

FILED

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

2022 JAN 10 P 4: 38

U.S. BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

STREAMLINING CHAPTER 13 AND
OTHER PROCEDURES IN
JUDGE WAITES' CASES

OPERATING ORDER 21-04
(Regarding Limited Notice & Service and
Post Confirmation Use, Sale or Lease of
Property of the Estate)
(Revised 1/7/2022)

Effective December 1, 2021, this Court enacted SC LBR 3015-8, which eliminated the requirement of court or trustee approval of certain post confirmation transactions. In some instances, however, the debtor or creditor may nevertheless desire court approval of a matter. The following procedures described in the attached chart may be used in Judge Waites' cases if an order is desired.¹

I. Matters Where Court Approval is Not Required

a. Acquiring Assets and Motions to Incur Debt/Obtain Credit Post Confirmation

- 1. **Court Approval of Notice or Motion to Incur Debt/Obtain Credit Is Not Required.** Section 364 applies to trustees and not chapter 13 debtors. Fed. R. Bank. P. 4001(c)(4) provides motion, service, notice and hearing requirements regarding new debt or credit *do not apply* in a chapter 13 case. This includes obtaining credit to purchase new property, refinance debt, payoff any current lienholder in full, or seek lower interest rates or payments on long term debt.

However, to the extent a debtor or lender seeks court approval, the debtor *may* seek a court order approving the incurrence of debt/obtaining credit or refinance current debt, including secured debt, if all current lienholders are

¹ In these matters, the judge will consider the pleading filed and will either sign the proposed order or set a hearing if necessary. In the event an order is signed before the deadline for objections or hearing shown on the docket event, the order controls and the hearing is mooted, unless otherwise allowed.

paid in full³ by the filing of a motion and proposed order which also provides service on the trustee.⁴

2. **Report to Trustee.** If the debtor incurs debt/obtains credit or acquires new assets with a net value of \$25,000 or greater, a report should be filed and served in accordance with SC LBR 3015-8.

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 Not Before the Bankruptcy Court 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. For similar reasons, SC LBR 9019-1 does not apply in a chapter 13 case. In the Fourth Circuit, 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.

Orders approving the settlement **may** be sought by the debtor or other parties by the filing of a motion with a copy of any prior settlement agreement/order or disbursement sheet and proposed order, which is also served on the trustee. 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.*

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 pursuant to SC LBR 3015-8.

In many instances, net settlement proceeds (after payment of attorney's fees, costs, medical expenses, etc.,) may be exempt.

³ 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. Loss mitigation or modification requires approval under Chambers Guidelines.

⁴ As provided by Fed. R. Bankr. P. 9036, the debtor may rely on notice via electronic service upon filing the document on CM/ECF.

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

1. Under the current 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. Without plan modification, only the property and earnings committed according to the confirmed plan are subject to being paid to creditors. The confirmed plan contemplates that the debtor will use and gain property of the estate post confirmation without the additional permission of the chapter 13 trustee or the Court. Post confirmation 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. Absent a voluntary decision by the debtor, the proper means to provide for post confirmation property to be used to increase the amount of payments to prepetition creditors is through modification of the confirmed plan, which requires a demonstration of a substantial and unanticipated change in financial circumstances.⁵
2. The debtor is authorized to use property of the estate pursuant to 11 U.S.C. § 363 and § 1303, subject only to the notice requirements under FRBP 2002(a)(2) which addresses use “other than in the ordinary course of business.” In this Court’s experience, the use of insurance proceeds to offset loss, the replacement of automobiles and the changing of housing occur frequently for debtors over the course of a 5-year plan and should be considered to be in the ordinary course. In addition, in light of the unprecedented increase in value of property caused by limited supply and other consequences of the Covid-19 pandemic since March 2020, debtors in increasing numbers have voluntarily decided to sell estate property to make advance plan payments, obtain replacement housing or automobiles, purchase other essential property or realize their state law exemptions.⁷ Therefore, on an interim basis, this Court has delineated the following instances where it will consider approval of the debtor’s use, sale or lease of property of the estate and proceeds on an expedited basis upon the filing of a motion and proposed order which also provides service on the trustee in the following circumstances.⁸

⁵ The debtor should not be compelled to move to modify his or her plan because the Trustee has standing to make a motion to modify and bears the burden of proof.

⁷ As a practical matter, the demand for speed to effectively market and sell property, especially real property, in the extremely competitive market created by short supply and relocation caused by the pandemic have been significant. These factors have necessitated reduced notice and more efficient administrative procedures.

