuant to 11 U.S.C. § 1328(b).** Upon the filing of a motion by the debtor for a hardship discharge pursuant to 11 U.S.C. § 1328(b), the debtor shall contemporaneously therewith complete and file with the Court:
  1. The Certification of Debtor Information and Request for Hardship Discharge (See the Court's [local form certification](#)); and
  2. The Notice of Hearing and Certification of Debtor Information Requesting Hardship Discharge (See the Court's [local form notice](#)).

### Notes:

(2021) Paragraphs (a)(3) and (b)(3) were removed. The duty to file a certificate of service is covered by SC LBR 9013-3.

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

- a. **Presumption of Reasonableness.** In order to expedite the determination of an effective interest rate to be used by debtors in meeting the requirement of 11 U.S.C. § 1325, a presumed effective interest rate (Periodic Interest Rate) will be set by the Court with the assistance of a committee of trustees and members of the consumer bar. If applied to a secured claim in a chapter 13 plan, there will be a rebuttable presumption that the Periodic Interest Rate, for plan confirmation purposes, is reasonable.
- b. **Presumption that Plan Pays Present Value.** A debtor who, in a chapter 13 plan, proposes to pay the Periodic Interest Rate on a secured claim (including, but not limited to, an arrearage on a real estate mortgage loan, an automobile loan, a mobile home loan, or a personal property loan) is presumed to be paying the present value of that claim as required by 11 U.S.C. § 1325(a)(5)(B)(ii), except as provided in subsection (c) below.

#### **Notes:**

(2023) Paragraph (c) was removed.

**LOCAL RULE 3015-7: DOMESTIC SUPPORT OBLIGATION CERTIFICATION IN CHAPTER 13 CASES**

As a condition of confirmation and at any time thereafter upon request of the trustee, a form in substantial conformance with the Court's [local form](#) shall be completed and submitted by the debtor to the chapter 13 trustee (but not filed with the court) and served upon the domestic support obligation recipient and any public/governmental agency which is charged with collecting the domestic support obligation, together with the certificate of service provided to the chapter 13 trustee.

## **LOCAL RULE 3015-8: CHAPTER 13 POST CONFIRMATION TRANSACTIONS**

In addition to any other authority granted to the debtor(s), and notwithstanding any plan provision or order confirming a plan, the debtor(s) may, without court or trustee approval:

1. acquire assets;
2. obtain credit;
3. use cash collateral or insurance proceeds derived from a casualty to property of the debtor or the estate, paying any lienholder to the extent of any lien; and
4. settle or compromise matters not pending before the bankruptcy court in which the debtor(s) is a litigant or beneficiary.

If not otherwise reportable under any other Bankruptcy Code section or Rule, the debtor(s) shall file a report within 10 days of any of the above events, in substantial conformance with the [local form](#), when the event(s) alters by a net value of \$25,000 or greater either the net value of the total property or the total debt of the debtor(s) or the estate, or when the event(s) impacts a claim paid by the trustee under a confirmed plan.

### **Notes:**

(2021) The rule was substantially revised.

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

- a. **Deadline.** Except in a statutorily defined small business case, a case under subchapter V of Chapter 11, or unless otherwise ordered by the Court, a disclosure statement and plan of reorganization shall be filed by the debtor or trustee not later than one hundred eighty (180) days after the entry of the order for relief. The debtor, trustee, or other plan proponent shall prosecute its disclosure statement and plan in a timely manner.
- b. **Modifications.** At the hearing on the disclosure statement or plan, the Court may consider for approval written modifications made prior to the hearing. Except in a statutorily defined small business case or a case under subchapter V of Chapter 11 where the appropriate Official Form plan is filed, to the extent a modification to the disclosure statement or plan is filed with the Court modifying the previously filed document, the proposing party shall file on the docket both a clean and “redlined” version of the modified document providing a comparison of the document reflecting any changes (*i.e.*, added language can be in bold, while deleted language can be reflected as being struck through). To the extent service of the modified document is required by the applicable law, the redlined version should only be filed on the docket but not served.
- c. **Denial of Confirmation.** If any plan of reorganization or disclosure statement filed by the debtor, trustee, or other plan proponent is not confirmed or approved by the Court, the case may be dismissed or converted without further notice or hearing if the plan proponent fails to file a new disclosure statement and plan, as applicable, within 14 days (or such other period as is ordered) after the hearing that resulted in denial of confirmation or not approving the disclosure statement.

### Notes:

(2022) Paragraph (a) clarifies that this rule does not apply to cases under subchapter V of Chapter 11. Portions of Chambers Guidelines were moved to paragraph (b).

(2023) Paragraph (c) was amended to incorporate provisions of former SC LBR 1017-2(b) providing for dismissal or conversion.



## **LOCAL RULE 3070-1: CHAPTER 13 - PAYMENTS**

- a. Following confirmation of a plan, all funds in possession of the chapter 13 trustee shall be disbursed pursuant to the terms of the confirmed plan. Unless the Court orders otherwise, creditors shall receive adequate protection as required by 11 U.S.C. § 1326(a) from the plan and the provisions set forth below.
- b. Upon the dismissal of a case, the chapter 13 trustee shall, after first paying the balance of any sanctions as directed by the Court, dispose of funds in the following manner, unless otherwise ordered by the Court:
  1. If there is a confirmed plan in the case, the chapter 13 trustee shall pay any funds received prior to or on the date of the dismissal of the case to creditors according to the terms of the plan. All funds received thereafter shall be paid to the debtor.
  2. If there is neither a confirmed plan nor an order directing otherwise, funds received prior to or on the date of the entry of an order of dismissal shall be disbursed as follows:
    - A. First, in a Conduit Plan, the applicable mortgage creditor(s) shall be paid a Mortgage Payment for each full monthly payment received from the debtor as a Gap Payment and/or Conduit Mortgage Payment. No payment shall be made for partial payments received from the debtor, and no payment shall be made unless a Compliant Proof of Claim or proof of claim filed pursuant to 11 U.S.C. § 501(c) has been filed on behalf of the mortgage creditor(s);
    - B. Second, the trustee shall disburse to the debtor's attorney the lesser of the remaining amount due to debtor's attorney, or the remaining balance of funds received by the chapter 13 trustee prior to dismissal;
    - C. Third, as adequate protection required by 11 U.S.C. § 1326(a), the trustee shall disburse payments to holders of allowed claims secured by personal property and allowed claims for executory contracts that are proposed to be paid through the most recently filed plan. Subject to the availability of funds, these creditors will be paid a full payment for each full month beginning thirty (30) days after the order for relief and continuing through the date of dismissal. No payment will be made for partial months; and
    - D. Any funds remaining after these payments, and all funds received after dismissal, shall be returned to the debtor unless there is a pending Motion to Reconsider Dismissal.
  3. Notwithstanding any other provision of this Rule, after dismissal of a case with a Conduit Plan, if a mortgage creditor returns to the chapter 13 trustee any funds disbursed to it by the trustee under the terms of the Conduit Plan, the chapter 13 trustee shall return those funds to the debtor.
- c. Unless ordered by the court or the debtor consents otherwise, upon the conversion of a case, the chapter 13 trustee shall return all funds on hand, and all funds received after conversion, to the debtor.

### **Notes:**

(2021) Paragraph (b)(3) was added.

(2023) Paragraphs (b)(1) and (2) were revised to account for funds received on the date of dismissal.

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

- a. **Form of Motion.** A motion for the approval of an agreement pursuant to Fed. R. Bankr. P. 4001(d) shall be in substantial conformance with the Court's [local form](#).
- b. **Procedure Upon Default.** In the event a party seeks relief upon default under an order, settlement, or agreement covered by Fed. R. Bankr. P. 4001(d), the attorney for that party shall file with the Court a certification of noncompliance, affidavit or declaration consistent with 28 U.S.C. § 1746 attesting to default which specifies the grounds and a proposed order granting the relief sought. The requested relief, including any modification of the stay, is effective only upon entry of the order by the Court.
- c. **Contents of Motions and Proposed Consent Orders for Use of Cash Collateral or to Obtain Credit.** The following provisions enumerated below, to the extent applicable, are added to the enumerated lists of material provisions set forth in Fed. R. Bankr. P. 4001(b)(1)(B), (c)(1)(B), and (d)(1)(B) for all motions, proposed consent orders, or applications seeking approval for the use of cash collateral or to obtain credit. These provisions must be prominently highlighted and easily identified in the motion, proposed consent order or application, and counsel shall call the Court's attention to such provisions on the record at any hearing where such an order or stipulation is presented:
  1. the amount of cash collateral the party seeks permission to use or the amount of credit the party seeks to obtain, including any committed amount or the existence of a borrowing base formula and the estimated availability under such formula;
  2. material conditions to closing and borrowing, including budget provisions;
  3. pricing and economic terms, including letter of credit fees, commitment fees, any other fees, and the treatment of costs and expenses of the lender(s), any agent for the lender(s), and their respective professionals;
  4. any findings of fact on matters extraneous to the approval process and/or any provisions or findings of fact that bind (a) the estate or parties in interest with respect to the validity, perfection, or amount of the secured party's lien or debt; or (b) the estate or parties in interest with respect to the relative priorities of the secured party's lien and liens held by persons who are not parties to the stipulation;
  5. any carve-outs from liens or superpriority provisions, including the material terms of any professional fee carve-out;
  6. any cross-collateralization provision or other provision that elevates prepetition debt to administrative expense (or higher) status or that secures prepetition debt with liens on postpetition assets (which liens the creditor would not otherwise have by virtue of the prepetition security agreement or applicable law);
  7. any rollup provision that applies the proceeds of postpetition financing to pay, in whole or in part, prepetition debt or which otherwise has the effect of converting prepetition debt to postpetition debt;
  8. any provision that establishes sale or plan milestones;
  9. any provision that would limit the Court's power or discretion to enter future orders in the case, or would interfere with the exercise of the fiduciary duties, or restrict the rights and powers, of the trustee, debtor in possession, or a committee appointed under sections 1102 or 1114 of the Bankruptcy Code, or any other fiduciary of the estate, in connection with the operation, administration, financing, use or sale of the business or property of the estate, or formation of a plan;

10. any limitation on the lender's obligation to fund certain activities of the trustee, the debtor in possession or a committee appointed under sections 1102 or 1114 of the Bankruptcy Code;
11. termination or default provisions that entitle relief from the automatic stay or withdrawal of consent to use of cash collateral upon default without further order of the Court or without notice to the debtor in possession, any committee appointed in the case, or the United States Trustee of at least five (5) business days;
12. any change-of-control provisions;
13. any prepayment penalty or other provision that affects the debtor's right or ability to repay the financing in full during the course of the chapter 11 reorganization case;
14. in jointly administered cases, terms that govern the joint liability of the debtors including any provisions that would govern the nature and/or priority, if any, of any interdebtor claims that would result if a debtor were to repay debt incurred by or for the benefit of another debtor;
15. any provision for the funding of non-debtor affiliates with cash collateral or proceeds of the loan, as applicable, and the approximate amount of such funding;
16. any provisions that require the debtor to pay an agent's or lender's expenses and attorney's fees in connection with the proposed financing or use of cash collateral, without any notice or review by the Office of the United States trustee, the committee appointed under section 1102 of the Bankruptcy Code (if formed) or, upon objection by either of the foregoing parties, the Court;
17. defined terms must either be defined in the motion or the motion shall include a specific reference to where the terms are defined in the applicable loan agreements;
18. any provision for the reaffirmation of the prepetition loan agreement or the covenants of such agreement.
19. any provision that prohibits the use of estate funds to investigate the liens and claims of the prepetition lender;
20. waivers of 11 U.S.C. § 506(c);
21. releases of liability for the creditor's alleged pre-petition torts or breaches of contract;
22. waivers, assignments, transfers, or encumbrances of causes of action pursuant to sections 544, 545, 547, and/or 548 of the Bankruptcy Code, or any other claims for relief arising under the Bankruptcy Code, or, in each case, the proceeds thereof; and
23. waivers of the procedural requirements for foreclosure mandated under applicable non-bankruptcy law.

