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U.S. BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

STREAMLINING CHAPTER 13 AND  
OTHER PROCEDURES IN  
JUDGE WAITES' CASES

**OPERATING ORDER 21-04**

Recent case law in this district and within the Fourth Circuit has indicated that some of the traditional processes followed in this district by local rule or other procedure are not necessary for certain matters in a chapter 13 case. Accordingly, this Operating Order is being entered for the purpose of streamlining those matters in Judge Waites' cases in order to reduce unnecessary delay and costs associated with service or court approval.

**I. Applicable Law**

Proper service and notice of a hearing on a motion are at times necessary predicates to court approval of the relief requested in that motion. However, not all actions taken or orders entered by the Court require notice and even fewer require actual hearings. In many instances where this Court has historically required case-wide ("all creditors") notice for 14, 21, or 28 days, it is not required and serves to delay, raise costs, and complicates decisions helpful to case administration. **In some instances, it is best that a motion or request be first filed and directed to the judge for a determination whether and to what extent notice or a hearing is necessary.**

The Bankruptcy Code and Rules specify instances where service and notice of a hearing are required, often by employing the phrase "after notice and a hearing," which is a defined phrase in 11 U.S.C. § 102. It means "after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances." Both criteria are to be determined by the Judge. On other occasions, the applicable statute or Rule uses the phrase, "after hearing," which clearly implies an actual hearing requirement. Fed. R. Bankr. P. 2002(a) is often referred to as the authority setting forth a requirement for notice and a hearing, but examined closely, it only specifies notice to the debtor, trustee, and all creditors in certain circumstances.<sup>1</sup>

At other times, the Rules may specify periods of notice or the requirement of a hearing. In addition, even with a notice and/or notice and hearing requirement, neither the

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<sup>1</sup> In some circumstances, Fed. R. Bankr. P. 2002 requires notice of "a hearing on" but the underlying statute does not necessarily require a hearing, so Rule 2002 would be best read as requiring notice only if a hearing is held. Another relevant provision of Fed. R. Bankr. P. 2002 is subsection 2002(f), which requires notice by mail to all creditors and the debtor of certain orders providing the relief described or time limits or deadlines for action, but not requests for relief.

Code nor the Rules always specify the parties to receive notice or the amount of notice. Fed. R. Bankr. P. 9007 makes clear that the Court, to the degree not specified “in the rules,” determines the entities to serve as well as the form, manner, and time period of notice. Accordingly, the Court has discretion in a large number of matters to determine whether notice and a hearing is needed and if so, set the parameters.<sup>2</sup>

To that end, the following procedures are applicable in Judge Waites’ cases:

## II. Matters Where Court Approval is Not Required

### a. Post Confirmation Motions to Incur Debt

1. **Court Approval of Notice or Motion to Incur Debt Is Not Required.** Section 364 applies to trustees and not chapter 13 debtors. Fed. R. Bank. P. 4001(c)(4) says motion, service, notice and hearing requirements *do not apply* in a chapter 13 case. *Since service on the entire mailing matrix is not required, the debtor is not required to use the Form Notice and Motion provided in the Local Rules.* The debtor should ensure that his or her ability to pay any new debt does not impair the debtor’s ability to perform under the confirmed plan. However, to the extent a debtor seeks court approval of incurring debt, the debtor *may* seek a court order approving the incurrence of debt by the filing of a motion and proposed order which also provides service on the trustee.<sup>3</sup>
2. **Refinance transactions.** In particular, the debtor may refinance secured debt, pay off any current lienholder in full, and seek lower interest rates or payments on long term debt without court approval. *Since service on the entire mailing matrix is not required, the debtor is not required to use the Form Notice and Motion provided in the Local Rules.* If an order is desired and the lienholder is to be fully paid, the debtor may file a motion and proposed order which also provides service on the trustee.<sup>4</sup>

### b. Post Confirmation Settlements of Pre-Petition and Post-Petition Lawsuits

1. **Court Approval of Post Confirmation Settlements of Pre-Petition and Post-Petition Lawsuits Is Not Required.** Approval of post confirmation settlements by a chapter 13 debtor is not required by FRBP 9019(a), as this rule is only applicable to trustees. *In re Williams*, C/A No. 18-01639-JW,

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<sup>2</sup> In matters requiring notice to the trustee only, the Court will allow the trustee 10 days to consent or object.

