

United States Bankruptcy Court  
District of South Carolina

LOCAL RULES  
Effective as of 12/1/2017



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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. **Gender; Plural.** Whenever applicable, each gender includes the other gender and the singular includes the plural.
  3. **References to Rules and Statutes.** Any reference in the local rules to a statute or a rule shall include amendments or successors thereto.
  4. **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.** When a rule requires a party to use one of the Court's local forms, the filing party should ensure that the form filed is in substantial conformance with the required local form. 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. For notices sent by the debtor, the debtor shall include the debtor's address and last four digits of the debtor's social security number or taxpayer identification number in the caption of the notice. This information may be excluded from notices sent by other parties.
- d. **Suspension or Modification of Local Rules.** A judge may, *sua sponte* or upon motion of a party in interest for good cause shown, suspend or modify the application of any local rule(s) to a particular case or proceeding.

### Clerk's Note:

These Rules are effective December 1, 2017. They govern in all proceedings in bankruptcy cases thereafter commenced. These Rules and related local forms should be used in pending cases as of December 1, 2017 unless otherwise permitted by the Court.

### Notes:

(2008) Portions of former SC LBR 9001-1 were consolidated into paragraph (b) of this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (c) and (e) were deleted as unnecessary.

(2013) Paragraph (a) was amended to reflect the Blue Book citation. Paragraph (b)(4) and (c) were added.

(2017) Paragraph (c) was revised to reflect Official Form changes to the captions of notices required to be sent by debtors and to remove references to exhibits to the local rules.

#### **LOCAL RULE 1006-1: FEES- INSTALLMENT PAYMENTS**

An application to pay filing fees in installments must be accompanied by a minimum payment established by the Court. The installment payments are equal to certain charges set by statute, rule, or other guideline and shall include the administrative fee, the trustee surcharge (if applicable), and a portion of the filing fee. The amount of the minimum payment shall be posted on the Court's [website](#) and in the Clerk's Office.

#### **Notes:**

(2008) Former paragraph (a) was restyled. Former paragraph (b) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

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

The requirement of a list of creditors pursuant to Fed. R. Bankr. P. 1007(a) shall be met by the filing of a mailing matrix as provided herein. The debtor must file the mailing matrix with the petition.

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:**

(2008) Portions of this rule were restyled and procedures to ensure the integrity of the mailing matrix were clarified.

(2013) Portions of this rule were revised to conform with inclusion of various operating orders in the local rules.

## LOCAL RULE 1007-2: MAILING

- a. **Return Addressee.** The party delegated notice is designated as the return addressee for the notice delegated to the party. The debtor or, if applicable, the debtor's attorney is designated as the return addressee for the notice of the commencement of a case and meeting of creditors, any delegated notice, and any order confirming a plan (if the debtor is the plan proponent), dismissing a case, or discharging a debtor.
- b. **Duty to Provide Accurate Address.** The debtor or the debtor's attorney shall file and, if appropriate, docket<sup>1</sup> 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 then authorized to delete that creditor or party in interest and the incorrect address from the list of creditors.

### Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-05.

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<sup>1</sup> The duty to docket applies to electronic filers.



**LOCAL RULE 1007-I: INCORPORATION OF INTERIM BANKRUPTCY RULE 1007-I**

[Interim Bankruptcy Rule 1007-I](#), as amended, is applicable to all cases filed on or after December 19, 2008 and is to be read in conjunction with any corresponding Federal Rule.

**Notes:**

(2008) This rule was added to the Local Rules December 19, 2008 and serves to implement the National Guard and Reservists Debt Relief Act of 2008. Subdivision (n)(1) was added to the model Interim Bankruptcy Rule and subdivisions (n)(1) and (n)(2) of the model Interim Bankruptcy Rule were renumbered as subdivisions (n)(2) and (n)(3).

**INTERIM BANKRUPTCY RULE 1007-I: LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS; TIME LIMITS; EXPIRATION OF TEMPORARY MEANS TESTING EXCLUSION**

\* \* \* \* \*

**b. Schedules, Statements, and Other Documents Required.**

\* \* \* \* \*

4. Unless either: (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

c. **Time Limits.** In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h), and (n) of this rule. In an involuntary case, the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

\* \* \* \* \*

**n. Time Limits for, and Notice to, Debtors Temporarily Excluded from Means Testing.**

1. Within seven days of the petition date, a debtor, excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code, shall file or docket a statement of temporary exclusion from means testing. If a debtor, excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code, is released from active duty after the petition date and before the case is closed, the debtor shall file or docket a statement of release from active duty within seven days of being released from active duty.
2. An individual debtor who is temporarily excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any statement and calculations required by subdivision (b)(4) no

later than 14 days after the expiration of the temporary exclusion if the expiration occurs within the time specified by Rule 1017(e) for filing a motion pursuant to § 707(b)(2).

3. If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subdivision (n)(2), and if the debtor has not previously filed a statement and calculations required by subdivision (b)(4), the clerk shall promptly notify the debtor that the required statement and calculations must be filed within the time specified in subdivision (n)(2).

**Notes:**

(2008) CLERK'S NOTE: Subdivision (n)(1) is in addition to the provisions found in model Interim Bankruptcy Rule 1007-I. The paragraph clarifies the debtor's duty to docket a statement of temporary exclusion from means testing and requires the debtor to docket a statement of release from active duty, if released from duty during the pendency of the case, so that the Clerk of Court may send the notice required by subdivision (n)(3).

(2008) COMMITTEE NOTE: This rule is amended to take account of the enactment of the National Guard and Reservists Debt Relief Act of 2008, which amended § 707(b)(2)(D) of the Code to provide a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces. This exclusion applies to qualifying debtors while they remain on active duty or are performing a homeland defense activity, and for a period of 540 days thereafter. For some debtors initially covered by the exclusion, the protection from means testing will expire while their chapter 7 cases are pending, and at a point when a timely motion to dismiss under § 707(b)(2) can still be filed. Under the amended rule, these debtors are required to file the statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of their exclusion.

Subdivisions (b)(4) and (c) are amended to relieve debtors qualifying for an exclusion under § 707(b)(2)(D)(ii) from the obligation to file a statement of current monthly income and required calculations within the time period specified in subdivision (c).

Subdivision (n)(2) is added to specify the time for filing of the information required by subdivision (b)(4) by a debtor who initially qualifies for the means test exclusion under § 707(b)(2)(D)(ii), but whose exclusion expires during the time that a motion to dismiss under § 707(b)(2) may still be made under Rule 1017(e). If, upon the expiration of the temporary exclusion, a debtor has not already filed the required statement and calculations, subdivision (n)(3) directs the clerk to provide prompt notice to the debtor of the time for filing as set forth in subdivision (n)(2).

(2009) CLERK'S NOTE: Deadlines in paragraph (c) and (n) were amended to multiples of seven as part of time computation amendments.

(2010) CLERK'S NOTE: The deadline to file a statement of completion of a course in financial management in a chapter 7 case was extended from 45 days to 60 days in paragraph (c) in accordance with national time computation changes.

(2012) Amendments were made to paragraph (c) to conform with revisions to Fed. R. Bankr. P. 1007, which eliminated the time limit for filing a list of creditors in an involuntary bankruptcy case.

**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 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.

**Notes:**

(2008) Portions of former paragraph (c) were consolidated with paragraph (b). Former paragraph (d) was restyled as paragraph (c). Former paragraph (e) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2015) The rule was amended to remove reference to the official form number for the statement of social security number and conform the names of official forms to the new form names.

## **LOCAL RULE 1015-1: JOINDER AND DIVISION OF CONSUMER CASES**

- a. **Joinder of Spouse.** When a debtor has filed a petition under the Bankruptcy Code and subsequently the debtor's spouse seeks to join the case, the joining debtor must file a petition under the same chapter as the pending case and pay the appropriate fees. The petition shall be accompanied by all schedules, statements and lists required for that chapter. The joining debtor may then move for joint administration of the two cases.
  
- b. **Division of Joint Case.** When one debtor in a case commenced by the filing of a joint petition seeks to maintain a separate case, that debtor shall file a motion to divide the joint case and shall pay the applicable fee. The new case number shall be assigned to the case of the movant unless otherwise ordered by the Court.
  1. **Conversion.** If one of two joint debtors seeks conversion to a chapter other than that under which the joint case is pending, in addition to filing a motion to divide the joint case and paying the applicable fee, as provided in the preceding section, a motion to convert must be filed.
  
  2. **Dismissal of Debtor from a Joint Case.** When one debtor in a joint case seeks to be dismissed as a party, a motion to divide is not required.

### **Notes:**

(2008) Portions of this rule were restyled. Former paragraph (b)(3) was deleted as unnecessary.

(2012) Technical amendments were made to paragraph (b) to refer to a motion to separate as a motion to divide pursuant to 28 U.S.C. § 1930.

(2013) The title of the rule was revised and technical amendments were made to paragraphs (a) and (b).

## LOCAL RULE 1017-2: DISMISSAL OR SUSPENSION- CASE OR PROCEEDING

- a. **Dismissal for Failure to File Documents.** The Court may enter an order dismissing a voluntary case without further notice or hearing upon the certification by the Clerk of Court, the United States trustee, or the case trustee that the debtor failed to file or provide lists, schedules, statements, and other documents required pursuant to 11 U.S.C. § 521 or [SC LBR 3015-4](#) within the time periods established therein or by Fed. R. Bankr. P. 1007(c) and 1019(1)(B). A chapter 11 case may also be dismissed without further notice or hearing if the debtor or trustee fails to timely file the documents required by [SC LBR 2015-3\(c\)](#).
- b. **Dismissal for Failure to Attend a Meeting of Creditors.** In a voluntary case, upon certification to the Court by the United States trustee or case trustee that either the debtor or attorney for the debtor has not appeared at the meeting of creditors, a continued meeting of creditors, or a special meeting of creditors, or that the debtor or attorney for the debtor has appeared but was unprepared to proceed, the Court may dismiss the case without further notice or hearing.
- c. **Dismissal for Failure to Provide Financial Information.** In a voluntary chapter 7 case, upon certification by the United States trustee or case trustee that the debtor failed to provide required documentation and financial information, including tax returns, at the meeting of creditors pursuant to Fed. R. Bankr. P. 4002 or otherwise as required by statute or rule, the Court may dismiss the case without further notice or hearing.
- d. **Dismissal for Failure to Timely File, Distribute, or Confirm Plan.** The Court may enter an order dismissing or converting a chapter 13 case if confirmation of the plan is denied or upon the certification by the Clerk of Court, the United States trustee, or the case trustee that the debtor has failed to timely meet the filing requirements of Fed. R. Bankr. P. 3015(b). If a chapter 11 plan or disclosure statement 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 correct the deficiencies that resulted in the denial of confirmation or rejection of the disclosure statement within fourteen (14) days after the hearing on the plan or disclosure statement or within the time period ordered by the Court.
- e. **Motion to Dismiss or Convert Pursuant to 11 U.S.C. § 1112.** Any party filing a motion to dismiss or convert a case pursuant to 11 U.S.C. § 1112 shall either: (1) ensure that the Court has an available hearing date that both allows for applicable notice and falls within the time required by statute, the Federal Rules of Bankruptcy Procedure, and Local Rules or (2) specially request by separate emergency motion that such a hearing be scheduled. The absence of such a request shall be deemed a waiver of the scheduling and ruling deadlines imposed by the statute and the rules.
- f. **Notice.** Notice of this local rule shall be provided in the Notice of Bankruptcy Case.

### Notes:

(2008) Portions of former SC LBR 1007-2, 2003-1, and 3015-2 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Paragraph (d) was amended to include cause for dismissal or conversion currently included in the Meeting of Creditors Notice. Paragraph (e) was added and former paragraph (e) was moved to paragraph (f).

(2013) Technical amendments were made to paragraphs (a) and (e). Paragraph (a) was amended to include provisions previously found in SC LBR 2015-3(c). Paragraph (d) was amended to include a provision formerly found in SC LBR 3016-1(c).

(2015) Paragraph (f) was amended to conform the name of the form referenced to the name of the new official form.

