

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

FILED

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US BANKRUPTCY
DISTRICT OF SOUTH CAROLINA

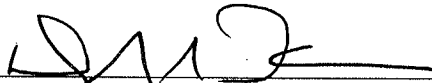
IN RE:

LOCAL RULES,

OPERATING ORDER 16-01

The Court adopts the attached amendments to SC LBR 3015-2, Exhibit D to SC LBR 3015-5, and Exhibit C to SC LBR 9013-4.

AND IT IS SO ORDERED.



David R. Duncan, Chief Judge

Columbia, South Carolina,
April 1, 2016

LOCAL RULE 3015-2: CHAPTER 13- AMENDMENTS TO PLAN

After compliance with SC LBR 3015-1, a debtor's proposed amendment or modification to the plan shall be presented to the Court as follows:

- (a) **Before Confirmation.** The debtor must complete, serve, and file with the Court a notice in substantial conformance with Exhibit A with proper proof of service. Service must be made on all parties which may be adversely affected by the amendment.
- (b) **Exception.** If the sole purpose of the amendment is to increase payments of the plan (paragraph (III)(A) of Exhibit A to SC LBR 3015-1), the debtor may complete and file a form in substantial conformance with Exhibit C, as applicable. The filing of an amendment, which does not adversely affect the plan treatment of any creditor or party in interest, shall be deemed to meet the notice requirements of Fed. R. Bankr. P. 3015(g).
- (c) **After Confirmation.** The debtor must complete, serve, and file with the Court a notice in substantial conformance with Exhibit B with proper proof of service. Service must be made on all parties which may be adversely affected by the amendment.

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.

EXHIBIT D TO SC LBR 3015-5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO:
CHAPTER:

NO: _____

CHAPTER 13

NOTICE OF HEARING AND CERTIFICATION OF
DEBTOR INFORMATION REQUESTING HARDSHIP
DISCHARGE

DEBTOR(S)

To the Trustee and all creditors and parties in interest:

YOU ARE HEREBY NOTIFIED that the above-captioned debtor has moved for a hardship discharge pursuant to 11 U.S.C. § 1328(b) in the above case. A copy of the Certification of Debtor Information and Request for Hardship Discharge and Motion for a Hardship Discharge are attached. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you have any reason to believe that the provisions of 11 U.S.C. § 522(q)(1) apply to this debtor or that there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B) or that the debtor is otherwise not entitled to a discharge, then you or your attorney must file with the Court a written response to the Certification, specifying the basis for your response, no later than twenty-eight (28) days from the date of service of this Notice, and mail a copy to:

(insert debtor's attorney name and address) and
(insert debtor's name and address); and.

The Court will conduct a hearing on _____, _____, at _____ m., at _____, South Carolina on the Motion for a Hardship Discharge. No further notice of this hearing will be given.

Date of Service: _____

Signature of Attorney/*Pro Se* Debtor

Typed Printed Name

Address/Telephone/Facsimile/E-mail

District Court I.D. Number

EXHIBIT C TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

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.

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

Motions/Applications in Chapter 13 Cases	No. Days for Objection
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) ²	28

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

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

Motions/Applications Related to Claims and Expenses	No. Days for Objection
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

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

¹ See SC LBR 6004-1 and applicable exhibit related to the required notice. The movant shall substitute the passive notice hearing language with the hearing language contained in Exhibit D to this rule.

² See SC LBR 3015-5 and Exhibit D to that rule related to the required notice.

³ See SC LBR 2014-1.

⁴ See SC LBR 2091-1.

⁵ See SC LBR 4001-1 and applicable exhibit related to the required notice.

Motions/Applications Related to Property and Liens	No. Days for Objection
*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

Motions/Applications to Dismiss	No. Days for Objection
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