**Notes:**

(2023) The rule was restyled and paragraph (c) was substantially amended to replace provisions that normally are and are not approved with provisions that must be prominently highlighted in motions and consent orders for use of cash collateral or to obtain credit.

#### **LOCAL RULE 4001-5: RENTAL DEPOSITS**

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

- a. A cashier's check, certified check, or money order, made payable to the lessor indicated on the debtor's Initial Statement About an Eviction Judgment, in the amount of such rent;<sup>1</sup> and
- b. A copy of the applicable judgment for possession.

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

## LOCAL RULE 4003-2: LIEN AVOIDANCE

- a. **Chapter 7 and 11 Cases.** In a chapter 7 or 11 case, a debtor seeking to avoid a lien pursuant to 11 U.S.C. § 522(f) shall use the passive notice procedure prescribed by [SC LBR 9013-4](#) and must file with the Court simultaneously:
  1. A hearing notice (*see* the Court's [local form notice](#));
  2. The lien avoidance motion (*see* the Court's local form motions);<sup>1</sup> and
  3. A proposed order (*see* the Court's local form orders).<sup>2</sup>
- b. **Filing of Motions Following Closure of Case.** Unless otherwise ordered, following discharge and the closure of a case, a lien may be avoided pursuant to 11 U.S.C. § 522(f) and amended schedules may be filed in relation thereto without reopening the case pursuant to 11 U.S.C. § 350.

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<sup>1</sup> See [Motion to Avoid Judicial Lien](#), [Motion to Avoid Judicial Lien \(Co-owned Property\)](#), and [Motion to Avoid Security Interest](#).

<sup>2</sup> See [Order Avoiding Judicial Lien](#), [Order Avoiding Judicial Lien \(Co-owned Property\)](#), and [Order Avoiding Nonpurchase-Money, Nonpossessory Security Interest](#).

#### **LOCAL RULE 4004-2: SUBCHAPTER V DISCHARGE – NON-CONSENSUAL PLANS**

- a. **Discharge Following the Completion of Plan Payments.** As soon as practicable following the completion by the debtor or trustee of all payments under a plan confirmed under 11 U.S.C. § 1191(b), the debtor shall file a Certification of Plan Completion and Request for Discharge in substantial conformance with the Court's [local form](#), and a hearing notice in conformance with the Court's local form prescribed by Local Rule 9013-4.
- b. **Objections.** Any party objecting to the granting of a discharge pursuant to paragraph (a) shall, within twenty-one (21) days after service of the Certification of Plan Completion and Request for Discharge, serve an objection upon the debtor, debtor's counsel, and the trustee and file the objection with the Court.

#### LOCAL RULE 5005-4: ELECTRONIC FILING

- a. **Record of the Court.** All pending, reopened, and newly filed cases and proceedings in the Court shall be assigned to the Case Management/Electronic Case Filing system (CM/ECF). The docket of the cases and proceedings shall be available electronically. The electronic record is the official record of this Court. The Court's electronic records are available for public access (view only) at [pacer.uscourts.gov](http://pacer.uscourts.gov). Except as provided, all documents, including proofs of claim, shall be electronically submitted by utilizing the CM/ECF system or the Court's [electronic claims interface](#).<sup>1</sup>
- b. **CM/ECF Participants.** Attorneys and certain parties may become registered CM/ECF Participants. Information about registration is available on the [Courts website](#). CM/ECF Participants must update all information submitted with the registration through [www.pacer.gov](http://www.pacer.gov) in a timely fashion, including primary and alternate email addresses. Electronic notices returned to the Court may not be re-transmitted and may result in the discontinued use of the associated email address. CM/ECF generated email is sent by [scb\\_ecf\\_nef@scb.uscourts.gov](mailto:scb_ecf_nef@scb.uscourts.gov). Participants should not reply to CM/ECF email from this address. Participants must ensure the domain name “@scb.uscourts.gov” is added to their email address book to avoid problems with the receipt of email from the Court. A participant’s account shall be used only by the participant or an authorized agent under the direction and supervision of the participant. Participants filings documents are responsible for ensuring documents are correctly filed under the applicable CM/ECF event, bear the correct case and/or proceeding numbers, and are readable and accessible. When filing a document, participants shall ensure the document is appropriately titled, linked, and docketed to properly identify the content of the document and that the event and document are docketed in the correct case for proper notice (and service, when applicable) to be provided. Failure to do so may require the re-filing of the document and the cancellation of any hearing associated therewith, denial of any requested relief, or the document may be stricken from the record. Any participant who fails to correctly file a document, files a document using an incorrect case and/or proceeding number, files an unreadable or inaccessible document image, or files a document in an incorrect case or proceeding shall have an affirmative duty to immediately file appropriate motions for the Court to consider and remedy issues resulting therefrom. A participant’s privileges, login, and password may be terminated, disabled, or revoked following notification of disbarment or suspension of a participant who is an attorney or any order of this Court so directing. A participant may deactivate a CM/ECF account through [www.pacer.gov](http://www.pacer.gov). Prior to deactivating an account, the participant shall determine that the requirements of any rule governing the participant’s duty to represent the client have been satisfied.
- c. **Registered CM/ECF Participants and Represented Parties.**
  1. **CM/ECF Unavailable.**
    - A. **Normal Hours.** If CM/ECF cannot be accessed during regular business hours of the Clerk's Office, the filer shall contact the CM/ECF Help Desk at the Clerk's Office to confirm that CM/ECF is not accessible and make suitable arrangements with the Clerk of Court for the filing to occur.
    - B. **After Hours.** If CM/ECF cannot be accessed after regular business hours of the Clerk's Office, and **only** if the filing is time-sensitive and will be made untimely as the result of a technological failure of CM/ECF, the filer shall electronically file the document by uploading to the Court’s [Electronic Documents Submission System](#) (“EDSS”).

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<sup>1</sup> Information about claim filing and the interface to file a claim or related document is available at <http://www.scb.uscourts.gov/electronic-filing-claims>.

2. **CM/ECF Available.** If the filer is unable to file electronically through CM/ECF a time-sensitive document notwithstanding the general availability of CM/ECF,<sup>2</sup> filing may be made by delivering the paper document to the Clerk of Court in Columbia during normal business hours or by uploading the document to [EDSS](#).
  3. **Certification of Inability to File Electronically.** Any document submitted under paragraphs (c)(1) or (2) shall be accompanied by a certification setting forth in detail the reasons for the filer's failure to submit the documents through CM/ECF, the time-sensitive nature of the filing, and a request to receive the documents in the manner submitted.
  4. **Determination of Filing.** The Clerk's Office shall immediately submit the documents received pursuant to paragraphs (c)(1)-(3) to the judge assigned to the case for consideration, with or without hearing, and to determine whether to allow the filing or an extension to file. The Court may strike the pleading, deny relief, and require electronic filing if the submission is found to be an abuse of the Court's exceptions to electronic filing through CM/ECF or the electronic claims interface.
- d. **Pro Se Individuals.** Individuals without legal representation (*pro se* individuals) may effect filings according to the following procedures. This rule applies only to individuals representing themselves, and does not include corporations, partnerships, LLCs or other similar business entities.<sup>3</sup>
1. **Paper Filings.** Documents for filing with the Court may be delivered to the Clerk of Court at 1100 Laurel Street, Columbia, South Carolina 29201. Documents are not accepted at the Court's Charleston or Greenville locations. If the submission is a petition for bankruptcy relief and accompanying documents, it must be submitted with a copy of a government-issued photo identification of the *pro se* individual that includes name and address. Unless otherwise provided herein, documents received will be processed after receipt during normal business hours on Court business days. If the Court is unable to open to the public or operate during normal business hours, *pro se* individuals may utilize a "drop box" when available, at the Columbia location of the Clerk's Office. Access hours are 8:30 a.m. to 4:30 p.m. on business days. With each submission, the *pro se* individual shall note the current time and date on the envelope, document, or payment and call (803)765-5436 to alert the Clerk's Office that the document or payment was placed in the drop box. The Clerk's Office shall check for any items in the drop box at least once per business day. If a *pro se* individual asserts an item placed in the drop box is urgent, a prompt call to the Clerk's Office will facilitate retrieval or other guidance. Each submission shall be deemed filed or received at the time noted (if available), unless otherwise ordered by judicial determination. If no notation is available, the submission shall be deemed filed or received upon retrieval.
  2. **Electronic Bankruptcy Petitions.** *Pro se* individuals may submit a petition for bankruptcy relief electronically by utilizing the [Electronic Self-Representation System](#) ("eSR").<sup>4</sup>
    - A. To complete the submission of a petition through [eSR](#), the *pro se* individual shall, within three (3) days of submittal, deliver to the Clerk of Court in Columbia by uploading to the [Electronic Document Submission System](#) ("EDSS"), hand delivery, U.S. mail, or overnight carrier a:
      - i. completed and signed copy of the *pro se* individual's [Declaration Regarding Electronic Filing](#);

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

<sup>3</sup> See [SC LBR 9011-2](#). For filings not covered by this Rule, see [9011-4](#).

<sup>4</sup> Documents submitted through eSR are limited to the voluntary petition, schedules, and statements (Official Forms B101, B106A/B – 106J, B107, B108, B122A-1, B122A-1Supp, B122A-2, B122C-1, and B122C-2).



- ii. completed and signed Statement About Your Social Security Numbers ([Official Form B121](#)); and
  - iii. copy of a government-issued photo identification of the *pro se* individual that includes name and address<sup>5</sup>
- B. Each petition electronically submitted through [eSR](#) shall be deemed filed at the time of receipt by the Clerk's Office of all documents required under paragraphs (d)(2)(A)(i) – (iii), unless otherwise ordered by judicial determination.
- C. The Court reserves the right to refuse or return any electronic filing that does not comply with applicable procedures.
3. **Other Electronic Filings.** *Pro se* individuals may file documents, other than petitions for bankruptcy relief, electronically by uploading PDF files to the [EDSS](#).<sup>6</sup> Each electronic filing shall be signed with the original handwritten signature of the filer.<sup>7</sup> Each electronic filing shall be deemed filed at the time of upload to the EDSS, unless otherwise ordered by judicial determination. The Court reserves the right to refuse or return any electronic filing that does not comply with applicable procedures. All parties appearing before the Court must comply with applicable rules of service. Filing a document by uploading to the EDSS does not constitute service of that document.
4. **Effect of Non-Compliance.** Should a *pro se* individual fail to comply with applicable procedures, appropriate action may be taken without further notice, including, but not limited to, restricting electronic filing privileges, denying the relief requested and dismissing and closing any case initiated.

**Notes:**

(2022) Paragraph (b) was amended to incorporate provisions of former Operating Order 21-02 and paragraph (d) was added to incorporate provisions of former Operating Order 22-02.

(2023) Paragraph (c) was amended to update procedures for CM/ECF participants to electronically file time-sensitive documents when CM/ECF is unavailable to the filer. Paragraph (d) was amended to adopt new mechanisms for electronic filing by *pro se* filers to replace the former *pro se* email address maintained by the Clerk's Office.

(2024) Paragraph (4) was amended to add restriction of electronic filing privileges as a possible consequence for non-compliance.

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<sup>5</sup> Filing is not effective until the Court receives all of these documents. *Pro se* individuals shall not electronically sign the Declaration Regarding Electronic Filing or Statement About Your Social Security Numbers (Official Form B121). See SC LBR 9011-4.

