

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

United States Bankruptcy Court
Columbia, South Carolina (39)

IN RE: _____)
RETURNED MAIL AND)
CHANGE OF ADDRESS)
_____)
OPERATING ORDER 07-03

RETURNED MAIL

Pursuant to 11 U.S.C. § 521(a), Federal Rule of Bankruptcy Procedure 1007, and South Carolina Local Bankruptcy Rule 1007-1, it is the debtor's responsibility to file a list of creditors and mailing matrix and therefore to ensure the accuracy of the provided information. In instances of incorrect or incomplete addresses, mail is often returned to the Court or counsel. The failure to correct addresses causes a volume of returned mail. In order to ensure the efficient use of Court resources and continue to maintain a record of returned mail, the Clerk of Court is authorized on instances of returned mail to delete an incorrect address from the matrix¹ or correct an address upon notification from the United States Postal Service.²

Pursuant to South Carolina Local Bankruptcy Rule 1009-1(d), the debtor (or trustee in an involuntary case or creditor itself) shall file a statement providing the Court with a correct address of any creditor whose address has been deleted or to correct an improperly modified address pursuant to the procedures set forth above. Such statement shall specifically reference the former address to ensure proper modification of the list of creditors. The debtor's duty to report to the Court that a

¹ The Clerk will not delete an address that has been provided by a particular entity in a proof of claim or pleading filed in a case.

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

correct address cannot be found is hereby abrogated.³

CHANGE OF ADDRESS BY ATTORNEY

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

AND IT IS SO ORDERED.

Columbia, South Carolina
February 6, 2007


John E. Waites, Chief Judge

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