Rules of

Practice and Procedure

of the

United States Bankruptcy Court

for the

Western District of North Carolina

Revised effective September 1, 2021

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PART I

COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

Local Rule 1002-2
Petitions

(a) **Electronic Filing**. Attorneys shall file all documents electronically unless leave of the court is granted. In filing electronically or non-electronically, attorneys shall comply with Local Rule 5005-1. Filing electronically shall constitute the signature of the attorney and debtor.

(b) **Waiver**. Attorneys unable to file electronically may seek a waiver on an ex parte basis.

(c) **Joint Petitions**. When a joint petition is filed by spouses who do not share the same surname, the debtors shall append to their petition a duly executed affidavit verifying that they are legally married at the time of filing of the petition. Petitions submitted without the required affidavit will be docketed by the Clerk of Court and will be subject to dismissal.

(d) **Petition Filed by a Corporation, Partnership, Limited Liability Company, Limited Partnership, or Limited Liability Partnership**. When a corporation, partnership, limited liability company, limited partnership, or limited liability partnership files a voluntary bankruptcy petition, an executed copy of the resolution of the debtor's board of directors, members, or general partners authorizing the filing of the bankruptcy petition shall be filed with the petition.

(e) **Petition Filed by or on Behalf of a Pro Se Debtor**. Any petition filed with this court by or on behalf of a pro se debtor shall be accompanied by a current government-issued photo identification.

(1) **Filing in Person**. When filing a petition with the court in person, a debtor must present current government-issued photo identification for copying by the Clerk's office.

(2) **Filing by Mail**. A petition filed with the court by mail must be accompanied by a legible black and white photocopy of the debtor's current government-issued photo identification.

(3) **Filing by Person Other Than the Debtor**. If a person other than the debtor files a petition on behalf of the debtor, the filer must present

his or her current government-issued photo identification for copying by the Clerk's office in addition to a legible black and white photocopy of the debtor's current government-issued photo identification.

(4) **Retention of Photocopies by the Clerk**. The Clerk will convert photocopies of identification to PDF documents that will be added to the docket as private entries. The paper copies will be destroyed after the PDF documents are added to the docket.

(f) **Petition Filed by Power of Attorney.** When a petition is filed using a power of attorney, the filer shall comply with Local Rule 5005-2.

Local Rule 1002-3
Automatic Stay as to Rental Deposits

(a) **Automatic Stay as to Rental Deposits**. The following procedures apply when a debtor proceeds under 11 U.S.C. § 362(l)(1):

(1) Any deposit of rent made by or on behalf of a debtor must be in the form of a certified check, cashier's check, or money order payable to the lessor and delivered to the Clerk of Court at the time of the filing of the petition, or no later than one business day after filing of the petition and certification under 11 U.S.C. § 362(l)(1);

(2) The debtor must file a copy of the judgment for possession at the time of filing of the petition; and

(3) Upon receipt of the funds and a copy of the judgment for possession, the Clerk is directed to transmit the funds to the lessor.

(b) **Debtor's Failure to Follow Procedures.** If a debtor who is required to follow the procedures of 11 U.S.C. § 362(1)(1) and Local Rule 1002-3(a) does not do so, the lessor may move the court for an order confirming the exception to the automatic stay pursuant to 11 U.S.C. § 362(b)(22). Such a motion may be filed on a no protest basis pursuant to Local Rule 9013-1(e).

Local Rule 1002-4
Chapter 11 First-Day Orders

(a) **Guidelines**. The court has adopted guidelines for first-day orders in Chapter 11 cases, including certain inappropriate provisions, which are attached hereto as Appendix A.

(b) **Hearings**. Counsel should refer to Local Rule 9013-1(d)(2) for procedures for scheduling first-day hearings.

Local Rule 1006-1
Filing Fee

(a) **Refunding Filing Fees**. The following procedures apply to the refunding of filing fees:

(1) Pursuant to the guidelines of the Bankruptcy Fee Compendium, the Clerk of Court is authorized to issue the following types of refunds:

(A) Fees collected without authority; and

(B) Duplicate credit card payments that occurred as a result of a failed Internet credit card process.

(2) All requests for filing fee refunds require a judicial determination and may be filed on an ex parte basis.

(3) If the court discovers an erroneous filing for which a fee has not yet been collected, the court may correct the erroneous filing administratively and not collect the fee.

(b) **Application for Waiver of Filing Fee**. Pursuant to 11 U.S.C. § 1930(b) and (c), when the court approves an application for waiver of a filing fee pursuant to 11 U.S.C. § 1930(f)(1)–(3), the waiver applies only to the filing fee for the petition. Waiver of additional filing fees will be considered only upon the filing of a motion and tender of an order. Such a motion and order should be tendered on an ex parte basis as set forth in Local Rule 9013-1(f). Where assets become available in a waiver case, the Clerk of Court shall include the waived filing fee in the notice of fees due provided to the Chapter 7 trustee. If the court waives the filing fee of an individual Chapter 7 debtor and later converts the debtor's case to a different chapter, the debtor must pay the full filing fee applicable to the post-conversion chapter.

Local Rule 1007-2
Master Mailing Matrix

(a) **Mailing Matrix**. Attorneys filing petitions electronically are required to upload into the CM/ECF system a mailing matrix containing the complete mailing address, including zip codes, for the following:

(1) All creditors listed in the petition and any other parties in interest entitled to notice pursuant to Federal Rule of Bankruptcy Procedure 2002 or other applicable law;

(2) Taxing authority for each parcel of real estate in which the debtor holds an interest;

(3) If the debtor is a corporation or limited liability company, the name and title of the managing agent; and

(4) If the debtor is a partnership, limited partnership, or limited liability partnership, each member of the partnership.

The filing of the mailing matrix shall serve to certify its accuracy. The filer shall be responsible for any errors in or omissions from the listing.

In Chapter 13 cases, creditors or contingent creditors to whom notice should be sent must be listed on the schedule of creditors as well as on the matrix.

(b) **Mailing Matrices Filed Non-electronically**. Attorneys who have been granted a waiver from the electronic filing requirement pursuant to Local Rule 1002-2(b), or debtors or non-attorneys filing non-electronically, shall submit to the Clerk of Court at the time the petition is filed a printed hard copy of the mailing matrix and/or a copy in the electronic format required by the Clerk.

Local Rule 1007-3
Filings Upon Conversion

(a) **Conversion to Chapter 7.** When converting a case to Chapter 7, if the Final Report and Schedule of Post-petition Debts Pursuant to Rule 1019 (the "1019 Report") lists (i) additional unpaid debts incurred after commencement of the pre-conversion case; (ii) after-acquired property; or (iii) executory contracts entered into or assumed since the filing of the original case, the 1019 Report must be accompanied by a supporting declaration (Official Bankruptcy Form B 106 Declaration for individual debtors or Official Bankruptcy Form B 202 for non-individual debtors).

(b) **Conversion to Chapter 13.** When converting a case to Chapter 13, the debtor must file Local Form 4 (Chapter 13 plan) and Local Form 13 ("Authorization to Release Information to the Chapter 13 Trustee Regarding Mortgage Claim Being Paid by the Trustee") and update other applicable forms, including Schedules A/B, C, I, and J if appropriate. Any amended schedules must comply with Local Rule 1007-5.

(c) **Federal Rule of Bankruptcy Procedure 2016 Fee Disclosure Statement.** A fee disclosure statement shall be filed in all converted cases reflecting the attorney's fee charged for the conversion of the case.

Local Rule 1007-4
Payment Advices

Filing of Payment Advices. Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv), copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from an employer of the debtor shall not be filed with the court unless otherwise ordered. Nothing in this local rule alters a trustee's right to request records in accordance with Local Rule 4002-1.

Local Rule 1007-5
Amendments to Lists, Schedules, and Statements

(a) **Amended and Restated Format**. Any amendments should set forth the amended and restated schedule or statement in its entirety.

(b) **Statistical Summary and Supporting Declaration**. Any amendments to Schedules A/B, D, E, F, I, or J should be accompanied by a summary of assets and liabilities (Official Bankruptcy Form B 106 Summary for individual debtors or Official Bankruptcy Form B 206 Summary for non-individual debtors). Amendments to any schedule should be accompanied by a supporting declaration (Official Bankruptcy Form B 106 Declaration for individual debtors or Official Bankruptcy Form B 202 for non-individual debtors).

(c) **Cover Sheet Itemizing Schedule Amendments**. Any amendment to a debtor's schedules and statements shall be accompanied by a cover sheet substantially similar to Local Form 19 that briefly describes all amendments.

(d) **Amendments Adding Creditors**. If an amendment to the lists or schedules adds one or more creditors, the filer shall (i) file an amendment to the matrix, (ii) serve a copy of the notice of the case (Official Bankruptcy Form 309) on the added creditors, and (iii) promptly file a certificate of service.

Local Rule 1014-1
Transfers of Divisional Venue Within District

(a) **Notice and Motion**. A request to change the divisional venue of a case or adversary proceeding shall be made as follows:

(1) By filing a motion setting forth the reasons supporting the change and evidencing the approval or disapproval of the Bankruptcy Administrator;

(2) By providing notice of the opportunity for hearing to all parties in interest consistent with Local Rule 9013-1(e);

(3) By filing a certificate of service of the notice by the movant evidencing service on all parties in interest; and

(4) By uploading a proposed order after the objection period has expired or, if a response is filed, after the hearing.

(b) **Rescheduling and Renoticing of First Meeting**. If made necessary by a change of venue and unless otherwise ordered, the moving party shall be responsible for rescheduling the § 341 meeting of creditors in consultation with the Bankruptcy Administrator and the trustee, if any. The moving party shall serve notice of the rescheduled § 341 meeting of creditors on all parties in interest and file a certificate of service evidencing such notice.

(c) **Special Settings**. At the discretion of the judge, a special setting may be held in a division other than the venue of the case.

Local Rule 1015-1
Joint Administration, Substantive Consolidation, and Bifurcation

(a) **Joint Administration:**

(1) Joint cases filed pursuant to 11 U.S.C. § 302(a) shall be combined for administrative purposes only.

(2) The bankruptcy estates of related cases may be jointly administered only by order of the court after notice and a hearing. Motions should be filed in each case that is to be jointly administered. The motions and orders should indicate which case is to be the lead case and how the jointly-administered cases will be captioned.

(b) **Substantive Consolidation.** The bankruptcy estates of joint or related cases may be substantively consolidated only by order of the court after notice and a hearing.

(c) **Motion to Bifurcate a Jointly-Administered Chapter 13 Case**. A debtor seeking to bifurcate a jointly-administered case, including joint cases, when both debtors are to remain in Chapter 13 shall file a motion to bifurcate. The motion shall list all of the claims in the jointly-administered case, including attorney's fees, and describe the intended treatment of each claim by the bifurcating debtor. The motion shall be served on all parties in interest and may be filed on a no protest basis pursuant to Local Rule 9013-1(e).

(d) **Bifurcation and Conversion of One Debtor**. A motion to bifurcate is not required when an individual debtor in a jointly-administered case seeks conversion to a case under a different chapter. The debtor may convert the case by filing the appropriate notice of conversion or obtaining an order upon motion and paying the appropriate fee to bifurcate and convert the case.

(e) **Filing Fees**.

(1) Upon the bifurcation of a jointly-administered case, the appropriate fee shall be paid pursuant to 28 U.S.C. § 1930.

(2) When a debtor seeks both to bifurcate and to convert a case, the debtor shall pay the appropriate conversion fee in addition to the fee to bifurcate the case.

PART II

OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

Local Rule 2002-1
Notice to Creditors and Service of Papers

(a) **Change of Address.** A debtor, creditor, or other party in interest with a change of name and/or address, whether for receipt of payments and/or notices, shall file Local Form 12 ("Notice of Case-Specific Name and/or Address Change") or an amended proof of claim with the Clerk of Court in each case in which the change is to be noted. A change of name and/or address indicated by the filing of an amended proof of claim shall not constitute a change in the claim amount, unless specifically noted. A creditor may file a change of address on the court's website (www.ncwb.uscourts.gov).

(b) **Certificates of Service**. The party filing a pleading shall serve the pleading upon appropriate parties and file with the Clerk of Court a certificate of service either with the pleading or promptly after service.

(c) **Method of Service**. Service of all pleadings and orders shall be by first-class mail or electronically, consistent with Local Rule 5005-1(d).

(d) **Notice by Proponent**. The proponent of a motion, objection, application, or other filing shall prepare and serve the notices required by the Federal Rules of Bankruptcy Procedure and these local rules.

(e) **Chapter 11 Plan**. In Chapter 11 cases, the debtor in possession or plan proponent shall be responsible for serving the following papers and for filing a certificate of service with the court within 7 days of the date of service:

(1) The plan;

(2) The Order and Notice For Hearing on Disclosure Statement;

(3) Orders approving a disclosure statement, fixing time for filing acceptances or rejections of the plan, and setting a hearing on the confirmation of the plan;

(4) The disclosure statement as approved by the court;

(5) The ballots; and

(6) Any other notices as the court or Clerk of Court shall direct in a particular case in a form approved by the Clerk.

(f) **Service of Chapter 13 Plan**. Within 7 days of the filing of a plan or amended plan, the debtor shall serve copies of the Chapter 13 plan or amended plan, prepared in conformance with the court-approved local form, on all parties in interest as provided herein and in conformance with Local Rule 4002-1(e)(4); however, the Chapter 13 trustee shall be served electronically. The debtor shall file with the court a certificate of service of the plan and/or amended plan. The certificate of service shall include a copy of the mailing matrix showing the parties served.

Local Rule 2002-3
Objection to Confirmation of Chapter 13 Plans

(a) **Hearing on Confirmation.** Absent timely objection, the § 341 meeting of creditors shall be deemed to be the hearing on confirmation for purposes of 11 U.S.C. § 1324.

(b) **Time for Objections to Confirmation.** Provided the Chapter 13 plan is served on all parties in interest as required by Local Rule 2002-1(f), objections to confirmation must be filed no later than 14 days following the conclusion of the § 341 meeting of creditors. Objections to confirmation of amended plans must be filed within 14 days following the conclusion of the § 341 meeting of creditors or within 21 days of filing of the plan amendment, whichever is later.

(c) **Notice of Hearing on Objection to Confirmation.** If an objection to confirmation is filed with the court, the objecting party must provide written notice to affected parties in interest of the date, time, and location of the hearing on the objection. No hearing will be held unless a timely objection to confirmation is filed.

Local Rule 2003-1
Meeting of Creditors

(a) **Mandatory Appearance.** The debtor shall appear and submit to examination under oath at the § 341 meeting of creditors pursuant to 11 U.S.C. § 343.

(b) **Motion to Continue.** A debtor should file a motion to continue a § 341 meeting of creditors not later than 7 days prior to the scheduled § 341 meeting. Such motion may be considered ex parte. The debtor shall be responsible for serving the order granting a motion to continue the § 341 meeting and shall file a certificate of service of the order evidencing service on all creditors and other parties in interest.

(c) **Failure to Appear**. Failure to attend the § 341 meeting of creditors may result in dismissal of the case and/or other sanctions.

(d) **Power of Attorney.** A debtor who has granted a power of attorney to another must appear at the § 341 meeting of creditors unless the court waives the debtor's attendance at the meeting. The debtor's attorney must file a motion to obtain such a waiver from the court on a no protest basis pursuant to Local Rule 9013-1(e) no later than 7 days after filing the debtor's petition so an order can be entered prior to the meeting.

