

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IN RE:

ORDER IN AID OF
CASE ADMINISTRATION

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FILED
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF N C
MAR - 1 1996
J. BARON GRUSHON
BY: SH
Deputy Clerk

THIS MATTER coming on to be considered by the undersigned United States Bankruptcy Judges for the Western District of North Carolina, and it appearing to the Court that, in furtherance of the Court's duty to secure the just, speedy, and inexpensive determination of every case and proceeding, certain case administration procedural changes should be effectuated by the Court at this time;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. In the event a bankruptcy petition is filed with the Clerk of Court without all of the lists, schedules, statements, or other documents required to be filed in conjunction with the filing of a bankruptcy petition by the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules of this Court, the Clerk of Court shall immediately serve upon the debtor(s), the debtor(s)' attorney, the trustee and the petitioning creditors, if applicable, a Notice of Deficient Filing which notifies said parties that specified documents were not filed with the petition and that the bankruptcy case will be subject to dismissal, without further notice and opportunity for hearing, if the specified documents are not filed within the time set forth in the applicable Federal Rules of Bankruptcy Procedure or Local Bankruptcy Rules.
2. The Clerk of Court shall immediately amend the Court's Local Bankruptcy Form 6, Notice to Individual Consumer Debtor, and Official Form 9, Order and Notice of Commencement of Case, Meeting of Creditors, and Fixing of Dates, to provide notice to the recipients of said Notices that if all lists, schedules, statements, or other documents required to be filed in conjunction with the filing of a bankruptcy petition by the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules of this Court are not filed within the time set forth in the applicable rules, the debtor's bankruptcy case will be subject to dismissal without further notice and opportunity for hearing.

3. The Clerk of Court shall immediately amend Official Form 9, Order and Notice of Commencement of Case, Meeting of Creditors, and Fixing of Dates, to provide notice to the recipients of this Notice that if the debtor does not appear at the scheduled First Meeting of Creditors, the debtor's case will be subject to dismissal without further notice or opportunity for hearing.

4. In any case or proceeding in which a motion or application is filed with the Clerk of Court, but a corresponding order is not submitted to the Court within forty-five (45) days after the Court hearing on such motion or application, or within forty-five (45) days of the filing of such motion or application if the motion or application is filed on a "no-protest" basis, the Clerk of Court shall prepare an Order of Dismissal for the Court to dismiss such motion or application for failure to fully prosecute.

5. The Clerk of Court shall be authorized to close certain cases in which adversary proceedings and/or appeals are pending if the case trustee is not a necessary party and if it appears to the Clerk of Court that the adversary proceeding and/or appeal will not affect the debtor's estate. If the case is to be closed with an adversary proceeding pending, the Final Decree shall provide that the Court retains jurisdiction of all pending adversary proceedings. If the case is to be closed with an appeal pending, the Clerk of Court shall serve upon all parties to the appeal a notice informing the parties that the Court intends to close the base case in fourteen (14) days and notifying the parties that they have such time to file any papers that they deem appropriate regarding retention of jurisdiction of the appeal.

6. Trustees shall no longer be required to file Final Reports in any case that is either converted to a case under a different chapter of the Bankruptcy Code or dismissed for failure of the debtor to appear at the First Meeting of Creditors, unless funds or assets are actually received by the Trustee in any such case.

7. The Clerk of Court shall begin processing paperwork to pay Chapter 7 Trustees their compensation in "no-asset" cases immediately after the filing of the Report of No Distribution in such cases.

8. In all Chapter 11 cases in which the creditors exceed two hundred (200) in number, the debtor shall submit to the Clerk of Court, at the time the Chapter 11 petition is filed, a mailing matrix on a 3.5" computer diskette, along with a printed hard copy, in a format set forth in the Bankruptcy Practice Guide and an instruction sheet available upon request from the Clerk of Court. Submission of mailing matrices on a 3.5" computer diskette, along with a printed hard copy, shall be optional in all other cases.

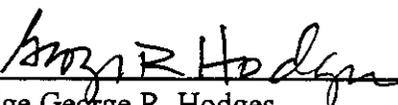
9. In all Chapter 11 cases, Motions to Extend the Exclusivity Period filed pursuant to 11 U.S.C. § 1121(d) shall no longer be allowed to be filed on a "no protest" basis under Local Bankruptcy Rule 7007-1.2, and a Court hearing will be required for all such Motions.

10. In all Chapter 11 cases, the Clerk of Court shall amend the Court's form Order in Aid of Consummation to provide notice to the debtor and the debtor's attorney that a status hearing will be held within sixty (60) days of the entry of the Order in Aid of Consummation, in order to address issues pertinent to case closing and expedite case closure, in the event a Final Report is not filed with the Clerk of Court prior to such time.

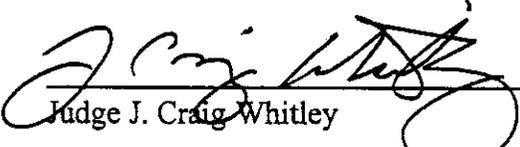
11. In all Chapter 11 cases, the Clerk of Court shall serve upon the debtor's attorney a Certificate of Clerk's Claims and Notice Fees when the Chapter 11 plan is filed, and the Court will not confirm the Chapter 11 plan until after such fees are paid-in-full.

12. In all Chapter 13 cases filed on or after January 1, 1994, and in accordance with 11 U.S.C. § 1322(d), the Court will cap the duration of Chapter 13 plans at sixty (60) months, and the Chapter 13 Trustees shall serve upon all parties-in-interest a Motion to Dismiss and Notice of Dismissal Hearing prior to sixty (60) months after the filing of Chapter 13 plans which the Trustees subsequently determine will not be completed within this statutory period. However, this Order shall not be construed as a reluctance by the Court to apply the provisions of 11 U.S.C. § 1322(d) to all other Chapter 13 cases, which the Court intends to do, absent extraordinary circumstances which will include the lack of objection by any party-in-interest.

THIS the 1st day of March, 1996.



Judge George R. Hodges



Judge J. Craig Whitley



Judge Marvin R. Wooten