<sup>6</sup> Petitions for bankruptcy relief (Official Form B101) must be submitted through eSR pursuant to paragraph (d)(2). Petitions uploaded to the EDSS will not be accepted for filing to open bankruptcy case.

<sup>7</sup> *Pro se* individuals shall not electronically sign documents. See SC LBR 9011-4.

## LOCAL RULE 5011-1: WITHDRAWAL OF REFERENCE

- a. **Form of Request; Place of Filing.** A request for withdrawal, in whole or in part, of the reference of a case or proceeding referred to the Bankruptcy Court, other than a *sua sponte* request by a bankruptcy judge, shall be by motion filed with this Court.
- b. **Designation of Record.** The moving party shall serve on the debtor, attorney for the debtor, any trustee appointed in the case, and any other interested party and file with this Court, together with the motion to withdraw the reference, a designation of those portions of the record of the case or proceeding that the moving party believes will be reasonably necessary or pertinent to the United States District Court's consideration of the motion. Within fourteen (14) days after service of the designation of record, any other party may serve and file a designation of additional portions of the record. If the record designated by any party includes a transcript of any hearing or trial, or a part thereof, that party shall immediately after filing the designation request the transcript and make satisfactory arrangements for payment of its cost. All parties shall take any action necessary to enable the Clerk's Office to assemble and transmit the record to the United States District Court.
- c. **Responses to Motions to Withdraw the Reference; Reply.** Opposing parties must file with the Court and serve on all parties set forth in subsection (b), their written responses to the motion to withdraw the reference within fourteen (14) days after being served with a copy of the motion.
- d. **Transmittal to and Proceedings in the United States District Court.** When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Clerk's Office shall promptly transmit to the United States District Court the motion, any filed objections or responses, and the portions of the record designated. Following transmittal, documents pertaining to the matter under review by the United States District Court shall be filed with the United States District Court, but all documents relating to other matters in the bankruptcy case, adversary proceeding, or contested matter shall continue to be filed with this Court.
- e. **Service.** Service of a motion for a stay pursuant to Fed. R. Bankr. P. 5011(d) shall be served upon the same parties as set forth in subsection (b). The motion shall be accompanied by a notice that the responding party has fourteen (14) days from the date of service of the motion in which to object or respond to the motion.

### Notes:

(2023) Portions of paragraphs (a) and (e) were superfluous and removed as duplicative of or in conflict Fed. R. Bankr. P. 5011.

(2024) Paragraph (e) was amended to reference the correct subsection of Fed. R. Bankr. P. 5011 following amendments to that rule.

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

- a. **Prohibition Against Camera, Video, Transmitter, Receiver, and Recording Equipment.** Absent a Court order directing otherwise, no camera, video, transmitter, receiver, or recording equipment may be brought into the United States Bankruptcy Court for the District of South Carolina at any of its locations or utilized while listening to or appearing for matters remotely.
- b. **Exemptions from Prohibition.**
  1. Use of such equipment by an authorized representative of the Court for an official purpose;
  2. Use of the Court's videoconferencing system by an authorized representative of the Court to permit the judge to conduct proceedings from or to a remote location;
  3. Use of such equipment during ceremonial proceedings with the express permission of the Court and under the supervision of the Court;
  4. A device required because of a person's disability; and
  5. As otherwise permitted by a judge of the Court.
- c. **Wireless Communication Devices.**

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

1. Wireless Communication Devices may be brought into the courthouse locations by an attorney (or support staff accompanying the attorney). Litigants, witnesses, *pro se* parties, members of the media, and the public may bring wireless communication devices into the courthouse only in connection with a hearing or trial and only with the prior authorization of the presiding judge. All Wireless Communication Devices are subject to security screening.
2. All Wireless Communication Devices must be programmed or rendered to be inaudible upon entering a courtroom or areas adjacent to a courtroom or judicial chambers.
3. Any party bringing a Wireless Communication Device into the United States Bankruptcy Court shall use the device only for purposes of evidence presentation, research, electronic mailing, note taking, communication, and scheduling in connection with a matter pending before the Court and other legitimate business purposes. Under no circumstances may a device be used to conduct broadcasting,<sup>2</sup> televising, recording, or photographing in any courthouse location.
4. Use is permitted only to the extent that it does not interfere with judicial proceedings, including a 341 meeting conducted in the courthouse, or with the ability of the public to observe proceedings. A presiding judge or trustee at a 341 meeting may order the discontinuance of the use of such Wireless Communication Devices at any time.

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<sup>1</sup> The policy of the United States District Court for the District of South Carolina governs wireless communication devices for the Greenville Division.

<sup>2</sup> Broadcasting is construed in the broadest sense and includes commentary about court proceedings on the internet or to a third party.

**Notes:**

(2022) Changed the Court's location from Spartanburg to Greenville.

(2023) Paragraph (a) was amended to include remote appearances.

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

In addition to notice delegated by [SC LBR 6004-1](#) and [9013-4](#), and any other Local Rule or authority, and pursuant to Fed. R. Bankr. P. 2002 and 3019, noticing and service of notices<sup>1</sup> and orders are delegated as follows. Parties to be served are included in italics.

### a. Chapter 11.

1. Order and notice setting disclosure statement hearing to the plan proponent (*Mailing Matrix*);
2. Order approving disclosure statement and setting confirmation hearing to the plan proponent (*Mailing Matrix*);
3. Notice of time fixed for filing objections and, if an objection is filed, the hearing to consider a proposed modification to plan pursuant to 11 U.S.C. § 1127(e) to the plan proponent (*Mailing Matrix*).

### b. Chapter 12.

1. Service of any [chapter 12 plan](#) or amended or modified plan, any embedded motions, exhibits, and notice of time for filing objections, as further specified in [SC LBR 2082-1](#) to the debtor (*Mailing Matrix*);
2. Notice of the pre-confirmation conference pursuant to [SC LBR 2082-1\(e\)](#) to the debtor (*Mailing Matrix*);
3. Notice of confirmation hearing to the debtor (*Mailing Matrix*);
4. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor (*Affected Party, Trustee, UST*).

### c. Chapter 13.

1. Order on a consensual motion to modify a mortgage to the debtor (*Mortgage Creditor, Trustee*);
2. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor (*Affected Party, Trustee*).

### d. All Chapters.

1. Order on motion confirming the termination of the automatic stay to the movant (*Debtor, Debtor's Counsel, Trustee*);
2. Notice of a hearing on an Application for Payment of Unclaimed Funds, if an objection is filed pursuant to [SC LBR 3011-1\(f\)](#), to the applicant (*Debtor, Trustee, Objecting Parties, UST*);
3. Notice required pursuant to Fed. R. Bankr. P. 3004 to the party filing the proof of claim (*Holder of the Claim, Debtor, Debtor's Counsel, Trustee*);

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<sup>1</sup> Where a notice requires scheduling or a deadline, the noticing party shall contact a Courtroom Deputy for the applicable date if the matter is outside of the scope of [SC LBR 9013-4](#).

4. Notice of a hearing on a Request for Tax Information, if an objection is filed pursuant to [SC LBR 6070-1](#), to the applicant (*Debtor, Trustee, Objecting Parties, UST*);
5. Notice of hearing and order on a motion for expedited, emergency, or temporary relief or to shorten the time period to object to the movant (*As Ordered by the Court*);
6. Order on application for employment to the applicant (*Debtor, Debtor's Counsel, Trustee*);
7. Order on motion or application for Fed. R. Bankr. P. 2004 examination to the movant or applicant (*Party to be Examined, Debtor, Debtor's Counsel, Trustee, UST*); and
8. Any other order or notice the Court or the Clerk's Office specifically delegates.

**Notes:**

(2020) The rule was substantially revised. Many matters were moved from this rule and added to the exhibits of SC LBR 9013-4. The court will notice orders confirming a plan unless otherwise delegated.

(2023) Paragraph (a) was amended to remove ballots to the plan proponent and notices required under former SC LBR 2081-2.

## LOCAL RULE 5080-1: FEES

### a. Form of Payment.

1. **CM/ECF Participants.**<sup>1</sup> All parties electronically filing documents shall use the Internet Credit Card Module of CM/ECF for the payment of fees.
  2. **Non-CM/ECF Participants.** All other parties shall pay fees in the form of cash, check, or money order, or, in the alternative, [online](#) using the [Pay.gov forms](#) payment portal. The Clerk of Court shall not accept personal checks from current or prospective debtors. All payments shall be for the exact amount due and made payable to "Clerk, United States Bankruptcy Court." Remittances made payable to a named individual will not be accepted. Unless paid online using the Pay.gov payment portal, payments must be made to the Clerk of Court at 1100 Laurel St, Columbia, South Carolina 29201. If a submission pursuant to [SC LBR 5005-4\(d\)](#) requires payment of a filing fee, and the fee is not delivered therewith, the fee shall be remitted to the Clerk of Court in Columbia within seven (7) days.
- b. **Timing of Payments.** Unless the Court orders otherwise or the filing party moves to waive the fee, all fees required by 28 U.S.C. § 1930 or other applicable rule or law shall be paid on the same day as the documents are filed. Failure to pay may result in the striking of the pleading or other adverse action.
- c. **Fees Owed from Previous Case.** The Court may deny an application to pay the filing fee in installments pursuant to Fed. R. Bank. P. 1006(b) if the debtor has failed to pay a filing fee in a previous case and allow the debtor up to 10 days from entry of the order to pay the entire filing fee for the current case.

### Notes:

(2022) Paragraph (a)(2) incorporates provisions found in former Operating Order 22-02.

(2024) Paragraph (a)(2) was amended to add online payment option for non-CM/ECF participants. Paragraph (c) was added to address possible consequences of failing to pay a filing fee in a prior case on applications to pay the fee in installments in a subsequent case.

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



## LOCAL RULE 6004-1: SALE OF PROPERTY

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

- a. **Sale of Property.** Applications under Fed. R. Bankr. P. 6004 to sell, use, or lease property pursuant to 11 U.S.C. § 363(b)<sup>1</sup> or to sell property free and clear of liens pursuant to 11 U.S.C. § 363(f)<sup>2</sup> shall be in substantial conformance with the Court's local forms.
- b. **Order Approving Sale.** A proposed order approving a sale, in substantial conformance with the Court's local forms<sup>3</sup> must specify the terms of the sale and not merely incorporate by reference the terms of the notice of sale.
- c. **Report of Sale.** A report of sale, in substantial conformance with the Court's [local form](#), must be filed by the moving party within fourteen (14) days after the closing of any sale of estate property.

### Notes:

(2022) Paragraph (b) was amended to remove reference to Chambers Guidelines.

(2023) Paragraph (a) was amended to clarify the notice procedure and incorporate separate local forms for applications to sell property and applications to sell property free and clear of liens. Portions of former paragraph (b) were superfluous and removed as duplicative of or in conflict with the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, and/or provisions in standard orders or notices.

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<sup>1</sup> See [Notice and Application for Sale of Property Pursuant to 11 U.S.C. § 363\(b\)](#) (Chapter 7, 12, or 13); [Notice and Application for Sale of Property Pursuant to 11 U.S.C. § 363\(b\)](#) (Chapter 11).

<sup>2</sup> See [Notice and Application for Sale of Property Free and Clear of Liens Pursuant to 11 U.S.C. § 363\(f\)](#) (Chapter 7, 12, or 13); [Notice and Application for Sale of Property Free and Clear of Liens Pursuant to 11 U.S.C. § 363\(f\)](#) (Chapter 11).