Local Rule 2004-1
Depositions and Examinations

(a) **Required Conference.** Except as provided in subdivision (d), before giving notice of a deposition or requesting an ex parte order for an examination pursuant to Federal Rule of Bankruptcy Procedure 2004, the party giving notice of the deposition or requesting the examination must confer, or make a good-faith attempt to confer, with the adverse party to set a mutually agreeable date.

(b) **Motion.** Except as provided in subdivision (d), a motion for a Rule 2004 examination must include a certification either:

(1) Stating the party presenting the order has conferred with the adverse party and obtained agreement on the date for the examination; or

(2) Describing the steps taken in a good-faith attempt to confer with the adverse party about a mutually agreeable date.

(c) **Minimum Notice.** Except for good cause shown, or unless the parties otherwise agree, Rule 2004 examinations or depositions must be set no less than 14 days after the motion is filed.

(d) **Production of Documents Only.** A party requesting an ex parte order for a Rule 2004 examination solely for the production of documents need not confer with the adverse party; however, the motion shall state that it is solely for the production of documents and the production must be set for no less than 21 days from the service of any subpoena to compel production, except for good cause shown or unless the parties agree otherwise.

Local Rule 2014-1
Appointment of Professionals

Applications. Applications for employment of professionals filed within 30 days of the filing of the petition or within 30 days of the date services commence, whichever occurs later, shall be considered timely.

Local Rule 2016-1
Retainers Held by Professionals and Chapter 11 Attorney's Fee Applications

(a) **Professional Fee Guidelines**. Professionals seeking compensation are encouraged to refer to the Guidelines for Compensation and Expense Reimbursement of Professionals posted on the court's website (www.ncwb.uscourts.gov).

(b) **Retainers**. In a Chapter 11 case, a retainer held by a professional shall be maintained in a trust account. The professional shall not draw against the retainer post-petition except upon order of the court approving such fees and expenses.

(c) **Fees Up to Confirmation.** In a Chapter 11 case, fees through confirmation should be applied for within 30 days of the end of the month in which the confirmation order is entered unless otherwise provided in the plan or confirmation order. Such fees may be the subject of an application for final determination or approval, notwithstanding the possibility that further post-confirmation fees may require approval from the court.

(d) **Security Interests**. Any agreements granting security interests in the debtor's property or in other property for the benefit of the debtor's attorney or any other professional employed by the debtor to secure the payment of professional fees must be fully disclosed in the petition and schedules and must be approved by the court. Retainers and security interests in non-cash assets must be approved by the court after notice and a hearing.

Local Rule 2016-2
Compensation of Chapter 13 Attorneys

(a) **Definitions**.

(1) "Debtor" is the Chapter 13 debtor.

(2) "Real Property Creditor" is the entity holding an allowed secured claim, by virtue of a mortgage, note, deed of trust, or other consensual lien on the real property that is the principal residence of the Debtor, that is to be provided for in the Debtor's Chapter 13 plan pursuant to 11 U.S.C. § 1322(b)(5).

(3) "Fixed Fee" is the amount of the flat non-hourly fee agreed to by the Real Property Creditor and an attorney admitted to practice law before this court who is providing professional services.

(b) **Chapter 13 Plan and Disclosure of Attorney's Fee Procedure**. In addition to the required Official Bankruptcy Forms (the petition, schedules, statements, and other documents), the Debtor shall complete and file Local Form 3 (Chapter 13 attorney fee disclosure), Local Form 4 (Chapter 13 plan), and Local Form 13 ("Authorization to Release Information to the Chapter 13 Trustee Regarding Mortgage Claim Being Paid by the Trustee").

(c) **Compensation of Attorneys in Chapter 13 Cases**.

(1) Subject to paragraph (d)(4) below, the amount of the attorney's fee in cases and with respect to pleadings filed electronically shall be as follows:

(A) The maximum presumptive base fee in a Chapter 13 case is $5,000, and no base fee shall exceed $5,000 unless the court orders otherwise; and

(B) Any fee for non-base services that may be rendered to a Debtor must be applied for and approved by the court. For fees and expenses totaling less than $1,000, notice need only be sent to the Debtor, the Chapter 13 trustee, and the Bankruptcy Administrator. For fees and expenses totaling $1,000 or more, all parties in interest must be noticed.

(2) When a Debtor retains substitute legal counsel, such substituted counsel is entitled to a presumptive non-base fee of up to $500 without formal application to the court, provided that the order allowing

substitute counsel specifies both the amount of the fee and whether the fee is to be paid directly by the Debtor or through the plan.

(A) The substitution of counsel fee shall cover the following services:

(i) Review of the Debtor's filed schedules, statements, and other documents;

(ii) Review of the docket and all documents shown thereon; and

(iii) Consultation with the Debtor respecting next actions to be taken and services to be rendered by substituted counsel and whether such services are covered by the base fee or are subject to non-base fees.

(B) To the extent that substituted counsel must reasonably perform base fee services for the Debtor, such counsel shall file a motion within 30 days of entering the case setting forth the base fee services to be rendered and may apply for payment of an appropriate portion of the base fee for such services.

(d) **Base and Non-base Fee Services**.

(1) The base fee shall be presumed to compensate the Debtor's attorney for a level of services to the Debtor that shall, at a minimum, include the following services:

(A) Providing the pre-filing notices required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005;

(B) Preparing and filing the required Official Bankruptcy Forms (the petition, schedules, statements, and other documents); supplemental local forms including the Chapter 13 plan and any amended Chapter 13 plan(s); and the matrix of creditors;

(C) Circulating a copy of the Chapter 13 plan and any plan amendments to all creditors and interested parties as reflected in the case matrix;

(D) Drafting and mailing letters to the Debtor regarding attendance at the § 341 meeting of creditors, escrow of first money, and other responsibilities of the Debtor;

(E) Preparing for and attending the § 341 meeting of creditors;

(F) Reviewing the confirmation order and reviewing the status of the case periodically;

(G) Reviewing the Chapter 13 trustee's motion for determination of status of claims;

(H) Maintaining custody and control of all case files with original documents for such periods as required by law or local rule;

(I) Serving orders related to the Debtor's motions and objections on all affected parties;

(J) Verifying the Debtor's identity and Social Security number and furnishing the Debtor's identification card(s), tax returns, and payment advices to the Chapter 13 trustee, if required;

(K) Defending objection(s) to confirmation of the Debtor's plan; and

(L) Preparing and filing Local Form 8 ("Chapter 13 Debtor's Motion for Entry of Discharge") or Local Form 8HD ("Chapter 13 Debtor's Certifications in Support of Motion for Hardship Discharge").

(2) The base fee shall also include the following services to the extent they are requested or reasonably necessary for effective representation of the Debtor:

(A) Preparing and filing proofs of claim on behalf of the Debtor for payment to a creditor;

(B) Objecting to scheduled and unscheduled proofs of claim;

(C) Assuming and rejecting unexpired leases and executory contracts;

(D) Preparing for and attending valuation hearings;

(E) Defending motions to transfer venue;

(F) Conferring with the Debtor regarding obtaining post-petition credit when no request to the court or the Chapter 13 trustee is ultimately made;

(G) Avoiding liens pursuant to 11 U.S.C. § 522(f);

(H) Calculating plan payment modifications when no motion is ultimately filed;

(I) Responding to creditor contacts regarding plan terms, valuation of collateral, claim amounts, etc.;

(J) Responding to communications from the Debtor regarding job losses, changes in financial circumstances, and address changes and advising the court and the Chapter 13 trustee of the same when appropriate;

(K) Communicating with the Debtor, to a reasonable degree, regarding mortgage payment defaults, lease defaults, insurance coverage or the lack thereof, warranties, possible credit disability, life insurance coverage, etc.;

(L) Upon request of the Chapter 13 trustee, obtaining and providing copies of documents relating to lien perfection issues, such as recorded deeds of trust, purchase money security agreements, etc.;

(M) Drafting and mailing letters to creditors upon entry of discharge regarding lien releases, turnover of clear title certificates, cancellation of deeds of trust and judgments, etc.;

(N) Drafting and mailing certified letters to creditors regarding matters related to alleged violations of the automatic stay;

(O) Drafting and mailing letters regarding voluntary turnover of property;

(P) Reviewing documents in relation to the use or sale of collateral when no application is ultimately filed;

(Q) Providing the Debtor with a list of answers to frequently asked questions and other routine communications with the Debtor during the pendency of the case; and

(R) Requesting plan payoffs from the Chapter 13 trustee.

(3) The following services are presumed not to be covered by the base fee, and the court may award additional compensation for the following

services. Non-base fees may not be requested of the Debtor or paid by the Debtor or any other person, in trust or otherwise, without prior approval of the court:

(A) Abandonment of property post-confirmation;

(B) Motions for moratorium;

(C) Motions for authority to sell property;

(D) Motions to modify plan;

(E) Motions to use cash collateral or to incur debt;

(F) Defense of motions for relief from stay and/or co-debtor stay;

(G) Defense of motions to dismiss filed after confirmation of the Debtor's plan;

(H) Stay violation litigation, including amounts paid as fees by the creditor or other parties;

(I) Discharge injunction actions;

(J) Adversary proceedings;

(K) Motions to turnover property;

(L) Conversions to Chapter 7;

(M) Motions to substitute collateral;

(N) Submission of a Request for Credit Authorization form to the Chapter 13 trustee; and

(O) Any other matter not covered by paragraphs (d)(1) and (2) above.

(4) In the court's discretion, attorneys in a Chapter 13 case may request, in open court and without any further notice, non-base fees for the services listed in Part 2 of Appendix D in the amounts set forth therein. Without other notice, the Debtor's attorney may also request the actual expenses of filing fees and of notice to creditors.

(e) **Fees Exceeding the Presumptive and Non-base Fees**.

(1) If any advance fee deposit and/or agreement for payment is taken by an attorney for a Chapter 13 Debtor in an amount that is in excess of the presumptive base fee, within 30 days after the petition is filed, the attorney shall file an application for approval of the fee and notice the same for hearing.

(2) These standard base and non-base fees are intended as a convention to reduce expense to the parties. Counsel may, alternatively, apply for non-base fees on a time and expenses basis in accordance with this local rule and 11 U.S.C. § 330. In cases where the Debtor and counsel elect this procedure, the election must be made within 30 days after the petition is filed, with notice and a hearing.

(f) **Disclosure of Fee**. Every Debtor's attorney must disclose to the Debtor the procedures applicable to awards of attorney's fees in Chapter 13 cases in this district. This disclosure shall be made by reviewing Local Form 3 (Chapter 13 attorney fee disclosure) with the Debtor. Local Form 3 must be fully completed, executed as indicated, and filed with the Chapter 13 petition of the Debtor. In addition, executed copies of Local Form 3 must be maintained by the attorney for a period of four years after the closing of the case, and upon request of the court, the filer must provide executed documents for review.

(g) **Payment of Attorney's Fees in Chapter 13 Cases**.

(1) An attorney may accept an amount of compensation in advance of the filing of the Chapter 13 case up to the maximum $5,000 presumptive base fee on the following conditions:

(A) All court filing fees must be paid in full at the time the case is filed (no installment fees to be applied for); and

(B) The Debtor must appear at the time first set for the § 341 meeting of creditors having tendered to the Chapter 13 trustee no less than all plan payments due.

(2) The Chapter 13 trustee is authorized to make a lump sum disbursement in the first regular, post-confirmation plan disbursement toward payment of the Debtor attorney's base fee balance to the extent that the trustee is then holding plan payments that are not required to be used for adequate protection payments, payment of the Chapter 13

trustee's administrative fee, or any contractual mortgage payments due at that time under the terms of the plan.

(3) To the extent that a balance remains owing on the Debtor attorney's base fee after the application of all payments as set forth in paragraphs (1) and (2) above, the Chapter 13 trustee shall make monthly disbursements on account of such fee balance on a pro rata basis, along with the payments made to creditors holding allowed secured claims.

(4) Any non-base fees and expenses awarded by the court shall be paid by the Chapter 13 trustee on a pro rata basis, along with the payments made to creditors holding allowed secured claims.

(h) **Disbursement of Base and Non-base Fees by the Chapter 13 Trustee.**

(1) The Chapter 13 trustee shall pay allowed base fees in a Chapter 13 plan in the name of the individual attorney of record as specified in the Debtor's filed, confirmed plan.

(2) The Chapter 13 trustee shall pay allowed non-base fees to the attorney as specified in the order allowing such non-base fees.

(3) If there is a change in the professional association of a Debtor's attorney during the pendency of a case that will require the Chapter 13 trustee to redirect payment of fees, the affected attorney must file a letter of agreement with the trustee. If the form and execution of the agreement is satisfactory to the trustee, the trustee will redirect payment of fees in accordance with the letter of agreement.

(4) These local rules do not prohibit the Chapter 13 trustee or any attorney or law firm representing the Debtor from applying to the court for an order directing the payment of allowed attorney's fees.

(i) **Procedure for Fixed Fee Allowance of Fees and Costs Incurred by Real Property Creditors.**

(1) In lieu of filing a detailed summary of time and expenses for reasonable fees and expenses arising under the mortgage loan documents and applicable bankruptcy and non-bankruptcy law, the Real Property Creditor may seek court approval for the assessment of fees in the following manner:

(A) For fees and costs incurred pre-petition—by describing the fees and costs in a proof of claim that complies with the Federal Rules of Bankruptcy Procedure;

(B) For attorney's fees and costs incurred reviewing a Chapter 13 plan and filing a proof of claim—by describing the fees and costs in a proof of claim that complies with the Federal Rules of Bankruptcy Procedure;

(C) For fees, expenses, and charges incurred on the Debtor's mortgage account after the petition was filed (other than amounts previously itemized in a notice or ruled on by the court)—by filing an Official Bankruptcy Form B 410S-2 ("Notice of Postpetition Mortgage Fees, Expenses, and Charges");

(D) For fees and costs incurred filing a pleading for which fees and costs are recoverable:

(i) By including a request for the allowance of fees and costs in such pleading; or

(ii) By filing an application for the allowance of fees and costs as allowed under the Bankruptcy Code and Rules for determination after notice and a hearing.

(2) In all matters herein, if the actual Fixed Fee between the parties is less than the maximum allowed amount listed in Part 3 of Appendix D, then the attorney for the Real Property Creditor may only apply for the Fixed Fee pursuant to the contract with the Real Property Creditor.

(3) Any motion or application seeking approval of fees and costs or any claim filed with the Chapter 13 trustee requesting payment of a Fixed Fee shall include an affidavit or affirmation from the attorney of record stating that the attorney is duly admitted to practice law before this court, that the attorney was retained directly by the Real Property Creditor, and that no part of the fee has been shared with and no agreement to share any part of the fee has been entered into with any third party.

(4) No provisions set forth herein or in any administrative order of the court shall be construed to limit the rights of a creditor or other party in interest from filing an application for the allowance of fees and costs which are in excess of those set forth pursuant to this local rule for determination by the court after a notice and a hearing.

(5) The presumed legal fees in Chapter 13 cases for attorneys admitted to practice law before this court representing Real Property Creditors are listed in Part 3 of Appendix D.

(6) All pre-confirmation Fixed Fees for the attorney for the Real Property Creditor or the servicer are subject to a maximum cap of $1,200.00 regardless of the services rendered unless the court orders otherwise. In connection therewith, an objection to an original proof of claim of the Real Property Creditor or the servicer would be deemed a pre-confirmation service.