## LOCAL RULE 1073-1: ASSIGNMENT OF CASES

- a. **Manual Assignment of Certain Cases.** The filing party shall not use the "Judge/Trustee Assignment" feature in CM/ECF in the following categories of cases:
  1. Any chapter 7 case that relates to a chapter 7, chapter 11, or chapter 12 case currently pending or that was pending within one year prior to the current case; or
  2. Cases under any chapter where there is a simultaneous case pending by the same debtor.
- b. **Certification Regarding Judge Assignment.** The filing party of any case described in paragraph (a) shall file a Certification Regarding Judge Assignment in CM/ECF simultaneous with the filing of the case. For any case described in paragraph (a), the Clerk of Court shall make the judge assignment, notify filing counsel of the assignment, and note the assignment on the docket in an expeditious fashion.
- c. **Effect of Common Assignment.** The common assignment of related cases shall not constitute consolidation or joint administration pursuant to Fed. R. Bankr. P. 1015 nor shall it constitute substantive consolidation. Such a determination shall be made only upon proper motion and notice.
- d. **Failure to Comply.** The Clerk of Court is authorized to reassign any case not in compliance with this rule.

### Notes:

(2008) Portions of former SC LBR 2081-2 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2010) This rule was amended to incorporate provisions of Operating Order 09-05 and other instances where the Judge/Trustee assignment is not used in the filing of a case. Exhibit A was replaced by the CM/ECF event "Certification Regarding Judge Assignment."

(2013) Former paragraphs (a)(1) through (6) were deleted as unnecessary. Paragraph (d) was revised to allow for the Clerk to reassign a case.



## 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.

### Notes:

(2008) Portions of this rule were restyled. Former paragraph (c) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2009) The period in Exhibit A was amended to a multiple of seven as part of time computation amendments.

(2013) Paragraphs (a) and (b) were restyled. Paragraph (b) was also amended to reference that a party in interest may advise the Court's noticing agency that it consents to a particular method of notice, such as electronic notice. Paragraph (c) was added to incorporate provisions found in former Operating Order 08-05.

(2017) Reference to rule exhibit was removed and the rule was amended to reference the local form.

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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 2014-1: EMPLOYMENT OF PROFESSIONALS**

Upon entry of an order approving an application for employment pursuant to 11 U.S.C. § 327, employment is effective from the date of the filing of the application, unless otherwise ordered by the Court.

**Notes:**

(2008) Reference was made to Fed. R. Bankr. P. 6003 to clarify that the orders on application for employment will be considered no earlier than 20 days following the petition date.

(2009) The comment period for the United States trustee was extended to 14 days.

(2013) The rule was reduced.

### **LOCAL RULE 2015-3: TRUSTEE AND DEBTOR-IN-POSSESSION 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 20th day of each month. This report must conform to the format provided by the United States trustee. The original report must be signed by the debtor or, if applicable, the trustee.
- b. **Post-Confirmation Reports.** Following the entry of an order confirming a plan of reorganization, the debtor or trustee, pursuant to Fed. R. Bankr. P. 2015(a), shall continue to file monthly operating reports until such time as the case is closed by the Court.
- 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 may 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.

#### **Notes:**

(2008) Portions of former SC LBR 2015-1 and 2081-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Technical amendments were made to paragraph (c) and some provisions of paragraph (c) were moved to 1017-2(a).

## 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 after 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 ninety (90) days after the second application. After one hundred eighty (180) days following the date of the order for relief, applications may not be made more than once every one hundred twenty (120) days, unless the Court orders otherwise.
- b. **Chapter 13 Cases.**
  1. **Expedited Fee Approval Procedure.** 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 agree in writing that the fee for representation will be equal to or less than the amount set forth in Chambers Guidelines at the time of the filing of the case (collectively, the "Expedited Fee Amount").<sup>1</sup> Unless the Court orders otherwise, the Expedited Fee Amount is deemed conditionally approved for disbursement upon confirmation of the plan as a result of the attorney's filing of the Attorney Fee Disclosure Statement ("Statement") pursuant to Fed. R. Bankr. P. 2016(b). The Statement shall clearly indicate the fee agreed upon, the fee paid to date, and the fee to be paid through the chapter 13 plan. The Statement shall also define any charges or potential charges for supplemental fees described in paragraph (b)(2).
  2. **Application for Supplemental Fees.** If expressly authorized by a conspicuous provision of a written fee agreement attached to the Statement, the debtor(s) and attorney may agree to supplemental compensation of the attorney for additional work necessary as a result of any matters involving the default under or variance from the terms of the confirmed plan, adversary proceedings, appeals or for other complicating factors not present in the typical chapter 13 case.
    - A. **Supplemental Fees Below Chambers Guidelines Threshold.** If an agreement for a supplemental fee is made between the debtor(s) and attorney and the total supplemental fee sought in the case does not exceed the supplemental fee threshold set forth in the Chambers Guidelines, such fee may be asserted:
      - (i) **Before Confirmation.** A supplemental fee arising before confirmation may be asserted by filing a timely Application for Approval of Chapter 13 Attorney Fees ("Application") and may be conditionally approved for disbursement upon plan confirmation via the procedure set forth in paragraph (1). The Statement and Application shall contain sufficient information to determine if the supplemental fee charged is fair and reasonable.
      - (ii) **After Confirmation.** Within a reasonable time after the completion of the

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<sup>1</sup> This amount includes all typical costs and expenses other than 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.

additional services, the attorney shall file an amended Statement and Application that clearly indicate the fee agreed upon, the fee paid to date directly from the debtor(s) and the fee to be paid through the chapter 13 plan. The amended Statement and Application shall contain sufficient information to determine if the supplemental fee charged is fair and reasonable. Unless an objection to approval of the fee is filed within twenty-one (21) days of service of the amended Statement and Application or unless the Court orders otherwise, the supplemental fee shall be conditionally approved for disbursement subject to the terms of the confirmed plan and this rule.

**B. Supplemental Fee Above Chambers Guidelines Threshold.** Within a reasonable time after the completion of the additional services, the attorney may request a supplemental fee above the supplemental fee threshold set forth in the Chambers Guidelines by filing an Application and amended Statement, which must contain sufficient information to determine if the total supplemental fee is fair and reasonable, and a proposed order. The attorney shall be entitled to the supplemental fee only after such fee is approved by order of the Court.<sup>2</sup> Compensable services under this paragraph are limited to those rendered in the event of unforeseen circumstances.

**3. Formal Application for Compensation.** In lieu of paragraph (b)(1) and (b)(2), 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:**

(2008) Portions of former SC LBR 2081-1(c)(2) were incorporated into paragraph (a) pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Paragraph (b) is new.

(2013) A technical amendment was made to paragraph (a) to reference 11 U.S.C. § 328. Paragraph (b) was amended to incorporate the Operating Order Setting Procedures for Approval of Attorney's Fees in Chapter 13 Cases. Certain provisions of the former Operating Order were excluded as these provisions are addressed by other rules.

(2014) The objection deadline in paragraph (b)(2)(A)(ii) was amended from 20 to 21 days.

(2017) Paragraph (b)(1) was amended to remove the requirement that the amount of attorney's fees due be included in the chapter 13 plan and to remove the service requirement.

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<sup>2</sup> An order approving the supplemental fee may be entered prior to the hearing on the fee application in the discretion of the judge.

## **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.

### **Notes:**

(2008) Portions of former SC LBR 2081-1 were incorporated into other local rules pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. The provisions in current SC LBR 2081-1 are new.

## LOCAL RULE 2081-2: REQUIREMENTS FOR COMPLEX CHAPTER 11 CASE

- a. **Designation as Complex.** A party filing a chapter 11 bankruptcy petition<sup>1</sup> who believes that the case should be classified as a complex chapter 11 case shall file with the petition a motion for designation as complex chapter 11 case. Factors to be considered in determining whether to move for designation as complex chapter 11 case must be addressed in the motion for consideration by the Court and must include:
1. The need for hearings or orders on an emergency or expedited basis following the filing of the petition;
  2. The size of the case, either in number of parties, creditors, or employees, or amount of assets or indebtedness, whether claims against the debtor and/or equity interests are publicly traded; and
  3. The need for simplification of noticing or hearing procedures.
- b. **Affidavit in Support.** A party in a chapter 11 case filing a motion for designation as complex shall file an affidavit accompanying the motion setting forth:
1. The nature of the debtor's business and a concise statement of the circumstances leading to the debtor's filing under chapter 11;
  2. The following information with respect to each of the holders of the twenty (20) largest unsecured claims, excluding insiders: the name, address, telephone number, name of the person familiar with the debtor's account, the amount of the claim, and an indication of whether the claim is contingent, unliquidated, disputed, or partially secured;
  3. The following information with respect to each of the holders of the five largest secured claims: the name, address, the amount of the claim, a brief description and an estimate of the value of the collateral securing the claim, and whether the claim or lien is disputed;
  4. The names of the individuals who comprise the debtor's existing senior management, their tenure with the debtor, and a brief summary of their relevant responsibilities and experience;
  5. The names, addresses, and positions of the debtor's professionals, including local counsel and any noticing agent, as of the date of the petition;
  6. A summary of the debtor's assets and liabilities; and
  7. The location of the debtor's substantial assets, the location of its books and records, and the nature, location, and value of any assets held by the debtor outside the territorial limits of the United States.
- c. **Content of Order Designating Case as Complex Chapter 11.** If the Court determines that the case qualifies for treatment as a complex chapter 11 case, the initial order for a complex chapter 11 case may address:
1. Emergency or expedited hearings to be held within the first two (2) business days of the filing of the petition, or whatever time period demonstrated by the attorney for the debtor as necessary, and the filing and service of the necessary motions and notices related thereto;
  2. Hearings to be held within the first two (2) weeks after the filing of the petition and the filing and service of the necessary motions and notices;
  3. Omnibus hearings to be held monthly to consider, among other things, other expedited motions filed, served, and noticed at least seven (7) business days prior to the date being used for the omnibus hearing, unless otherwise ordered by the Court; and
  4. Final hearings on the foregoing matters and other matters to be scheduled and heard as the Court deems appropriate.

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<sup>1</sup> This rule is contemplated to include a party filing an involuntary petition.

- d. **Shortened Mailing Matrix and Service of Notices.** The debtor may, within seven (7) days after the filing date of the petition, file and serve on all parties in the case a motion and notice to establish a shortened mailing list that will apply to the extent permitted by Fed. R. Bankr. P. 2002. The notice shall provide parties with the option of receiving notices served by debtor or other party in interest via electronic mail or by facsimile, pursuant to Fed. R. Bankr. P. 9036, in lieu of service by first class mail.
- e. **Initial Status Conference.** The Court, in its initial order for complex chapter 11 cases, may set a status conference to be held within six (6) weeks of the filing of the petition, and following the meeting of creditors held pursuant to 11 U.S.C. § 341, or at such other times as designated by the Court. The status conference will be conducted pursuant to 11 U.S.C. § 105(d) and may include issues addressed by the Court in its initial order for complex chapter 11 cases, and may include other scheduling and procedural issues addressed by any other party in the case which files a motion entitled Motion Regarding Administrative Issues to be Heard at Status Conference not later than seven (7) days prior to the date set for the status conference. Such a motion will be served upon debtor's counsel (if debtor is not the movant); all secured creditors; the twenty (20) largest unsecured creditors (or unsecured creditors committee, if one is appointed); any existing official committees; and any party that files a request specifically seeking notice of such status conferences.

**Notes:**

(2008) Portions of this former SC LBR 2081-3 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The period in paragraph (e) was amended to a multiple of seven as part of time computation amendments.

(2013) Paragraph (a)(2) was amended to remove reference to a specific amount of indebtedness. Former paragraph (c) was deleted as unnecessary and the remaining paragraphs were relettered. Technical amendments were made to paragraph (a), (c), (d), and (e). Provisions in paragraph (c)(4) were deleted as unnecessary. Paragraphs (b)(5), (6), and (7) were added.



## 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. **Notice.** The Clerk's Office, or some other person as the Court may direct, shall provide to the debtor or attorney for the debtor a notice to be served on the trustee, all creditors and all equity security holders, setting forth the date and time fixed for the pre-confirmation conference, the deadline for filing objections to the plan, and the date and time of the hearing to consider confirmation of a plan. Unless the Court fixes a shorter period, the notice shall be served at least thirty (30) days before the confirmation hearing. A copy of the plan and all exhibits shall accompany the notice.
- f. **Objections.** Objections to confirmation of the plan must be filed with the Court and served on the debtor, attorney for the debtor, the trustee, and on any other entity designated by the Court, at or before the time fixed for the pre-confirmation conference. Objections to the amended plan, if any, must be filed and served on the debtor, attorney for the debtor, and the trustee prior to the confirmation hearing to be considered at the confirmation hearing. An objection to confirmation is governed by Fed. R. Bankr. P. 9014 and [SC LBR 9014-1](#). The Court may refuse to consider an objection that does not comply with these rules.
- g. **Summary of Operations.** At least seven (7) days before the pre-confirmation conference, 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.