<sup>3</sup> See [Order Authorizing Sale of Asset Pursuant to 11 U.S.C. § 363\(b\)](#); [Order Authorizing Sale of Asset Free and Clear of Liens Pursuant to 11 U.S.C. § 363\(f\)](#).

#### LOCAL RULE 6007-1: ABANDONMENT OR DISPOSITION OF PROPERTY

- a. **Abandonment by Specific Notice.** The scheduling of applications regarding the abandonment of estate property are governed by [SC LBR 9013-4](#). In addition to the requirements of that rule and in lieu of the forms of that rule, the provisions and forms of this rule apply. Estate property may be abandoned pursuant to Fed. R. Bankr. P. 6007(a) by filing and serving a [notice](#) and [order](#) in substantial conformance with the Court's [local forms](#).
- b. **Abandonment at the Meeting of Creditors.** Except in chapter 11 cases, property may also be abandoned at a meeting of creditors in any case in which a trustee has been appointed and in which notice that estate property may be abandoned at the meeting has been given in the Notice of Meeting of Creditors. To effect abandonment in this manner, the trustee must announce the abandonment at the meeting of creditors and hear no objections. The trustee is responsible for clearly identifying the property abandoned at the meeting of creditors and ensuring entry on the Court's docket. An order in substantial conformance with the Court's [local form](#) shall thereafter be submitted to the Court by the trustee.

## LOCAL RULE 6070-1: TAX INFORMATION

- a. **Procedure for Request.** Requests for tax information shall be served upon the debtor and attorney for the debtor along with a copy of a proposed order as provided in subsection (b). The request must include a description of the movant's status in the case, a description of the specific tax information sought, a statement indicating that the information cannot be obtained by the movant from any other source, a statement showing the demonstrated need for the tax information, and the mailing address of the requesting party. A request will be considered after the expiration of fourteen (14) days from filing the request. A debtor may object to the request during this fourteen (14) day period and may assert any defense to access by the requesting party or may seek to condition access to and dissemination of the tax information. A hearing will be held on the debtor's objection.
- b. **Order.** A proposed order should be submitted granting access to the tax information. The order must include a provision that the tax information will be treated as confidential, specify the method of transmission of the tax information, and must specifically condition further dissemination of the tax information as appropriate under the circumstances of the particular case.

### Notes:

(2021) Relevant portions of paragraph (d) were added to paragraph (c).

(2023) Former paragraph (a) was superfluous and removed as duplicative of or in conflict with the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, and/or provisions in standard orders or notices.

#### **LOCAL RULE 7001-1: ADVERSARY PROCEEDINGS – GENERAL**

**Extensions of Time.** An extension of time to respond to a pleading may be granted only pursuant to a motion demonstrating exceptional circumstances, or consent order that proposes an extension or agreement between counsel, and filed with the Court prior to expiration of the original response deadline.

**Notes:**

(2022) Paragraph (a) was amended to remove reference to Chambers Guidelines and portions of Chambers Guidelines were moved to this rule to provide procedure prior to issuance of a scheduling order.

(2023) Paragraph (a) was removed. Paragraph (b) was amended to remove the certification of extension of time procedure.

**LOCAL RULE 7012-1: WHERE A MOTION TO DISMISS IS REQUESTED AGAINST A PARTY WITHOUT COUNSEL**

Any motion seeking dismissal of an adversary proceeding in which the non-moving party is without counsel shall contain a notice in substantially the following form:

**NOTICE**

A motion to dismiss is a request that one or more issues in a case be decided without holding a trial. Motions to dismiss are governed by Rule 12, Federal Rules of Civil Procedure. Your complaint, or the portions of your complaint that the motion seeks to dismiss, may be dismissed if the court finds that the complaint does not contain sufficient allegations to state a claim upon which the court can grant relief. If you wish to oppose the motion to dismiss, you must file with the court and serve on the other party a written response within the time period set forth in a notice that will be separately mailed to you by the Clerk of Court. If you file a written response, a hearing will be held at the location and time set forth in the notice from the Clerk of Court. **If you fail to file a timely written response to the motion, the court will consider the motion unopposed and may grant the motion without holding a hearing.** This will result in the termination of the proceeding, or some part thereof, in favor of the moving party.

## LOCAL RULE 7026-1: DISCOVERY

- a. **Motions, Memoranda, and Responses.**<sup>1</sup> All motions to compel compliance with discovery pursuant to Fed. R. Bankr. P. 7026 – 7037 must be filed no later than fourteen (14) days following the deadline for a response to the applicable discovery and shall be accompanied by a memorandum stating the pertinent facts and applicable legal authority relied upon. Any response to a motion filed in connection with discovery shall be filed and served within fourteen (14) days after service of the motion and shall state the pertinent facts and applicable legal authority relied upon in opposition to the motion. Motions regarding discovery may be considered and ruled upon by the Court on an *ex parte* basis or scheduled for hearing.
- b. **Certification of Consultation.** Any motion concerning discovery matters must contain a certification that counsel has conferred and explored with opposing counsel, or has in good faith attempted to confer and explore, the possibility of resolving the discovery matters in controversy.
- c. **Compliance with Discovery Orders.** After the Court has ruled on a discovery motion, any answer, production, designation, inspection, or examination required by the Court shall be completed within fourteen (14) days after the entry of the order of the Court, unless otherwise ordered by the Court.

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<sup>1</sup> In addition to adversary proceedings, this local rule applies to discovery in contested matters pursuant to Fed. R. Bankr. P. 9014(c).

**LOCAL RULE 7030-1: DEPOSITIONS AND EXAMINATIONS**

Local Civ. Rule 30.04 (D.S.C.) shall apply to Rule 2004 examinations and depositions conducted in cases and adversary proceedings pending before this Court, as applicable.

**Notes:**

(2023) This rule was superfluous and amended to remove provisions duplicative of Local Civ. Rule 30.04 (D.S.C.).

**LOCAL RULE 7056-1: WHERE SUMMARY JUDGMENT IS REQUESTED AGAINST A PARTY WITHOUT COUNSEL**

Any motion seeking summary judgment in which the non-moving party is without counsel shall contain a notice in substantially the following form:

**NOTICE**

A motion for summary judgment is a request that one or more issues in a case be decided without holding a trial. Motions for summary judgment are governed by Rule 56, Federal Rules of Civil Procedure. Summary judgment may be granted if (a) the material facts are not genuinely disputed and (b) based on those facts, the party asking for summary judgment is entitled to judgment as a matter of law. If you wish to oppose the motion, you must file with the court and serve on the other party a written response within the time period set forth in a notice that will be separately mailed to you by the Clerk of Court. If you file a written response, a hearing will be held at the location and time set forth in the notice from the Clerk of Court. **If you fail to file a timely written response to the motion, the court will consider the motion unopposed and may grant the motion without holding a hearing.** This will result in the termination of the matter in favor of the moving party. If you disagree with any of the facts stated by the other party, you must include with your response sworn statements from yourself or other knowledgeable witnesses supporting your version of the facts. A sworn statement may take the form either of an affidavit or a declaration signed under penalty of perjury. Any documents you want the court to consider should be identified in, and attached to, the sworn statements. If you are unable to obtain sworn statements supporting your position, you must file a sworn statement stating why you are unable to obtain such statements at this time.



## **LOCAL RULE 7067-1: DEPOSITING FUNDS WITH THE COURT**

### **a. Receipt of Funds.**

1. No money shall be sent to the Court or its officers for deposit into the Court's registry without court order.
2. All money ordered to be paid into the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the United States Treasury to accept such deposit on its behalf.

### **b. Investment of Registry Funds.**

1. Funds on deposit with the Court are to be placed in interest-bearing instruments in the Court Registry Investment System (CRIS) administered through the Administrative Office of the United States Courts.
2. Under CRIS, monies deposited in each case will be "pooled" together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Accounting Series (GAS) securities under the authority of the Director of the Administrative Office of the United States Courts.
3. An account for each case will be established in CRIS titled in the name of the case giving rise to the investment in the system. Income received from fund investments will be distributed to each case based on the ratio each accounts principal and income has to the aggregate principal and income total in the fund each day.

### **c. Registry Investment Fee.**

1. The custodian is authorized and directed by this rule to deduct, for maintaining accounts in the fund, the registry fee. The proper registry fee is to be determined on the basis of the rates published by the Director of the Administrative Office as approved by the Judicial Conference.
2. If registry fees were assessed against the case prior to the deposit into CRIS, no additional registry fee will be assessed.

**LOCAL RULE 9010-2: POWER OF ATTORNEY**

When a petition is signed pursuant to a power of attorney, the following is required:

- a. The power of attorney must be: (a) a general power of attorney authorizing the attorney-in-fact to take any action which the principal could take; or (b) a special power of attorney authorizing the attorney-in-fact to file the petition;
- b. The power of attorney must be in writing, signed by the principal, and properly executed; and
- c. A copy of the power of attorney must accompany the petition.

## LOCAL RULE 9011-1: ATTORNEYS- DUTIES

- a. **Competency.** Attorneys admitted to practice pursuant to [SC LBR 2090-1](#), prior to appearing in a matter or submitting a filing with the Court, must possess a working knowledge of the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, the local rules, local administrative and operating orders, Chambers Guidelines, and the applicable local rules of the United States District Court.
- b. **Extent of an Attorney's Duty to Represent.** The attorney who files the bankruptcy petition for the debtor shall be deemed the responsible attorney of record for the representation of the debtor in this court, except as may be provided in a written agreement with the debtor concerning appeals and adversary proceedings. The attorney who files a document on behalf of a creditor or other party in interest shall likewise be deemed the responsible attorney of record in this court for the representation of the party at any applicable hearing and in all matters in this court related to the document.
- c. **Professional Conduct.** Any attorney admitted to practice before this Court, including admissions *pro hac vice*, shall maintain respect and courtesy and display professionalism, integrity, and civility in all Court proceedings and in all written and oral communications not only to this Court, its officers, and those who assist them, but also to opposing parties and their counsel, as well as to the trustees and those who assist them.
- d. **Duty to Determine Eligibility.** A debtor and attorney for the debtor shall have the duty to ascertain that no previous order, statute, or rule makes the debtor ineligible to file or bars the applicable filing of a petition in bankruptcy before this Court. The signing and filing of a petition by a debtor and/or attorney for the debtor will be deemed a certification to the Court that the debtor is eligible to file the petition and is not in violation of a previous order of dismissal with prejudice, statute, or rule.

### Notes:

(2020) Paragraph (b) was amended to clarify an attorney's duty to represent a client.

(2024) Paragraph (b) was amended to clarify that the attorney who files the bankruptcy petition for the debtor or who files a document on behalf of a creditor shall be deemed the responsible attorney of record "in this court."

## **LOCAL RULE 9011-2: PRO SE PARTIES**

In any petition for relief, motion, adversary proceeding, or other document, or objections or responses thereto:

- a. Individuals may represent themselves.
- b. An individual may represent an unincorporated business if that individual is the sole proprietor of that business.

All partnerships, corporations and other business entities must be represented by an attorney duly admitted to practice as specified in [SC LBR 2090-1](#), except with respect to the filing of proofs of claim or interests and related documents and reaffirmation agreements or unless allowed by the Court.