(7) In all other litigation between the Chapter 13 trustee, the Debtor, and the servicer/owner of the mortgage note or the Real Property Creditor, the decision regarding whether to award any legal fees and expenses will be in the discretion of the court and will be based on the traditional substantive body of law and rules heretofore adopted by the court.

Local Rule 2090-1
Representation of Business Entities

(a) **Representation Required**. All partnerships, corporations, limited liability companies, trusts, associations, and other business entities that appear in cases or proceedings before this court, not including attending § 341 meetings of creditors or filing notices of appearance, changes of address, or proofs of claim, must be represented by a lawyer duly admitted to practice before this court. For purposes of this local rule, an appearance shall be defined as preparing and filing papers, such as complaints and answers, petitions, applications, and motions; presenting legal argument and questioning witnesses in proceedings before the court; and pursuing any action in this court.

(b) **Sole Proprietorships Exempt**. This local rule does not apply to an individual conducting business as a sole proprietorship.

Local Rule 2090-2
Attorney Admission and Eligibility

(a) **Eligibility for Regular Admission**. Any attorney who is a member in good standing of the North Carolina State Bar is eligible for admission to practice before the United States District Court for the Western District of North Carolina and this court upon motion of a member of the Bar of the District Court, which admission shall be granted as a matter of course upon payment of all admission fees and upon taking the prescribed oath.

Attorneys already admitted to the Bars of either the United States District Court for the Eastern District of North Carolina or the United States District Court for the Middle District of North Carolina and in good standing may be admitted to the Bar of the District Court for the Western District of North Carolina upon tendering the application and fees required by this rule, together with a copy of the order or certificate of admission admitting the attorney to practice in either of the aforementioned districts.

Counsel representing governmental or tribal agencies who are members in good standing of the bar of a United States District Court or the bar of the highest court of any state or the District of Columbia are neither required to associate local counsel nor required to pay an attorney admission fee. By making an appearance, such attorney agrees to abide by the Local Rules and the North Carolina Rules of Professional Conduct and to submit themselves to this court for the enforcement of such rules.

(b) **Other Types of Admissions**. In addition to regular admission, an attorney may be admitted to practice before the Bar of this court under the following types of admission:

(1) **Pro Hac Vice Admissions**. A pro hac vice admission is defined as an admission to the Bar of this court in a particular case by an attorney who is a member in good standing of the bar of a United States District Court, or the bar of the highest court of any state or the District of Columbia. The attorney must associate local counsel and be accompanied by local counsel at all hearings unless otherwise permitted by the court.

(2) **Special Admissions.** A special admission is defined as a conditional admission to the Bar of this court in a particular case without association of local counsel. The court will not require the association of local counsel where the amount in controversy or the importance of the case do not appear to justify double employment of counsel. Special admission will be the exception and not the rule, and no out-of-

state counsel will be permitted to practice frequently or regularly in this court without the association of local counsel.

(3) **Retroactive Admissions.** A retroactive admission is normally allowed at the time of a hearing or trial on behalf of an attorney who for cause shown failed to be admitted to this Bar by regular, special, or pro hac vice admission. Retroactive admission is only temporary admission and must be followed up by seeking admission in one of the manners set forth above.

(c) **Procedures and Forms Applicable to Special, Pro Hac Vice, and Retroactive Admissions.**

(1) Except in the case of special admissions, a motion seeking admission under this local rule and declaration of the attorney seeking admission in support of the motion shall be filed by local counsel, the motion must include the email address of the attorney seeking admission, and the motion shall be accompanied by a District Application Fee plus the National Admission Fee established by the Judicial Conference of the United States.

(2) Upon admission by the court, the pro hac vice or special admission attorney will be added to the docket. The pro hac vice or special admission attorney will receive electronic notices from the Clerk of Court after establishing a CM/ECF account.

(3) The Clerk of Court may permit the pre-admission filing of papers at the request of non-admitted counsel where justice requires; provided, however, the further participation of such counsel is subject to compliance with the admission practices of this court.

(d) **An ECF Account Must Be Established After Admission.** Any attorney admitted to practice before this court must establish an ECF account with the Clerk of Court prior to filing any documents or cases in this district. To establish an ECF account, an attorney must complete ECF training made available in this district or certify that they have completed training in another federal district.

(e) **Electronic Filing of Pleadings by Attorneys Not Admitted in This District Without Court Appearance**. The Clerk of Court may provide out-of-state counsel with an ECF login and password upon counsel's representation that he/she (i) is a lawyer in good standing of the Bar of the Supreme Court of the United States or the bar of the highest court of any state or the District of Columbia, and (ii) has had prior ECF training before

this or another court. Without obtaining special admission to the court, out-of-state counsel can use the ECF login and password to file any of the following documents:

(1) Notices of appearance/request for notices;
(2) Motions seeking special admission pursuant to Local Rule 2090-2(b)(2);
(3) Responses to claim objections;
(4) Reclamation demands;
(5) Notices of address changes;
(6) Notices of transfers of claims pursuant to Local Rule 3001-1(d);
(7) Reaffirmation agreements; and
(8) Proofs of claims.

Issuance of an ECF login and password is not a substitute for admission to practice before this court. Accordingly, the filing of further documents requires admission to this court as described in paragraphs (a) and (b) above.

Local Rule 2090-3
Attorney Discipline

(a) **Standards of Conduct.** In addition to applicable federal law, the Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct of the North Carolina State Bar adopted by the Supreme Court of North Carolina, as amended from time to time by that state court, except as otherwise provided by a specific rule of this court. Acts or omissions by an attorney practicing before this court that violate the Rules of Professional Conduct adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

(b) **Disciplinary Enforcement.** For misconduct, and after notice and an opportunity to be heard, any attorney practicing before this court may be suspended from practice in this court, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant.

(c) **Duty to Inform the Clerk of Court.** Any attorney practicing before this court shall, upon being subjected to public discipline by any court or by the state bar of any state, promptly inform the Clerk of Court of such action.

(d) **Attorney Appearances.** Whenever an attorney appears in this court, the attorney shall be deemed to have conferred disciplinary jurisdiction upon this court for any alleged attorney misconduct arising in any proceeding in this court.

(e) **Jurisdiction.** Nothing contained in these Local Rules shall be construed to deny to this court such powers as are necessary for the court to maintain control over proceedings conducted before it, such as proceedings for contempt or other such sanctions under the Federal Rules of Bankruptcy Procedure, these Local Rules, or other applicable law.

Local Rule 2091-1
Extent of Attorney's Duty to Represent

(a) **Duty to Represent Debtor**. Any attorney who files a bankruptcy petition for or on behalf of a debtor shall remain the responsible attorney of record for all purposes, including the representation of the debtor in all matters that arise in the case and conversion to another chapter, with the following exceptions:

(1) In a Chapter 7 case, the attorney is not required to represent the debtor in an adversary proceeding so long as this exception is included in the attorney's fee agreement with the debtor.

(2) In a case involuntarily converted to a Chapter 7, the attorney shall make a diligent effort to prepare post-conversion schedules. Unless otherwise ordered, the duty to represent the debtor shall terminate at the conclusion of the final scheduled § 341 meeting of creditors; however, in order to withdraw from representing the debtor, the attorney must satisfy paragraph (b) of this local rule.

(b) **Relief from Duty to Represent**. An attorney is automatically deemed relieved of the duty to represent the debtor when the debtor's case is closed. Alternatively, an attorney may be relieved of the duty to represent the debtor only upon motion and, after notice and a hearing, the order of this court.

(c) **Entry or Substitution of Legal Counsel.** By and with the consent of a debtor, an attorney may file a motion to become legal counsel for the debtor. If, at the time the motion is filed, the debtor is without an attorney of record, such motion may be considered ex parte. If, the debtor has an attorney at the time such motion is filed, the motion shall be filed with notice of opportunity for hearing pursuant to Local Rule 9013-1(e).

An order allowing substitution of a debtor's attorney also may provide for the withdrawal of the debtor's previous attorney; otherwise, the prior attorney shall be relieved of further duty to represent the debtor only as provided in paragraph (b) of this local rule.

(d) **Duty to Represent Any Other Party in Interest.** An attorney who files a notice of appearance, response, motion, or other pleading on behalf of a creditor, trustee, or any other party in interest shall remain the responsible attorney of record for all purposes, including the representation of the party in all matters that arise in the case, unless:

(1) A notice of substitution of counsel is filed and served in accordance with paragraph (e) of this local rule;

(2) A notice of disinterest is filed with the court; or

(3) The court so orders.

(e) **Substitution of Legal Counsel by Any Other Party in Interest.** Except as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these Local Rules, substitution of legal counsel by any other party in interest shall be effective upon the filing of a notice of substitution of counsel. The notice shall be served upon the debtor, the debtor's attorney, the trustee, the prior legal counsel of the party in interest, and any other party in interest if the substitution concerns a pending matter before the court or reconsideration of a matter previously pending before the court.

PART III

CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

Local Rule 3001-1
Claims and Equity Security Interests

(a) **Where to File a Claim**.

(1) In all cases, proofs of claim shall be filed by electronic means directly with the Clerk of Court according to those guidelines established and published by the court. A creditor may file a proof of claim electronically at the court's website (www.ncwb.uscourts.gov).

(2) When filing proofs of claim, the claimant shall comply with the requirements of Federal Rule of Bankruptcy Procedure 3001(c) and (d) regarding the attachment of documentation in electronic format sufficient to establish the validity and status of the claim asserted, pursuant to the Clerk's guidelines.

(3) The filing of a proof of claim by electronic means directly with the Clerk shall constitute the filing claimant's approved signature by law, and the provisions of 18 U.S.C. § 152(4) shall apply to the filing of a proof of claim under this procedure.

(4) The filing of a proof of claim by electronic means in accordance with the Clerk's procedures shall constitute entry of the proof of claim in the claims register maintained by the Clerk pursuant to Federal Rule of Bankruptcy Procedure 5003(b).

(b) **Filing of Claims by Debtor or Chapter 13 Trustee**. In Chapter 13 cases, if a creditor fails to file a proof of claim on or before the first date set for the § 341 meeting of creditors, the debtor or the Chapter 13 trustee may do so in the name of the creditor. If the debtor or the trustee files a proof of claim on behalf of a creditor, the creditor may file an amended proof of claim pursuant to Federal Rules of Bankruptcy Procedure 3002 or 3003(c) that will supersede the proof of claim filed by the debtor or the trustee.

(c) **Time for Filing Proof of Claim or Interest in a Chapter 11 Case.** Pursuant to Federal Rule of Bankruptcy Procedure 3003(c)(3) and unless otherwise ordered by the court, a proof of claim or interest shall be timely if filed:

(1) In a case filed under Subchapter V of Chapter 11, within 70 days after the order for relief;

(2) For entities other than a governmental unit in a standard (non-Subchapter V) Chapter 11 case, within 90 days after the order for relief; or

(3) For governmental units in a standard (non-Subchapter V) Chapter 11 case, within 180 days after the order for relief.

(d) **Electronic Filing of Transfers of Claim.** Creditors shall adhere to the following procedures when filing transfers of claim:

(1) In all cases filed under all chapters of the Bankruptcy Code, transfers of claim shall be filed by electronic means directly with the Clerk of Court according to those guidelines established and published by the Clerk.

(2) The filing of a transfer of claim by electronic means directly with the Clerk shall constitute the filing claimant's approved signature by law, and the provisions of 18 U.S.C. § 152(4) shall apply to the filing of a transfer of claim under this procedure. A creditor may file a transfer of claim electronically at the court's website (www.ncwb.uscourts.gov).

(3) The filing of a transfer of claim shall require the attachment of Official Bankruptcy Form B 2100A. Supporting documentation may be attached within the same filing.

(4) The filing of a transfer of claim by electronic means in accordance with the Clerk's procedures shall constitute entry of the transfer of claim pursuant to Federal Rule of Bankruptcy Procedure 5003(b).

(5) Any paper "hard copy" transfer of claim filed with the Clerk that has subsequently been scanned and docketed in CM/ECF may be destroyed at any time thereafter.

Local Rule 3001-2
Presumptive Interest Rates in Chapter 13 Cases

(a) **The Till Rate.** The presumptive interest rate for use in calculating the value of payments to secured creditors for the entire term of the Chapter 13 plan is the composite prime interest rate plus two percent (the "Till Rate"). Till v. SCS Credit Corp., 541 U.S. 465 (2004).

(b) **Calculating the Till Rate.** The composite prime interest rate as published on the first calendar day of the month will be used as the basis for calculating the Till Rate.

(c) **Determining Composite Prime Interest Rate.** The court will provide appropriate links at its website (www.ncwb.uscourts.gov) from which the composite prime interest rate can be determined.

(d) **Application of Till Rate.** Unless otherwise ordered, the Till Rate generally applies to oversecured, fully secured, and undersecured claims.

(e) **Till Rate as Default Rate.** With the exception of secured property tax claims subject to paragraph (f) below, unless a proposed Chapter 13 plan provides specifically for the use of an interest rate other than the Till Rate for any particular claim or claims and specifically identifies that interest rate, the Chapter 13 trustee is authorized to use the Till Rate for all secured claims provided for by the plan.

(f) **Rate for Secured Property Tax Claims of North Carolina Counties and Municipalities.** The interest rate to be used for payment of the value of the secured property tax claims of North Carolina counties and municipalities shall be nine percent (9%) per annum; however, a debtor may propose that a different interest rate be used provided that such interest rate is conspicuously disclosed in the special terms section of the proposed plan summary with an explanation regarding the basis for the different interest rate. The prescribed rate shall only apply to the payment of the secured property tax claims of North Carolina counties and municipalities. Different rates may be proposed for the payment of the secured property tax claims arising from other jurisdictions.

Local Rule 3002-1
Chapter 13 Trustee Treatment of Certain Tax Claims

(a) **Administrative Modification of Plans for Tax Claims**. When a proof of claim is filed for a tax liability in excess of the estimated amount scheduled by the debtor, and if modification of a previously confirmed plan is required, the Chapter 13 trustee may make the necessary plan modification and provide written notice to the debtor and the debtor's attorney.

(b) **Chapter 13 Trustee Treatment of Tax Claims Filed Prior to Due Date or Penalty Date.**

(1) The Clerk of Court shall accept for filing properly executed proofs of claim from any taxing authority even when such proofs of claim are filed prior to the due date for federal and state tax returns or the penalty date for local tax obligations.

(2) The Chapter 13 trustee shall not administer such proofs of claim until the due date or penalty date as described above has passed.

(3) Following the passage of the applicable date, the taxing authority must file an amended proof of claim with the Clerk and serve the debtor's attorney and the Chapter 13 trustee with notice that the taxing authority desires to have the debts included for payment by the Chapter 13 trustee through the Chapter 13 plan.

(4) Unless the taxing authority provides such timely written notice as set forth in paragraph (3) above, the proofs of claim in question are deemed objected to by the Chapter 13 trustee for the reason that the debts evidenced by the proofs of claim have been satisfied by direct payment, without prejudice to reconsideration.