Notes:

(2008) Paragraphs (d), (e), (f), and (g) were reordered and portions of this rule were restyled.

(2009) The periods in paragraphs (d) and (g) were amended to multiples of seven as part of time computation amendments.

(2012) The time periods in paragraph (d) were each reduced by seven days.

(2013) Exhibit A was revised to clarify that the automatic stay does not remain in effect if modified by 11 U.S.C. § 362.

(2017) Paragraph (c) was amended to reference family fishermen. The local form chapter 12 plan was substantially amended to recognize changes to the Federal Rules of Bankruptcy Procedure. Reference to rule exhibit was removed and the rule was amended to reference the local form.

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

- a. An attorney who is admitted to practice in the United States District Court for the District of South Carolina is admitted to practice in this Court. The Rules of Disciplinary Enforcement (DRE) 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 admitted 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.

### Notes:

(2008) Portions of former SC LBR 9010-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraph (a) was amended to incorporate former SC LBR 2090-2. Paragraph (b) was amended to clarify the duties of local counsel.

(2017) Paragraph (b) was amended to add the requirement to file a copy of the local form with a motion for *pro hac vice* admission.

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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.
- d. **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 attorney.

### **Notes:**

(2008) Portions of former SC LBR 9010-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraph (b) was added to recognize that CM/ECF allows an attorney representing a party other than the debtor to withdraw from receiving notices in a case. Provisions of paragraph (c) were moved to new paragraph (d).

**LOCAL RULE 3001-1: CLAIMS AND RELATED DOCUMENTS- ELECTRONIC FILING**

Every proof of claim, withdrawal of claim, or submission pursuant to Fed. R. Bankr. P. 3002.1 should be filed electronically through the Court's [CM/ECF System](#) or the [electronic claim interface](#) available on the Court's website. Proofs of claim and other documents requiring a signature and submitted through the claim interface shall be printed, signed, and retained by the submitting party pursuant to [SC LBR 9011-4](#). *Pro se* creditors without internet access may file a paper proof of claim with the Court.

**Notes:**

(2013) This rule is new.

### **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.

#### **Notes:**

(2008) Former paragraph (a) was restyled. Former paragraph (b) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2013) The rule is clarified to indicate that a request to extend time must be filed prior to the expiration of the deadline.

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

- a. **Depositing of Unclaimed Funds.** Unclaimed dividends shall be submitted to the Court no earlier than the time period set forth in 11 U.S.C. § 347. The party submitting the unclaimed dividends 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.
- 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. **Motion for Payment of Unclaimed Funds.** Any party<sup>2</sup> who seeks the release of unclaimed dividends held pursuant to 11 U.S.C. § 347(a) must file a motion for payment of unclaimed dividends in substantial conformance with the Court's [local form motion](#) and serve a copy of the motion on the United States Attorney for the District of South Carolina.<sup>3</sup>
- d. **Identifying Information.** The movant shall submit the Court's [local form](#) that provides personally identifiable information about the movant.<sup>4</sup>
- e. **Supporting Documentation.** The following supporting documentation, if applicable, shall be required:
  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

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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 "movant" is the party filing the motion and the "claimant" is the party entitled to the unclaimed dividends. The movant and the claimant may be the same.

<sup>3</sup> All relevant parts of the motion must be completed for consideration.

<sup>4</sup> This form shall be filed in CM/ECF and public access shall be restricted.

(iv) Documentation establishing chain of ownership from the original business claimant.

**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>5</sup>

A. Proof of identity of the owner of record;

B. A notarized, original power of attorney<sup>6</sup> 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 motion shall, within twenty-one (21) days after service thereof, serve upon the movant and other appropriate parties and file with the Court an objection to the motion. If no objection is filed with the Court within twenty-one (21) days after the filing of the motion, the motion and accompanying documents may be considered by the Court without hearing.

**Notes:**

(2008) Former paragraph (a) was restyled. Former paragraphs (b) and (c) were deleted as unnecessary.

(2009) The objection period was amended to a multiple of seven as part of time computation amendments.

(2011) The rule and Exhibit A were amended to provide for more specific provisions regarding the submission of unclaimed dividends. The provision regarding the certificate of service was deleted as unnecessary pursuant to SC LBR 9013-3, which requires all motions to be accompanied by a certificate of service. Exhibit B was

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<sup>5</sup> The court will only issue payment to the owner of record.

<sup>6</sup> All movants acting under a power of attorney must be represented by an attorney admitted to practice before this Court in accordance with [SC LBR 2090-1](#).



added to conform with requirements of the Administrative Office of the United States Courts and Fed. R. Bankr. P. 9037.

(2012) Paragraph (e) and related exhibits were amended to conform with Judicial Conference policy. Paragraph (b) was added to allow for certain dividends in chapter 11 cases to be distributed to non-profit entities.

(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.

## **LOCAL RULE 3015-1: CHAPTER 13-FILING A 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.

### **Notes:**

(2008) Former SC LBR 3015-1 was revised and restyled. Portions of former SC LBR 3015-1 were incorporated into other local rules pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The objection period in Exhibit A was amended to a multiple of seven as part of time computation amendments.

(2011) Section IV(A) in Exhibit A was amended to allow attorneys to receive up to \$1,000 from the initial disbursement. The certificate of service section in Exhibit A was amended to clarify that the specific list of the names and addresses of parties served with the plan should be attached to the plan filed with the Court. Sections II(A) and (B) were amended to clarify that a debtor does not have to claim an exemption to avoid a lien.

(2013) The rule was amended to require a statement where the debtor proposes changes that differ from Exhibit A. Section II(B) of Exhibit A was amended to conform with amendments made to the exhibits of SC LBR 4003-2. Section (I)(B) of Exhibit A was amended to clarify that the deadline to object runs from the date of the service of the plan.

(2017) The rule was amended to require use of the District's form plan and to remove reference to Fed. R. Bankr. P. 2002(b) regarding service of the plan. The rule was also amended to remove reference to the local rule exhibit.

## 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 mortgage payment 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.

### Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The objection period in Exhibit B was amended to a multiple of seven as part of time computation amendments.

(2013) Exhibit B was amended to clarify that the deadline to object runs from the date of service and to provide language consistent with Exhibit A to SC LBR 3015-1 regarding additions, modifications, and deletions to the form plan.

(2016) Paragraph (c) was amended to clarify which parties must be served when a proposed plan is filed after confirmation. The provision requiring a coversheet when substantial changes are proposed to Exhibit A to SC LBR 3015-1 was removed as unnecessary because SC LBR 3015-1 already requires a cover sheet.

(April 2017) The rule and exhibits were substantially revised to bring them in compliance with Federal Rules of Bankruptcy Procedure 2002(a)(5) and (b), which require notice and service on all parties of any pre-confirmation modification to a chapter 13 plan, and Federal Rule of Bankruptcy Procedure 3015(g), which requires at least 21 days' notice and service on all adversely affected parties of any post-confirmation modifications.

(December 2017) Paragraph (a) was amended to remove reference to Fed. R. Bankr. P. 2002(a)(5) and 2002(b) regarding service. Paragraphs (b) and (d)(1), regarding base plan amendments, were removed. Paragraph (d)(2), regarding plan payment increases, was moved to Paragraph (c) and revised to add language allowing plan payment increases to be by stipulation. Paragraph (c) was moved to Paragraph (b) and revised to require a motion for post-confirmation modifications.

### **LOCAL RULE 3015-3: CHAPTER 13 CONFIRMATION HEARINGS- CONFIRMATION AND DENIAL OF CONFIRMATION**

The Court, following commencement of a chapter 13 case, will schedule confirmation hearing(s) and provide notice to parties in interest of the time to object to plans. If no timely objections to a plan or pre-confirmation modified plan are filed or if all such objections are resolved, the Court, without conducting a hearing, may enter an order confirming the plan and granting the relief sought in any motions included therein.

If confirmation of the chapter 13 plan is denied, the Court may enter an order requiring a new or modified plan or an order dismissing or converting the case without further notice or hearing.

#### **Notes:**

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Paragraph (b) was added to include cause for dismissal or conversion currently included in the Meeting of Creditors Notice.

(2013) A technical amendment was made to paragraph (a) to clarify that the domestic support obligation recipient should be served with a copy of Exhibit A.

(2015) Paragraph (a) was amended to require the debtor to serve Exhibit A on any public/governmental agency charged with collecting the domestic support obligation and Exhibit A was updated. The rule and the form now track the language of the statute and the scope is more narrow than the previous version of the rule and form.

(2017) The rule was amended to provide that the court will schedule confirmation hearings and provide notice of opportunities to object. Language regarding domestic support obligations was removed.

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

Pursuant to 11 U.S.C. §§ 521 and 1308, Fed. R. Bankr. P. 1007 and 4002, certain information and documentation are required to be filed or provided to the chapter 13 trustee within the time periods prescribed therein. Certain additional information and documents listed in subsection (c) below have also been determined by the Court to be necessary to consideration of the confirmation of a chapter 13 plan. Therefore, the debtor shall timely provide same to the chapter 13 trustee upon request.

- a. **Requirement to Provide.** If the chapter 13 trustee has requested any of the information/documents listed below 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.
- b. **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).
- c. **Documents Subject to 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. 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.

#### **Notes:**

(2008) Portions of former SC LBR 3015-2 were incorporated into this rule.

(2009) The period in paragraph (a) was amended to a multiple of seven as part of time computation amendments.

(2013) Technical amendments were made to paragraphs (b) and (c).

(2015) Paragraph (c)(8) was amended to remove reference to a specific form number and conform the name of the social security statement to the new name in the official form.

## 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](#));
  2. The Notice of Certification of Plan Completion and Request for Discharge (See the Court's [local form notice](#)); and
  3. A certificate of service of the items set forth above upon all creditors and parties and interest.
- 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](#));
  2. The Notice of Hearing and Certification of Debtor Information Requesting Hardship Discharge (See the Court's [local form notice](#)); and
  3. A certificate of service of the items set forth above upon all creditors and parties in interest.

### Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule.

(2009) The periods in paragraph (a) and Exhibits B, D, and E were amended to multiples of seven as part of time computation amendments.

(2013) The rule was revised to incorporate the procedures of 9013-4. Exhibit D was amended to reflect a definite hearing date on a motion for a hardship discharge. Clarifying amendments were made to paragraph (a). Paragraphs (a) and (b) were also amended to remove language describing the internal workings of the Court. Exhibits A and C were amended to clarify that a debtor does not file a financial management certificate if the debtor has sought an exemption pursuant to 11 U.S.C. § 1328(g)(2).

(2016) Exhibit D was amended to require 28 days notice for a motion for hardship discharge.

(April 2017) The time period in Paragraph (a) was extended from fourteen (14) to twenty-eight (28) days and Exhibits A and E were updated, and outdated footnote 1 was removed.

(December 2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.

## 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.
- c. **Objection to Periodic Interest Rate.** A party in interest objecting to the interest rate proposed in a chapter 13 plan or modified plan must do so before expiration of the deadline for objecting to the plan or modified plan in which the interest rate is first proposed.
  1. **File the Objection.** File with the Court an Objection and Certification of Interest Rate in substantial conformance with the Court's [local form](#), thereby indicating the objection and stating the interest rate to which the party in interest claims entitlement, and
  2. **Serve the Objection.** Serve the Objection and Certification of Interest Rate on the debtor, the attorney for the debtor, and the chapter 13 trustee.
  3. **Hearing on Objection.** The Objection and Certification of Interest Rate will be considered at the confirmation hearing on the chapter 13 plan.

### Notes:

(2008) Portions of former SC LBR 3015-3 were incorporated into this rule.

(2009) The deadlines in paragraphs (c) and (d) and Exhibit A were amended to multiples of seven as part of time computation amendments.

(2013) Paragraph (c) was amended to clarify that the deadline to object runs from the date of service of the plan.

(2017) Paragraph (c) was amended to provide that an objection to the interest rate proposed in the plan must be filed before the expiration of the deadline for objecting to the plan in which that interest rate is first proposed. Paragraph (d) 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.

**Notes:**

(2017) This rule was formerly contained in SC LBR 3015-3.

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

- a. **Deadline.** Except in a statutorily defined small business case 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. **Amendments.** At the hearing on the disclosure statement or plan, the Court may consider for approval written amendments made prior to the hearing.
- 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, any amendment, modification, or supplement necessary to correct the deficiency must be filed within fourteen (14) days after the confirmation hearing or whatever time period the Court may require.