## LOCAL RULE 9011-4: SIGNATURES

### a. CM/ECF Participants.

1. **Method and Form.** Unless otherwise provided herein or by statute, rule, or order, documents filed with the Court in paper form must contain original “wet” signatures. In lieu of the original signature, an authorized CM/ECF Participant may file a document containing a scanned copy of the original signature, a digital signature via any commercially available signature software that provides signature authentication, or an electronic signature. The filing of the document(s) by the CM/ECF filer constitutes a certification that the filer obtained, prior to filing, either the original, physical signature or express documented permission from the signer to affix the signer’s signature to the document and file it, and that the filer has verified that the authorizing signer is in fact the signer. All signatures on documents filed using CM/ECF must be displayed in one of the following ways: by a scanned copy of the original document containing original signature, by electronic or digital signature, or by a “/s/” or “s/” and the name of the person typed in the space where the signature would otherwise appear (e.g., /s/ Jane Doe or s/ Jane Doe). Filing any document using a CM/ECF login and password or the Court’s claim interface constitutes the filer’s signature for purposes of signing the document under Fed. R. Bankr. P. 9011. In instances where there is a discrepancy between any CM/ECF login and signature upon the electronic filing of a document, or in instances in which multiple signatures are included, both the filer whose login was used and the signer(s) are responsible attorneys for both Fed. R. Bankr. P. 9011 and [SC LBR 2090-1](#) purposes. All signer(s) must include name, address, telephone number, electronic mail address, United States District Court identification number (where applicable), and any other information as directed by judge, local rule, or order. Unless ordered by the Court upon a showing of exceptional circumstances, the signature of an attorney acting as local counsel for an attorney admitted *pro hac vice* must appear on all documents filed with the Court.
2. **Retention of Original.** Unless otherwise provided by statute, rule, or order, the CM/ECF Participant is not required to obtain or retain original signatures where the signer has expressly authorized in writing or electronically that the document be filed with that signer’s digital or electronic signature affixed. However, the filer must retain sufficient evidence of the signer’s permission to sign a particular document and the document’s contents as follows: if the case is dismissed, for a period of three (3) years; or if not dismissed, until the case or adversary proceeding is closed and the appeal time has passed and, if applicable, the time within which a discharge of the debtor may be revoked has passed. Under order of the Court, such documents must be provided for review to parties.

- b. **Pro Se Individuals.** Any document to be filed with the Court that requires a *pro se* individual’s signature shall be signed with the original handwritten signature of the filer before delivery to the Court in paper form or by electronic transmission. *Pro se* individuals shall not electronically sign documents. If the document is an electronic filing made pursuant to [SC LBR 5005-4\(c\)\(2\)](#), the original document shall be mailed or delivered to the Clerk of Court in Columbia within seven (7) days of the electronic filing.

### Notes:

(2021) The rule was substantially revised to incorporate portions of Operating Order 20-14 and adopt electronic signatures for parties. In addition to the requirements in this rule, lawyers should maintain client files consistent with applicable rules of Professional Conduct.

(2022) The rule was renumbered and revised to incorporate provisions found in former Operating Order 22-02.

**LOCAL RULE 9013-1: GENERAL MOTIONS PRACTICE (OTHER THAN ADVERSARY PROCEEDINGS)**

- a. **Service of Motion, Proposed Order, and Resulting Order.** The moving party shall file the motion and simultaneously serve on all appropriate parties copies of the motion and any proposed order. For self-scheduled motions under [SC LBR 9013-4](#), the movant shall also file and serve a copy of the hearing notice on all appropriate parties. Resulting orders shall be served as indicated in [SC LBR 9013-4](#) and its exhibits.
- b. **Motion to Reduce Time.** In instances of a need for expedited relief, a motion to reduce the time for allowed notice may be filed, which details and supports the reasons for shortening notice and provides a proposed date for hearing (from the calendar posted on the [Court's website](#)). The Court will not shorten the time for notice to less than fourteen (14) days absent a sufficient showing of extraordinary circumstances.
- c. **Scheduling Orders.** If discovery is necessary to prepare for a hearing in a contested matter, a scheduling order may be requested by any party after consulting with all other parties. Whether all parties consent to the entry of a scheduling order should be noted.
- d. **Denial of Relief.** Relief may be denied without a hearing for any motion incorrectly scheduled, noticed, or docketed.

**Notes:**

(2020) Paragraph (a) was amended to indicate that orders should be notices pursuant to Local Rule 9013-4.

(2021) The title of the rule was changed to clarify that the rule does not apply in adversary proceedings.

(2022) Paragraph (b) was amended to remove reference to Chambers Guidelines.

(2023) Former paragraph (b) of the rule requiring a duty to confer was removed.

## LOCAL RULE 9013-2: BRIEFS, MEMORANDA OF LAW, AND CONTESTED HEARINGS

- a. Any memorandum or brief required to be filed by the Court, or filed by the parties in instances where they have determined that a memorandum would materially assist the Court in its determination of the issues, shall be filed and simultaneously served, with proof of such service filed with the Court, upon all appropriate parties no later than seven (7) days prior to the hearing on the matter, unless otherwise ordered by the Court.
- b. More than two (2) business days prior to any hearing scheduled on a contested matter, counsel for each party in interest, and any *pro se* party, shall confer or make a good faith attempt to confer to limit the issues and evidence and to resolve all or part of the matters in controversy. Failure to do so may result in denial of the relief requested by the non-compliant party.
- c. Parties shall file on the docket a notice of contested proceeding using the corresponding CM/ECF event no later than 10:00 a.m. three (3) business days in advance of the scheduled hearing if any of the following is anticipated for the hearing:
  1. the hearing will take longer than thirty (30) minutes;
  2. live testimony is necessary;
  3. documentary evidence is to be presented; and/or
  4. any exhibits to be introduced are subject to objection.

The Court may continue the matter to another date or time, request supplemental briefing or a Joint Statement of Dispute, or make other requests or accommodations. If a Joint Statement of Dispute is required, it must be in substantial conformance with the Court's [local form](#).

### Notes:

(2022) Portions of Chambers Guidelines were moved to this paragraph (b).

(2023) Former paragraphs (a)(1) – (3) were superfluous and removed as duplicative of or in conflict with the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, and/or provisions in standard orders or notices. Paragraph (b) was amended include a duty to confer prior to a contested hearing.

(2024) Changes were made to paragraph (c) to clarify requirements for contested proceedings.

### LOCAL RULE 9013-3: CERTIFICATE OF SERVICE

- a. **Service in General.** Unless otherwise ordered, every plan, motion, pleading, objection, reply, or other document requesting relief and all amendments or attachments thereto shall be served by the filing party on all appropriate parties and their attorney of record in the proceeding pending before this Court and shall be accompanied by a certificate of service that indicates the names and addresses of the parties served with the document(s), the manner of service, and the date of service.
- b. **Delegated Matters.** A certificate of service that indicates the names and addresses of the parties served with the document(s), the manner of service, and the date of service, shall be filed by the party delegated service of an order or notice pursuant to [SC LBR 5075-1](#), [SC LBR 9013-4](#) or any other authority. Service shall be made promptly and a certificate of service of the delegated document should be filed within seven (7) days. The failure to timely file a certificate of service does not, in and of itself, affect the validity or enforceability of the underlying document.
- c. **Electronic Notice or Service.** Where notice or service on some or all of parties in interest is effected electronically pursuant to Fed. R. Bankr. P. 9036, the certificate of service filed by the delegated party, as indicated in (a) or (b), may refer to or attach the Notice of Electronic Filing without repeating its contents.

#### Notes:

(2020) Paragraph (b) of the rule was amended to reference Local Rule 9013-4 and Fed. R. Bankr. P. 9036.

(2021) Portions of paragraph (b) were moved to new paragraph (c) to clarify that notice or service may be made electronically for matters under paragraph (a) and delegated matters under paragraph (b).



## LOCAL RULE 9013-4: SELF-SCHEDULED MOTIONS

### a. General Requirements.

1. Notice of the following motions shall be provided by the movant or applicant in accordance with this rule:<sup>1</sup>
  - A. **Passive Motions.** A list of motions that shall be noticed passively<sup>2</sup> is attached as Exhibit A; and
  - B. **Non-Passive Motions.** A list of motions that shall be noticed for a definite hearing<sup>3</sup> is attached as Exhibit B.

### b. Procedure. The movant shall:

1. **Select a Hearing Date.** Select a hearing date from the calendar posted on the [Court's website](#), which is:
  - A. Not less than seven (7) days following the last day for objections;
  - B. Not further than sixty (60) days from the service of the motion; and
  - C. Scheduled in the same division of the case and before the judge assigned to the case, unless otherwise allowed in Chambers Guidelines or after consultation with appropriate court staff. A movant waives any automatic relief in the movant's favor that may be due under the Bankruptcy Code or applicable Rules as a result of the expiration of any time period or deadline that may occur before the self-scheduled hearing can be held.
2. **Prepare the Hearing Notice.** Prepare a hearing notice that indicates the date, time of hearing, and hearing location (complete address) and sign the hearing notice.<sup>4</sup> The hearing notice shall be in substantial conformance with:
  - A. The Court's local [passive notice form](#) for passive motions set forth in Exhibit A; or
  - B. The Court's local [non-passive notice form](#) for non-passive motions set forth in Exhibit B.
3. **Serve the Motion and Notice.** The movant party shall serve the party entitled to notice<sup>5</sup> pursuant to the applicable rule or statute and simultaneously file with the Court:
  - A. The motion;
  - B. The notice of hearing of the motion; and

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<sup>1</sup> The use of the word motion herein also includes applications, objections, and notices where applicable as set forth in Exhibits A and B attached hereto. Only motions and applications filed in the main bankruptcy case and listed in this rule may be noticed using the procedure in this rule. This rule does not apply to motions filed within an adversary proceeding.

<sup>2</sup> Passive motions are those motions where relief will likely be granted without a hearing if no objection is filed.

<sup>3</sup> In the discretion of the Court, matters noticed for a hearing may be removed if no objection is filed.

<sup>4</sup> The hearing notice should be signed by the movant's attorney or the movant, if moving *pro se*. In certain instances a different form is required as reflected on the exhibits to this rule.

<sup>5</sup> Parties affected by the relief requested may include the debtor, debtor's counsel, the United States Trustee, and the case trustee.

C. A proposed order.<sup>6</sup>

**Notes:**

(2020) The exhibits to the rule were substantially revised. A list of parties to be served was added to the exhibit and various notice deadlines have changed. Some matters previously delegated under Local Rule 5075-1 were added to the exhibits, and some matters were removed. If a matter no longer appears on the exhibits it is no longer a self-scheduled matter.

(2021) The footnote to the rule was amended to clarify that the rule does not apply in adversary proceedings. Exhibit B was amended to clarify that motions to sell; obtain credit; or use cash collateral in a chapter 12 case are passively noticed. The instructions to the exhibits and the exhibits were revised to recognize that some parties may receive notice or service by NEF. The exhibits were also revised to reduce case-wide notice of certain delegated orders.

(2022) Removed footnote 4 indicating that Chambers Guidelines must be considered in connection with the Local Rules because judges may have differing procedures or requirements. Paragraph (b)(1)(C) was amended to clarify that hearings are to be in the case's division and before the assigned judge unless otherwise allowed by Chambers Guidelines or after consultation with court staff. Exhibits were amended to move applications for compensation to Exhibit B for non-passive notice.

(2023) Paragraph (b)(1) was amended to include an automatic waiver or relief due under the Bankruptcy Code or applicable Rules by self-scheduling a hearing beyond the applicable time period. Exhibits were amended to move stay relief motions to Exhibit B for non-passive notice.

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<sup>6</sup> In certain instances, the Court will prepare an order and no proposed order is necessary. Those instances are reflected in the exhibits to this rule.