Local Rule 3002.1-1
Fed. R. Bankr. P. 3002.1(g) Responses

The court's Local Form 18 ("Supplement to Response to Chapter 13 Trustee's Notice of Final Cure Payment and Motion to Deem Mortgage Loan Current") increases administrative efficiency while allowing the holders of affected claims to properly comply with the response required by Federal Rule of Bankruptcy Procedure 3002.1(g). Any creditor who uses Local Form 18 in responding to a Chapter 13 trustee's Notice of Final Cure Payment and Motion to Deem Mortgage Current and is in agreement with the allegations contained therein shall avoid the requirement for a hearing certain by checking the appropriate boxes on the form. A creditor's election not to use Local Form 18 in responding to the Chapter 13 trustee's notice and motion will result in the matter being scheduled for a hearing certain even if the creditor is in agreement with the allegations contained in the notice and motion.

Local Rule 3003-1
Procedures for the Disbursement of Conduit Mortgage Payments

(a) **Definitions.**

(1) "Debtor" is the Chapter 13 debtor.

(2) "Conduit Creditor" is the entity holding or owning an allowed secured claim by virtue of a mortgage, deed of trust, or other consensual lien on the real property of the Debtor that is the principal residence of the Debtor but does not include a loan that is also secured by other property in addition to the principal residence, a loan upon which the final contractual payment shall become due before the stated completion date for the Chapter 13 plan, or a loan that is classified as a home equity line of credit with variable monthly payments of principal and interest.

(3) "Conduit Mortgage Payments" are those mortgage payments that are paid by the Debtor to the Conduit Creditor through the Chapter 13 trustee. Conduit Mortgage Payments shall be equal to the post-petition monthly contractual payments due pursuant to the note or contract.

(4) "Pre-petition Arrearage" is the total amount past due on the Conduit Creditor's claim as of the date the case was filed.

(5) "Administrative Arrearage" is the total amount of three full post-petition mortgage payments.

(6) "Post-petition Claim Payments" shall mean those payments disbursed by the Chapter 13 trustee on claims of the Conduit Creditor that have been added to the case post-confirmation or pursuant to orders entered by the court that modify the monthly payment.

(b) **Disbursement of Required Conduit Mortgage Payments.** All Conduit Mortgage Payments owed by a Debtor to a Conduit Creditor as defined in this local rule shall be made by the Debtor to the Chapter 13 trustee for disbursement to the Conduit Creditor by the Chapter 13 trustee as Conduit Mortgage Payments unless the court orders otherwise.

(c) **Duties of the Debtor.**

(1) The Debtor may be excused from complying with any of the provisions of this local rule only upon the showing of good cause and

extraordinary circumstances sufficient to warrant such an exception and the entry of an order of the court allowing the same. The burden of proof shall be on the Debtor to establish such good cause and extraordinary circumstances. The Debtor must file a motion and notice of hearing, with service on all parties in interest, within 7 days after the petition is filed. The § 341 meeting of creditors shall be continued if an order allowing or disallowing the motion has not been entered by the first scheduled § 341 meeting date. The additional cost associated with the Chapter 13 trustee's statutory commission charged for disbursing the Conduit Mortgage Payments shall not, by itself, constitute good cause and extraordinary circumstances for seeking an exception from the mandatory Conduit Mortgage Payment rules.

(2) The Debtor must complete and sign a Local Form 13 ("Authorization to Release Information to the Chapter 13 Trustee Regarding Mortgage Claim Being Paid by the Trustee") for each Conduit Creditor's claim for which the Conduit Mortgage Payments are to be disbursed by the Chapter 13 trustee as provided for herein and must file such document with the court.

(3) Post-confirmation plan modification motions to temporarily exclude conduit payments pending the completion of trial mortgage loan modification periods must include the following information:

(A) The calendar months that will be included in the trial period;

(B) The proposed modified monthly plan payment during the trial period;

(C) The amount of the modified monthly mortgage payment to be made by the Debtor directly during the trial period;

(D) If an existing mortgage arrearage claim provided for by the plan is to be included in the proposed modified mortgage loan, specify the treatment of the arrearage claim by the Chapter 13 trustee pending completion of the trial period. Options include directing the Chapter 13 trustee to: (i) continue to disburse cure payments; (ii) reserve cure payments; (iii) close the claim without reserve; or (iv) other treatment;

(E) Whether ad valorem tax claims provided for by the plan are to be paid in the proposed mortgage modification or will continue to be paid by the Chapter 13 trustee;

(F) The calendar month for which the Chapter 13 trustee is to resume making conduit payments and the amount of such modified monthly conduit payment; and

(G) The amount of the monthly plan payment following completion of the trial period.

(d) **Duties of the Chapter 13 Trustee.**

(1) The Chapter 13 trustee shall include for payment under the Debtor's plan an allowed Administrative Arrearage claim as defined in paragraph (a)(5) of this local rule for each Conduit Creditor for which the trustee shall disburse Conduit Mortgage Payments. The Administrative Arrearage claim shall be paid on a pro rata basis with non-conduit secured claims.

(2) The Chapter 13 trustee will not make payment to the Conduit Creditor on any claim until such time as the Conduit Creditor or the Debtor has filed a proof of claim, including all necessary supporting documentation, with the court and the Debtor's plan has been confirmed. If no proof of claim has been filed by, or on behalf of, the Conduit Creditor by the deadlines set forth in Federal Rules of Bankruptcy Procedure 3002(c) and 3004, the Chapter 13 trustee is authorized to release any funds then being reserved on account of such claim for general disbursement pursuant to the terms of the confirmed plan.

(3) If a proof of claim is filed either by the Conduit Creditor or the Debtor without all required forms properly completed and attached, the Chapter 13 trustee, at confirmation, may determine the monthly post-petition Conduit Mortgage Payment to be the amount provided by the Debtor on Local Form 4 (Chapter 13 plan) at Part 3.1. The Chapter 13 trustee may use such monthly Conduit Mortgage Payment amount throughout the plan term unless and until a properly conforming proof of claim is subsequently filed by the Conduit Creditor or the Debtor. If a properly conforming amended proof of claim is subsequently filed, the amount of the Conduit Mortgage Payment shall be deemed to be the amount as set forth in the amended proof of claim; provided, however, that any Conduit Mortgage Payments made prior to the filing of such amended proof of claim are deemed to have been disbursed in the proper amounts and accepted by the Conduit Creditor. In addition, if a properly conforming amended proof of claim is not filed prior to confirmation, the amount of the pre-petition arrearage will be determined by the amount provided by the Debtor on Local Form 4 at

Part 3.1, unless and until a properly conforming amended proof of claim is filed.

(4) Unless the court orders otherwise, if the Debtor makes a partial payment during any month of the plan, the Chapter 13 trustee shall disburse all funds received from the Debtor (less the trustee's statutory commission) to the Conduit Mortgage Payment(s). No payment may be distributed to any other claimant until all Conduit Mortgage Payment(s) are current through the month of that distribution. Such disbursements by the Chapter 13 trustee shall not impair the right of any other claimant to take any lawful action as a result of the failure to receive timely monthly disbursements on its claim.

(5) The Chapter 13 trustee shall have at least 28 days following the effective date of the formal transfer of a Conduit Creditor's claim pursuant to Federal Rule of Bankruptcy Procedure 3001(e)(2) to begin making disbursements to the new, substituted claimant of record.

(e) **Duties of the Conduit Creditor.**

(1) All Conduit Creditors shall credit the first Conduit Mortgage Payment disbursed by the Chapter 13 trustee to the calendar month and year as set forth in the Order Confirming Plan. Should any Conduit Creditor object to the commencement date for the credit of Conduit Mortgage Payments as designated in the Order Confirming Plan, it shall file such objection with the court within 14 days following the entry of the Order Confirming Plan and serve copies on the Chapter 13 trustee, the Debtor, and the attorney for the Debtor. A hearing, with appropriate notice, shall be held on any objections.

(2) If the Conduit Creditor does not timely file a properly conforming proof of claim and the Debtor files a claim with all the requisite forms fully completed and attached, the proof of claim filed by the Debtor shall establish the correct and valid claim in the Chapter 13 proceeding and shall be the effective proof of claim for purposes of the Federal Rules of Bankruptcy Procedure, unless otherwise ordered by the court.

(3) At least 21 days prior to the effective date of any change in the name of the Conduit Creditor or its servicer and/or the Conduit Creditor's or its servicer's disbursement mailing address, the Conduit Creditor or its servicer shall file with the court a fully executed Local Form 12 ("Notice of Case-Specific Name and/or Address Change") or an amended proof of claim setting forth the requested changes as required by Local Rule 2002-1(a).

(f) **Effect of Plan Completion.**

(1) The Chapter 13 trustee shall provide the Debtor, the attorney for the Debtor, the Conduit Creditor, and the attorney for the Conduit Creditor, if any, with a notice of completion of required Conduit Mortgage Payments under the plan and file such notice with the court.

(2) If the Debtor's plan pays all the required Conduit Payments, Pre-petition Arrearages, post-petition arrearages, and all other mortgage-related claims as specified in the plan as confirmed and with any post-confirmation amendments, then all pre-confirmation and post-confirmation defaults shall be deemed cured and the mortgage loan, together with the note and any other loan documents or amended loan documents, will be deemed current at least as of the date of the disbursement of the final plan payment or such later date as ordered by the court. Such completion of the plan shall extinguish any right of the Conduit Creditor or its servicer to recover any amount alleged to have arisen since the date of confirmation or to declare a default of the note, mortgage, deed of trust, or other loan documents based upon any and all pre-confirmation or post-confirmation events.

(3) If the Debtor has made all of the post-petition payments required under a Conduit Mortgage Payment plan, the Chapter 13 trustee shall file the notice and motion required by Federal Rule of Bankruptcy Procedure 3002.1(f) and (h). The notice and motion shall be combined into one consolidated pleading and served on the Conduit Creditor, the Debtor, and the attorney for the Debtor on a no protest notice basis. The Chapter 13 trustee shall provide at least 45 days' notice of the date, time, and location of any hearing that may be requested by an affected party in interest.

(4) If post-petition payments to a real property creditor have been made directly by the Debtor, rather than by the Chapter 13 trustee, the Debtor may file the notice and motion required by Federal Rule of Bankruptcy Procedure 3002.1(h).

(g) **Loan Modification Management.** The Loan Modification Management Program ("LMM Program") is designed to function as a forum for Debtors and creditors to reach a consensual resolution when a Debtor's property is at risk of foreclosure. The goal of the LMM Program is to facilitate communication and the exchange of information in a confidential setting under the supervision of the court. The procedures governing and forms implementing the LMM Program are incorporated into these Local Rules and can be found in Appendix C.

Local Rule 3009-1
Processing Returned Creditor Overpayments in Chapter 7 Cases

Returned Creditor Overpayments. Following the final distribution to creditors in a Chapter 7 case, a trustee is authorized to process returned creditor overpayments as follows:

(a) If the returned creditor overpayments total $500 or more in any case, the trustee shall disburse the overpayments to creditors pursuant to the previously filed final report, excluding the overpaid creditor's share, on a pro rata basis.

(b) If the returned creditor overpayments total less than $500 in any case, the overpayments shall be deemed to be abandoned to the debtor, and the trustee may disburse the funds directly to the debtor.

Local Rule 3011-1
Disbursement of Unclaimed Funds

Procedure for Disbursing Unclaimed Funds. The following procedure shall apply to the disbursement of unclaimed funds:

(a) **Deposit of Unclaimed Funds into United States Treasury**. All unclaimed funds collected by the court shall be deposited into the United States Treasury.

(b) **Motion for Disbursement of Unclaimed Funds**. Claimants shall use Local Form 5 ("Motion for Disbursement of Unclaimed Funds") to request disbursement of unclaimed funds, including the attached notice of hearing.

(c) **Service/Notice.** The claimant shall serve a copy of Local Form 5 on the United States Attorney, the Bankruptcy Administrator, the trustee, the debtor, and the debtor's attorney (if any) at least 14 days prior to the hearing date.

(d) **Claimants**. All claimants shall establish proof of their right to the unclaimed funds by filing Local Form 5 and appearing at a hearing. A claimant may be required to present testimony in open court that convinces the court of the claimant's right to the unclaimed funds.

A Motion for Disbursement of Unclaimed Funds should include the following:

(1) An affidavit explaining the claimant's entitlement to the requested funds and bearing the seal and certificate of a notary public;

(2) A copy of the claimant's unexpired passport or valid driver's license to establish identity;

(3) The last four digits of the claimant's Social Security number or tax identification number; and

(4) Any additional documentation that establishes proof of the claimant's right to the unclaimed funds and evidences identity such as a copy of a proof of claim or a copy of a utility bill from an old address.

(e) **Individual Claimants**.

(1) An individual claimant may file Local Form 5 pro se.

(2) In cases of hardship, individual claimants may request a waiver of the requirement that they appear in person at the hearing on the Motion for Disbursement of Unclaimed Funds. Such requests will be considered by the court on a case-by-case basis and must establish to the court's satisfaction the claimant's identity and entitlement to the unclaimed funds.

(f) **Non-individual claimants**. All non-individual claimants (such as partnerships, corporations, and governmental agencies) must be represented by an attorney who is a member in good standing of the North Carolina State Bar and who has been admitted to practice before the United States District Court for the Western District of North Carolina. A non-individual claimant may establish proof of its right to the unclaimed funds by having a designee personally appear at the hearing and present testimony in open court that convinces the court of the claimant's right to the unclaimed funds. In lieu of appearing in court, the non-individual claimant may file an affidavit of its designated officer or general/managing agent stating the factual and legal basis for its claim to the funds in question.

(g) **Successor Claimants**. Successor claimants (claimants other than the owner of record who have become legally entitled to the unclaimed funds) shall provide documents establishing the chain of ownership of the original claimant as proof of entitlement to the claim. The following specific information should be provided:

(1) Proof of identity of the owner of record, proof of identity of the successor claimant, and documentation evidencing the transfer of claim and the successor's entitlement to collect the funds;

(2) If the successor claimant is a representative of an estate, he or she must provide proof of identity of the claimant of record, proof of identity of the estate representative, and certified copies of documents establishing the representative's right to act on behalf of the estate.

(h) **Funds Locators**. The court does not issue payment solely to funds locators. Payments will be issued in the name of the owner of record and mailed in care of the funds locator.

(i) **Vendor Administration and 1099 Issuance.** Pursuant to the Vendor Administration and 1099 Issuance Procedures, the court requires all claimants to complete a Request for Vendor Information and TIN Certification form that includes the claimant's Social Security number or tax identification number and signature prior to receiving payment. This form can be found on the court's website (www.ncwb.uscourts.gov) and should be

returned to the court by U.S. or electronic mail; this form should not be filed in CM/ECF. **FAILURE TO COMPLETE, SIGN, AND RETURN THIS FORM MAY RESULT IN NON-PAYMENT**.

Local Rule 3012-1
Pre-confirmation Adequate Protection Payments in Chapter 13 Cases

Pre-confirmation Adequate Protection Payments. All adequate protection payments required by 11 U.S.C. § 1326(a)(1) shall be paid as follows:

(a) The debtor shall pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the order for relief. Absent a timely objection to confirmation of the proposed plan, the debtor shall be presumed to have made such payments as required by § 1326(a)(1). Because the Chapter 13 plan shall provide that payments to lessors will be made directly by the debtor, there shall be no reduction in the Chapter 13 plan payment remitted to the Chapter 13 trustee for these direct payments.

(b) Other adequate protection payments required by § 1326(a)(1) shall be made by the Chapter 13 trustee unless the court orders otherwise.

(c) For purposes of this provision, the Chapter 13 trustee shall make such adequate protection payments to the address duly noted on the sworn proof of claim. The use of such address shall be deemed proper notice to the creditor for the purposes of adequate protection payments.