### **Notes:**

(2008) Portions of former SC LBR 2081-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The period in paragraph (c) was amended to a multiple of seven as part of time computation amendments.

(2012) A footnote was added to paragraph (a) to clarify the deadline in small business cases.

(2013) Technical amendments were made to paragraphs (a), (b), and (c) and the title of the rule was amended. The footnote regarding small business cases was moved to the body of paragraph (a).

**LOCAL RULE 3018-1: BALLOTS IN CHAPTER 11 CASES**

- a. **Ballot Tally.** At least seven (7) days prior to the hearing on confirmation of a chapter 11 plan, the plan proponent shall file with the Court a ballot tally of the votes cast for and against the plan, and shall certify to the Court in writing the amount and number of allowed claims or allowed interests of each class accepting or rejecting the plan. The ballot tally shall include a ballot report containing:
  - 1. An identification of each class and whether or not it is impaired;
  - 2. For each impaired class, the number of ballots received, the number of ballots voting to accept, and their aggregate dollar amount;
  - 3. A concluding paragraph indicating whether the plan has received sufficient acceptance to be confirmed;
  - 4. Copies of all ballots not counted for any reason and a statement why the same were not counted; and
  - 5. A representation that all ballots were counted for the classes for which those ballots were filed except for ballots appended to the report.
- b. **Defective Ballots.** The Court may refuse to recognize, in connection with the confirmation of a plan, a timely filed ballot which is not signed, which does not clearly indicate acceptance or rejection of the plan, or which does not clearly indicate its inclusion in a specific class of claims or interests under the plan.
- c. **Extension.** Upon motion at the confirmation hearing, the Court may extend the time for balloting and/or may permit the modification or withdrawal of ballots.

**Notes:**

(2009) The ballot period was amended to a multiple of seven as part of time computation amendments.

(2013) The requirement to serve the ballot tally and certification was removed and the rule was reorganized into paragraphs.

## **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 before 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 entry of an order of dismissal shall be disbursed as follows:
    - A. First, in a conduit case, the applicable mortgage creditor(s) shall be paid a mortgage payment for each full monthly payment received from the debtor as a conduit 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 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, divided based upon the monthly payments provided therein. 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.
- 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:**

(2008) Portions of former SC LBR 1019-1 and 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Former paragraph (b)(2) was eliminated and paragraph (b)(3) was renumbered to (b)(2) to eliminate reference to cases filed before the Bankruptcy Consumer Protection Act of 2005. Former paragraph (b)(3)(C) was renumbered to (b)(2)(D) and paragraph (b)(2)(C) was added to provide for an additional distribution to debtor's counsel.

(2015) Paragraphs (b) and (c) were amended to conform to the holding in Harris v. Viegelahn, 135 S. Ct. 1829, 191 L. Ed. 2d 783 (2015).

(2016) Stylistic changes were made to paragraph (b)(1). Paragraphs (b)(2)(A), (B), and (C) were revised to address conduit plan cases and simplify the attorney fee provision.

## LOCAL RULE 4001-1: MOTIONS REGARDING THE AUTOMATIC STAY

The scheduling of motions regarding the automatic stay 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.<sup>1</sup>

### a. Motions for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(a).

1. **Service and Transmittal of the Motion.** The movant shall serve and file:
  - A. The motion;
  - B. The notice of hearing on the motion in substantial conformance with the [local form notice](#);<sup>2</sup>
  - C. The movant's completed certification of facts in substantial conformance with the [local form certification](#); and
  - D. A blank certification of facts form (applicable to service on *pro se* parties only).
2. **Objections.** Any party objecting to the relief sought in the motion shall, within fourteen (14) days after service thereof, serve upon the movant and other appropriate parties and file with the Court an objection to the motion and its responding certification of facts. Failure to complete, serve, and file a responding certification of facts, or to complete fully the certification of facts shall be deemed an agreement to the terms contained in the movant's certification.
3. **Default on Motion.** If no objection is filed and served upon the movant within fourteen (14) days after the service of items in subparagraph (a)(1), the movant shall submit a proposed order reciting the absence of objections and granting the relief sought.
4. **Settlement.**
  - A. **Consent.** Any settlement of a motion to modify the automatic stay, where the trustee, if any, is not a party to the settlement, must indicate that the trustee did not object to the relief requested.
  - B. **Settlement Default.** If a prior settlement order provided for *ex parte* relief from the automatic stay, the attorney for the movant of the original motion may submit a certification of the debtor's noncompliance and a proposed order granting the relief sought. Any proposed order shall specifically state the details of the default, including the specific time period for which payments were not made. Modification of the stay is effective only upon entry of the order.
5. **Resumption of Payments.** Absent grounds under Fed. R. Civ. P. 59(e) or 60, the Court will not rescind an order granting stay relief based solely on an agreement of the parties. However, in chapter 13 cases, upon agreement of the parties and the consent of the trustee, the Court may enter an [order allowing the resumption of payments](#) by a trustee on a claim for arrearage

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<sup>1</sup> Chambers Guidelines must be considered in connection with this local rule because the judges may have differing procedures or requirements related thereto.

<sup>2</sup> The movant waives the automatic lifting of the stay pursuant to 11 U.S.C. 362(e) if the movant selects a hearing date more than 30 days after the filing of the motion.

on a long-term debt. Any order to this effect must provide (i) that the chapter 13 trustee shall resume payments to the holder of the claim pursuant to the chapter 13 plan and (ii) that upon the future failure by debtor to pay according to the agreement between the debtor and creditor, the creditor may continue collection actions under non-bankruptcy law without further order. The Court will not normally consider more than one such order relating to the same claim during the pendency of the case.

6. **Motion to Approve an Agreement Regarding the Stay.** Any motion for the approval of an agreement pursuant to Fed. R. Bankr. P. 4001(d) should be prepared using a form in substantial conformance with the [local form](#) approved by the Court.
  7. **Automatic Lifting of the Stay.** A movant waives the automatic lifting of the stay pursuant to 11 U.S.C. § 362(e) if the movant schedules a hearing more than thirty (30) days after the filing of a motion for relief; requests a continuance on the motion; or consents to a continuance on the motion.
  8. **General Matters.** Neither consent/settlement orders nor default orders should contain provisions which attempt to make the order binding upon a trustee or creditors in the event of the conversion of the case to another chapter or provisions which purport to limit the effect of the automatic stay in the event of a dismissal and refiling of the case. Such provisions require a showing of cause before the Court after a hearing.
- b. **Motions to Extend or Impose the Automatic Stay.** All motions pursuant to 11 U.S.C. § 362(c) must clearly set forth specific and detailed grounds in support of the motion and be scheduled by the movant within thirty (30) days following the filing of the case. The movant shall serve on all creditors sought to be stayed, the United States trustee, and any trustee serving in the case, and shall file with the Court:
1. The 11 U.S.C. § 362(c) motion; and
  2. The notice of hearing on the motion in substantial conformance with the [local form notice](#).
- c. **Motion for an Order Confirming Termination of the Automatic Stay Pursuant to 11 U.S.C. §§ 362(h), 362(j), and 521(a)(6).** A motion for an order confirming termination of the automatic stay shall specifically recite facts and the applicable statutory authority upon which the stay has been terminated and may be considered on an *ex parte* basis.

**Notes:**

(2008) Former paragraphs (a)(6), (7), (8), (10), (13), and (14) were deleted based upon similar provisions in the Chambers Guidelines. Former paragraphs (a)(4) and (11) and (b)(2)(B) were deleted. Former paragraphs (a)(1)(D), (b)(1)(F), and (e) were deleted based upon SC LBR 9011-3. Former paragraphs (a)(2)(E) and provisions in other paragraphs were removed because certificates of service are now addressed by SC LBR 9013-3. Other paragraphs were renumbered and restyled based upon these changes. Paragraphs (a)(3), (a)(4), and (b)(3) were amended to extend the objection period from 10 to 14 days.

(2009) The periods in paragraphs (a)(1)(B), (a)(2), (b)(2), and (c)(2) were amended to multiples of seven as part of time computation amendments.

(2012) A technical change was made to the title of the rule to broadly refer to all motion types contained in the rule.

(2013) A technical change was made to paragraph (a)(1)(B) to provide that motions may be scheduled in other divisions if necessary.

(2013) Exhibit C was added and the rule was substantially re-drafted to include Chambers Guidelines and reduce language already contained in SC LBR 9013-4 and 9014-1.

(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.



**LOCAL RULE 4001-4: 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. **Guidelines for 4001(d) Notices and Orders.** All notices, proposed consent orders, or applications for approval of Fed. R. Bankr. P. 4001 agreements must recite whether the notice, proposed order, or stipulation contains any provision that the Court does not normally approve and should identify any such provision and explain the justification for the provision. If such an order or stipulation is presented in connection with a hearing, counsel shall call the Court's attention to such provision on the record.
  1. The following will not normally be approved:
    - A. Provisions or findings of fact that bind the estate or parties in interest with respect to the validity, perfection, or amount of the secured party's lien or debt;
    - B. Provisions or findings of fact that bind 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. (This would include, for example, an order approving a stipulation providing that the secured party's lien is a first priority lien);
    - C. Waivers of 11 U.S.C. § 506(c), unless the waiver is effective only during the period in which the debtor is authorized to use cash collateral or borrow funds;
    - D. Provisions that operate, as a practical matter, to divest the debtor in possession of any discretion in the formulation of a plan or administration of the estate or limit access to the Court to seek any relief under other applicable provisions of law;
    - E. Cross-collateralization clauses, i.e., clauses that secure pre-petition debt by post-petition assets in which the secured party would not otherwise have a security interest by virtue of its pre-petition security agreement;
    - F. Rollup clauses, i.e., clauses that include the application of proceeds of post-petition financing to pay, in whole or in part, pre-petition debt;
    - G. Releases of liability for the creditor's alleged pre-petition torts or breaches of contract;
    - H. Waivers, assignment, transfer or encumbrance of avoidance actions arising under the Bankruptcy Code;
    - I. Immediate entitlement to relief from the automatic stay upon default, conversion of the case, or appointment of a trustee, absent further order;
    - J. Waivers of the procedural requirements for foreclosure mandated under applicable non-bankruptcy law;
    - K. Adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code;

- L. Findings of fact on matters extraneous to the approval process. (For example, in connection with an application to borrow on a secured basis, a finding that the debtor cannot obtain unsecured credit would be acceptable, whereas a finding that the lender acted in good faith in declaring the pre-petition loan in default would not be acceptable. Do not include long histories of the relationship between the parties or a lengthy recitation or detailing of documents. A finding that notice is proper should be replaced by a provision which states that notice has been given according to the certificate of service filed by the movant);
  - M. Provisions which merely recite the Bankruptcy Code. (For example, a provision that in the event the adequate protection provided by the debtor is insufficient that the creditor is entitled to an administrative priority claim is unnecessary since that is the effect of § 507(b));
  - N. Any provision which purports to bind a later appointed trustee to the agreement of the debtor;
  - O. Provisions which prohibit or restrict the Court's ability to vacate, modify, or stay the effect of a consent order or which provide for conditional approval by the Court before notice and an opportunity for hearing or provisions in which the Court independently finds all of the terms of the agreement to be fair and reasonable, for such provisions presume a detailed determination which may not have been undertaken; or
  - P. Waivers that divest the Court of its power or discretion in a material way, or interfere with the exercise of the fiduciary duties of the debtor or unsecured creditor's committee in connection with the operation of the business, administration of the estate, or the formulation of a reorganization plan, such as provisions that deprive the debtor or unsecured creditors committee of the ability to file a request for relief with the Court, to grant a junior post-petition lien, or to obtain future use of cash collateral.
2. Provisions that will normally be approved:
- A. Withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default or conversion to chapter 7;
  - B. Securing any post-petition diminution in the value of the secured party's collateral with a lien on post-petition collateral of the same type as the secured party had pre-petition, if such lien is subordinated to the compensation and expense reimbursement (excluding professional fees) allowed to any trustee thereafter appointed in the case;
  - C. Securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is subordinated to all the expenses of administration (including professional fees) of a superseding chapter 7 case;
  - D. Reservations of rights under Bankruptcy Code § 507(b), unless the stipulation calls for modification of the Bankruptcy Codes priorities in the event of a conversion to chapter 7;
  - E. Reasonable reporting requirements, including access to books and records;

- F. Reasonable access for inspection of collateral, including access for purposes of appraisal and environmental impact studies;
  - G. Requirement to segregate cash collateral and the use of lockbox agreements;
  - H. Reasonable reporting and controls regarding compliance with any budget approved by the Court, including provisions that material deviations from the budget constitute a default under the consent order or stipulation;
  - I. Provisions requiring proof of insurance;
  - J. Provisions providing a reasonable carve out for professional fees and costs;
  - K. Default provisions which state that in the event of a default by the debtor or trustee (if applicable) under the provisions of the order or stipulation, the creditor may have its attorney file an affidavit attesting to the default, and the creditor thereby will be entitled to relief from the automatic stay without further notice or hearing upon entry of an order by the Court.
- c. **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 or affidavit 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.