## GENERAL PROVISIONS FOR EXHIBITS A & B TO SC LBR 9013-4

Exhibits A and B of SC LBR 9013-4 provide guidance to aid with service and notice, including service of any resulting order. A list of other notices and orders on which service has been delegated can be found at SC LBR 5075-1. To determine the manner of notice or service required, consult Fed. R. Bankr. P. 9036 and SC LBR 5005-4 and 9013-3. In addition to notice and service of a paper by mail, Fed. R. Bankr. P. 9036 provides electronic notice and service of pleadings and orders via CM/ECF (a notice of electronic filing or “NEF”) on registered users is effective notice or service except in circumstances where heightened service under Fed. R. Bankr. P. 7004 is required. Parties that routinely receive NEFs include the Case Trustee, the United States Trustee, the Clerk of Court,<sup>1</sup> and any counsel who previously made an electronic appearance in the bankruptcy case by filing a document or notice of appearance. These parties are noted on the exhibits in red and only require service by mail when Fed. R. Bankr. P. 7004 so requires. In instances where an objecting party is represented by counsel, that party’s counsel also receives an NEF of any resulting order. To assist parties with application of Fed. R. Bankr. P. 7004, the exhibits note when further examination into whether service under that rule may be required, but only denotes those matters that are expressly considered “Contested Matters” under Fed. R. Bankr. P. 9014 in the Code and Bankruptcy Rules.

The mailing matrix in CM/ECF is continuously updated during the case. Parties should use the most up-to-date mailing matrix when providing notice and service. Please note that the mailing matrix also includes parties who receive an NEF. Depending on the circumstances mentioned above, these parties may not require additional notice or service by mail. You may refer to the “Mailing Info for a Case” utility event in CM/ECF to determine which parties in a case will receive an NEF.

For purposes of this rule and exhibits, in voluntary chapter 7, 12, and 13 cases or an involuntary chapter 7 case, the term “mailing matrix” on the exhibit only applies to debtor’s counsel and those parties listed in Fed. R. Bankr. P. 2002(h)(1) or (2), as applicable, in those instances where notice is required by Fed. R. Bankr. P. 2002(a) following the time period set forth in that rule. Exhibits are provided as a convenience. Parties should consult all applicable authorities to ensure adequate notice and service.

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<sup>1</sup> The Clerk of Court does not require or otherwise wish to receive service of pleadings and orders that have been filed on the Court’s docket in CM/ECF.

**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
Any (as applicable)	Claim Objection (Fed. R. Bankr. P. 3007)	30	Debtor, <b>Debtor's Counsel, Trustee, Claimant</b>	Yes	Served by Prevailing Party on Debtor, <b>Debtor's Counsel, Trustee, Claimant, Objecting Party</b>	See the <a href="#">local form</a> for noticing an objection to claim.  If the objection is to a claim of the United States, its officers, or agencies, or of an insured depository institution, service of the objection must be in the manner provided under Fed. R. Bankr. P. 7004. <i>See</i> Fed. R. Bankr. P. 3007(a)(2).
Any (as applicable)	Allowance of Administrative Claims or Interests (11 U.S.C. § 503)	21	Mailing Matrix		Served by Prevailing Party on Debtor, <b>Debtor's Counsel, Trustee, United States Trustee ("UST")</b> , Objecting Parties, Movant	A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The full application and proposed order are not required to be served on all creditors.
Any (as applicable)	Objection to Debtor's Claim of an Exemption (Fed. R. Bankr. P. 4003)	21	Debtor, <b>Debtor's Counsel, Trustee, UST</b>		Served by Prevailing Party on Debtor, <b>Debtor's Counsel, Trustee, UST</b> , Objecting Party	This exhibit governs only the period of time to respond to an objection to a debtor's claim of an exemption. This exhibit does not alter or extend the time to file an objection to a debtor's claim of an exemption under Fed. R. Bankr. P. 4003.
Any (as applicable)	Approval of Settlement (Fed. R. Bankr. P. 9019)	21	Mailing Matrix		Served by Prevailing Party on Debtor, <b>Debtor's Counsel, Trustee, UST</b> , Objecting Parties, Movant	See <a href="#">SC LBR 9019-1</a> .  See <a href="#">SC LBR 3015-8</a> to determine if a motion is necessary in a chapter 13 case.

**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
Any (as applicable)	Trustee or UST's Motion Convert or Dismiss	21	Mailing Matrix	Yes	Served by the Clerk of Court	Not applicable to 11 U.S.C. §§ 707(b), 1112, or 1307(c) motions. Court prepares order. <u>See</u> Fed. R. Bankr. P. 1017(f).
Any (as applicable)	Abandon Property (Fed. R. Bankr. P. 6007)	14	Mailing Matrix		Served by Prevailing Party on Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , <b>UST</b> , Objecting Parties, Movant	<u>See</u> <a href="#">SC LBR 6007-1</a> and applicable local form related to the required notice.
Any (as applicable)	Divide a Case or for Joint Administration (Fed. R. Bankr. P. 1015)	14	Mailing Matrix		Served by the Clerk of Court	Court prepares order.
Any (as applicable)	Extend Time to Object to Discharge and Dischargeability of Debt (Fed. R. Bankr. P. 4004, 4007, and 9006)	14	Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , <b>UST</b>		Served by Prevailing Party on Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , <b>UST</b> , Movant	
Any (as applicable)	Approve Agreement Relating to Relief from the Automatic Stay, Prohibiting or Conditioning the Use, Sale, or Lease of Property, Collateral, and/or Obtaining Credit (Fed. R. Bankr. P. 4001(d))	14	<i>All cases:</i> Debtor, <b>Debtor's Counsel</b> , <b>UST</b> , <b>Trustee</b> , Affected Parties, <i>And</i> <i>Chapter 7:</i> Creditor's Committee <i>Chapter 11:</i> Creditors Committee, or if none, 20 Largest Unsecured		Served by Prevailing Party on the Movant and the same parties served with the Motion	<u>See</u> <a href="#">SC LBR 4001-4</a> and applicable local form related to the required notice.  <u>See</u> <a href="#">SC LBR 3015-8</a> to determine if a motion is necessary in a chapter 13 case.

**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
7	Interim or Final Accounting	21	Mailing Matrix		Served by the Clerk of Court	Notices by a trustee may conform with uniform notices approved by the Executive Office of the United State Trustee.
7	Trustee Retain Asset	21	Mailing Matrix		Served by Prevailing Party on Trustee, Affected Parties, Debtor, Debtor's Counsel	
7	Redeem (11 U.S.C. § 722)	21	Affected Parties, Trustee	Yes	Served by Prevailing Party on Affected Parties, Trustee, Debtor, Debtor's Counsel	See Advisory Committee Note, Fed. R. Bankr. P. 6008.
7	Debtor's Motion to Convert 7 to 13 (No Previous Conversion)	14	Mailing Matrix		Served by the Clerk of Court	
7	Extend Time to File a Motion Regarding Substantial Abuse (11 U.S.C. § 707(b))	14	Debtor, Debtor's Counsel, Trustee, UST		Served by Prevailing Party on Debtor, Debtor's Counsel, Trustee, UST, Movant	
7, 11	Debtor's Motion to Dismiss (No Previous Conversion)	21	Mailing Matrix	Yes	Served by the Clerk of Court	See Fed. R. Bankr. P. 1017(f).
7, 11	Assume or Reject Leases/Executory Contracts (11 U.S.C. § 365)	21	Debtor, Debtor's Counsel, the Other Party to the Contract or Lease or other Affected Party, Trustee, UST	Yes	Served by Prevailing Party on Debtor, Debtor's Counsel, the Other Party to the Contract or Lease, Trustee, UST	In chapter 12 and 13 cases, this motion is embedded in the form plan.  See Fed. R. Bankr. P. 6006(a).

**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
7, 11	Avoid Lien (11 U.S.C. § 522)	21	Affected Parties, <b>Trustee</b>	Yes	Served by Prevailing Party on Affected Parties, <b>Trustee</b> , Movant, Debtor, <b>Debtor's Counsel</b>	See <a href="#">SC LBR 4003-2</a> . In chapter 12 and 13 cases, this motion is embedded in the form plan.  See Fed. R. Bankr. P. 4003(d).
7, 11	Establish Value (11 U.S.C. § 506)	21	<b>Debtor's Counsel</b> , Debtor, Holder of the Claim, <b>Trustee</b> , <b>UST</b>	Yes	Served by Prevailing Party on <b>Debtor's Counsel</b> , Debtor, Holder of the Claim, <b>Trustee</b> , <b>UST</b> , Movant	Do not use this procedure if the motion is incorporated in another motion, such as a motion to redeem in chapter 7. In chapter 13 cases, this motion is embedded in the form plan.
11	Final Decree (Fed. R. Bankr. P. 3022)	30	Mailing Matrix		Served by the Clerk of Court	Court prepares order.
11	Discharge for Individual (11 U.S.C. § 1141)	21	Mailing Matrix		Served by the Clerk of Court	
11	Subchapter V Discharge (11 U.S.C. § 1192)	21	Mailing Matrix		Served by the Clerk of Court	See <a href="#">SC LBR 4004-2</a>
11	Shorten the Mailing Matrix	21	Mailing Matrix		Served by Prevailing Party on Mailing Matrix	See <a href="#">SC LBR 2081-2(d)</a>
11	Debtor's Motion Convert to Chapter 12 or 13 (No Previous Conversion)	14	Mailing Matrix	Yes	Served by the Clerk of Court	See Fed. R. Bankr. P. 1017(f).

**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
11	Extend Time to File Chapter 11 Plan or Disclosure Statement	14	Mailing Matrix		Served by Prevailing Party on Mailing Matrix	See <a href="#">SC LBR 3016-1</a>
11	Modify Confirmed Subchapter V Plan (11 U.S.C. § 1193; Fed. R. Bankr. P. 3019)	21	Debtor, <b>Debtor's Counsel, Trustee</b> , Parties affected by the Proposed Modification, <b>UST</b>	Yes	Served by the Clerk of Court	
12	Final Report (Fed. R. Bankr. P. 5009(a))	30	Mailing Matrix		Served by the Clerk of Court	
12, 13	Modify Confirmed Plan (11 U.S.C. §§ 1229 or 1329; Fed. R. Bankr. P. 3015(h))	21	<b>Trustee</b> , Parties affected by the Proposed Modification, <b>UST</b>	Yes	Served by the Clerk of Court	See <a href="#">SC LBR 3015-2(b)</a> .  Objections to a proposed modification are governed by Fed. R. Bankr. P. 9014. See Fed. R. Bankr. P. 3015(h). If the modified plan includes a new embedded motion, service under Fed. R. Bankr. P. 7004 is required on the parties affected by the embedded motion.
12, 13	Moratorium on Payments	21	Mailing Matrix		Served by Movant on Debtor, <b>Debtor's Counsel, Trustee</b> , any Objecting Party	
12, 13	Co-Debtor Stay Relief (11 U.S.C. §§ 1201 or 1301)	14	Debtor, <b>Debtor's Counsel</b> , Co- Debtor, <b>Trustee</b>	Yes	Served by Prevailing Party on Debtor, <b>Debtor's Counsel</b> , Co-Debtor, <b>Trustee</b> , Movant	Court prepares order.  See Fed. R. Bankr. P. 4001(a).
12, 13	Obtain Credit	14	<b>Trustee, UST</b>		Served by Prevailing Party on <b>Trustee, UST</b> , Debtor, <b>Debtor's Counsel</b> , Movant	See <a href="#">SC LBR 3015-8</a> to determine if a motion is necessary in a chapter 13 case.