<sup>3</sup> As provided by Fed. R. Bankr. P. 9036, the debtor may rely on notice via electronic service upon filing the document on CM/ECF.

<sup>4</sup> The payment or adjustment of any mortgage claim paid by the trustee in a conduit plan may require the modification of the plan or the consent of the trustee.

2021 WL 4061104 (Bankr. D.S.C. Sept. 1, 2021) (holding that court approval of the settlement of a post confirmation worker's compensation claim was not required); *In re Revels*, 616 B.R. 675, 679-81 (Bankr. E.D.N.C. 2020) (finding that a chapter 13 debtor does not have the duty to file a motion to approve compromise or settlement under FRBP 9019). The chapter 13 debtor is in possession of property of the estate post confirmation and has standing to prosecute and defend causes of action exclusive of the trustee, in any court, and without court approval. *In re Williams*, C/A No. 18-01639-JW, 2021 WL 4061104 (Bankr. D.S.C. Sept. 1, 2021); *In re Boyd*, 618 B.R. 133, 174 (Bankr. D.S.C. 2020); *Wilson v. Dollar General Corp.*, 717 F.3d 337, 343-44 (4<sup>th</sup> Cir. 2013) (finding that absent a provision in the confirmed plan or other order, a chapter 13 debtor shall remain in possession of all property of the estate and is explicitly given the authority, exclusive of the trustee to use, sell, or lease property of the estate, including the right to suit in his own name). Nevertheless, orders approving the settlement **may** be sought by the debtor by the filing of a motion with a copy of the prior settlement agreement/order or disbursement sheet and proposed order, which also provides service on the trustee.<sup>5</sup>

To the extent any settlement results in a net amount of \$25,000 or more payable to the debtor, it must be disclosed to the trustee by filing a report of settlement within 10 days of any distribution of proceeds.

2. **Case-wide Notice of Settlement is Not Required.** Since a hearing to approve a settlement by a chapter 13 debtor is not required under Fed. R. Bankr. P. 9019(a), *the chapter 13 debtor does not need to serve all creditors in the case with notice of the settlement.*
3. **Exemptible Proceeds.** Pre-petition lawsuits or other contingent assets should be disclosed in schedules and any applicable exemption claimed. For a lawsuit arising post petition that was not previously listed in the schedules and claimed as exempt, the debtor should amend schedules and claim exemption on Schedule C as soon as the lawsuit is identified.<sup>6</sup> Where the proceeds from a lawsuit are exemptible under state law (e.g., a personal injury lawsuit) and the value is unknown, the chapter 13 debtor should declare the lawsuit exempt in Schedule C by selecting the box "100% of the fair market value, up to any applicable statutory limit" and in Schedule B declare the value of the lawsuit as "unknown." If exempt, proceeds are no

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<sup>5</sup> The Local Rule Form, Hearing Notice (Application for Settlement and Compromise), should not be used by chapter 13 debtors.

<sup>6</sup> When counsel is retained to pursue a lawsuit in connection with the bankruptcy case, the debtor must disclose the compensation agreement and any payment for representing a debtor in the lawsuit by filing a Form B2030 with a copy of the compensation agreement.

longer property of the estate and are not subject to bankruptcy court oversight or consideration.