**Notes:**

(2008) Portions of this rule were restyled.

(2010) The objection period for agreements related to relief from the automatic stay was amended in Exhibit A to a multiple of seven as part of time computation amendments.

(2014) The requirement that a proposed order recite whether it contains a provision the court does not normally approve (see LR 4001-4(b)(1) for the list) does not suggest that the proposed order contain a finding by the court that the order contains no such provision, rather it mandates a representation by counsel that the order does not contain such a provision. So, for example, the proposed order might state - "Counsel has represented to the court that the order does not contain a provision that the court does not usually approve . . ."

(2017) Reference to rule exhibit was removed and the rule was amended to reference the local form.

**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.

**Notes:**

(2008) Former paragraph (b) was deleted as unnecessary and other portions of this rule were restyled.

(2013) The hanging paragraph was moved to footnote 1.

(2015) The rule was amended to reference the new form name.

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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 4003-1: EXEMPTIONS**

A debtor that is claiming property as exempt pursuant to S.C. Code Ann. § 15-41-30(A)(7) shall specify which unused exemption is the basis for the wildcard claim.<sup>1</sup>

**Notes:**

(2008) This rule is new.

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<sup>1</sup> Example: (A)(7) in the amount of \$ X .00 of unused Motor Vehicle Exemption.

## 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.

### Notes:

(2008) Portions of former SC LBR 4003-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (b)(3), (d), and (e) were deleted as unnecessary. Former paragraph (f) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2011) Exhibits A, B, C, D, and E were amended to clarify that a debtor does not have to claim an exemption to avoid a lien.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders.

(2013) Technical and clarifying amendments were made to Exhibits A, B, C, and D. Former paragraph (a) was deleted and new paragraph (b) was added. The hanging paragraph of (a)(2) was deleted and moved to 1001-1 (c).

(2017) Former paragraph (b) and reference to chapter 12 in the Rule and the local forms were removed since motions seeking an order declaring that a lien has been satisfied in a chapter 12 or 13 case are governed by Fed. R. Bankr. P. 5009(d). The exhibits were removed from the rule and added to the local forms.

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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 4004-1: DISCHARGE- INDIVIDUAL CHAPTER 11

- a. **Discharge Following the Completion of Plan Payments.** Following the completion of payments due under a confirmed plan, an individual debtor may file a Notice of Completion of Plan Payments and Request for Discharge. The Notice shall state whether the debtor has made all payments due under the plan, whether 11 U.S.C. § 1141(d)(3) is applicable, and whether the debtor is required to file the statements set forth in Fed. R. Bankr. P. 1007(b)(7) and (8). The Notice shall be served by the debtor on all creditors and the United States trustee.
- b. **Discharge at Confirmation Pursuant to 11 U.S.C. § 1141(d)(5)(A).** An individual debtor seeking a discharge at confirmation shall provide conspicuous notice in bold print on the face of the plan and disclosure statement indicating that debtor seeks a discharge at confirmation. The debtor shall describe in the plan and disclosure statement the grounds constituting cause to grant the debtor a discharge at confirmation, whether 11 U.S.C. § 1141(d)(3) is applicable, and whether the debtor is required to file the statements set forth in Fed. R. Bankr. P. 1007(b)(7) and (8).
- c. **Discharge Prior to the Completion of Plan Payments Pursuant to 11 U.S.C. § 1141(d)(5)(B).** An individual debtor seeking a discharge following confirmation but prior to the completion of plan payments shall file a motion requesting discharge and serve the motion on all creditors and the United States trustee. The Motion shall state whether the requirements of 11 U.S.C. § 1141(d)(5)(B) have been met; whether 11 U.S.C. § 1141(d)(3) is applicable, and whether the debtor is required to file the statements set forth in Fed. R. Bankr. P. 1007(b)(7) and (8).
- d. **Objections.** Any party objecting to the granting of a discharge pursuant to paragraphs (a) or (c) shall, within twenty-one (21) days after service of the motion or notice, serve upon the debtor and debtor's counsel and file with the Court an objection. Any party objecting to the granting of a discharge pursuant to paragraph (b) shall, within the time period set forth by an order fixing the last day for filing written objections to confirmation, serve upon the debtor and debtor's counsel and file with the Court an objection.

### Notes:

(2010) This rule is new.

(2013) A technical amendment was made to the paragraph titles of paragraphs (b) and (c).

## **LOCAL RULE 4008-1: REAFFIRMATION AGREEMENTS**

A reaffirmation agreement or, for a debtor appearing *pro se*, a motion for approval of a reaffirmation agreement, must be filed using the appropriate Administrative Office for United States Courts [Director's Form](#).

### **Notes:**

(2008) Former paragraph (a) was restyled. Former paragraph (b) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure. Exhibit A was amended to require disclosure of when the agreement was filed and signed in relation to the 341 hearing. Part D of Exhibit A was amended to require an explanation of any difference between the income and expenses disclosed in Schedules I and J and that disclosed in Part D.

(2009) Reference to a local form was removed and Exhibit A was deleted. The current rule does not contain a local form but requires parties to a reaffirmation agreement to file a form in substantial conformance with the Director's Form.

(2015) The rule was amended to remove reference to a specific form number.



#### 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 [www.pacer.gov](http://www.pacer.gov).
- b. **Manner of Filing.** Except as provided, all documents, including proofs of claim, shall be electronically filed utilizing the [CM/ECF system](#) or the Court's [electronic claims interface](#).<sup>1</sup> Attorneys and certain parties may become registered CM/ECF participants. Information about registration is available on the [Court's website](#).
- c. **Exceptions to Mandatory Electronic Filing.**
  1. **Pro Se Parties.** Parties without legal representation may effect filings in paper form. Filing may be made by submitting the documents to the Clerk of Court at 1100 Laurel Street, Columbia, South Carolina 29201 or by other methods specified by the [Chambers Guidelines](#) or Operating Orders.
  2. **Registered CM/ECF Participants and Represented Parties.**
    - A. **CM/ECF Unavailable.**
      - (i) **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.
      - (ii) **After Hours.** If CM/ECF cannot be accessed after regular business hours of the Clerk's Office, and the filing is time-sensitive and will be made untimely as the result of a technological failure of CM/ECF, the filer shall either electronically mail the document to the CM/ECF Help Desk at [cmecf\\_helpdesk@scb.uscourts.gov](mailto:cmecf_helpdesk@scb.uscourts.gov) or send the document to the attention of the Clerk's Office by facsimile to 803-253-3368.
    - B. **CM/ECF Available.** If the filer is unable to file electronically notwithstanding the general availability of CM/ECF,<sup>2</sup> filing of a time-sensitive document may be made by filing the paper document with the Clerk of Court in Columbia, electronically mailing the document to the CM/ECF Help Desk at [cmecf\\_helpdesk@scb.uscourts.gov](mailto:cmecf_helpdesk@scb.uscourts.gov) or sending the document to the attention of the Clerk's Office by facsimile to 803-253-3368.
    - C. **Certification of Inability to File Electronically.** Any document submitted under paragraphs (c)(2)(A) or (B) shall be accompanied by a certification setting forth in detail the reasons for the filer's failure to submit the documents though CM/ECF, the time-

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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>.

<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.

sensitive nature of the filing, and a request to receive the documents in the manner submitted.

- D. **Determination of Filing.** The Clerk's Office shall immediately submit the documents received pursuant to paragraphs (c)(2)(A)-(C) 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.

**Notes:**

(2013) This new rule incorporates provisions previously found in Operating Order 08-07.

(2017) Paragraph (c)(1) was amended to recognize exceptions to mandatory electronic filing for *pro se* parties may be found in Operating Orders.

## 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 and must clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."
- 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 deliver to the Court a written request for 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. **Stay.** The filing of a motion to withdraw the reference does not stay proceedings before the Court. Service of a motion seeking a stay pursuant to Fed. R. Bankr. P. 5011(c) 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:

(2008) Portions of this rule were restyled.

(2009) The periods in paragraphs (b), (c), and (e) were amended to multiples of seven as part of time computation amendments.

**LOCAL RULE 5070-1: CALENDARS AND SCHEDULING**

The Court does not honor general requests for calendaring or scheduling protection. Counsel or a party proceeding *pro se* who asserts a conflict with a scheduled hearing must, absent an agreement to continue that has been approved by the Court, move for a continuance for each matter affected by the conflict.

**Notes:**

(2013) This new rule incorporates provisions of the Chambers Guidelines.

## 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.
- 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 [Spartanburg](#),<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

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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 Spartanburg 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.

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.

**Notes:**

(2008) Portions of this rule were restyled and a reference to a separate Administrative Order was added.

(2011) The title of the rule was amended to conform with the model numbering and naming conventions recommended by the Judicial Conference. Paragraph (a) was amended to remove reference to specific electronic devices and to broadly cover all such devices under the term "wireless communication devices" as recommended by the Judicial Conference.

(2013) Paragraph (c) was added to incorporate the Administrative Order on the Use of Electronic Devices. Former paragraph (b) was deleted as unnecessary.

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

In addition to notice delegated by [SC LBR 4001-1](#), [6004-1](#), and [9013-4](#) and pursuant to Fed. R. Bankr. P. 2002 and 3019, noticing and service of notices<sup>1</sup> and orders are delegated as follows:

### a. Chapter 11.

1. Order and notice setting disclosure statement hearing to the plan proponent;
2. Order approving disclosure statement and setting confirmation hearing to the plan proponent;
3. Ballots to the plan proponent;
4. Notices pursuant to [SC LBR 2081-2](#):
  - A. Notice of a hearing to designate a case as complex to the movant;
  - B. Notice of a hearing to shorten the mailing matrix to the movant; and
  - C. Notice of status conference, omnibus, and final hearings to the debtor-in-possession or trustee.
5. Notice of a hearing and order on motion pursuant to 11 U.S.C. § 363 to the movant;
6. 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;
7. Order on motion to extend the time period to file a plan or disclosure statement pursuant to [SC LBR 3016-1](#) to the movant;
8. Order on motion to extend the exclusivity period to the movant;
9. Order on motion to appoint a chapter 11 trustee to the movant;
10. Order denying approval of disclosure statement or denying confirmation of a chapter 11 plan to the proponent; and
11. Order confirming the plan to the plan proponent.

### 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;
2. Notice of the pre-confirmation conference pursuant to [SC LBR 2082-1\(e\)](#) to the debtor;

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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](#).

3. Notice of confirmation hearing to the debtor;
4. Order confirming the plan to the debtor; and
5. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor.

**c. Chapter 13.**

1. Service of any [chapter 13 plan](#) or amended or modified plan, any embedded motions, notice of the time for filing objections, and [Notice of Confirmation Hearing](#), other than as contained in the Notice of Chapter 13 Bankruptcy Case, to the debtor;
2. Order confirming plan and granting embedded motions on parties affected by the embedded motions to the debtor;<sup>2</sup>
3. Any order pursuant to Fed. R. Bankr. P. 3002.1 to the prevailing party;
4. Order on a consensual motion to modify a mortgage to the debtor;
5. Order on motion to modify the co-debtor stay to the movant;
6. Order on motion to sell to the movant;
7. Order on motion to incur credit to the movant;
8. Order on motion to substitute collateral to the movant;
9. Order on motion for moratorium to the movant;
10. Notice of hearing on a Motion for Exemption from Conduit Mortgage Payment Requirement to the movant; and
11. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor.

**d. All Chapters.**

1. Order on motion to reconsider dismissal to the movant;
2. Order on application for professional fees to the applicant;
3. Order on a motion pursuant to 11 U.S.C. § 362(c) or (d) to the movant;
4. Order on motion confirming the termination of the automatic stay to the movant;
5. Notice of a hearing on a Motion to Pay Unclaimed Dividends, if an objection is filed pursuant to [SC LBR 3011-1\(f\)](#), to the movant;
6. Notice required pursuant to Fed. R. Bankr. P. 3004 to the party filing the proof of claim;

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<sup>2</sup> The Court will notice the debtor, the trustee, and objecting parties with the confirmation order.