**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
12, 13	Request for Discharge (11 U.S.C. §§ 1228(a) or 1328(a))	14	Mailing Matrix		Served by the Clerk of Court	See <a href="#">SC LBR 3015-5</a> and <a href="#">SC LBR 2082-1</a> .
12, 13	Use of Cash Collateral; Prohibit or Condition the Use, Sale, or Lease of Property (Fed. R. Bankr. P. 4001)	14	<i>Use:</i> Trustee, Affected Parties <i>Prohibit:</i> Debtor, Debtor's Counsel, Trustee	Yes	Served by Prevailing Party on Movant and the same parties served as the Motion	See Fed. R. Bankr. P. 4001(a)(1) & (b)(1)(A).  See <a href="#">SC LBR 3015-8</a> to determine if a motion is necessary in a chapter 13 case.
13	The Chapter 13 Plan and Embedded Motions	At least 21	Mailing Matrix	Yes	Served by the Clerk of Court	Responding parties must be given at least 28 days' notice of the confirmation hearing (Fed. R. Bankr. P. 2002(b)), and at least 21 days' notice of the time fixed to file objections (Fed. R. Bankr. P. 2002(a)(9)). 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 confirmation hearing.  Certain embedded motions in a Chapter 13 plan must be served on the affected parties pursuant to Fed. R. Bankr. P. 7004.
13	Substitute Collateral	14	Affected Parties, Trustee, UST	Yes	Served by Prevailing Party on Affected Parties, Trustee, UST, Movant	See Fed. R. Bankr. P. 4001(b)(1)(A).

**Exhibit A to SC LBR 9013-4**  
Motions/Applications approved for passive, self-scheduled hearings

Chapter	Pleading	# of days for Response	Parties to serve Pleading	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
13	Trustee Motion or Petition to Dismiss (11 U.S.C. § 1307(c))	21	Debtor, <b>Debtor's Counsel</b>	Yes	Served by the Clerk of Court	Court prepares order.  <u>See</u> Fed. R. Bankr. P. 1017(f).
7, 12, 13	Use, Sale or Lease of Property (Excluding Cash Collateral); Sale Free and Clear (Fed. R. Bankr. P. 6004(a), (c))	21	Mailing Matrix	Yes	Served by Prevailing Party on Debtor, <b>Trustee, UST, Debtor's Counsel</b> , any Objecting Party	<u>See</u> <a href="#">SC LBR 6004-1</a> and applicable local forms related to the required notice for a sale and proposed order.  Motions to sell property free and clear of all liens must be served in a manner under Fed. R. Bankr. P. 7004. <u>See</u> Fed. R. Bankr. P. 6004(c).  Objections to a proposed use, sale or lease of property must be served in a manner under Fed. R. Bankr. P. 7004. <u>See</u> Fed. R. Bankr. P. 6004(b) & (d).  An order approving a sale pursuant to § 363(b) shall be served by the movant's counsel on the closing attorney and any realtors within five (5) days of entry of the order.

**Exhibit B to SC LBR 9013-4**  
Motions/Applications approved for non-passive, self-scheduled hearings

Chapter	Pleading	# of Days for Response	Parties to Serve	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
Any (as applicable)	Stay Relief (11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a))	14	<i>All cases:</i> Debtor, <b>Debtor's Counsel, UST, Trustee</b> , Affected Parties, <i>And Chapter 7:</i> Creditors Committee <i>Chapter 11:</i> Creditors Committee, or if none, 20 Largest Unsecured	Yes	Served by Prevailing Party on the Movant and the same parties served with the Motion	<u>See</u> Fed. R. Bankr. P. 4001(a).  <u>See</u> Chambers Guidelines for available automated events to assist with the processing of motions for relief from stay.
Any (as applicable)	Value Tax Claim and Establish Priority (Fed. R. Bankr. P. 3012(c))	21	<b>Trustee, Debtor's Counsel</b> , Debtor, Holder of the Claim	Yes	Served by Prevailing Party on <b>Trustee, Debtor's Counsel</b> , Debtor, Holder of the Claim, Movant	
Any (as applicable)	Convert or Dismiss by Creditor or Party in Interest	21	Mailing Matrix	Yes	Served by the Clerk of Court	<u>See</u> Fed. R. Bankr. P. 1017(f).
Any (as applicable)	Convert or Dismiss by Debtor (Previous Conversion)	21	Mailing Matrix, Trustee in Prior Case	Yes	Served by the Clerk of Court	<u>See</u> Fed. R. Bankr. P. 1017(f).
Any (as applicable)	Extend or Impose Stay (11 U.S.C. § 362(c)(3) or (4))	14	Mailing Matrix However, to the extent the relief sought only applies to the stay as to certain creditors, then: <i>All cases:</i> Debtor, UST, Trustee, affected parties, and <i>Chapter 7:</i> Creditors Committee <i>Chapter 11:</i> Creditors committee, or, if none, 20 largest unsecured creditors		Served by Movant on Debtor, <b>Trustee, UST, Debtor's Counsel</b> , any Objecting Party	An affidavit or declaration consistent with 28 U.S.C. § 1746 of the movant in support shall be filed to support the motion.

**Exhibit B to SC LBR 9013-4**  
Motions/Applications approved for non-passive, self-scheduled hearings

Chapter	Pleading	# of Days for Response	Parties to Serve	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
Any (as applicable)	Reconsider Stay Relief	14	Affected Parties, <b>Trustee</b>		Served by Prevailing Party on Affected Parties, <b>Trustee</b> , Debtor, <b>Debtor's Counsel</b> , Movant	
Any (as applicable)	Withdraw as Counsel Without Consent of Client	14	Client, <b>Trustee</b> , <b>UST</b>		Served by Movant on Client, <b>Trustee</b> , <b>UST</b>	See <a href="#">SC LBR 2091-1</a> .
Any (as applicable)	Approve Compensation or Expenses Over \$1,000	21	Mailing Matrix		Served by Prevailing Party on Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , <b>UST</b> , Objecting Parties, Movant	The procedure in this rule does not apply to requests for fees under <a href="#">SC LBR 2016-1(b)(1) or (2)</a> .
7	Dismiss by Trustee or UST for Abuse (11 U.S.C. § 707(b), Fed. R. Bankr. P. 1017)	21	Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , <b>UST</b>	Yes	Served by the Clerk of Court	See Fed. R. Bankr. P. 1017(f).
7	Reaffirmation Agreement Approval with Presumption of Undue Hardship (11 U.S.C. § 524(m))	14	Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , Affected Party, <b>UST</b>		Served by Prevailing Party on Debtor, <b>Debtor's Counsel</b> , <b>Trustee</b> , Affected Party, <b>UST</b>	
11	Appoint Trustee or Examiner (11 U.S.C. § 1104)	21	Mailing Matrix	Yes	Served by the Clerk of Court	See Fed. R. Bankr. P. 2007.1(a).

**Exhibit B to SC LBR 9013-4**  
Motions/Applications approved for non-passive, self-scheduled hearings

Chapter	Pleading	# of Days for Response	Parties to Serve	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
11	Use, Sale, or Lease Property; Sale Free and Clear (Fed. R. Bankr. P. 6004(a), (c))	21	Mailing Matrix	Yes	Served by Prevailing Party on Debtor, <b>Trustee, UST, Debtor's Counsel</b> , any Objecting Party	<p>See <a href="#">SC LBR 6004-1</a> and applicable local forms related to the required notice and proposed order.</p> <p>Motions to sell property free and clear of all liens must be served in a manner under Fed. R. Bankr. P. 7004. See Fed. R. Bankr. P. 6004(c).</p> <p>Objections to a proposed use, sale or lease of property must be served in a manner under Fed. R. Bankr. P. 7004. See Fed. R. Bankr. P. 6004(b) &amp; (d).</p> <p>An order approving a sale pursuant to § 363(b) shall be served by the movant's counsel on the closing attorney and any realtors within five (5) days of entry of the order.</p>
11	Extend Exclusivity or Time to File a Plan or Disclosure Statement (11 U.S.C. §§ 1121(d), (e), 1189(b))	14	Mailing Matrix		Served by Prevailing Party on Debtor, <b>Trustee, UST, Debtor's Counsel</b> , any Objecting Party	See <a href="#">SC LBR 3016-1</a>

**Exhibit B to SC LBR 9013-4**  
Motions/Applications approved for non-passive, self-scheduled hearings

Chapter	Pleading	# of Days for Response	Parties to Serve	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
7, 11	Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use Cash Collateral; Obtaining Credit (Fed. R. Bankr. P. 4001(a)(1), (b), (c))	14	<i>All cases:</i> Debtor, <b>Debtor's Counsel</b> , <b>UST</b> , <b>Trustee</b> , Affected Parties, <i>and Chapter 7:</i> Creditor's Committee <i>Chapter 11:</i> Creditors Committee, or if none, 20 Largest Unsecured	Yes	Served by Prevailing Party on Movant and same parties served with the Motion	Excludes agreements under Fed. R. Bankr. P. 4001(d) and <a href="#">SC LBR 4001-4</a> .  See Fed. R. Bankr. P. 4001(a)(1), (b)(1)(A), & (c)(1)(A).
7, 11, 12	Reopen (11 U.S.C. § 350)	14	<b>Trustee</b> , <b>UST</b> , Debtor, <b>Debtor's Counsel</b>		Served by the Clerk of Court	Court prepares order.
12, 13	Hardship Discharge (11 U.S.C. §§ 1228(b), 1328(b))	14	Mailing Matrix		Served by the Clerk of Court	See SC LBR 3015-5.
13	Reconsider Dismissal	14	Mailing Matrix		Served by the Clerk of Court	Court prepares order.
13	Determine Final Cure and Payment (Fed. R. Bankr. P. 3002.1(h))	14	<b>Trustee</b> , Debtor, <b>Debtor's Counsel</b> , Affected Party		Served by Prevailing Party on Debtor, <b>Trustee</b> , Debtor, <b>Debtor's Counsel</b> , Affected Party	
13	Determine Post-Petition Fees, Expenses, and Charges (Fed. R. Bankr. 3002.1(e))	14	<b>Trustee</b> , Debtor, <b>Debtor's Counsel</b> , Affected Party		Served by Prevailing Party on <b>Trustee</b> , Debtor, <b>Debtor's Counsel</b> , Affected Party	
13	Reopen (11 U.S.C. § 350)	14	Mailing Matrix		Served by the Clerk of Court	

## **LOCAL RULE 9014-1: OBJECTIONS**

When any document requires a party in interest to file an objection, return, or response to the document within a specified time, <sup>1</sup> the following applies:

- a. The objection must be in writing and properly captioned in accordance with Fed. R. Bankr. P. 9004 and set forth with particularity the reasons for opposition, citing applicable statutes, rules and controlling case law. The parties may be limited to arguing the matters raised in the objection.
- b. If no objection is filed within the applicable time period, or any objection is withdrawn or resolved, the Court may grant the movant relief without further hearing.
- c. Absent Court approval, no extension of the time permitted to respond to any motion, objection, or other contested matter is effective.

### **Notes:**

(2023) Former paragraphs (b) and (c) were superfluous and removed as duplicative of or in conflict with the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, and/or provisions in standard orders or notices.

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<sup>1</sup> See [SC LBR 9013-4](#) for deadlines to object to self-scheduled matters.

#### **LOCAL RULE 9015-1: JURY TRIALS**

- a. **Demand.** Any demand for jury trial shall contain a statement indicating whether the demanding party consents to the jury trial being conducted by the bankruptcy judge.
- b. **Statement of Entitlement and Consent.** Within the later of the time for filing a response to the pleading in which the right to jury trial is asserted, or fourteen (14) days after the right to jury trial is asserted if no responsive pleading is due, a party affected by the demand shall file any response or objection to the claim of the right to a jury trial and a statement whether that party consents to the jury trial being conducted by the bankruptcy judge.
- c. **Memorandum.** In the event a hearing is scheduled to determine the existence of a right to jury trial, or as directed by the Court, the parties demanding and opposing trial by jury shall file and simultaneously serve on each other and any other affected party a memorandum of the relevant facts and authorities no later than seven (7) days before the hearing.