c. Post Confirmation Use, Sale or Lease of Property of the Estate

1. Under the vesting provisions of the South Carolina form chapter 13 plan, the possession, use and responsibility for post confirmation property of the estate is placed with the debtor and not with the chapter 13 trustee in bankruptcy cases in South Carolina. *In re Boyd*, 618 B.R. 133, 153 (Bankr. D.S.C. 2020); *see also* 11 U.S.C. § 1327. Without plan modification, only the property and earnings committed according to the confirmed plan are subject to being paid to creditors. *In re Goldston*, C/A No. 09-06305-JW, slip op. at \*16 (Bankr. D.S.C. Apr. 15, 2021). The confirmed plan contemplates that debtor will use and gain property of the estate post confirmation without the additional permission of the chapter 13 trustee or the Court. *In re Williams*, C/A No. 18-01639-JW, 2021 WL 4061104 (Bankr. D.S.C. Sept. 1, 2021). Property of the estate may be used for the living expenses of a debtor within the ordinary course, including the payment of post confirmation expenses and purchases that often arise over the course of several years covered by the plan, such as purchases of personal and real property and payments for services. Absent a voluntary decision by the debtor, the proper means to provide for post confirmation property to be used to increase payments to prepetition creditors is through modification of the confirmed plan, which requires a demonstration of a substantial and unanticipated change in financial circumstances. *Id.*; *see also In re Murphy*, 474 F.3d 143 (4<sup>th</sup> Cir. 2007); *In re Arnold*, 869 F.2d 240, 244-45 (4<sup>th</sup> Cir. 1989).<sup>7</sup>
2. The debtor is authorized to use property of the estate pursuant to 11 U.S.C. § 363 and § 1303, subject to notice requirements under FRBP 2002(a)(2) if the use is other than in the ordinary course of business. Depending on the proposed use of the property of the estate, the debtor may be subject to these notice requirements. To the degree a situation might be argued to fall “outside the ordinary course of business,” the Court has delineated the following instances where it will consider approval of the debtor’s use, sale or lease of property of the estate on an expedited basis upon the filing of a motion and proposed order which also provides service on the trustee, **if all affected lienholders are to be paid in full**, relying on these guidelines as

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<sup>7</sup> The debtor should not be compelled to agree to an order or move to modify his or her plan based upon the failure to file a modified plan due to a substantial and unanticipated change in financial circumstances pursuant to an assertion of prejudicial delay to creditors under 11 U.S.C. § 1307, because the Trustee has standing to make a motion to modify and bears the burden of proof.

the method of giving notice under FRBP 2002(a)(2). However, the Court may require further notice and/or a hearing in its discretion:

- i. The debtor may collect and use hazard or liability insurance proceeds after payment of any lien, without notice and Court order, except in the instance that the debtor seeks to substitute collateral. If the debtor is not substituting collateral and desires an order, he or she may file a motion and submit a proposed order, which provides service on the trustee. To the extent the debtor seeks to substitute collateral by transferring any lien to new collateral, notice and a hearing is required as provided in SC LBR 9013-4. The debtor should use Judge Waites' Form Order Granting Motion to Substitute Collateral or Use Insurance Proceeds.
- ii. In the instance of a wreck of a vehicle, the debtor may collect and use insurance proceeds derived therefrom to pay off any lienholder, sell, transfer or surrender title to the damaged vehicle to the lienholder, and incur debt or credit to purchase a replacement vehicle if necessary to plan performance by the filing of a motion with a proposed order, which also provides service on the trustee and the affected lienholder.
- iii. Proceeds from the sale of property of the estate, including real or personal property, may be used, after payment in full of all lienholders and costs of sale, to purchase replacement property which has a lower cost or monthly payment upon the filing by the debtor of Judge Waites' Form Notice and Application for Sale of Property (Exhibit A) and Form Order Authorizing Sale (Exhibit B), which also provides service on the trustee. In the instance where the proceeds are to be used to pay debts provided for in the plan, including those paid by the trustee, the trustee must be timely notified to prevent duplicative payments through the plan and avoid overpayment. The debtor's acquisition of assets valued at more than \$25,000 should be reported to the trustee.

**d. Employment of Professionals by Chapter 13 Debtor**

1. **Court Approval of Employment is Not Required.** Court approval of a chapter 13 debtor's employment of an attorney or other professional is not required, as such employment by the debtor is not subject to 11 U.S.C. §§ 327 or 328, or Fed. R. Bankr. P. 2014(a). *See In re Williams, C/A No. 18-01639-JW, 2021 WL 4061104 (Bankr. D.S.C. Sept. 1, 2021) (stating*

that post-petition employment of an attorney by a chapter 13 debtor is not required by § 327); *In re Boyd*, 618 B.R. 133 (Bankr. D.S.C. 2020) (regarding post confirmation employment of an attorney by a chapter 13 debtor); *Wilson v. Dollar General Corp.*, 717 F.3d 337 (4<sup>th</sup> Cir. 2013) (regarding chapter 13 debtor's standing to maintain pre-petition cause of action, exclusive of trustee, without prior approval of court); *In re Overstreet*, C/A No. 07-05397-JW, slip op. (Bankr. D.S.C. Mar. 8, 2010) (regarding pre-petition employment of attorney by chapter 13 debtor).