(d) All adequate protection payments paid through the Chapter 13 trustee shall be subject to an administrative fee in favor of the trustee equal to the trustee's statutory percentage commission then in effect, and the trustee shall collect such fee at the time of the distribution of the adequate protection payment to the claimant.

(e) No adequate protection payment shall be disbursed until a properly-executed proof of claim is filed with the Clerk of Court, the claim has been deemed allowed pursuant to 11 U.S.C. § 502(a), and the Chapter 13 plan has been confirmed.

(f) The Chapter 13 trustee shall not be required to make adequate protection payments on account of any claim for which the secured value of said claim as provided in the plan is less than $2,000.

(g) Unless otherwise ordered by the court pursuant to § 1326(a)(3), the amount of the adequate protection payments required to be made by the Chapter 13 trustee shall be based on a monthly calculation of one percent of the lesser of (i) the plan value of the collateral securing the affected claim or (ii) the total amount of the asserted claim.

Local Rule 3015-1
Disposition of Funds in Dismissed Chapter 13 Cases

(a) **Chapter 13 Trustee's Administrative Set-Up Fee.** The Chapter 13 trustee shall be allowed an administrative claim of $200 pursuant to 11 U.S.C. § 503(b) in cases dismissed or converted prior to confirmation.

(b) **Funds Received by the Chapter 13 Trustee Pre-confirmation and Prior to Dismissal.** Unless otherwise ordered by the court, the funds shall be distributed in the following sequence:

(1) Adequate protection payments provided for in 11 U.S.C. § 1326(a)(2) and Local Rule 3012-1;

(2) The $200 Chapter 13 trustee set-up fee;

(3) Unpaid debtor attorney's fees and any other administrative claims allowed by § 503(b); and

(4) To the debtor in care of the debtor's attorney, if any.

(c) **Funds Received by the Chapter 13 Trustee Post-confirmation and Prior to Dismissal.** Unless otherwise ordered by the court, any funds held by the Chapter 13 trustee will be distributed pursuant to the confirmed plan.

(d) **Funds Received by the Chapter 13 Trustee After Dismissal.** Unless otherwise ordered by the court, any funds received by the Chapter 13 trustee after the date of the dismissal of a case will be returned to the party who sent the funds.

Local Rule 3015-2
Disposition of Funds in Converted Chapter 13 Cases

Unless otherwise ordered by the court, any funds received by the Chapter 13 trustee and not yet distributed prior to the conversion of a case shall be disposed of as follows:

(a) Funds on hand of $2,500 or less shall be disbursed to the debtor in care of the debtor's attorney, if any, by the Chapter 13 trustee;

(b) If the funds on hand exceed $2,500, the Chapter 13 trustee shall file and serve on all parties in interest a notice of the amount of the funds and the trustee's intention to disburse all of the funds to the debtor. Any party who objects to the proposed disbursement to the debtor shall have 28 days from the date of the filing of the Chapter 13 trustee's notice to file an objection and request a hearing. Any hearing shall be held on the next available court date, and the objecting party shall provide written notice of the date, time, and location of the hearing to all parties. If no objection is timely filed, all of the funds on hand shall be paid by the Chapter 13 trustee to the debtor in care of the debtor's attorney, if any. If, after notice and a hearing, the Chapter 13 trustee's request for authority to disburse all funds to the debtor is denied in whole or in part, the funds on hand shall be paid by the Chapter 13 trustee as ordered by the court.

Local Rule 3018-1
Ballot Report

Contents and Filing of a Ballot Report. Any proponent of a Chapter 11 plan shall file a ballot report that tabulates acceptances and/or rejections of the plan. The plan proponent shall retain copies of all ballots for a period of four years. Copies of the ballots shall be made available for review upon order of the court. The report shall be filed with the Clerk of Court not later than three business days prior to the hearing on confirmation. If ballots are filed on the docket, the ballot report shall indicate the docket number of each ballot.

Local Rule 3021-1
Authorization of Pro Rata Monthly Payments to Secured Creditors in Chapter 13 Cases

Payments to Secured Creditors. The debtor and the Chapter 13 trustee shall be deemed to be in compliance with the requirements of 11 U.S.C. § 1325(a)(5)(B)(iii) as long as the trustee makes regular monthly payments to each affected secured creditor on a pro rata basis in amounts that are sufficient to provide adequate protection.

Local Rule 3021-2
Processing Returned Creditor Overpayments
After Final Distribution in Chapter 13 Cases

Returned Creditor Overpayments. Following the final distribution to creditors in a Chapter 13 case, the Chapter 13 trustee is authorized to process returned creditor overpayments as follows:

(a) **Composition (or "Percentage") Plans.** The returned creditor overpayments shall be refunded to the debtor following the filing of the Chapter 13 trustee's final report and account.

(b) **Base Plans.**

(1) **Plans paying all claims in full.** The returned creditor overpayments shall be refunded to the debtor following the filing of the Chapter 13 trustee's final report and account.

(2) **Plans paying less than all claims in full.** If the returned creditor overpayments total $500 or more in any case, the Chapter 13 trustee shall disburse the overpayments to creditors pursuant to the confirmed plan, with any excess funds then remaining to be refunded to the debtor following the filing of the trustee's final report and account.

If creditor overpayments total less than $500 in any case, the overpayments shall be deemed to be abandoned to the Chapter 13 trustee upon the closing of the case for the purpose of deferring future costs of administration.

PART IV

THE DEBTOR: DUTIES AND BENEFITS

Local Rule 4001-1
The Automatic Stay and Secured Creditor Duties

(a) **Motion Requirements.** In a motion for relief from stay, the following shall be included. Failure to include any of the following may result in denial of the motion, even without an objection:

(1) Amount of the movant's debt, both as of the petition date and the time of the motion;

(2) Brief description of the security interest, if applicable, with copies of documents evidencing the security interest and perfection;

(3) Description of the property encumbered by the stay, including serial number, vehicle identification number, legal description, physical address, lot and block number, etc.;

(4) Basis for relief (e.g., property not necessary for reorganization, debtor has no equity, property is not property of the estate, or, if brought for cause, specific facts constituting cause);

(5) Valuation of property, basis of valuation (e.g., appraisal, blue book, etc., including applicable copies), and date of valuation;

(6) In Chapter 13 cases, when a creditor whose claim is secured by an interest in real property or personal property that is the debtor's principal residence, is seeking relief from stay on the grounds of post-petition default by the debtor, the creditor must include with the motion for relief from stay a statement of all post-petition account activity that is readable, reasonably understandable, stated in plain English, and substantially consistent with Local Form 10 ("Motion for Relief from Stay Post-petition Transaction History – Creditor Form"); and

(7) In the event the debtor disputes the payment history, the debtor shall prepare and serve a post-petition account payment history in a form consistent with Local Form 11 ("Motion for Relief from Stay Post-petition Transaction History – Debtor Form") at least 7 days prior to the initial hearing.

(b) **Application of 11 U.S.C. § 362(e).** If a movant seeks application of the provisions of § 362(e), the movant must so state both in the caption and in the body of its motion. Otherwise, the movant will be deemed to have waived the application of § 362(e), and the stay shall remain effective notwithstanding the expiration of the 30-day period. Similarly, if the movant seeks application of § 362(e) but selects a hearing date outside the 30-day period of § 362(e), the movant will be deemed to have waived the application of § 362(e), and the stay shall remain effective at least until the court considers the matter at a hearing and thereafter upon such terms as the court orders. If the movant seeks application of § 362(e) and so notifies the court and the adverse party, the court will schedule the initial hearing within the applicable 30-day period.

(c) **Standing Modification of the Automatic Stay as to the IRS.** The automatic stay provided in 11 U.S.C. § 362(a) is modified in bankruptcy cases so as to authorize the Internal Revenue Service to:

(1) Make income tax refunds, in the ordinary course of business, directly to debtors, unless otherwise ordered by the court or otherwise instructed by a trustee; and

(2) Offset against any pre-petition refund due a debtor any pre-petition tax obligation owing by the debtor to the United States government.

(d) **Proposed Orders**. Every proposed order granting any relief stemming from a motion for relief from stay shall:

(1) Include a description of the property encumbered by the stay as described in Local Rule 4001-1(a)(3);

(2) State whether the relief from stay is conditional or absolute;

(3) If conditional, set forth separately and with specificity each condition upon which relief is to be granted; and

(4) State that the creditor has 120 days to file a deficiency claim from the time the subject property is removed from the protection of the stay; however,

(A) In a case where the subject property is real estate or manufactured housing, the deadline for filing a deficiency claim shall be 180 days; and

(B) For good cause shown, an extension of time to file a deficiency claim may be granted by the court so long as a motion is made within the applicable deficiency filing period.

When an order terminating the automatic stay is entered or a notice of termination of the automatic stay is filed, the trustee is authorized to cease payments upon any and all claims in that case where any creditor holds a security interest in the same property.

(e) **Secured Creditor Duties in All Title 11 Cases.**

(1) A secured creditor who is receiving direct payments from a debtor shall send all payment coupons or statements of account that the creditor provides to its non-bankruptcy borrowers to bankruptcy debtors who have indicated, in their Statement of Intention or Chapter 13 plan, their intent to retain the secured creditor's collateral by complying with the terms of the contract, or to any debtor who so requests. The act of sending such payment coupons or statements of account shall not be considered a violation of the automatic stay or of the debtor's discharge injunction.

(2) If a secured creditor does not provide payment coupons and statements of account referred to in paragraph (e)(1) above, then, upon request by the debtor, that secured creditor shall provide the debtor with a telephone number or other means to access account information that would normally be provided by the payment coupons or statements of account referred to in paragraph (e)(1) above.

(3) A secured creditor shall respond promptly to a trustee's or debtor's reasonable requests for account information.

(4) The automatic stay provided in 11 U.S.C. § 362(a) is modified as follows:

(A) Secured creditors may contact the debtor about payment of property taxes due and the status of insurance coverage on property used as collateral;

(B) If there are direct payments to creditors, the creditor may contact the debtor in writing about any payment in default;

(C) If there are direct payments to a creditor, the creditor shall send statements, payment coupons, or other correspondence to the debtor that the creditor sends to its non-debtor borrowers; and

(D) The situations discussed in Local Rule 4001-2.

(5) For escrowed loans, no less than once a year, each secured creditor shall provide written notice to the debtor and debtor's attorney of any and all amounts due or paid in that year or the coming year, if known, for all escrowed items. If such payment or advance results in a shortage in the escrow account, the creditor shall determine or analyze the amount necessary to cure that shortage and provide the debtor with written notice thereof. Should the analysis result in a payment change, then written notice of the payment change shall be provided to the debtor and debtor's attorney at least 30 days in advance of the due date of the payment change. Direct contact by the creditor to the debtor under this provision shall not be a violation of the automatic stay.

(6) For non-escrowed loans, and if allowed under non-bankruptcy law, should a creditor determine it will advance and pay entities for taxes and/or insurance to protect its security interest, then it shall provide at least 30 days' written notice thereof to the debtor and debtor's attorney before the funds are paid or advanced, unless the creditor suffers an immediate loss during the 30 days. In such a case, notice to the debtor and debtor's attorney shall be given contemporaneously with the advance or payment. Said payment or advance shall be reimbursed to the creditor as allowed under non-bankruptcy law or agreement. Should the creditor determine that it will thereafter escrow the loan as provided under the security instrument, note, contract, or deed of trust, then the creditor shall thereafter comply with the provisions of Local Rule 4001-1(e)(5).

Local Rule 4001-2
Creditor Contact with Debtors

(a) **Compliance with Non-bankruptcy Law**. Any creditor contact with debtors must also comply with any applicable non-bankruptcy law.

(b) **Creditor's Responses to Debtors**. A creditor may respond freely to any inquiry from a debtor on any subject matter.

(c) **Contact Regarding Loss Mitigation.** A secured creditor may contact any debtor for the purpose of offering to the debtor the opportunity to apply for, procure, negotiate, or respond to a request from either party for a workout, loan modification, surrender, deed-in-lieu, or other matters concerning loss mitigation. Such contact shall cease if so requested by the debtor.

(d) **Secured Creditor Duties.** See Local Rule 4001-1(e).

Local Rule 4002-1
Debtor Duties

(a) **Tax Returns.** Copies of a debtor's tax returns shall not be filed with the Clerk of Court unless a request has been filed by a party in interest or the filing is required by the Bankruptcy Code. If the debtor's tax returns are tendered to the court other than pursuant to a proper request, the Bankruptcy Code, or a court order, the Clerk's Office will not accept the returns and will return them to the debtor. Tax returns should be provided to the trustee or, if no trustee is appointed in a Chapter 11 case, to the Bankruptcy Administrator.

(b) **Interpreters**. Should a debtor require an interpreter, the following provisions apply:

(1) **Interpreters for § 341 Meetings**. The Bankruptcy Administrator provides language interpretation services for debtors at § 341 meetings of creditors. The debtor's attorney should access the Bankruptcy Administrator's website (www.ncwba.uscourts.gov) and use the "Request/Cancel Interpreter" link at least 10 days prior to the date of the first meeting to arrange for interpretation.

(2) **Oath**. The following oath shall be administered to the language interpreter or hearing impaired interpreter: *Do you solemnly swear or affirm that in the first meeting of creditors in the bankruptcy case of _____, you will translate the testimony of the debtor(s) from the _____ language into the English language, and the questions and instructions of all parties from the English language into the _____ language, and make such other translations as may be required, according to the best of your ability?*

(c) **Duties of Chapter 7 Debtor**. A debtor in a Chapter 7 case shall comply with the following:

(1) **Trustee's Requests**. The debtor shall provide the Chapter 7 trustee with documents responsive to the Standard Document Request available on the Bankruptcy Administrator's website (www.ncwba.uscourts.gov). The debtor shall comply with any request by the Chapter 7 trustee for turnover of property or production of documents within 14 days of the date of the request.

(2) **Inventory or Equipment**. When a stock of goods or business equipment is listed in the debtor's schedules, immediately after the general description thereof, the debtor shall:

(A) List the assets in need of attention including the nature and value of such assets;

(B) Append a short explanation of the assets' exact location;

(C) List the name and address of the custodian thereof;

(D) State the protection being given such property and the amount and duration of insurance coverage, if any; and

(E) List whether the assets are subject to any environmental hazards or concerns.

(3) **Need for Immediate Attention**. Where assets are in need of immediate attention, the debtor's attorney (or the debtor if pro se) shall immediately contact the Chapter 7 trustee assigned to the case and notify the trustee of the need for immediate attention and of the items listed in paragraph (c)(2) above. In the event the trustee is unavailable, the debtor's attorney (or the debtor if pro se) shall contact the Bankruptcy Administrator's office to comply with this local rule.

(d) **Duties of Chapter 11 Debtor**.

(1) **Pre-confirmation.** The court routinely enters Chapter 11 operating orders. The Bankruptcy Administrator and the Chapter 11 debtor-in-possession may agree upon an amendment to the operating order and submit a proposed amended operating order to the court for its consideration.

(2) **Post-confirmation**. Following the entry of an order confirming a plan of reorganization, the debtor, pursuant to Federal Rule of Bankruptcy Procedure 2015(a), shall continue to file monthly operating reports until such time as the case is closed by the Clerk of Court. These reports shall be in a form satisfactory to the Bankruptcy Administrator. The report shall be filed with the Clerk. Upon substantial consummation of the confirmed plan, as that term is defined in 11 U.S.C. § 1101(2), or such later date as appropriate, the debtor shall file with the Clerk a final report and accounting of the administration of the bankruptcy estate on the official form supplied by the Clerk. If this final report and accounting is not filed within 60 days of the date of the Order in Aid of Consummation, the court will conduct a status hearing to address issues pertinent to closing the case.