**LOCAL RULE 9018-1: DOCUMENTS SUBMITTED UNDER SEAL**

Requests to seal documents pursuant to 11 U.S.C. § 107 or Fed. R. Bankr. P. 9018 shall be made by motion. If the motion itself contains confidential information, the movant shall file and serve electronically a redacted version clearly marked as such and shall submit the unredacted version to chambers. The order authorizing the filing of such documents under seal shall be entered electronically unless otherwise directed by the Court. Following entry of the order, sealed documents shall be electronically filed using the appropriate CM/ECF event for sealed documents. Once the documents have been electronically filed, paper copies of sealed documents and electronic devices containing sealed documents will be retained by the Court for a period of two (2) years after the case or proceeding is closed, after which they will be destroyed.

## **LOCAL RULE 9019-1: COMPROMISE AND SETTLEMENT**

Notice of settlement or compromise must be filed and served within ten (10) days after the report of settlement to the Court. A form in substantial conformance with the Court's [local form](#) may be used. Notice of settlement or compromise must: (1) provide parties in interest sufficient detail of the settlement to arrive at a reasoned basis for objecting to or accepting the settlement or compromise, (2) be signed by the attorneys for the settling parties and any *pro se* party to the dispute, and (3) be accompanied by a consent settlement order. If a notice of settlement or compromise is not timely filed and served, the Court may strike the pleading or objection of the party responsible for the delay or take other action that is just.

### **Notes:**

(2022) Removed footnote 1 indicating that Chambers Guidelines must be considered in connection with the Local Rules because judges may have differing procedures or requirements.

## LOCAL RULE 9019-2: MEDIATION

- a. **Initiation of Mediation and Costs.** Any party may file and serve on all other parties to the proceeding a motion for mediation.<sup>1</sup> A party opposing mediation shall have fourteen (14) days to file and serve an objection to the request. After reviewing the request, any objections and, if appropriate, conducting a conference with the parties, the Court may order mediation. The Court may also, *sua sponte* or upon stipulation of all parties, order mediation.<sup>2</sup> Unless the parties agree upon the sharing of the costs of the mediation, including fees of the mediator, the division of such costs shall be determined by the Court. Election of mediation by agreement of the parties shall occur no later than the earlier of the filing of a joint pretrial order, the time of the final pretrial conference, or seven (7) days prior to the hearing scheduled in a contested matter.
- b. **Proposed Order.** Any [order to mediate](#) shall designate the mediator, specify responsibility for the costs of mediation, and may contain additional provisions regarding the conduct and timing of mediation and the duties and compensation of the mediator.<sup>3</sup> The Court may stay the proceeding, in whole or in part, to allow time to complete mediation, but such proceedings and/or hearings related thereto are not to be delayed absent Court approval which may require a showing of exceptional circumstances.
- c. **Selection of the Mediator.** The mediator may be selected from the list of mediators available via the Court or, upon the agreement of all the parties, may be some other person otherwise qualified by training or experience to mediate all or some of the issues involved. The mediator must promptly determine all conflicts or potential conflicts pursuant to applicable rules and disclose that circumstance to the parties in writing. If a dispute arises concerning the disqualifying effect of any conflict the Court shall resolve the issue and may appoint another mediator.

**Timing and Conclusion of Mediation.** Unless otherwise ordered, mediation shall be concluded within thirty (30) days of the order appointing a mediator. The mediator shall report to the Court in writing within seven (7) days following conclusion of mediation whether an agreement was reached by the parties and, if so, whether such agreement will resolve the proceeding and which party or parties will be responsible for the proposed order, stipulation, or notice of settlement. The proposed order, stipulation, or notice of settlement is due within fourteen (14) days of the mediator's report. If the proceeding is not resolved by mediation, the proceeding will be set for hearing, pre-trial conference, or trial in the ordinary course.

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<sup>1</sup> Mediation as described herein is contemplated to be non-binding unless the parties otherwise agree.

<sup>2</sup> A list of approved mediators is available on the Court's website.

<sup>3</sup> Parties submitting a proposed order should submit an order in substantial conformance with the [local form](#).

**LOCAL RULE 9029-1: OPERATING ORDERS, GUIDELINES REGARDING CASE MANAGEMENT,  
AND AMENDMENTS TO THE LOCAL BANKRUPTCY RULES**

Certain matters of practice and procedure may be addressed by operating orders or guidelines. Substantive amendments to these rules may be made by separate order and notice of such will be posted on the [Court's website](#). Technical correction to any local rule may be made by the Court at any time.

#### **LOCAL RULE 9033-1: PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

If a bankruptcy judge enters proposed findings of fact and conclusions of law, the procedures in this rule apply.

- a. **Designation of Record.** Upon the filing of any objection or response pursuant to Fed. R. Bankr. P. 9033 or otherwise, the filing party shall also file and serve on the opposing party a statement designating those items in the record that are to be included in the transmittal of the record to the United States District Court.
- b. **Transmittal.** Following the time period for objections and the filing of responses, the Clerk of Court shall transmit the proposed findings of fact and conclusions of law with any items designated pursuant to paragraph (a), if any, to the Clerk of the United States District Court.

## LOCAL RULE 9036-1: NOTICE BY ELECTRONIC TRANSMISSION TO DEBTORS

- a. **DeBN Request Form.**<sup>1</sup> Each debtor who files a voluntary petition shall file, contemporaneous with the petition, a completed [Debtor's Electronic Noticing Request \(DeBN Request\)](#) on the [form](#) provided by the Clerk of the Bankruptcy Court. Each DeBN Request must state whether the debtor:
- (1) requests creation of a new DeBN account to begin receiving court notices and orders via email pursuant to Fed R. Bankr. P. 9036;
  - (2) declines participation in the DeBN program;
  - (3) requests an update to or reactivation of an existing DeBN account; or
  - (4) requests deactivation of an existing DeBN account.
- b. **Email Address.** DeBN Requests to create a new DeBN account and DeBN Requests to update or reactivate an existing DeBN account must list a valid and active email address for the debtor. A debtor may list the same email address that was listed on a joint debtors DeBN Request, however, except as provided in paragraph (d), each debtor and each joint debtor must sign and file a separate DeBN Request regardless of whether they share the same email address.
- c. **Proof of Identity.** All DeBN Requests must be filed with sufficient evidence of the debtor's identity. The debtor provides sufficient evidence of identity when:
- (1) The debtor's attorney files the DeBN Request electronically in CM/ECF;
  - (2) The debtor files the DeBN Request in person at the Clerk's Office and provides a photo identification or other information that would satisfy 11 U.S.C. § 521(h); or
  - (3) The debtor files the DeBN Request by mail and provides a copy of a photo identification or other information that would satisfy 11 U.S.C. § 521(h).
- d. **Automatic Consent.** Each debtor who files a petition for bankruptcy relief electronically by utilizing eSR pursuant to SC LBR 5005(d)(2) or files a document electronically by uploading to the EDSS pursuant to SC LBR 5005(d)(3), automatically consents to receive certain notices from the Court electronically through DeBN at the email address associated with the eSR or EDSS submission.

### Notes:

(2020) Paragraph (a) was removed as unnecessary based on changes to Fed. R. Bankr. P. 9036.

(2021) Paragraph (b) was removed as unnecessary based on changes to Fed. R. Bankr. P. 9036. Former paragraph (a) was restyled, and the title of the rule was amended.

(2023) Paragraph (d) was added to provide for automatic electronic noticing for debtors who submit documents through eSR and/or EDSS.

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<sup>1</sup> See [SC LBR 5005-4](#)

#### **LOCAL RULE 9037-1: PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT**

- a. **Unredacted Documents.** Unless otherwise ordered by the Court, an entity seeking to redact a previously filed document containing private information pursuant to Fed. R. Bankr. P. 9037(h) must file a motion that contains specific information detailing how the pleading violates Fed. R. Bankr. P. 9037. If the filer is also the movant and does not wish to file a corrected document, the motion should additionally include a withdrawal of the underlying document.
- b. **Transcripts.** Access to transcripts filed with the Court will initially be restricted to allow interested parties the opportunity to review transcripts and request redaction. Upon submission of a proper request, the Court shall redact private information from transcripts published or otherwise made available to the public by the Court in accordance with Fed. R. Bankr. P. 9037(a).
- c. **Disabling Public Access.** The Clerk of Court is authorized, but not required, to disable public access of any document that appears to be filed in violation of Fed. R. Bankr. P. 9037. The document in question will be immediately forwarded to the presiding judge to determine if the document should remain inaccessible to the public and whether the filing party should be instructed to submit a redacted document.
- d. **Multiple Redaction Requests.** A party in interest who seeks to redact or restrict access to documents filed in multiple cases shall contact the Clerk of Court in advance of filing the motions to redact or restrict.

#### **Notes:**

(2022) The title of the rule was amended. Paragraphs (a) and (b) were amended to remove information duplicative of Fed. R. Bankr. P. 9037. Paragraph (a) was amended to remove the requirement to file a proposed order.

## LOCAL RULE 9070-1: EXHIBITS IN ADVERSARIES AND CONTESTED MATTERS

Unless otherwise provided by a Court order:

- a. **Submission of Exhibits in Contested Matters.** Exhibits for a hearing or trial are to be submitted to the courtroom deputy in advance and exchanged with the opposing party. The parties shall exchange exhibits and confer well in advance of the hearing to determine whether they will be able to stipulate to the admission of exhibits. The party submitting the exhibits shall note any stipulation to the admission of the exhibits and contact courtroom staff to deliver exhibits to the location where the trial or hearing will be conducted.
- b. **Marking of Exhibits.** Exhibits must be marked for identification in advance of a hearing or trial. Parties shall provide the original and three (3) copies to the courtroom deputy sufficiently in advance to permit marking the exhibits for identification and shall ensure there are enough copies available for all opposing counsel or parties at the hearing. Parties seeking to submit electronic exhibits should contact the courtroom deputy as soon as possible and no later than three (3) business days prior to a hearing or trial to ask for permission and/or make arrangements and to ensure compatibility with the Court's equipment.
- c. **Custody of Exhibits.** Exhibits admitted into evidence or marked for identification at a hearing or trial shall be claimed by the proponent within fourteen (14) days after expiration of the time for appeal, unless otherwise directed by the Court. If the party who offered the exhibit, including an exhibit submitted under seal, fails to claim it as provided herein, the Clerk of Court may provide notice to the attorneys of record and *pro se* parties advising that the exhibits will be destroyed if not claimed within two years after the case or proceeding is closed

### Notes:

(2022) Removed footnote 1 indicating that Chambers Guidelines must be considered in connection with the Local Rules because judges may have differing procedures or requirements. Paragraphs (a) and (b) added provisions from Chambers Guidelines.

(2023) Paragraph (c) was amended to extend the period of time exhibits are maintained by the Clerk of Court prior to destruction.



## LOCAL RULE 9075-1: EMERGENCY ORDERS

- a. **Motions for Emergency or Expedited Hearing.** A motion for an emergency hearing or a hearing to be held on less than fourteen (14) days' notice should be filed as a separate document from the motion upon which relief is sought, including a motion for immediate turnover of tangible personal property under 11 U.S.C. § 542(a), and should contain a complete and detailed explanation of the urgency of the request, including the proposed time for scheduling of a hearing, the potential for irreparable harm if relief is not granted, and the efforts made to communicate with other parties in interest to the motion in a good faith attempt to resolve the matter.
- b. **Ex Parte Relief.** A pleading seeking *ex parte* relief, such as a temporary restraining order, shall be accompanied by a proposed order.

### Notes:

(2024) Paragraph (a) was amended to specifically reference motions for immediate turnover as a result of amendments to Fed. R. Bankr. P. 7001(1). Paragraph (c) was removed as superfluous and in conflict with amended Fed. R. Bankr. P. 7001(1).