2. **Disclosure of Compensation is Required.** Unless compensation has been pre-approved by a court order, *attorneys for the debtor must disclose any compensation agreement and/or payment for representing a debtor in a bankruptcy case or in connection with a bankruptcy case* pursuant to 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b), regardless of source of payment. Attorneys for the debtor should file Form B2030 with a copy of the compensation agreement. Disclosure is required whether or not attorney applies for compensation from the estate. The Court may elect to review the reasonableness of compensation paid or transferred, directly or indirectly, to an attorney for a debtor for services related in any way related to the case. 11 U.S.C. § 330(a)(4)(B); Fed. R. Bankr. P. 2017(b). The Court may order the return of unreasonable or excessive compensation paid to the estate or the entity that made the payment. 11 U.S.C. § 329(b).

- i. **Exceptions: Tort, Criminal and Domestic Attorneys for Debtor.**

- a. Tort Attorneys – Lawsuits on Pre-petition Claims for personal or property injury should be disclosed in Schedules and any applicable exemption claimed. See Part III (c). If proceeds from a lawsuit are fully exempt or if compensation is based upon a standard **contingency** fee agreement (33-40%) of the settlement or judgment proceeds, disclosure and review of compensation of the debtor's tort attorney is not required. If compensation is based upon an hourly fee agreement to be charged or paid as an administrative expense under the plan, any compensation agreement and/or payment received must be disclosed.

In the instance of post petition lawsuits for personal or property injury, if exemption has not been previously claimed, the debtor should amend his or her schedules as soon as possible to claim such exemption. (See Section II.b.3 above)

- b. Domestic Attorneys – for services to the debtor that fall within the domestic support obligation exceptions to the automatic stay or domestic matters for which relief from stay has been granted, disclosure and review of compensation is not required by this Court to the extent compensation is determined by the Family Court and/or because such compensation is not deemed earned in connection with a bankruptcy case, unless it is to be paid as an administrative expense in the bankruptcy case.
- c. Criminal attorneys – disclosure and review of compensation is not required because any compensation received is not earned in connection with a bankruptcy case, unless the compensation is to be paid as an administrative expense in the bankruptcy case.

### III. Specific Procedures for Service and Hearing Notice in Judge Waites Cases

- a. **Certification of Plan Completion and Request for Discharge** – This a locally created, passively noticed form that relates to 11 U.S.C. § 1328(a), which should be filed by the debtor which provides service on the trustee and United States Trustee (UST), and also served on any parties receiving direct payments under the confirmed plan.<sup>8</sup> *The passive hearing notice<sup>9</sup> should not be used, as service on entire mailing matrix is not required in Judge Waites’ cases.*
- b. **Motion for Hardship Discharge** (11 U.S.C. § 1328(b))<sup>10</sup> – A motion seeking a hardship discharge due to the death or severe disability of the debtor or joint debtor should be filed which also provides service on the trustee. *Service on entire mailing matrix is not required in Judge Waites’ cases, therefore the passive hearing notice form should not be used.* In instances where more general grounds are stated, the Judge may determine broader notice is appropriate and require notice and/or an actual hearing.
- c. **Motion to Reopen** – A motion to reopen should be filed, which also provides service to the trustee, UST, debtor and debtor’s counsel. *Service on entire mailing matrix is not required in Judge Waites’ cases, therefore the passive*

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<sup>8</sup> Section 1328(a) indicates that a discharge shall be given when a debtor meets certain criteria including completion of all plan payments, which is known best by the Chapter 13 Trustee and reported to the Court by his or her filing of a Report of Trustee of Completion of Plan Payments by Debtor.

<sup>9</sup> The passive hearing notice (Hearing Notice (Passive)) is provided on the Court’s website at <https://www.scb.uscourts.gov/local-forms>.

<sup>10</sup> Under § 1328(b), the granting of a hardship discharge does require “notice and a hearing” but the time period of notice or the entities to whom notice is provided is not addressed by Fed. R. Bankr. P. 2002. Therefore, the Court may determine the entities provided “notice and a hearing” and the time period thereof.