⁸ However, the Court may require further notice and/or a hearing in its discretion.

- i. According to SC LBR 3015-8, 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 all lienholders, 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.

Proceeds from the sale of property of the estate, including real or personal property, **after payment in full of all lienholders and costs of sale**, may be claimed as exempt, used to make voluntary prepayment of plan payments, or used to purchase replacement property or pay customary living expenses upon the filing by the debtor of Judge Waites' Form Application for Use, Sale or Lease of Property of the Estate (Exhibit B) and Form Order Authorizing Use, Sale or Lease of Property of the Estate (Exhibit C), which is also served on the trustee.⁹ Surplus proceeds beyond payment of all lienholders and costs of sale and any applicable exemption may be used the debtor as specified in any approving order. The trustee shall be provided 10 days from service to consent, object or request further notice and a hearing on the request. In the instance where the debtor uses proceeds to pay claims provided for in the plan, the trustee must be timely notified to prevent duplicative payments through the plan and avoid overpayment.

- iii. In instances where the debtor chooses to voluntarily apply surplus proceeds toward plan payments, the crediting of payments to the base plan obligations (i.e., next payments due or payments due at the end of the plan) is not controlled by the plan or solely determined

⁹ The trade in of a vehicle is authorized as part of the purchase of a replacement vehicle.

by the trustee but may be a matter of negotiation or determined by order of the Court.

- iv. The debtor's acquisition of assets or net proceeds valued at more than \$25,000 should be reported to the trustee using the report form provided by SC LBR 3015-8 to allow the trustee to determine if a motion to modify the confirmed plan is warranted.

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).
2. **Disclosure of Compensation is Required.** Unless compensation has been pre-approved by a court order, *bankruptcy 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*, regardless of source of payment. 11 U.S.C. § 329; Fed. R. Bankr. P. 2016(b). 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: Compensation of Professionals Post Confirmation.

- a. Tort Attorneys – In the instance of tort counsel representing debtor in a lawsuit based on personal or property injury, if those proceeds are exempt, or if counsel's 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. However, in the event the debtor seeks approval of a settlement by order of the Court, the compensation and other deductions from the proceeds should be disclosed. Similarly, 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.¹⁰

- 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, unless it is to be paid as an administrative expense through payments made under the plan.
- 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 through payments made under the plan.
- d. Real Estate Attorneys or Agents – To the extent the compensation paid is from loan closing proceeds in the standard amount of the community (for example, 6-7% commission for real estate agents), disclosure and review of compensation is not required.

II. Specific Procedures for Service and Hearing Notice in Judge Waites Cases That Vary from the Local Rules Effective December 1, 2021

The procedures for filing the following post confirmation motions in Judge Waites' cases are set forth on the attached chart.

- a. Motion to Incur Debt/Obtain Credit**
- b. Application to Approve Settlement of Pre-Petition or Post Petition Lawsuit (not before Bankruptcy Court)**
- c. Application to Sell (or Lease) Property of the Estate Post Confirmation**

¹⁰ Lawsuits on pre-petition claims for personal or property injury should be disclosed in Schedules and any applicable exemption claimed. In the instance of post-petition lawsuits for personal or property injury, if an exemption has not been previously claimed, the debtor should amend his or her schedules as soon as possible to claim such exemption.

- d. Application to Use Hazard or Liability Insurance Proceeds to Repair Estate Property or to Purchase Replacement Vehicle, Pay Lienholder(s) in Full and/or Transfer of Wrecked Vehicle (if requested).**
- e. Application to Use Hazard or Liability Insurance Proceeds to Repair Estate Property or to Purchase Necessary Replacement Property with payments to be made directly by debtor.**
- f. Certification of Plan Completion and Request for Discharge**
- g. Motion for Hardship Discharge (11 U.S.C. § 1328(b))**
- h. Motion to Reopen**
- i. Motion to Continue Administration after Debtor's Death or Disability**
- j. Debtor's Motion to Convert from Chapter 13 to 11/12**
- k. Motion to Divide a Case or for Joint Administration**
- l. Motion for Allowance of Administrative Claims or Interest under 11 U.S.C. § 503**
- m. Motion for Waiver of Financial Management**


UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina
January 10, 2022

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)

CASE NO:

CHAPTER:

(If applicable, use adversary caption.)

Adv. Pro. No.

APPLICATION FOR SETTLEMENT AND
COMPROMISE

(Name of filer) has filed papers with the court to approve the compromise or settlement described herein.