7. Notice of a hearing on a Request for Tax Information, if an objection is filed pursuant to [SC LBR 6070-1](#), to the applicant;
8. Order on motion or application to convert to the movant or applicant;
9. Order on motion to avoid or value a lien to the movant;
10. 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;
11. Settlement order to the movant or applicant;
12. Order on motion to divide a case or for joint administration or consolidation to the movant;
13. Order on motion to waive or exempt credit counseling or financial management to the movant;
14. Order on application for employment to the applicant;
15. Order on motion to reconsider relief from the automatic stay to the movant;
16. Order on motion to continue administration of case after death and/or designate person to act for the debtor to the movant;
17. Order on motion or application of a party in interest, other than a trustee, to dismiss to the movant or applicant;
18. Order on motion to reopen to the movant;
19. Order on motion to redeem to the movant;
20. Order on motion to value tax claim and establish priority to the movant;
21. Order on objection to claim to the objecting party;
22. Order on motion or application for Fed. R. Bankr. P. 2004 examination to the movant or applicant; and
23. Any other order or notice the Court or the Clerk's Office specifically delegates.

**Notes:**

(2008) Portions of former SC LBR 2081-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Paragraphs (c), (d), and (f) are new.

(2013) The rule was substantially rewritten. Amendments were made to delegate noticing of certain matters without further order.

(2016) Paragraph (c)(10) is new.

(2017) Paragraphs (a)(3); (b)(3) and (5); and (c)(11) are new. Paragraph (c)(1) was amended.

## LOCAL RULE 5080-1: FEES

### a. Form of Payment.

1. **Electronic Filers.**<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-Electronic Filers.** All other parties shall pay fees in the form of cash, check, or money order. 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. Payments must be made to the Clerk of Court at 1100 Laurel St, Columbia, South Carolina 29201.

- 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.

### Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

(2015) Paragraph (a)(2) was amended to clarify that the court does not accept payment by debit or credit card from non-electronic filers.

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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. **Notice Procedure.** Applications to sell property free and clear of liens pursuant to Fed. R. Bankr. P. 6004 and 11 U.S.C. § 363 must be made using the procedure prescribed by [SC LBR 9013-4](#). The application should be in substantial conformance with the Court's [local form](#) and shall be served by the movant on all parties in interest.<sup>1</sup>
- b. **Order Approving Sale.** A proposed order approving a sale, in substantial conformance with the Court's [local form](#) must specify the terms of the sale and not merely incorporate by reference the terms of the notice of sale. In order for a waiver of the stay of an order pursuant to Fed. R. Bankr. P. 6004 to be effective and included in any order approving sale, the sale application or notice must specifically request such a waiver or the parties must have agreed to the waiver in writing. The judge may require a hearing on waiver of the stay and may have [Chambers Guidelines](#), which contain additional requirements.
- 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:

(2008) Portions of this rule were restyled. Former paragraphs (a) and (e) were deleted. Current paragraph (d) is new.

(2009) The period in paragraph (c) was amended to a multiple of seven as part of time computation amendments. Paragraph (b) and Exhibits A and B were restyled to refer to the applicable rule.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders.

(2013) Paragraph (b) was amended to refer to the Chambers Guidelines and paragraph (d) was deleted as unnecessary. The rule was revised to incorporate the procedures of 9013-4.

(2014) Footnote 1 was added to reflect the self-scheduled procedure for motions to sell in chapter 11 cases.

(April 2017) Footnote 1 was amended. The Court's local form for applications to sell property free and clear of liens was amended to conform with Official Form B 416A.

(December 2017) Reference to rule exhibits were removed and the rule was amended to reference local forms

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<sup>1</sup>When a motion to sell, use, or lease property is filed in a chapter 11 case, the filing party shall use the Court's non-passive local form notice to notice the motion.

## **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.

### **Notes:**

(2008) Portions of this rule were restyled. Former paragraph (c) was deleted.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders. Exhibit A is also clarified to indicate that this procedure is available to a trustee or debtor in possession. Other interested parties seeking to compel the abandonment of property should file a motion pursuant to 11 U.S.C. § 554(b).

(2013) Technical amendments to paragraphs (a) and (b) were made.

(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.

## LOCAL RULE 6070-1: FILING OF TAX INFORMATION

- a. **Tax Information.** Pursuant to 11 U.S.C. § 521(f), certain tax information is required to be filed with the Court upon request. No tax information filed with the Court will be available to the public, and debtors providing tax information under 11 U.S.C. § 521 should redact personal information in accordance with Fed. R. Bankr. P. 9037.
- b. **Procedure for Request.** To gain access to a debtor's tax information pursuant to 11 U.S.C. § 521(f), the requesting party must file with the Court a written request that a debtor file copies of tax returns with the Court pursuant to 11 U.S.C. § 521(f). Such request shall be served upon the debtor and attorney for the debtor along with a copy of a proposed order as provided in subsection (c). 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.
- c. **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 and must specifically condition further dissemination of the tax information as appropriate under the circumstances of the particular case.
- d. **Transmission of Tax Information.** The tax information requested as set forth above and approved by the Court will be mailed by the Clerk of Court by first class mail to the requesting party.

### Notes:

(2008) Portions of former SC LBR 4002-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The periods in paragraphs (b) were amended to multiples of seven as part of time computation amendments.

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

- a. **Scheduling Orders.** Scheduling and other pre-trial orders may be entered according to procedures described in the [Chambers Guidelines](#).
- b. **Extensions of Time.** A party which has asserted a claim against another party in an original or amended pleading may grant to that party, prior to the expiration of the original deadline, and without a Court order, one extension of time to respond to the pleading. The extension may not exceed fourteen (14) days. All such extensions must be in writing and in the form of a certification of extension, properly captioned in accordance with Fed. R. Bankr. P. 9004, signed by a party to the extension agreement, and filed with the Court prior to the expiration of the original response deadline. Further extensions may be granted only pursuant to a motion demonstrating exceptional circumstances or consent orders which propose extensions or agreements between counsel which meet these requirements.

**Notes:**

(2013) Portions of the Chambers Guidelines were moved to this new rule.

**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.

**Notes:**

(2016) The previous version of this rule, adopted in response to *Stern v. Marshall*, was repealed effective December 1, 2016. The current version of this rule was adopted effective December 1, 2016.

## LOCAL RULE 7026-1: DISCOVERY

- a. **Motions, Memoranda, and Responses.**<sup>1</sup> All motions filed and served in connection with discovery, pursuant to Fed. R. Bankr. P. 7026 through 7037, shall be accompanied by a memorandum stating the pertinent facts and applicable legal authority relied upon and shall be filed and served no later than fourteen (14) days following the deadline for a response to the applicable discovery, except as provided in subsection (b). 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. **Motions for Protective Orders and Objections to Discovery Process.** Any motion for a protective order shall be filed and served no later than the deadline for response to such discovery. Any objection to any interrogatory, deposition, request, or application under Fed. R. Bankr. P. 7026 through 7037 shall be in writing and shall also be served no later than the deadline for response to the applicable discovery. Any such motion or objection shall not extend the time within which the objecting party must otherwise answer or respond to any unobjected discovery matter.
- c. **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.
- d. **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.
- e. **Extensions.** Parties may grant informal extensions of time for the purpose of resolving disputes concerning discovery only if the extension does not alter or conflict with the deadline for concluding all discovery set forth in the scheduling order. Any other extensions of time to respond to discovery may only be obtained by order of the Court following appropriate motion.

### Notes:

(2008) Portions of this rule were restyled. Paragraphs (b) and (c) were reordered.

(2009) The periods in paragraphs (a) and (d) were amended to multiples of seven as part of time computation amendments.

(2013) A technical amendment was made to paragraph (b). Paragraph (e) was amended to allow for informal extensions of time.

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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) and SC LBR 9013-1(b)(2).



## LOCAL RULE 7030-1: DEPOSITIONS AND EXAMINATIONS

- a. At the beginning of each deposition or Rule 2004 examination, deposing counsel shall instruct the witness to ask deposing counsel, rather than the witness's own counsel, for clarifications, definitions, or explanations of any words, questions, or documents presented during the course of the deposition. The witness shall abide by these instructions.
- b. All objections, except those which would be waived if not made at the deposition under Fed. R. Civ. P. 32(d)(3), and those necessary to assert a privilege, to enforce a limitation directed by the Court, or to present a motion pursuant to Fed. R. Civ. P. 30(d), shall be preserved.
- c. Counsel shall not direct or request that a witness not answer a question, unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court or unless that counsel intends to present a motion under Fed. R. Civ. P. 30(d)(3). In addition, counsel shall have an affirmative duty to inform their clients that unless such an objection is made, the question must be answered. Counsel directing that a witness not answer a question on those grounds or allowing their clients to refuse to answer a question on those grounds shall move the Court for a protective order under [SC LBR 7026-1](#) within five (5) business days of the suspension or termination of the deposition or examination. Failure to timely file such a motion will constitute waiver of the objection, and the deposition or examination may be reconvened.
- d. Counsel shall not make objections or statements which might suggest an answer to a witness. Counsel's objections shall be stated concisely and in a non-argumentative and non-suggestive manner, stating the basis of the objection and nothing more.
- e. Counsel and witnesses shall not engage in private, "off the record" conferences during depositions or during breaks or recesses regarding the substance of the testimony at the deposition or examination, except for the purpose of deciding whether to assert a privilege or to make an objection or to move for a protective order.
- f. Any conferences which occur pursuant to, or in violation of, paragraph (e) are proper subjects for inquiry by deposing counsel to ascertain whether there has been any witness coaching and, if so, to what extent and nature.
- g. Any conferences which occur pursuant to, or in violation of, paragraph (e) shall be noted on the record by the counsel who participated in the conference. The purpose and outcome of the conference shall be noted on the record.
- h. Deposing counsel shall provide to opposing counsel a copy of all documents to be shown to the witness during the deposition or examination, either before the deposition or examination begins or contemporaneously with the showing of each document to the witness. If the documents are provided (or otherwise identified) at least three (3) business days before the deposition, then the witness and the witness's counsel do not have the right to discuss the documents privately during the deposition or examination. If the documents have not been so provided or identified, then counsel and the witness may have a reasonable amount of time to discuss the documents before the witness answers questions concerning the document.
- i. If an objecting party or deponent demands, after good faith consultation, that the deposition be suspended pursuant to Fed. R. Civ. P. 30(d), the assigned judge's office shall be contacted to allow that

judge to resolve the matter telephonically, if possible.

- j. Violation of this local rule may be deemed to be a violation of a Court order and shall subject the violator to sanctions under Fed. R. Civ. P. 37(b)(2).

**Notes:**

(2010) This rule is new and incorporates provisions found in the local rules of the District Court.

(2013) Provisions of paragraph (i) were deleted as unnecessary. A technical amendment was made to paragraph (j).

(2017) A citation correction was made to paragraph (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.

**Notes:**

(2016) This rule is new.

## **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.<sup>1</sup>
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.

### **Notes:**

(2014) The rule has been substantially revised to implement a national system for the depositing of certain registry funds. This rule does not apply to funds submitted to the Court pursuant to SC LBR 3011-1 (unclaimed funds) or 4001-5 (rental deposits).

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<sup>1</sup> The proposed order shall include: a statement of the amount of funds to be invested; the names and addresses of all parties claiming an interest in the funds; and a statement that the funds shall be disbursed only upon further order of the Court.

**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.

**Notes:**

(2008) Portions of former SC LBR 1002-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

## 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.** Except as may be provided in an attorney's written agreement with a party concerning appeals and adversary proceedings, any attorney who files documents for or on behalf of a party in interest shall remain the responsible attorney of record for all purposes including the representation of the party at all hearings and in all matters that arise in conjunction with the case.
- 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:

(2008) Portions of former SC LBR 9010-1 and 9010-3 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Technical amendments were made to paragraphs (a) and (c).

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

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

- a. An individual may represent himself or herself.
- b. An individual may represent an unincorporated business if that individual is the sole proprietor of that business.
- c. 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.

### **Notes:**

(2008) Portions of former SC LBR 9010-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Technical amendments were made to paragraph (c).

### LOCAL RULE 9011-3: SANCTIONS

- a. **Failure to Comply.** Failure to comply with a notice of deficiency, if issued, the local rules, or Chambers Guidelines may result in the striking of a document, denial, dismissal, or other adverse ruling without further notice or hearing. Nothing herein precludes *ex parte* or *sua sponte* action by a judge.
- b. **Petitions by Barred Debtors.** If a petition is filed in violation of a previous order of dismissal with prejudice, statute, or rule, the Court may dismiss the case and/or annul the automatic stay *ex parte*, provide *in rem* relief, or take other action, with the Court retaining jurisdiction for the purpose of considering further action or sanctions including barring further filings with the Court.