*hearing notice form should not be used. A hearing and response deadline is not required.* Nothing in 11 U.S.C. § 350 or Fed. R. Bankr. P. 5010 requires case-wide service of motion to reopen or a hearing; therefore, the extent of service is fully within the discretion of the Court. If the judge determines further notice and hearing are necessary, it can be ordered.

- d. **Motion to Continue Administration after Debtor's Death or Disability** – A Motion to Continue Administration should be filed, which also provides service on the trustee. *The passive hearing notice form should not be used, because a hearing and response deadline is not required unless otherwise ordered.* The Court determines motions to continue administration pursuant to Rule 1016, which does not set forth any service or hearing notice requirements and places the determination of whether further administration is possible and in the best interest of the parties in the discretion of the Court.
- e. **Debtor's Motion to Convert from Chapter 13 to 11/12** (no prior conversion) A motion and proposed order should be filed, and a passive hearing notice should be filed **providing a 14-day response deadline** and served on the Chapter 13 Trustee, all creditors, and the UST. Conversion from 13 to 11/12 is governed by 11 U.S.C. § 1307(d), which provides that **at any time prior to plan confirmation**, on request of a party in interest or the UST and after notice and a hearing, the court may convert a Chapter 13 case to a case under Chapter 11 or 12. Rule 2002(a)(4) provides for 21 days' notice by mail of a hearing on the conversion of a Chapter 7, Chapter 11, or Chapter 12 to another chapter, but does not specify a notice period for conversion of Chapter 13 to another chapter. The setting of a possible hearing for at least 7 days following the last day for objections provides 21 days' notice of the hearing.
- f. **Motion to Divide a Case or for Joint Administration** – A motion should be filed, which also provides service on the trustee, UST, debtor and debtor's counsel. *Service on entire mailing matrix is not required in Judge Waites' cases, therefore the passive hearing notice form should not be used.* See Rule 1015; SC LBR 1015-1. Creditors are appropriately advised by the Order Dividing Case or Order for Joint Administration, which is served on all creditors by the Clerk of Court.
- g. **Motion for Allowance of Administrative Claims or Interest under 11 U.S.C. § 503** –Section 503(b) states that administrative expenses shall be allowed “after notice and a hearing.” To this end, the requesting party shall serve the motion only on the trustee, UST, debtor and debtor's counsel. *Service on entire mailing matrix is not required in Judge Waites' cases, therefore the passive hearing notice form under the Local Rules should not be used.* If the Judge determines further notice and hearing are necessary, it can be ordered.



- h. **Motion for Waiver of Financial Management** – A motion for waiver of financial management should be filed which also provides service on the trustee and UST. *Use Judge Waites' form motion (Exhibit C) and proposed order (Exhibit D). A hearing and response deadline is not required unless otherwise set by the court.* If the Judge determines further notice and hearing are necessary, it can be ordered.

  
UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina  
October 28, 2021

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:

(Set forth here all names including married, maiden, and trade names used by debtor within the last 8 years.)

DEBTOR(S)

Address: \_\_\_\_\_

\_\_\_\_\_

Last four digits of Social-Security or Individual Tax-Payer-Identification (ITIN) No(s), (if any): \_\_\_\_\_

CASE NO:

CHAPTER:

NOTICE AND APPLICATION FOR SALE OF  
PROPERTY

(LIMITED NOTICE EXCEPTION UNDER  
OPERATING ORDER 21-04)

(Name of filer) has filed papers with the court to obtain approval to sell the property of the debtor's estate with limited notice under the exception identified below:

- Sale of Property Not Under Lien;
- Sale of Property Under Lien with Full Payment to Lienholder;
- Use of Insurance Proceeds to Purchase Replacement Vehicle, Pay Lienholder in Full and/or Transfer of Wrecked Vehicle (if requested); or
- Use of Insurance Proceeds or New Credit for Purchase of Necessary Replacement Vehicle with New Debt to be Repaid Directly by Debtor and Not by Trustee

TYPE OF SALE: (public, private)

PROPERTY TO BE SOLD: (specific legal description, includes identification numbers on all property where obtainable, vehicle ID numbers, serial numbers, tax ID numbers, lot and block number, street address including zip code, county, acreage, etc.)