(3) **Quarterly Fees**. In cases in which the debtor is represented by counsel, upon receipt of certified funds from the Chapter 11 debtor for the purpose of paying quarterly fees, counsel should remit the payment for quarterly fees to the Clerk through Pay.gov.

(e) **Duties of Chapter 13 Debtor**. The debtor filing a petition requesting relief under Chapter 13 of the Code shall comply with the following:

(1) **Disposition of Non-exempt Property of the Estate**. The debtor shall not dispose of non-exempt property of the estate having a fair market value of more than $2,500 by sale or otherwise without prior notice to the Chapter 13 trustee of such disposition. This shall be a cumulative, rather than a per-transaction, dollar limitation over the life of the plan.

(2) **Obtaining Credit**. The Chapter 13 trustee may approve debtor requests to incur credit not to exceed $25,000 provided that the proposed credit transaction will be unsecured or secured only by personal property. All other debtor requests to incur credit must be approved by the court.

(3) **Domestic Support Obligations.** The debtor shall schedule, and provide for the payment as required, of all domestic support obligation claims, as the term is defined by 11 U.S.C. § 101(14A), during the pendency of the case. In order for the Chapter 13 trustee to comply with the noticing requirements of 11 U.S.C. § 1302(b)(6), the debtor shall schedule the correct and complete mailing address for each domestic support obligation claimant. If the debtor is unable to obtain the mailing address despite all reasonable efforts to do so, the Chapter 13 trustee is authorized to send all required notices to the domestic support obligation claimant in care of the appropriate state child support enforcement agency.

(4) **Pre-confirmation Plan Modifications**. If it is determined at the meeting of creditors that a proposed plan must be modified prior to confirmation pursuant to 11 U.S.C. § 1323, the Chapter 13 trustee shall continue the meeting for such period of time as is necessary for the debtor to file an amended plan and serve the amended plan on all affected parties in interest. The amended plan shall identify only those particular provisions that are the subject of the proposed modification(s) and shall conform substantially to Local Form 4A ("Amendment to Chapter 13 Plan"). The debtor shall be responsible for the proper service of the amended plan. This provision shall apply

only to those proposed plan modifications that adversely affect the rights of a party in interest other than the debtor.

(5) **Proof of Adequate Insurance for Debtors Engaged in Business.** If requested by the Chapter 13 trustee, a debtor engaged in business as defined in 11 U.S.C. § 1304 shall obtain promptly and maintain continually in full force and effect a comprehensive business insurance policy with personal liability and physical damage coverage limits commensurate with the nature and scope of the debtor's business. The debtor shall list the Chapter 13 trustee as a loss payee on such policy and provide the trustee with such written documentation of the required coverage as may be requested from time to time.

(6) **Debtor Certification at § 341 Meeting of Creditors.** At the meeting of creditors, each debtor shall execute under penalties of perjury a written certification on Local Form 7 ("Chapter 13 Debtor's Certification and Affidavit—§ 341 Meeting") concerning, among others, the following matters:

(A) That the debtor is current on the payment of all post-petition domestic support obligations, if any, as required by 11 U.S.C. § 1325(a)(8);

(B) That the debtor has complied with all of the tax return filing requirements of 11 U.S.C. § 1308(a);

(C) That the statement of the debtor's average income for the six-month period ending on the last day of the calendar month immediately preceding the date of the commencement of the case is consistent with the amount as reflected on all payment advices, payroll records, checks, deposits, and any other sources of income; and

(D) That confirmation of the debtor's proposed plan shall be deemed a finding by the court that the debtor has so complied with these documentation and certification requirements.

The Chapter 13 trustee shall file the executed Local Form 7 with the court.

Local Rule 4003-1
Exemption Election

(a) **Content of Exemption Election**. The exemption election must comply with Official Bankruptcy Form B 106C ("Schedule C: The Property You Claim as Exempt") and shall include the following:

(1) **Property Description**. Each item of property claimed as exempt, except clothing, shall be specifically and individually listed. Generic terms such as "household goods," "real property," and "jewelry" are not adequate descriptions of property. Real property shall be described by at least the full street address, including the county and state. Vehicles shall be described by at least the make, model, year, and body type. Vehicle descriptions should also include the approximate accumulated mileage as of the petition filing date, any optional equipment, the vehicle identification number, and any other factors that should be considered by the court in determining the value of the asset.

(2) **Statute or Law Creating Exemption**. Each item of property claimed as exempt shall be accompanied by a reference to the specific law providing for the exemption, including applicable subparagraphs of statutes.

(3) **Joint Cases and Jointly-Owned Property**. In a joint case, Schedule C shall indicate the interest each debtor has in each item of property and the dollar amount of exemption each debtor claims in each item. In a case where the scheduled property is owned jointly with a non-filing party, Schedule C shall indicate the interest the debtor has in each item of jointly-owned property and the dollar amount of exemption the debtor claims in each jointly-owned item.

(b) **Time Limit for Amending or Objecting to Exemption Election**. The debtor shall have up to and including the § 341 meeting of creditors to amend the exemption election. An amendment to the exemption election announced at the § 341 meeting and filed with the court in writing no later than 14 days after the conclusion of the § 341 meeting shall be deemed filed within the time set forth above. All subsequent amendments shall be by motion and notice pursuant to Local Rule 9013-1.

Local Rule 4004-1
Discharge of Chapter 13 Debtors

(a) **Chapter 13 Trustee's Report.** Upon receipt of a debtor's final plan payment, the Chapter 13 trustee will file with the court a Report of Completion of Plan Payments ("Chapter 13 Trustee's Report"). The trustee will serve the Chapter 13 Trustee's Report on the debtor and the debtor's attorney.

(b) **Debtor's Motion for Entry of Discharge and Certification Regarding Plan Completion.** Unless the debtor is not entitled to a discharge, the filing of the Chapter 13 Trustee's Report will constitute notice that each debtor must file, under penalty of perjury, a Local Form 8 ("Chapter 13 Debtor's Motion for Entry of Discharge"). Local Form 8 must be signed, filed, and served on all creditors and other parties in interest included on the Clerk of Court's mailing matrix within 60 days of the date of filing of the Chapter 13 Trustee's Report. Failure to file timely Local Form 8 may result in the closing of the case without the entry of a discharge.

(c) **Verifications In Local Form 8.** Local Form 8 shall include verifications by the debtor regarding satisfaction of plan requirements, entitlement to a discharge, and, if applicable, the status of all domestic support obligations. Local Form 8 will also verify that the debtor is not disqualified by the provisions of 11 U.S.C. § 1328(h) from receiving a discharge.

(d) **Entry of the Debtor's Discharge.** Notice of the filing of Local Form 8 shall be provided in accordance with Federal Rules of Bankruptcy Procedure 9006 and 9007 and Local Rule 9013-1. If no objections are filed and the debtor is otherwise entitled to a discharge, the court will enter the debtor's discharge. Entry of the discharge without objection constitutes a finding that 11 U.S.C. § 1328(h) has been satisfied by the debtor. If the provisions of 11 U.S.C. § 522(q) are applicable to the debtor, notice of Local Form 8 shall be given in accordance with Federal Rules of Bankruptcy Procedure 1007(b)(8) and 4004(c)(3).

(e) **Hardship Discharge.** In the event the debtor seeks a hardship discharge pursuant to 11 U.S.C. § 1328(b), the debtor's motion for hardship discharge shall include certifications regarding the status of domestic support obligations and that the debtor is not disqualified by the provisions of § 1328(h) from receiving a discharge. These certifications shall be made on Local Form 8HD ("Chapter 13 Debtor's Certifications in Support of Motion for Hardship Discharge") and attached to the motion for hardship discharge. The debtor's motion for hardship discharge and Local Form 8HD must be signed, filed, and served on all creditors and other parties in interest included

on the Clerk of Court's mailing matrix. The Chapter 13 trustee will not file the Chapter 13 Trustee's Report.

Local Rule 4004-2
Closing Individual Chapter 11 Cases Prior to Discharge

Closing Individual Chapter 11 Cases. In a Chapter 11 case involving an individual debtor, after the effective date of a confirmed Chapter 11 plan, the debtor may, upon motion and opportunity for hearing, close the Chapter 11 case; provided, however, that the debtor's case shall not be closed if any related adversary proceeding remains pending. Upon satisfaction of the requirements of 11 U.S.C. § 1141(d)(5), the debtor may move to reopen the Chapter 11 case and request entry of the discharge. If the debtor wishes to seek waiver of the reopening fee, the debtor should request that relief in the motion to reopen. The requirements of Local Rule 4002-1(d) shall be suspended while the debtor's case is closed.

Local Rule 4008-1
Reaffirmation Agreements

(a) **Official Forms**. Parties should use Official Bankruptcy Forms B 2400A or B 2400A/B ALT to file reaffirmation agreements pursuant to 11 U.S.C. § 524(c). If the contents of a nonstandard form do not comply with the official forms, the court will set the matter on for hearing.

(b) **Electronic Filing of Reaffirmation Agreements**. In all cases filed under all chapters of the Bankruptcy Code, reaffirmation agreements shall be filed by electronic means directly with the Clerk of Court according to the guidelines established and published by the Clerk. The filing of a reaffirmation agreement by electronic means shall constitute the filing claimant's approved signature by law, and the provisions of 18 U.S.C. § 152(4) shall apply to the filing of a reaffirmation agreement under this procedure. The filing of a reaffirmation agreement by electronic means shall also constitute the entry of the reaffirmation agreement pursuant to Federal Rule of Bankruptcy Procedure 5003. Any paper "hard copy" reaffirmation agreement filed with the Clerk that has subsequently been scanned and reduced to an electronic image may be destroyed at any time thereafter.

(c) **Pro Se Debtors.** All reaffirmation agreements involving pro se debtors will be set for hearing. The debtor must appear at the hearing.

(d) **Debtors Represented by Counsel**. Because reaffirmation agreements are routine in Chapter 7 cases, the court expects the debtor's counsel to represent their clients regarding reaffirmation agreements, completing the necessary paperwork, and, if the attorney can do so in good conscience and within the bounds of Federal Rule of Bankruptcy Procedure 9011, making the attorney certifications required by 11 U.S.C. § 524(k)(5).

When a debtor is represented by counsel, the court may consider a proposed reaffirmation agreement on the pleadings and without a hearing, provided:

(1) The reaffirmation agreement has been completed in its entirety and meets the requirements of § 524(k);

(2) All necessary attorney certifications have been made pursuant to § 524(k)(5); and

(3) No presumption of undue hardship exists under § 524(m).

Subject to paragraph (e) below, in all other cases in which a debtor is represented by counsel, the court will conduct a hearing. Both the debtor and

debtor's counsel are required to attend that hearing. Counsel for the debtor shall promptly submit an order to the court following the hearing on the reaffirmation agreement. The court will not await entry of the order on the reaffirmation agreement to issue the discharge and close the case.

(e) **Hearings on Reaffirmation Agreements Where Presumption of Undue Hardship Arises.** In cases where a debtor is represented by counsel, if a reaffirmation agreement results in a presumption of undue hardship pursuant to § 524(m)(1), the debtor may attempt to rebut the presumption by filing a statement in support of the reaffirmation agreement explaining how the debtor will make the required payments. If the debtor's statement in support does not sufficiently support approval of the agreement despite the presumption of undue hardship, the court will schedule a hearing.

PART V

COURT AND CLERK

Local Rule 5005-1
Electronic Case Filing

(a) **Attorney Signatures**. The electronic filing of a petition, pleading, motion, claim, or other papers by an attorney who is a registered participant in CM/ECF shall constitute:

(1) The signature of that attorney under Federal Rule of Bankruptcy Procedure 9011;

(2) Certification by the registered participant in CM/ECF, and any agent authorized by the registered participant, that: (i) all non-attorneys indicated to have signed the document have actually executed the filed document prior to electronic filing pursuant to one of the approved methods set forth in paragraph (f) below; and (ii) the registered participant has authorized the electronic filing of the executed document; and,

(3) Certification by the registered participant that any joint motion or consent order reflecting the signatures of other attorneys has been authorized explicitly in writing, evidence of which shall be retained by the registered participant for four years after the closing of the case or proceeding in which the document was filed. The submitting party shall present the evidence of all parties' acceptance of the terms of the consent order upon request of the court.

(b) **Passwords**. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized member or employee of his/her organization.

(c) **Official Court Record**. CM/ECF shall constitute the official court record in electronic form. The electronic filing of a pleading or other paper in accordance with CM/ECF procedures shall constitute entry of the same on the docket kept by the Clerk of Court pursuant to Federal Rule of Bankruptcy Procedure 5003. The court will not maintain case files with the exception of documents that contain the signature of a pro se debtor.

(d) **Notice and Service**. If the recipient of notice or service is a registered participant in CM/ECF, service by electronic notification via CM/ECF shall be the equivalent of service of the pleading or other papers by first-class mail,

postage pre-paid. Participation in CM/ECF and receipt of a password shall constitute agreement to receive electronic notice and service.

(e) **Original Documents**. When an attorney files a petition, declaration, pleading, or other document (electronically or non-electronically) with the original signature of any person who is not an attorney, the filing attorney will thereafter maintain the original document for a period ending four years after the case is closed. Original documents so maintained shall be presented to the court upon request.

(f) **Collection and Retention of Non-attorney Signatures on Filed Documents**. Any document electronically filed by a registered participant in CM/ECF which reflects a signature of a non-attorney may be signed using one of the following methods:

(1) An original wet ink signature, which shall be maintained pursuant to subsection (e);

(2) A digitally-scanned color image of the original signed document containing a wet ink signature;

(3) An image with a signature captured electronically at the time of document signing; or

(4) A signature created and authenticated by use of commercially available software programs for digital signatures.

Local Rule 5005-2
Powers of Attorney

When a petition, proof of claim, or other document is signed on behalf of another person pursuant to a power of attorney, the following is required:

(a) The power of attorney must be valid under applicable non-bankruptcy law;

(b) The power of attorney must be:

(1) A general power of attorney authorizing the attorney-in-fact to take action which the debtor could take; or

(2) A special power of attorney specifically authorizing the attorney-in-fact to file the document in question; and

(c) A copy of the power of attorney must be attached to such filing unless the power of attorney has been filed previously in the record for the case.

Local Rule 5009-1
Trustee's Duty to File Final Report

Final Report for Dismissed or Converted Cases. In the event a Chapter 7, 11, 12, or 13 case is dismissed or converted to a case under a different chapter of the Code, the trustee in the original case will not be required to file a Final Report unless funds or assets are received by the trustee.

Local Rule 5009-2
Payment of Costs of Administration in a Chapter 7 Case

(a) In the administration of a Chapter 7 bankruptcy estate, a trustee is authorized to pay costs of administration up to $1,000 per payee without motion and order of the court. Such payments will be reviewed and approved in connection with the filing of the Chapter 7 trustee's final report and accounting.

(b) A Chapter 7 trustee may seek court approval to pay costs of administration other than those authorized by subsection (a) on an ex parte basis pursuant to Local Rule 9013-1(f)(15).