#### Notes:

(2008) Portions of former SC LBR 9010-2 and 9010-3 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraphs (a) and (b) were restyled.



#### LOCAL RULE 9011-4: SIGNATURES

- a. **Electronic Signatures.** 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 and any other applicable authority relating to signatures. The filer's name on the document must be displayed in one of the following ways: by a "/s/" and the name of the person typed in the space where the signature would otherwise appear (e.g., /s/Jane Doe), by a scanned original document containing original signatures, or by an image of the original signature either by facsimile or digital signature. All signatories must provide their name, address, telephone number, electronic mail address, facsimile number, United States District Court identification number (where applicable), and any other information as directed by judge, local rule, or order. In instances where there is a discrepancy between the 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 signatory/signatories are responsible attorneys for both Fed. R. Bankr. P. 9011 and [SC LBR 2090-1](#) purposes.
- b. **Original Signatures.** The electronic filing of a bankruptcy petition; lists; schedules and statements, all amendments thereto; original plans; amended plans; claims; monthly or periodic financial reports; affidavit; and/or unsworn declaration constitutes an attorney's representation that the original signature of the debtor(s) or other signing party has been affixed to the original document. With regard to documents signed by debtor(s), the electronic filing by the attorney constitutes the attorney's representation that the debtor(s) authorized the filing of the documents. Unless otherwise provided by statute, rule, or order, the party filing a document is not required to obtain or retain original signatures on other electronically filed documents, including consent orders, where the person whose signature is displayed has expressly authorized in writing, including a writing transmitted by e-mail, that the document be filed with that person's electronic signature affixed.
- c. **Retention of Original Signature.** The filing party must retain the original ("wet") signature in paper form of any document that requires an original signature under paragraph (b) and must retain any documentation memorializing the consent of counsel or a party to the filing of a document with counsel's or a party's signature where permitted by these rules and where original signatures are not required until the case or adversary proceeding is closed and all maximum allowable times for appeals in that case or adversary proceeding have expired, and, if applicable, the time within which a discharge of the debtor may be revoked has passed. In the event a case is dismissed, all original signed petitions or other documents signed by debtor or other verifying party shall be maintained by the attorney of record or, if there is no attorney of record, the party originating the document for a period of three (3) years. Under order of the Court, an original document or petition must be provided for review to parties.
- d. **Local Counsel.** Unless ordered by the Court upon a showing of exceptional circumstances, an attorney acting as local counsel for an attorney admitted *pro hac vice* must sign all documents filed with the Court.

#### Notes:

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

## LOCAL RULE 9013-1: MOTIONS PRACTICE GENERALLY

- a. **Service of Motion and Proposed Order.** The moving party shall file the motion and simultaneously serve on all appropriate parties copies of the motion and a 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.
- b. **Duty to Confer.** When self-scheduling a hearing, a movant should make a reasonable and good faith effort to confer with opposing counsel, if known, to coordinate a hearing on a motion considering the availability of opposing counsel and the trustee in the case. If the movant anticipates that a hearing in a contested matter may take one (1) hour or more, the movant should consult [Chambers Guidelines](#) for individual judge's preferences before scheduling a motion under [SC LBR 9013-4](#).
- c. **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.
- d. **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.
- e. **Denial of Relief.** Relief may be denied without a hearing for any motion incorrectly scheduled, noticed, or docketed.

### Notes:

(2008) Portions of former SC LBR 9014-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The period in paragraph (d) was amended to a multiple of seven as part of time computation amendments.

(2013) Former paragraph (a) was deleted to conform with amendments to SC LBR 9013-4. Former paragraph (c) was deleted and moved to SC LBR 9014-1. Former paragraph (d) was moved to SC LBR 9075-1(a). The remaining paragraphs were re-lettered. Paragraph (a) was amended. New paragraphs (b) and (c) were moved from SC LBR 9013-4. New paragraph (d) was added to include portions of the Chambers Guidelines. Paragraph (e) is new.

## **LOCAL RULE 9013-2: BRIEFS AND MEMORANDA OF LAW**

- 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. The memorandum shall contain:
  1. A concise statement of the facts that pertain to the matter before the Court for ruling;
  2. A brief argument relating to the matter before the Court with citations to applicable authorities; and
  3. Copies of any unpublished decisions or decisions published in any specialized reporting services cited in the memorandum.
- b. Joint Statements of Dispute may be required by the presiding judge on a form in substantial conformance with the Court's [local form](#). [Chambers Guidelines](#) must be considered in connection with this local rule because the judges may have differing procedures or requirements related thereto.

### **Notes:**

(2008) Portions of former SC LBR 9014-5 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) The period to file a brief was amended to a multiple of seven as part of time computation amendments.

(2013) The rule was amended to add paragraph (b) and Exhibit A and reference joint statements of dispute may be required by the presiding judge.

(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.

### 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](#). Where service on some or all of parties in interest is effected electronically pursuant to [SC LBR 9036-1](#), the delegated party may attach the Notice of Electronic Filing to the certificate of service. 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.

#### Notes:

(2008) This rule is new.

(2013) The rule was amended to add paragraph (b) to reference orders and notices delegated pursuant to SC LBR 5075-1.

## 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 as the venue of the case and before the judge assigned to the case, and in compliance with Chambers Guidelines,<sup>4</sup> unless otherwise ordered.
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>5</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>6</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 listed in this rule may be noticed using the procedure in this rule.

<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> Chambers Guidelines must be considered in connection with the Local Rule because judges may have differing procedures or requirements related thereto.

<sup>5</sup> The hearing notice should be signed by the movant's attorney or the movant, if moving *pro se*.

<sup>6</sup> Parties entitled to receive notice may include the debtor, debtor's counsel, the United States Trustee, and the case trustee.

C. A proposed order.<sup>7</sup>

**Notes:**

(2008) Portions of former SC LBR 9014-2 were incorporated into this rule.

(2009) The periods in paragraphs (c)(1)(A) and (d) and Exhibit A were amended to multiples of seven as part of time computation amendments.

(2010) The objection period for agreements related to relief from the automatic stay in Exhibit A was amended to a multiple of seven as part of time computation amendments. Exhibit A was also amended to allow trustees to use uniform notices approved by the EOUST and to add a motion to retain an asset to the list of approved passive matters.

(2012) Exhibit A was amended to clarify that the passive notice procedure is available to the trustee and debtor in possession for abandonment of property.

(2013) The rule was renamed to accommodate self-scheduling of other types of motions. Former paragraph (a) was deleted. Former paragraphs (b)(2) and (3) and (d) were moved to 9013-1. Former paragraphs (c)(3) and (e) were deleted as unnecessary pursuant to SC LBR 9014-1. The remaining paragraphs were relettered. Paragraphs (a) and (b) were restyled to allow for self-scheduling of definite hearings. Exhibit A was amended to remove applications to employ and consensual motions to modify a mortgage. The following were added to Exhibit A: motions under SC LBR 4001-1, motions to convert by a trustee, requests for exemption or waiver of credit counseling or financial management, motions pursuant to SC LBR 1015-1, and motions to extend time to file a chapter 11 plan or disclosure statement. The deadline to object to a motion to modify the codebtor stay was changed from 21 to 14 days in Exhibit A. Exhibits C and D were added.

(2014) A technical amendment was made to Exhibit C to reflect that the notice period in a chapter 11 case to sell, use, or lease property is 21 days. Paragraph (b)(1)(C) was amended to cross-reference Chambers Guidelines. Clarifying amendments were made to Exhibits A and C to reflect that the United States trustee can use this rule for certain motions to dismiss or convert and that a debtor is not required to file a motion for a limited exemption from pre-petition credit counseling pursuant to 11 U.S.C. § 109(h)(3). A clarifying amendment was also made to footnote 12 to Exhibit A to reflect that the self-scheduling procedure does not apply to certain requests for fees in chapter 13 cases.

(2016) Exhibit C was amended to require 28 days notice for a motion for hardship discharge.

(2017) Exhibit A and the Court's local forms for passive and non-passive notices were updated to comply with Official Forms B 416A and B 420A. A footnote was added to Exhibit A to require a party objecting to a claim to use Official Form B 420B as the notice. Matters were added to the passive notice list. The following matters were added to the passive list: (1) Motions to Modify Confirmed Chapter 13 Plan, with objections due seven (7) days prior to the confirmation hearing date and (2) Motions to Declare Secured Claim Satisfied/Lien Avoided pursuant to Fed. R. Bankr. P. 5009(d), with a twenty-eight (28) day objection period. Motions/Applications Nunc Pro Tunc have been added to the non-passive list, with a fourteen (14) day objection period.

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<sup>7</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.

## EXHIBIT A TO SC LBR 9013-4

Motions and applications approved for passive, self-scheduled hearing.

For matters marked with a \* the Court prepares the order and no proposed order is necessary.

<b>Motions/Applications in Chapter 11 Cases</b>	<b>No. Days for Objection</b>
Convert to Chapter 12 or 13 (no previous conversion)	21
Discharge for Individual <sup>1</sup>	21
Extend Time to File Chapter 11 Plan or Disclosure Statement <sup>2</sup>	14
*Final Decree	30
Shorten the Mailing Matrix <sup>3</sup>	21

  

<b>Motions/Applications in Chapter 12 and 13 Cases</b>	<b>No. Days for Objection</b>
*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301	14
Discharge pursuant to SC LBR 3015-5(a)/11 U.S.C. § 1328(a) <sup>4</sup>	14
Modify Confirmed Chapter 12 or 13 Plan	21
Moratorium on Payments (first motion)	21
Use of cash collateral; prohibit or condition the use, sale, or lease of property; or obtain credit (Chapter 13)	14

  

<b>Motions/Applications by a Trustee or United States trustee</b>	<b>No. Days for Objection</b>
Abandon Property <sup>5</sup>	14
Convert or Dismiss except pursuant to 11 U.S.C. §§ 707(b) or 1112 <sup>6</sup>	21
Extend Time to File a Motion to Dismiss for Substantial Abuse	14
Final Report in Chapter 12 Case	21
Interim or Final Accounting (chapter 7 asset) <sup>7</sup>	21
Retain Asset (chapter 7 trustee)	21

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<sup>1</sup> See [SC LBR 4004-1](#)(a) and (c).

<sup>2</sup> See [SC LBR 3016-1](#).

<sup>3</sup> See [SC LBR 2081-2](#)(d).

<sup>4</sup> See [SC LBR 3015-5](#) and the local form to that rule related to the required notice.

<sup>5</sup> See [SC LBR 6007-1](#) and applicable local form related to the required notice.

<sup>6</sup> The proposed order is not required to be served on all creditors by the trustee.

<sup>7</sup> Notices by a trustee may conform with uniform notices approved by the Executive Office of the United State Trustee.

<b>Motions/Applications Related to Case Administration</b>	<b>No. Days for Objection</b>
Approval of Settlement Pursuant to Fed. R. Bankr. P. 9019 <sup>8</sup>	21
*Change Venue	21
Credit Counseling or Financial Management Waiver pursuant to 11 U.S.C. § 109(h)(4) <sup>9</sup>	14
*Divide a Case or for Joint Administration <sup>10</sup>	14
Exemption Objection	21
Extend Time to Object to Discharge or Dischargeability of Debt	14

<b>Motions/Applications Related to Claims and Expenses</b>	<b>No. Days for Objection</b>
Allowance of Administrative Claims or Interests <sup>11</sup>	21
Approve Fees <sup>12</sup>	21
Claim Objection	30
Establish Value (except if incorporated in another motion such as a motion to redeem) <sup>13</sup>	28

<b>Motions/Applications Related to the Stay</b>	<b>No. Days for Objection</b>
Approve Agreement Relating to Relief from Stay <sup>14</sup>	14
*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301	14
Stay Relief Pursuant to 11 U.S.C. § 362(d) <sup>15</sup>	14

<b>Motions/Applications Related to Property and Liens</b>	<b>No. Days for Objection</b>
Approve Agreement Prohibiting or Conditioning the Use, Sale, or Lease	14

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<sup>8</sup>See [SC LBR 9019-1](#).

<sup>9</sup> See the Court's [website](#) for the forms and the proposed orders necessary to request a waiver or exemption from credit counseling or financial management.

<sup>10</sup> See [SC LBR 1015-1](#).

<sup>11</sup>A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The application and proposed order are not required to be served on all creditors. See [Chambers' Guidelines](#) for individual judge scheduling requirements.