NATURE OF DISPUTE: (Specifically state the dispute between the parties.)

AMOUNT DISPUTED: (Specifically state the monetary amounts which are the subject of the dispute.)

PROPOSED SETTLEMENT OR COMPROMISE: (Summarize the proposed resolution of the dispute and enclose a copy of the consent order.)

BENEFIT TO THE ESTATE: (Specifically state the benefits to the estate as a result of the settlement. Include the amount of any monetary benefit to be received. Also include any risks to the estate which may result from the failure to accept the proposed settlement or compromise.)

MOVING PARTIES: (Specifically state the names and addresses and telephone numbers of the attorney for the debtor or trustee, as applicable, and any other party proposing the settlement.)

The (name of party) hereby certifies that the terms set out above are complete and have been agreed upon by the moving parties named herein. *[This paragraph to be used when all settling parties are not signing this notice and application.]* WHEREFORE, the moving parties request the Court issue an order authorizing the settlement and compromise and such other and further relief as may be proper.

Date: _____

Signature of Debtor/Trustee

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:

(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 USE, SALE OR LEASE OF PROPERTY OF THE ESTATE POST CONFIRMATION

(NOTICE EXCEPTION UNDER OPERATING ORDER 21-04)

(Name of filer) has filed a request with the court to obtain approval to use, sell or lease property of the debtor's estate with limited notice under the exception identified below:¹⁴

- Sale of Property Not Under Lien and Use of Proceeds;
- Sale of Property and Use of Proceeds after Full Payment to Lienholder(s) and all sale costs;
- Use of Insurance Proceeds to Repair Estate Property or to Purchase Replacement Vehicle, Pay Lienholder(s) in Full and/or Transfer of Wrecked Vehicle (if requested); or
- Use of Insurance Proceeds or New Credit for Purchase of Necessary Replacement Property with payments to be made directly by debtor;
- Lease of Property

TYPE OF SALE (IF APPLICABLE): (public, private)

PROPERTY TO BE USED, SOLD OR LEASED: (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.)

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

¹⁴ Instructions for Filing: Applications regarding the sale or lease of property of the estate should be filed using the "Sell" event on CM/ECF. Applications relating to the use of insurance proceeds should be filed using "Settlement" event on CM/ECF.

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

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

EXPENSES -: (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 the proceeds 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 use, sell or lease said property as provided herein. Applicant also believes that the funds to be recovered for the estate and/or the proposed use of those funds justify its sale or lease 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 the use, sale or lease 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 C

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO:

CHAPTER:

ORDER AUTHORIZING USE, SALE OR LEASE
OF PROPERTY OF THE ESTATE

(NOTICE EXCEPTION UNDER OPERATING
ORDER 21-04)

DEBTOR(S)

This proceeding comes before the Court on the application of _____
("Applicant") for authority to use, sell or lease property of the estate as follows: (specific description of
property and sale/lease transaction).

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

The Applicant has represented to the Court that such use, sale or lease is in the best interest of creditors of the estate. The Applicant also has informed the Court that all closing costs and lienholders will be paid in full upon the use, sale or lease of said property. It is therefore,

ORDERED that the Applicant is authorized to use, sell, or lease and the property of the estate as described above, and that the all applicable closing costs and lienholders shall be fully paid upon the sale of said property; and

IT IS FURTHER ORDERED that the Applicant is authorized to use the proceeds as proposed.

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

AND IT IS SO ORDERED.

EXHIBIT D

**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 E

**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.

**Chart of Post Confirmation Motions with Limited Notice & Service under Operating Order 21-04
for Cases Assigned to Judge Waites Only**

Pleading	CM/ECF Event Name	Parties to Serve	Form	Notes
Motion to Incur Debt/Obtain Credit	<u>Incur Debt/Obtain Credit</u>	Trustee (via CM/ECF only)	None. Local Rule Form Hearing Notice should not be used.	Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields.
Application to Approve Post Confirmation Settlement of Pre-Petition or Post Petition Lawsuit (not before Bankruptcy Court)	<u>Settlement</u>	Trustee (via CM/ECF only)	Judge Waites' Form Application for Settlement and Compromise (Exhibit A)	File copy of any prior settlement agreement/order or disbursement sheet and proposed order with Application. Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields. Attorney compensation and other deductions from the proceeds should be disclosed.
Application to Sell (or Lease) Property of the Estate Post Confirmation	<u>Sell</u>	Trustee (via CM/ECF only)	Judge Waites' Form Application for Use, Sale or Lease of Property of the Estate Post Confirmation (Exhibit B) & Proposed Order (Exhibit C)	Application must propose to pay all lienholders in full. Hearing Notice is not required to be filed or served. When prompted by the event to answer "Is Passive Notice Included?", select "No." The Trustee shall be provided 10 days from service to consent.

