

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 Meeting of Creditors; (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 name of the statement to the new form name.

LOCAL RULE 3015-3: CHAPTER 13- CONFIRMATION

- (a) **Plan Confirmation.** If the time for filing objections set forth in the plan or any amendments has passed and all timely filed objections have been considered by the Court or otherwise resolved, the Court, without hearing, may enter an order confirming the chapter 13 plan and granting the relief sought in any motions included therein. As a condition of confirmation and at any time thereafter upon request of the trustee, a form in substantial conformance with Exhibit A shall be completed and submitted by the debtor to the chapter 13 trustee (but not filed with the Court) and served on the domestic support obligation recipient and any public/governmental agency which is charged with collecting the domestic support obligation with the certificate of service provided to the chapter 13 trustee.
- (b) **Denial of Confirmation.** If confirmation of the chapter 13 plan is denied, the Court may enter an order dismissing or converting the case without further notice.

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) Exhibit A was updated.

EXHIBIT A TO SC LBR 3015-3

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO:
CHAPTER:

Chapter 13 Debtor's Certification Regarding Domestic
Support Obligations

DEBTOR(S)

I certify that I am required by a judicial or administrative order, or by statute, to pay a domestic support obligation to the recipient noted below. I have paid all such amounts that first became payable after the date of the filing of the petition through the date of the confirmation hearing.

My current address: _____

My current employer and my employer's address: _____

Domestic Support Obligation Recipient name and address: _____

Public/Government Agency (name and address) charged with collecting the domestic support obligation: _____

I certify under penalty of perjury that the information provided in this certification is true and correct to the best of my knowledge and belief.

Executed on: _____
Date

Debtor

CERTIFICATE OF SERVICE

I certify that on this date, the foregoing Chapter 13 Debtor's Certification Regarding Domestic Support Obligations was served on each domestic support obligation recipient noted above at the address indicated and on served any public/governmental agency which is charged with collecting the domestic support obligation.

Signature: _____

Date: _____

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 with the new name in the official form.

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 pursuant 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, unless otherwise ordered, the lesser of the amount due to debtor's attorney, to the extent that the amount owed has not been satisfied; \$500.00; or the remaining balance of funds received by the chapter 13 trustee prior to dismissal, shall be disbursed to the debtor's attorney. The attorney may seek a greater payment upon timely application to the Court made prior to the disbursement by the chapter 13 trustee;
 - (B) Second, as adequate protection required by 11 U.S.C. § 1326(a), the trustee shall disburse scheduled payments to the holders of allowed secured claims and allowed claims for executory contracts scheduled to be paid through the most recently filed plan, divided based upon the monthly payments provided therein. Subject to the availability of funds, 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;
 - (C) Third, any fees still due the debtor's attorney after the above payment; 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 with *Harris v. Viegelahn*.

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;¹ 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.

¹ 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 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 5080-1: FEES

(a) Form of Payment.

- (1) **Electronic Filers.**¹ 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.

¹ 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 7008-1: CORE/NON-CORE DESIGNATION (COMPLAINT)

In addition to the statements required by Bankruptcy Rule 7008(a), the complaint, counterclaim, cross-claim or third-party complaint shall contain a statement that the pleader does or does not consent to entry of final orders or judgments by the bankruptcy judge.

Notes:

(2015) This rule is new.

LOCAL RULE 7012-1: CORE/NON-CORE DESIGNATION (RESPONSIVE PLEADING)

In addition to the statements required by Bankruptcy Rule 7012(b), the responsive pleading shall contain a statement that the pleader does or does not consent to entry of final orders or judgments by the bankruptcy judge.

Notes:

(2015) This rule is new.

LOCAL RULE 7016-1: PRE-TRIAL PROCEDURES

In addition to other matters set forth in Bankruptcy Rule 7016, the bankruptcy judge shall decide *sua sponte* or on a party's timely motion whether:

- (a) to hear and determine a proceeding;
- (b) to hear the proceeding and issue proposed findings of fact and conclusions of law; or
- (c) to take some other action.

Notes:

(2015) This rule is new.

LOCAL RULE 9027-1: REMOVAL

- (a) 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.
- (b) If, pursuant to Rule 9027(a)(1) of the Federal Rules of Bankruptcy Procedure, a notice of removal states that upon removal of the claim or cause of action the proceeding or any part of it is core, the notice shall also state that the party removing the proceeding does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.
- (c) If a statement filed pursuant to Rule 9027(e)(3) by a party who filed a pleading in connection with a removed claim or cause of action, other than the party filing the notice of removal, states that the proceeding or any part of it is core, the party shall also state that the party does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

Notes:

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

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

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 order¹ 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 of multiple redaction requests, to coordinate with the Clerk of Court.

¹ Parties should submit proposed orders in substantial conformance with the attached exhibits. Exhibit A addresses those circumstances where a party that is not the filer of the document is seeking an order disabling public access due to privacy information. Exhibit B addresses those circumstances where the filer of the document is seeking an order disabling public access on its own motion.