Local Rule 5011-1
Abstention

(a) **Adversary Proceedings**. In adversary proceedings, any motion for abstention pursuant to 28 U.S.C. § 1334(c) shall be filed no later than the time allowed for a response or answer to the complaint.

(b) **Contested Matters**. In contested matters, any motion for abstention pursuant to § 1334(c) shall be filed no later than the time allowed for response or objection.

(c) **Where to File**. Whether the requested abstention is mandatory or discretionary, motions to abstain pursuant to § 1334(c) shall be directed to the bankruptcy court. However, motions to abstain in cases involving claims within 28 U.S.C. § 157(b)(5) shall be directed to the United States District Court.

PART VI

COLLECTION AND LIQUIDATION OF THE ESTATE

Local Rule 6005-1
Auctioneers

(a) **Conditions Precedent to Employment**. A trustee may employ and compensate an auctioneer if the following conditions are satisfied in advance:

(1) The auctioneer must be licensed and in good standing with the North Carolina Auctioneers Commission consistent with North Carolina General Statute § 85B-4 or in such other jurisdiction where the auctioneer's services are to be performed;

(2) The auctioneer must provide the trustee and the Bankruptcy Administrator with a bond in favor of the United States sufficient to cover 100% of the estimated sales proceeds;

(3) The auctioneer must maintain adequate insurance for loss to the estate; and

(4) The affidavit included with the application to employ shall be executed by the auctioneer and must affirmatively set out compliance with the conditions above.

(b) **Employment Without Application to the Court**. In a Chapter 7 case where the gross sales proceeds of an auction conducted pursuant to this rule are reasonably anticipated by the trustee to be less than $50,000, the trustee may elect to employ an auctioneer without application to the court and shall be authorized to pay the auctioneer a commission of up to 15 percent of gross sales of the auction and for reimbursement of expenses of up to 10 percent of gross sale proceeds. Where employment is without application under this paragraph, the auctioneer's affidavit referred to above shall be delivered to the trustee and the Bankruptcy Administrator in lieu of filing with the court.

(c) **Trustee's Report of Sale**. The trustee shall file a report of sale within 30 days following the conclusion of an auction.

PART VII

ADVERSARY PROCEEDINGS

Local Rule 7003-1
Adversary Proceeding Cover Sheet

Cover Sheet. All complaints initiating adversary proceedings in bankruptcy cases shall be accompanied by Official Bankruptcy Form B 1040 ("Adversary Proceeding Cover Sheet").

Local Rule 7007-1
Motion Practice in Adversary Proceedings

(a) **General Requirements**. All motions in adversary proceedings, unless made in a hearing or trial, shall state with particularity the facts supporting the motion and shall state the relief requested. Any brief or memorandum in support of the motion shall state the relief requested and shall be filed in accordance with Local Rule 9013-2.

(b) **Objection to Entry of Final Orders and Judgments by the Bankruptcy Court.** Not later than 14 days before the earlier of the date set for the pre-trial conference or hearing on dispositive motions, each party objecting to the entry of final orders or judgments by the court on any issue in a proceeding, whether or not designated as "core" under 28 U.S.C. § 157(b), shall file with the court a motion requesting that this court determine whether the proceeding is a core proceeding or otherwise subject to the entry of final orders or judgments by this court. Any such motion shall be treated as an objection to the entry of final orders or judgments by this court. **FAILURE OF ANY PARTY TO FILE A MOTION ON OR BEFORE THE DEADLINE PROVIDED IN THIS PARAGRAPH SHALL CONSTITUTE CONSENT BY SUCH PARTY TO THIS COURT ENTERING ALL APPROPRIATE FINAL ORDERS AND JUDGMENTS IN THE PROCEEDING.** Nothing in this paragraph limits the court's ability to determine on its own whether a proceeding is a core proceeding under 28 U.S.C. § 157(b)(3) or otherwise subject to entry of final orders or judgments by this court.

(c) **Time Frames for the Filing of Responses, Replies, and Surreplies.** Responses to a motion, if any, shall be filed at least 7 business days prior to the hearing on such motion unless required earlier pursuant to court order. A reply to the response to the motion, if any, shall be filed at least 3 business days prior to the hearing on the motion. Surreplies, if any, shall be filed at least 1 business day (i.e., at least 24 hours) prior to the hearing. These time frames shall not apply to no protest notice motions pursuant to Local Rule 9013-1(e) or emergency motions. Briefs, if any, shall be filed in accordance with Local Rule 9013-2.

(d) **Hearings on Motions**. Hearings shall be scheduled so that opposing counsel has an opportunity to respond to the motion in accordance with this local rule. Each motion shall be accompanied by a separate notice of the time, date, and place of the hearing on the motion in accordance with Local Rule 9013-1.

Local Rule 7007-2
Corporate Disclosure

(a) **Disclosure of Corporate Parent**. Any nongovernmental corporate party identified as follows shall file a statement on Local Form 16 ("Corporate Ownership Statement") containing the information described in Federal Rule of Bankruptcy Procedure 7007.1:

(1) Corporate debtor filing a petition in a voluntary case;

(2) Foreign representative filing a petition for recognition under Chapter 15;

(3) Petitioning corporate creditor in any involuntary case;

(4) Entity responding to an involuntary petition or the petition for recognition of a foreign proceeding; and

(5) Corporate party to any adversary proceeding.

(b) **Timing of Disclosure.** A party shall file the statement with its first appearance, pleading, motion, response, or other request addressed to the court. A party shall supplement the statement within a reasonable time of any change in the information.

Local Rule 7016-1
Pre-trial Procedures

Pre-trial Orders. In adversary proceedings, the court will enter an Initial Pre-trial Order setting certain requirements and deadlines. At the conclusion of the period for discovery, the court will send a Notice of Pre-trial Conference that schedules a pre-trial conference between the court and the parties. If a date is selected for trial at the pre-trial conference, the court will enter a Final Pre-trial Order and Notice of Trial which will require supplementation of disclosure and discovery, exchange of exhibits, identification of witnesses, and which will set a time certain for trial. After entry of that order, continuances will be granted only for compelling circumstances. If a date is not selected for trial at the pre-trial conference, the court will continue the matter so the parties can select a trial date at the continued hearing.

Local Rule 7016-2
Trials

(a) **Opening Statements**. At the beginning of the trial, each party, beginning with the party having the burden of proof on the first issue, may, without argument and in such reasonable time as the court allows, state to the court the following:

(1) The substance of the claim, counterclaim, crossclaim, or defense; and

(2) What the party contends the evidence will show.

Parties not having the burden of proof on the first issue may elect to make an opening statement immediately prior to presenting evidence rather than at the beginning of the trial.

(b) **Witnesses**. A party may not release a person from a subpoena without notice to opposing counsel and leave of the court. A party objecting to the release of a witness shall bear all costs incident to the witness that arise subsequent to the request for release. The court, in its discretion and in the interest of justice, may permit a party to call and examine a witness not listed in accordance with the Final Pre-trial Order.

(c) **Exhibits**. Exhibits shall be presented as follows:

(1) All exhibits shall be marked in advance with numbers;

(2) Copies of all exhibits, properly bound, shall be provided to the court at the beginning of the trial. Copies of exhibits shall be provided to opposing counsel prior to the trial consistent with the Final Pre-trial Order or other order of the court;

(3) The original exhibit shall bear a number. After receipt into evidence, it shall remain in the custody of the courtroom deputy, except when being used by a witness; and

(4) At the discretion of the court, exhibits may be returned to the tendering party upon the conclusion of the trial. It is the responsibility of the retrieving attorney and/or party to maintain the referenced exhibits for purposes of appeal.

(d) **Closing Argument**. The court will set the times for closing argument after consultation with parties. Unless otherwise ordered by the court, the party

with the burden of proof shall open and close the arguments. Any argument may be waived.

Local Rule 7026-1
Discovery

(a) **Procedures for Handling Discovery Materials**. The following materials shall not be filed with the Clerk of Court except by order of the court or when used in a proceeding:

(1) Transcripts of depositions upon oral examination and recordings of examinations pursuant to Federal Rule of Bankruptcy Procedure 2004;

(2) Requests for production of documents and requests for interrogatories;

(3) Requests for admissions; and

(4) Answers and responses thereto.

(b) **Preservation and Delivery**. The party taking a deposition or obtaining any material through discovery is responsible for its preservation and delivery to the court if needed or so ordered.

Local Rule 7041-1
Dismissal of Actions for Lack of Prosecution

(a) **When Action May be Dismissed**. Except where a complaint objecting to a discharge has been filed, an adversary proceeding may be dismissed by the court for lack of prosecution as follows:

(1) Where no service of process has been made and certified to the court within 30 days after the filing of the complaint;

(2) Where no responsive pleadings have been filed and plaintiff has not moved for entry of default within 30 days after the time for filing responsive pleadings has expired;

(3) Where there has been no activity in the adversary proceeding for four months; or

(4) Where the parties have failed to tender a final judgment or order.

(b) **Dismissal Without Prejudice**. Dismissal pursuant to this local rule shall be without prejudice unless the delay has resulted in prejudice to an opposing party.

Local Rule 7067-1
Deposit and Investment of Funds Held by the Clerk of Court

(a) **Receipt of Funds**.

(1) No money shall be sent to the court or its officers for deposit in the court's registry without a court order signed by the presiding judge in the case or proceeding.

(2) The party making the deposit or transferring funds to the court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.

(3) Unless provided for elsewhere in this local rule, all monies ordered to be paid to the court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

(b) **Investment of Registry Funds**.

(1) Where, by order of the court, funds on deposit with the court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System (CRIS), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.

(2) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax authorization requirements.

(3) The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the court.

(4) Money from each case deposited in the CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

(5) An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

(6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

(c) **Fees and Taxes**.

(1) The custodian is authorized and directed by this local rule to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution is made to court cases.

(2) The custodian is authorized and directed by this local rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the

DOF for management of investments and tax administration. According to the court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this local rule to withhold and pay federal taxes due on behalf of the DOF.

(d) **Transition From Former Investment Procedure**.

(1) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date [April 1, 2017] of the court's Administrative Order 937 will be placed in the CRIS DOF.

(2) This local rule supersedes and abrogates all prior orders of this court regarding the deposit and investment of registry funds.

(3) This local rule is generally effective from the date of entry of Administrative Order 937 [December 13, 2016], but DOF provisions will become effective the date the CRIS DOF begins to accept deposits.

PART VIII

BANKRUPTCY APPEALS

Local Rule 8009-1
Record on Appeal

(a) **Designation of Items for Record on Appeal.** Any designation of items to be included in a record on appeal filed by an appellant or a designation of additional items to be included in the record made by an appellee shall reference the docket numbers for the items so designated, the dates of entry on the docket, and the name of the designated docket entries.

If a designated item is not part of the court record (such as exhibits from a hearing that were admitted into evidence but not retained by the court), the item shall be filed with the bankruptcy court and made part of the court record.

(b) **Providing Copies of Designated Items to the Clerk of Court.** Filing of the designation of items for the record on appeal and, if applicable, any designation of additional items to be included in the record on appeal in conformance with this local rule shall constitute providing the Clerk of Court with a copy of the record on appeal as required by Federal Rule of Bankruptcy Procedure 8009.

PART IX

GENERAL PROVISIONS

Local Rule 9006-1
Time Limits

(a) **Shortening of Notice**. When seeking shortened notice the movant should meet the following conditions:

(1) The request to shorten notice must be made by written motion stating the reasons why shortened notice is necessary, identifying the parties affected by the request and describing the service of notice of the request on interested parties and the efforts to coordinate the hearing with the opposing party;

(2) Service and notice for the purpose of this local rule shall be accomplished by using the method best calculated to provide timely notice to the parties served. Such methods may include U.S. mail, electronic transmission, facsimile, overnight courier, or physical delivery. Service must be made upon the trustee, the Bankruptcy Administrator, the debtor, the debtor's attorney, any examiner, any official committee, and any party with a direct interest in the matter; and

(3) Unless otherwise ordered, responses to the substantive motion may be filed at any time prior to the hearing.

(b) **Objection to Timing of Hearing on Shortened Notice**. If, at or before the hearing on the substantive motion, any party in interest objects to the shortened notice, the moving party shall have the burden of demonstrating good cause for the shortened notice or the court may grant a continuance.

Local Rule 9013-1
Motion Practice

(a) **Service on Trustee and Attorney for Debtor-in-Possession**. Any and all filings, except claims, in all proceedings and cases must be served on the trustee for the debtor, including the standing Chapter 13 trustee, whether or not the trustee is a party to the proceeding. In Chapter 11 cases, the attorney for the debtor-in-possession is to be served in like manner. Service upon the Chapter 13 trustee shall be by electronic means only.

(b) **Service on Bankruptcy Administrator**. Any and all motions and applications in Chapter 7 and Chapter 11 cases, and motions or notices requesting conversion to or from these chapters, must be served on the Bankruptcy Administrator. Parties should confirm service on the Bankruptcy Administrator via CM/ECF and, in the absence of such service by CM/ECF, should serve the Bankruptcy Administrator via U.S. mail and file a supplemental certificate of service.

(c) **Certificate of Service**. Each pleading or document to be served on any party shall be accompanied by a certificate of service. The certificate of service shall indicate the names and addresses of the specific parties served.

(d) **Hearings.**

(1) Information about the court's hearing schedules can be found on its website (www.ncwb.uscourts.gov). Parties may choose a hearing date for the appropriate division, chapter, presiding judge, and required notice period from the monthly calendars posted on the court's website; however, parties must obtain a special setting from the court for hearings that may take longer than 30 minutes. Parties should include counsel for all parties in interest, including the Bankruptcy Administrator in Chapter 11 cases, when requesting a special setting. Any scheduling and/or evidentiary issues should be discussed by the parties and raised to the court as soon as possible and no later than one week prior to a special setting. The court may also set matters on its own initiative.

Once noticed, a hearing may not be unilaterally rescheduled without permission of the court. The court freely grants continuances, provided that the consent of all affected parties has been obtained and the court is notified in a timely fashion.

(2) Absent emergency circumstances, first-day hearings shall be scheduled by contacting chambers via email following the filing of a petition in a

new case. The Bankruptcy Administrator and counsel for any creditor claiming an interest in cash collateral (or other direct interest in the matters to be heard), to the extent that counsel for any such party is known, shall be copied on correspondence regarding the requested hearing date.