<sup>12</sup> The procedure in this rule does not apply to requests for fees under SC LBR 2016-1(b)(1) or (2)(A). A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The application and proposed order are not required to be served on all creditors. See [Chambers' Guidelines](#) for individual judge scheduling requirements. A suggested application form is found on the Court's website.

<sup>13</sup>In chapter 13 cases, this motion is embedded in the form plan.

<sup>14</sup> See [SC LBR 4001-4](#) and applicable local form related to the required notice.

<sup>15</sup>See [SC LBR 4001-1](#) and applicable local form related to the required notice.



of Property, Providing Adequate Protection, Use of Cash Collateral, and/or Obtaining Credit <sup>16</sup>	
Assume or reject leases/executory contracts pursuant to 11 U.S.C. § 365	21
Avoid Lien pursuant to SC LBR 4003-2 <sup>17</sup>	28
Declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d)	28
Redeem pursuant to 11 U.S.C. § 722	21
Sell, use or lease property (excluding chapter 11 cases and cash col- lateral- any chapter) <sup>18</sup>	21
Substitute Collateral	14

**Motions/Applications to Dismiss**

**No. Days for Objection**

*Dismiss by a chapter 7 or 11 debtor (no previous conversion)	21
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<sup>16</sup>See [SC LBR 4001-4](#).

<sup>17</sup>See [SC LBR 4003-2](#). In chapter 12 and 13 cases, this motion is embedded in the form plan.

<sup>18</sup>See [SC LBR 6004-1](#) and applicable local form related to the required notice.

## EXHIBIT B TO SC LBR 9013-4

### MOTIONS/APPLICATIONS APPROVED FOR NON-PASSIVE SELF-SCHEDULED HEARINGS

For matters marked with a \* the Court prepares the order and no proposed order is necessary.

<b>Motions/Applications in Chapter 11 Cases</b>	<b>No. Days for Objection</b>
Appoint Trustee	21
Extend Exclusivity	14
Sell, Use, or Lease Property <sup>1</sup>	21

  

<b>Motions/Applications in Chapter 13 Cases</b>	<b>No. Days for Objection</b>
Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h)	14
Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e)	14
*Hardship Discharge Pursuant to 3015-5(b)/11 U.S.C. § 1328(b) <sup>2</sup>	28

  

<b>Motions/Applications by a Trustee or United States trustee</b>	<b>No. Days for Objection</b>
Dismiss by Trustee Pursuant to 11 U.S.C. § 707(b)	21

  

<b>Motions/Applications Related to Case Administration</b>	<b>No. Days for Objection</b>
Continue Case Administration After Death of Debtor and/or Designate a Person to Act for Debtor	14
Motions/Applications <i>Nunc Pro Tunc</i> <sup>3</sup>	14
*Reconsider Dismissal	14
*Reopen	14
Withdraw as Counsel <sup>4</sup>	14

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<sup>1</sup> See [SC LBR 6004-1](#) and applicable local forms related to the required notice. The movant shall substitute the passive notice hearing language with the hearing language contained in local form for non-passive hearings.

<sup>2</sup> See [SC LBR 3015-5](#) and local forms to that rule related to the required notice.

<sup>3</sup> See [SC LBR 2014-1](#).

<sup>4</sup> See [SC LBR 2091-1](#).

<b>Motions/Applications Related to Claims and Expenses</b>	<b>No. Days for Objection</b>
Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h)	14
Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e)	14
Value Tax Claim and Establish Priority	28

<b>Motions/Applications Related to the Stay</b>	<b>No. Days for Objection</b>
*Extend or Impose the Stay Pursuant to 11 U.S.C. § 362(c)(3) or (4) <sup>5</sup>	14
Reconsider Stay Relief	14

<b>Motions/Applications Related to Property and Liens</b>	<b>No. Days for Objection</b>
*Reaffirmation Agreement Approval with Presumption of Undue Hardship	14
Use Cash Collateral; Prohibit or Condition the Use, Sale, or Lease of Property or Obtain Credit (Chapter 7, 11, and 12 cases)	14

<b>Motions/Applications to Dismiss</b>	<b>No. Days for Objection</b>
Convert or Dismiss by Creditor or Party in Interest	21
Convert or Dismiss by Debtor (previous conversion)	21
Dismiss by Trustee Pursuant to 11 U.S.C. § 707(b)	21

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<sup>5</sup> See [SC LBR 4001-1](#) and applicable local form related to the required notice.

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

When any order, plan, notice, statute, rule,<sup>1</sup> pleading or any other document (any one of which is hereinafter referred to as the "document") requires parties in interest which oppose the relief sought in the document to file an objection, return, or response within a specified time, 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. Where opposing a motion for summary judgment, the objection or memorandum in support of objection should include a short and concise statement of the genuine issues of material facts which remain to be determined before judgment can be granted.
- c. Prior to any scheduled hearing, the Court may consider withdrawals of objections, or settlements between the party requesting relief and the objecting parties indicated by consent order, and remove a matter from the hearing calendar.
- d. If no objection is filed within the applicable time period, the Court may grant the movant relief without further hearing.
- e. Absent Court approval, no extension of the time permitted to respond to any motion, objection, or other contested matter is effective.

### **Notes:**

(2008) Portions of former SC LBR 9014-4 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (b) and (e) were deleted pursuant to SC LBR 9011-3 and 9013-3.

(2013) Paragraph (d) is new. Paragraph (e) was moved from SC LBR 9013-1.

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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.

#### **Notes:**

(2008) Portions of this rule were restyled.

(2009) The periods in paragraphs (b) and (c) were amended to multiples of seven as part of time computation amendments.

### **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.<sup>1</sup> 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 may 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.

#### **Notes:**

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

(2017). The rule was amended to add language that after documents are electronically filed, the Court may retain paper copies of the sealed documents for two (2) years and thereafter, the paper copies may be destroyed.

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<sup>1</sup> Contact the Court for the submission of in camera documents.

## **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.<sup>1</sup>

### **Notes:**

(2008) Portions of this rule were restyled.

(2009) The period to file a notice of settlement was amended to a multiple of seven as part of time computation amendments.

(2013) The time period to file a report of settlement was changed from 14 to 10 days.

(2017) Reference to rule exhibit was removed and the rule was amended to reference the local form.

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<sup>1</sup> Chambers Guidelines must be considered in connection with this Local Rule because the judges may have differing procedures or requirements related thereto.

## 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.
- d. **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.

### Notes:

(2008) Portions of this rule were restyled.

(2009) The periods in paragraphs (a) and (d) were amended to multiples of seven as part of time computation amendments.

(2013) Footnotes 2 and 3 and Exhibit A were added to incorporate provisions of the Chambers Guidelines.

(2017) The rule was amended to remove the exhibit.

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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 may be obtained by contacting the Court.

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



**LOCAL RULE 9027-1: REMOVAL**

Following removal to this Court pursuant to 28 U.S.C. §§ 1441 or 1452, the attorney for the party who sought removal shall electronically file copies of all documents previously filed in the removed case together with the Notice of Removal.

**Notes:**

(2013) This new rule incorporates provisions found in former Operating Order 08-07.

(2015) Paragraphs (b) and (c) are new.

(2016) Former paragraphs (b) and (c) were deleted as unnecessary based on changes to the Federal Rules of Bankruptcy Procedure.

**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.

**Notes:**

(2008) Portions of this rule were restyled.

**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.

**Notes:**

(2013) This rule is new.

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

(a) **Registered CM/ECF Participants Entitled to Notice or Service by the Court or Others.**<sup>1</sup> Electronic transmission of documents through CM/ECF to Registered CM/ECF Participants constitutes sufficient Notice of Judgment or Order pursuant to Fed. R. Bankr. P. 9022 and sufficient notice and service pursuant to applicable Federal Rules of Bankruptcy Procedure, except with respect to those documents to which the service requirements of Fed. R. Bankr. P. 7004 apply. Nothing in this rule should be construed as relieving any party from preparing and filing a certificate of service as required by [SC LBR 9013-3](#).

(b) **Debtors** .<sup>2</sup>

(1) **DeBN Request Form.** 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:

(A) requests creation of a new DeBN account to begin receiving court notices and orders via email pursuant to Fed R. Bankr. P. 9036;

(B) declines participation in the DeBN program;

(C) requests an update to or reactivation of an existing DeBN account; or

(D) requests deactivation of an existing DeBN account.

(2) **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 each debtor and each joint debtor must sign and file a separate DeBN Request regardless of whether they share the same email address.

(3) **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:

(A) The debtor's attorney files the DeBN Request electronically in CM/ECF;

(B) 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

(C) 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).

(c) **Creditors and Other Parties in Interest.** Creditors and other parties in interest with a valid e-mail address are directed to request receipt of notices delivered by the Court electronically through the Bankruptcy Noticing Center. Registration by creditors for electronic notice should be completed through [ebn.uscourts.gov](#) and the required form mailed to:

BAE Systems  
Bankruptcy Noticing Center  
2525 Network Place  
Herndon, VA 20171-3514

### Notes:

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

<sup>2</sup> See [SC LBR 5005-4](#)

(2013) Paragraph (a) of this new rule incorporates provisions of former Operating Order 08-07. Paragraph (b) is new.

(2014) Paragraphs (b)(1), (2), and (3) were amended to reflect the new process for registration.

(2016) Paragraph (b) was substantially rewritten to require a debtor to file a DeBN Request Form at the beginning of the case.

## LOCAL RULE 9037-1: REDACTION OF PRIVACY INFORMATION

- a. **Unredacted Documents.** Unless otherwise ordered by the Court, once a document containing private information is filed with the Court, a motion and proposed order<sup>1</sup> are required to disable public access to the document (redact) and a corrected document must be filed. If the filer is also the movant and does not wish to file a corrected document, the motion and proposed order should additionally include a withdrawal of the underlying document. The motion must contain specific information detailing how the pleading violates Fed. R. Bankr. P. 9037.
- 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, transcripts published or otherwise made available to the public by the Court shall limit privacy protected information to the following:
  1. The last four digits of the social security number and taxpayer identification number;
  2. The year of the individual's birth;
  3. The minor's initials; and
  4. The last four digits of the financial account number.
- 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:

(2013) This rule is new. Paragraph (a) incorporates provisions of the Chambers Guidelines. Paragraph (b) incorporates Operating Order 08-04.

(2014) Clarifying amendments were made to the rule and the exhibits to reflect that motions filed under this rule are also considered motions to redact.

(2015) Paragraph (d) was added to require a movant filing multiple redaction requests to coordinate with the Clerk of Court.

(2017) Reference to rule exhibits were removed from footnote 1 and the footnote was amended to reference local forms.

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<sup>1</sup> Parties should submit a proposed order in substantial conformance with the applicable local form. See [Order Disabling Public Access on Motion of the Filer](#) and [Order Disabling Public Access on Motion of Non-Filer](#).

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

Unless otherwise provided by a Court order:<sup>1</sup>

- a. **Submission of Exhibits.** Exhibits for a hearing or trial are to be submitted to the courtroom deputy in advance in accordance with Chambers Guidelines and exchanged with the opposing party. The party submitting the exhibits shall note any stipulation to the admission of the exhibits.
- b. **Marking of Exhibits.** Exhibits must be marked for identification in advance of a hearing or trial. Parties must contact a courtroom deputy at least two (2) days prior to the hearing or trial in order to receive instructions on the marking of exhibits.
- 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 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 and removed within a specified time not less than fourteen (14) days thereafter.

### Notes:

(2008) Portions of former SC LBR 9017-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2009) Periods were amended to multiples of seven as part of time computation amendments.

(2010) Paragraph (a) was added to reflect the process announced to the bar on December 1, 2009.

(2013) The title of the rule was restyled and the introductory clause added. Paragraph (a) was added from the Chambers Guidelines and the remaining paragraphs re-lettered. Technical amendments were made to paragraph (b).

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<sup>1</sup> Chambers Guidelines must be considered in connection with this Local Rule because the judges may have differing procedures or requirements related thereto.

## **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 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.
- c. **Immediate Turnover.** In an adversary proceeding seeking immediate turnover of property, the filing party must also file a Motion For Immediate Turnover and a request for an expedited hearing on the motion.<sup>1</sup>

### **Notes:**

(2013) This new rule incorporates provisions of the Chambers Guidelines and SC LBR 9013-1(d).

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<sup>1</sup> The Motion for Immediate Turnover should refer to the complaint and ask for the substantive relief of an immediate turnover. The request for an expedited hearing on the motion should be filed as a separate document.