Pleading	CM/ECF Event Name	Parties to Serve	Form	Notes
<p>Application to Use Hazard or Liability Insurance Proceeds to Repair Estate Property or to Purchase Replacement Vehicle, Pay Lienholder(s) in Full and/or Transfer of Wrecked Vehicle (if requested)</p>	<p><u>Settlement</u></p>	<p>Trustee (via CM/ECF only)</p>	<p>Judge Waites' Form Application for Use, Sale or Lease of Property of the Estate Post Confirmation (Exhibit B) & Proposed Order (Exhibit C)</p>	<p>Application must propose to pay all lienholders in full. Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields. The Trustee shall be provided 10 days from service to consent, object or request further notice and a hearing. If debtor seeks to substitute collateral by transferring any lien to new collateral, a motion to substitute collateral must be filed providing notice and a hearing as required by SC LBR 9013-4.</p>
<p>Application to Use Hazard or Liability Insurance Proceeds to Repair Estate Property or to Purchase Necessary Replacement Property with payments to be made directly by debtor.</p>	<p><u>Settlement</u></p>	<p>Trustee (via CM/ECF only)</p>	<p>Judge Waites' Form Application for Use, Sale or Lease of Property of the Estate Post Confirmation (Exhibit B) & Proposed Order (Exhibit C)</p>	<p>Application must propose to pay all lienholders in full. Hearing Notice is not required to be filed or served. Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields. The Trustee shall be</p>

Pleading	CM/ECF Event Name	Parties to Serve	Form	Notes
Certification of Plan Completion and Request for Discharge (11 U.S.C. § 1328(a))	<u>Certification of Plan Completion, Request for Discharge, Notice</u>	Trustee, UST, and any parties receiving direct payments under the confirmed plan	Use Local Rule Form Certification of Plan Completion and Request for Discharge. Do not use Local Rule Form Hearing Notice (Certification of Chapter 13 Plan Completion and Request for Discharge)	Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields.
Motion for Hardship Discharge (11 U.S.C. § 1328(b))	<u>Hardship Discharge with Certification of Debtor Information, Request and Notice</u>	Trustee (via CM/ECF only)	Use Local Rule Form Certification of Debtor Information and Request for Hardship Discharge. Do not use Local Rule Form Hearing Notice (Chapter 13 Hardship Discharge).	Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields.
Motion to Reopen (11 U.S.C. § 350; FRBP 5010)	<u>Reopen Case</u>	Trustee, UST, Debtor and Debtor's Counsel	No form motion. Do not use Local Rule Form Hearing Notice.	Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields.
Motion to Continue Administration after Debtor's Death or Disability (FRBP 1016)	<u>Continued Administration of Estate</u>	Trustee	No form motion. Do not use Local Rule Form Hearing Notice.	Hearing Notice is not required to be filed or served.
Motion to Convert from Chapter 13 to 11/12 (no prior conversion) (11 U.S.C. § 1307(d))	<u>Convert Case 7/13 to 11 or Motion (Generic)</u>	Trustee, all creditors and UST	No form motion. Use Local Rule Form Passive Hearing Notice providing 14-day response deadline	Hearing Notice is not required to be filed or served.

Pleading	CM/ECF Event Name	Parties to Serve	Form	Notes
Motion to Divide a Case or for Joint Administration (FRBP 1015)	<u>Divide Case or Joint Administration</u>	Trustee, UST, Debtor and Debtor's Counsel	No form motion. Do not use Local Rule Form Hearing Notice.	Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields. 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.
Motion for Allowance of Administrative Claims or Interest under 11 U.S.C. § 503	<u>Administrative Expenses (Application)</u>	Trustee, UST, Debtor and Debtor's Counsel	No form motion. Do not use Local Rule Form Hearing Notice.	Hearing Notice is not required to be filed or served. When filing, at Hearing Information screen, enter date of filing in Date Served box and leave blank remaining fields.
Motion for Waiver of Financial Management 11 U.S.C. § 109(h)(4); § 1328(g)(1)	<u>Waiver of Credit Counseling or Financial Management</u>	Trustee, UST	Use Judge Waites Form motion (Exhibit D) and proposed order (Exhibit E).	Hearing Notice is not required to be filed or served.