PRICE: (gross sales price, terms of sale, or highest bid and with or without reserve if public auction)

BUYER: (full name, address, relationship to debtor and interest in the case, if any, or state if public auction)

DATE OF SALE: (street address and mailing address, if different, time if public sale)

EXPENSES OF SALE.: (amount of commission, method of computation, and \$ \_\_\_\_\_ cap placed on expenses {if applicable} for this sale)

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY: (order must provide for payment in full to lienholder)

DEBTOR'S EXEMPTION: (amount, type or not applicable)

PROPOSED USE OF PROCEEDS: Debtor proposes to use proceeds from the sale of property as follows:

STAY OF ORDER: (If appropriate, a request that the stay provided by Fed. R. Bankr. P. 6004 not apply to the final order may be included here)

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by (public or private sale). Applicant also believes that the funds to be recovered for the estate from the sale of said property and proposed use of those funds justify its sale and the filing of this application.

No hearing will be conducted on this Application unless otherwise ordered.

The trustee or debtor in possession, as applicable, may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the Court issue an order authorizing sale of said property and such other and further relief as may be proper.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Typed Printed Name

\_\_\_\_\_  
Address/Telephone/Facsimile/E-mail

\_\_\_\_\_  
District Court I.D. Number

**EXHIBIT B**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO:

CHAPTER:

ORDER AUTHORIZING SALE OF ASSET

(LIMITED NOTICE EXCEPTION UNDER  
OPERATING ORDER 21-04)

DEBTOR(S)

This proceeding comes before the Court on the application of \_\_\_\_\_  
("Applicant") for authority to sell free and clear of liens the estate's interest in (specific legal description of  
property).

The Court has been informed that the Chapter 13 Trustee and any affected lienholders have been notified of the intention to sell said property and that no objection to the proposed sale has been received or filed by any party with the Court. The Applicant proposes to use the proceeds from the sale of the property as follows:

The Applicant has represented to the Court that such sale is in the best interest of creditors of the estate. The Applicant also has informed the Court that liens claimed by \_\_\_\_\_ against said property will be paid in full upon the sale of said property. It is therefore,

ORDERED that the Applicant is authorized to sell and to convey the estate's interest in the above-described property, and that the liens claimed by the above-named creditors shall be paid upon the sale of said property; and

IT IS FURTHER ORDERED that the Applicant is authorized to use the proceeds from the sale of property as proposed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the stay provided by Fed. R. Bankr. P. 6004 does not apply to this sale.

AND IT IS SO ORDERED.

**EXHIBIT C**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

IN RE:

CASE NO:

CHAPTER:

MOTION UNDER 11 U.S.C. § 109(h)(4)  
FOR WAIVER AS TO  
11 U.S.C. § 1328(g)(1)

DEBTOR(S)

Debtor(s) move for a determination that \_\_\_\_\_ is unable to complete the requirements of 11 U.S.C. § 1328(g)(1) because of:

- incapacity    disability    active military duty in a military combat zone.  
 other: \_\_\_\_\_

Debtor represents that notice of this motion has been provided to the Chapter 13 Trustee. Documentation supporting the exception has been filed using the "Restricted Documents in Support of Waiver of Credit Counseling or Financial Management" event in the Court's CM/ECF system for review by the Trustee, United States Trustee, and judge.

Debtor(s) request that the court waive the requirements of 11 U.S.C. § 1328(g)(1).

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor's Counsel

\_\_\_\_\_  
Typed Printed Name

\_\_\_\_\_  
Address/Telephone/Facsimile/E-mail

\_\_\_\_\_  
District Court I.D. Number

**EXHIBIT D**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

IN RE:

CASE NO:

CHAPTER:

ORDER WAIVING REQUIREMENTS OF  
11 U.S.C. § 1328(g)(1)

DEBTOR(S)

Debtor(s) requested a determination of the inability to complete the requirements of 11 U.S.C. § 1328(g)(1) for one of the reasons set forth in 11 U.S.C. § 109(h)(4). Notice of the motion was provided to the Chapter 13 Trustee and no objection was filed. It appears from documentation accompanying the motion that relief is proper and that no further notice or hearing is appropriate under the circumstances. Therefore,

IT IS ORDERED that the requirements of 11 U.S.C. § 1328(g)(1) are waived as to

\_\_\_\_\_.

AND IT IS SO ORDERED.