(e) **No Protest Motions**. A hearing on those motions listed below may be noticed no protest to the parties consistent with the Federal Rules of Bankruptcy Procedure. The no protest notice must specifically advise any interested party that it must file and serve any response, including an objection or request for a hearing, within the 14-day period (or longer period of time specified below) from service of the notice, and that if no hearing is requested, the court may decide the matter on the record before it. The notice should be substantially consistent with Local Form 1 ("Notice of Opportunity for Hearing"). A hearing shall be requested by filing and serving a response, including an objection and request for hearing, within 14 days (or longer period of time specified below) of the date of the service of the no protest notice. The following is the exclusive list of motions that may be noticed by the use of no protest notices and determined by the court without a hearing unless a hearing is specifically requested:

(1) Motions to use, sell, or lease property pursuant to 11 U.S.C. § 363(b)(1), except for sales of all or substantially all of the assets in a Chapter 9, 11, or 13 case, provided however, the minimum time period for notice of a hearing on a motion to use, sell, or lease is 21 days pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(2);

(2) Subject to the provisions of Federal Rule of Bankruptcy Procedure 6007, motions to abandon property of the estate by a trustee or debtor-in-possession pursuant to 11 U.S.C. § 554;

(3) Motions to assume executory contracts or leases pursuant to 11 U.S.C. § 365, if the other parties to the contract or lease stipulate to the assumption;

(4) Motions pursuant to 11 U.S.C. § 365 to reject executory contracts or leases, except collective bargaining agreements pursuant to 11 U.S.C. § 1113;

(5) Motions to avoid liens pursuant to 11 U.S.C. § 522(f);

(6) Motions for relief from stay pursuant to 11 U.S.C. § 362;

(7) Applications to pay compensation of professional persons, including applications pursuant to 11 U.S.C. § 506(b);

(8) Motions to change venue of a case or proceeding to another division within this district;

(9) Motions to obtain post-petition credit in Chapter 13 cases;

(10) Objections to claims, provided however, the minimum time period for notice of a hearing on an objection to claim is 30 days pursuant to Federal Rule of Bankruptcy Procedure 3007;

(11) Motions for relief from the co-debtor stay provided in 11 U.S.C. §§ 1201 and 1301;

(12) Motions for approval of final report and account of trustee, application for commission and reimbursement of trustee expenses, application to disburse funds of the estate, application to abandon, and to discharge trustee; provided however, the minimum time period for notice of a hearing on this type of motion is 30 days pursuant to Federal Rule of Bankruptcy Procedure 5009;

(13) Motions to modify Chapter 13 plans, provided however, the minimum time period for notice of a hearing on a motion to modify is 21 days pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(5);

(14) Motions or applications to approve security interests as set forth in Local Rule 2016-1(d);

(15) Motions for moratoriums in Chapter 13 cases;

(16) Motions to amend exemption elections;

(17) Motions to approve settlements, provided however, the minimum time period for notice of a hearing on a motion to approve a settlement (unless the settlement is pursuant to Federal Rule of Bankruptcy Procedure 4001(d)) is 21 days pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(3);

(18) Motions to replace a debtor's current counsel with new counsel pursuant to Local Rule 2091-1(c);

(19) Motions for continuation of the automatic stay, requests for confirmation that the automatic stay has been terminated or did not go

into effect under 11 U.S.C. § 362(c) and (j), and motions to confirm the § 362(b)(22) exception to the automatic stay pursuant to Local Rule 1002-3;

(20) Motions to redeem;

(21) Motions to bifurcate;

(22) Motions to extend time to object to discharge and dischargeability;

(23) Motions to extend time to object to exemption elections;

(24) Motions for entry of discharge in Chapter 13 cases;

(25) Motions of a Chapter 13 trustee to set liability of the debtor to pay claims;

(26) Motions of a Chapter 13 trustee for determination of claims;

(27) Motions to waive appearance at a § 341 meeting of creditors in cases filed using a power of attorney filed in accordance with Local Rules 2003-1(d) and 5005-2;

(28) Motions to convert a Chapter 7 case pursuant to 11 U.S.C. § 706(a); and

(29) Motions for order declaring lien satisfied pursuant to Federal Rule of Bankruptcy Procedure 5009(d).

(f) **Ex Parte Motions**. The following is a non-exhaustive list of motions that may be brought, subject to the discretion of the court, on an ex parte basis. Upon entry of an order granting any relief requested on an ex parte basis, the movant shall promptly thereafter provide notice of the entry of the order in accordance with the Federal Rules of Bankruptcy Procedure. Any party shall be entitled to request a hearing or to request that the court reconsider any ex parte relief upon a request filed within 14 days of service of notice of the entry of ex parte relief.

(1) Motions that may be considered on an ex parte basis pursuant to the Federal Rules of Bankruptcy Procedure, including motions for enlargement of time pursuant to Rule 9006(b);

(2) Motions to reopen a case so long as the relief requested is limited to (i) reopening the case; (ii) reopening the case in order to file a financial

management certificate and obtain issuance of a discharge; or (iii) reopening the case and waiving the filing fee where the motion is in aid of the debtor's discharge;

(3) Motions for an additional 30 days within which to answer or respond to a complaint pursuant to Federal Rule of Bankruptcy Procedure 7012;

(4) Motions to waive the electronic filing requirement pursuant to Local Rule 1002-2(b);

(5) Motions to appear as counsel for a pro se debtor pursuant to Local Rule 2091-1(c);

(6) Motions to refund a filing fee pursuant to Local Rule 1006-1(a);

(7) Motions to waive filing fees pursuant to Local Rule 1006-1(b);

(8) Applications to employ professionals, including applications to employ an attorney or an accountant filed on behalf of a trustee or debtor-in-possession;

(9) Motions to restrict access to unredacted documents pursuant to Local Rule 9037-1;

(10) Motions for a Federal Rule of Bankruptcy Procedure 2004 Examination pursuant to Local Rule 2004-1;

(11) Motions for exemption from credit counseling and declarations of exemption from credit counseling;

(12) Motions to close Chapter 11 cases of individual debtors pending satisfaction of 11 U.S.C. § 1141(d)(5);

(13) Motions to continue a § 341 meeting of creditors pursuant to Local Rule 2003-1(b);

(14) Motions to conduct a § 341 meeting of creditors by any means other than in-person appearance, provided that the Bankruptcy Administrator and the trustee consent to the relief requested;

(15) Motions by a Chapter 7 trustee to pay administrative expenses totaling more than $1,000 per payee; and

(16) Motions for pro hac vice or special admission pursuant to Local Rule 2090-2.

Local Rule 9013-2
Briefs in Adversary Proceedings and Contested Matters

(a) **Requirements**. The page limit for any brief is 25 pages, the font size is a minimum of 12 point, the text must be double-spaced, margins must be one inch on all sides, and each page must be numbered, unless otherwise ordered by the court. All briefs shall include:

(1) A concise statement of the facts of the case;

(2) All admissions and stipulations, if applicable;

(3) A summary of the points of law involved, citing authorities in support thereof; and

(4) Any anticipated evidentiary problems, if applicable.

(b) **When to File**. Unless otherwise ordered, briefs shall be filed with the Clerk of Court and received by opposing counsel at least 5 business days prior to the hearing on the motion. A reply brief, if any, shall be filed at least 3 business days prior to the hearing on the motion and should be limited to a discussion of matters newly raised in the response. A surreply, if any, shall be filed at least 1 business day (i.e., at least 24 hours) prior to the hearing on the motion and should be limited to a discussion of matters newly raised in the reply.

Local Rule 9013-3
Motions to Seal

Motions to Seal. Motions seeking to file documents under seal, other than motions pursuant to Federal Rule of Bankruptcy Procedure 9037 and Local Rule 9037-1, shall be submitted pursuant to the procedures established by the applicable local rule (currently LCvR 6.1) of the United States District Court for the Western District of North Carolina and should satisfy the requirements of 11 U.S.C. § 107.

Local Rule 9014-1
Contested Matters

(a) **Requirements of Motion**. A motion shall be accompanied by all exhibits and attachments referred to in the motion, together with a notice of motion and certification of service. The notice of motion shall give notice of the filing of the motion and allow for a specific response time to the motion.

(b) **Service of Motion**. The moving party shall serve copies of the motion, together with all exhibits and attachments, accompanied by a notice of the motion in the manner prescribed in Federal Rule of Bankruptcy Procedure 7004, contemporaneously with the filing of the motion, notice, and certificate of service with the court. Rule 7004, particularly subdivisions (b) and (h), and other applicable rules or law set forth special service requirements. Unless special service rules apply, general service on creditors shall be made to addresses contained on the most recent mailing matrix maintained by the Clerk of Court. Service may be accomplished electronically by complying with Local Rule 5005-1(d).

(c) **Response**. Any party against whom relief is sought may file a written response to the motion. The response may be accompanied by affidavits and other supporting documents, shall be served on all interested parties, and service shall be certified to the court.

(d) **Content of Response**. All responses shall contain sufficient information to reasonably disclose the basis for the party's position and what specific issues are contested.

(e) **Hearing on Motion**. The provisions of Local Rule 9013-1 apply to contested matters.

(f) **Time Frames for the Filing of Responses, Replies, and Surreplies**. Responses to a motion, if any, shall be filed at least 7 business days prior to the hearing on such motion unless required earlier pursuant to court order. A reply to the response, if any, shall be filed at least 3 business days prior to the hearing on the motion. Surreplies, if any, shall be filed at least 1 business day (i.e., at least 24 hours) prior to the hearing. These time frames shall not apply to no protest motions pursuant to Local Rule 9013-1(e) or emergency motions. Briefs, if any, shall be filed in accordance with Local Rule 9013-2.

Local Rule 9019-1
Settlements of Adversary Proceedings

(a) **Filing of Documents**. All documents settling adversary proceedings shall be filed in each adversary proceeding at issue regardless of whether the adversary proceeding is pending or closed.

(b) **Service**. All creditors and interested parties in the base case and the adversary proceeding shall be served with notice of settlement that should be accompanied by a certificate of service. The notice of settlement and the certificate of service must be filed in the adversary proceeding.

(c) **Notice**. Settlements in adversary proceedings may be noticed by the use of no protest notices as set forth in Local Rule 9013-1(e).

Local Rule 9019-2
Mediated Settlement Conference

(a) **Time for Proceeding.** The court permits the use of mediated settlement conferences for the efficient and orderly resolution of adversary proceedings and contested matters. The court may, by written order, require parties and their representatives to attend a pre-trial mediated settlement conference in any adversary proceeding or contested matter pending in the bankruptcy court.

(b) **Rules Governing Mediation.** Mediated settlement conferences shall be governed by the *Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions* ("Mediation Rules") promulgated by the North Carolina Supreme Court pursuant to North Carolina General Statute § 7A-38.1 and by the supplemental rules set forth herein.

Wherever the Mediation Rules refer to "Senior Resident Superior Court Judge" and "Administrative Office of the Court," they shall mean "Bankruptcy Judge" and "Clerk of Court" of this court, respectively.

(c) **Supplemental Rules for Mediated Settlement Conferences**. In addition to the Mediation Rules, the following rules shall also apply to mediated settlement conferences:

(1) **No record**. Mediated settlement conferences shall not be recorded;

(2) **Attendance.** All mediated settlement conferences shall be conducted in person, unless leave is otherwise granted by the mediator with the consent of the parties;

(3) **Mediator's Report of Outcome**. The mediator's report required by the Mediation Rules shall be issued within 7 days of the conclusion of the Mediated Settlement Conference. The mediator may submit the report on Local Form 17 ("Report of Mediator") or by using the mediator's own letterhead or individually-developed mediation report form. Such report may be filed by the mediator electronically or by conventional means unless otherwise directed by the court; and

(4) **Payment of Mediator's Fee**. A trustee or debtor-in-possession shall have authority to pay any required portion of the mediator's fee without further order of the court, as long as the estate's portion of the fee is less than $5,000.

(d) **Exceptions to Rules.** The court may, either on its own or on motion of any party, permit exceptions or deviations from this local rule.

(e) **Judicial Settlement Conference**. The court may, at any time, order the parties to participate in a settlement conference to be convened by the court. Any party may also request a judicial settlement conference.

(1) **Mandatory Attendance by Representatives with Full Authority to Effect Settlement**. A person with full authority to settle all pending claims must be present at the settlement conference and, for purposes of this rule, the "person with full authority to settle" shall not be the attorney. Such rule is not applicable to government attorneys and federal agency parties. Government attorneys are required to bring as much binding authority to settle as is feasible under the circumstances.

(2) **Presiding Judge.** Any bankruptcy judge of this district, other than the judge to whom the case is assigned for disposition, may preside over a judicial settlement conference convened by the court.

(f) **Impact on Federal Law.** Nothing in this local rule shall be deemed to override any provision of federal law, including the United States Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.

Local Rule 9021-1
Tender of Judgments and Orders

(a) **No Protest Orders**. When applicable pursuant to Federal Rule of Bankruptcy Procedure 9006(f), the moving party shall wait three mailing days after the conclusion of a no protest notice period prior to submitting a proposed order or judgment to the court.

(b) **Consent Orders**. If a trustee may assert an interest in property of the bankruptcy estate, consent orders will not be entered as to any such property unless also signed by the trustee. Consent orders shall comply with Local Rule 5005-1(a).

(c) **Orders submitted electronically**. Proposed orders should be submitted electronically using procedures outlined by the Clerk. Orders submitted electronically shall be served electronically upon the tendering party. Electronic transmission of a Notice of Electronic Filing constitutes the notice required by Federal Rule of Bankruptcy Procedure 9022 and constitutes service of the document to registered participants in CM/ECF.

(d) **Review period for orders.** Where time permits, parties shall afford opposing counsel three business days to review and comment on the form of any proposed order before such order is submitted to the court.

(e) **Ex Parte Orders.** When filing an ex parte motion, the moving party should immediately submit an order granting the motion electronically.

Local Rule 9022-1
Service of Orders

Service of Orders. Upon receipt of a signed order of the court, the submitting party shall serve a copy of the order upon the appropriate parties who did not receive service pursuant to Local Rule 5005-1(d) and file a certificate of service with the court.

Local Rule 9028-1
Disqualification of Judges

(a) **Disqualification Procedure**. The court has adopted procedures for administration of cases in which a judge is disqualified for any reason. Any circumstance that requires disqualification of the assigned judge should be brought to the court's attention at the earliest opportunity by the filing and service of a motion seeking disqualification.

(b) **Contested Matters**. In any contested matter where the court is aware of an event requiring disqualification or is made aware of such an event by any party, the court will reassign the matter to another judge. Where the disqualification applies only to an isolated contested matter, reassignment of the base case is not necessary. The court will determine whether reassignment applies to the contested matter only or to the entire case.

(c) **Uncontested Settlements and Consent Orders**. Approval of uncontested settlements and agreed orders in cases that would otherwise require disqualification will not require reassignment.

Local Rule 9029-1
Telephonic and/or Video Appearance at Hearings

(a) **Consent.** Counsel who are unable to attend hearings in person may appear before the court by telephonic and/or video appearance only with the consent of the court and opposing counsel and provided that arrangements are made in advance.

(b) **Arrangements.** The attorney requesting permission to appear by telephone and/or video shall make all necessary arrangements with the judge's chambers and shall initiate the contact. The court may set a time certain for any telephonic and/or video appearance hearing requested so as to avoid delaying other matters on the hearing calendar.

(c) **Assumption of Risk.** The risk of poor reception or other problems is borne by the attorney requesting and initiating the telephonic and/or video appearance.

(d) **Limits on Availability.** Not all divisional offices support telephonic appearances. Refer to the court's website (www.ncwb.uscourts.gov) for availability.

(e) **Telephonic and/or Video Appearances at Hearings Before the Judge.** Counsel who wish to appear by telephonic or video means in any court hearing must follow and comply with the applicable rules for such appearances as may be posted on the court's website (www.ncwb.uscourts.gov).

(f) **Telephonic and/or Video Appearances at Meetings of Creditors**. Counsel appearing with their clients at § 341 meetings of creditors have the option of requesting appearances via telephone and/or video conferencing if the trustee or Bankruptcy Administrator has implemented such a policy. Arrangements for such appearances must be made with the trustee at least 30 days prior to the meeting date, and the procedures set by the trustee for the conduct of the meeting shall be followed; provided, however, that the trustee in his or her sole discretion may approve a shorter period of time for such arrangements to be made. Trustees offering video conferencing appearances at § 341 meetings of creditors shall nevertheless continue to offer the traditional option of in-person appearances by debtors and counsel.

Local Rule 9037-1
Protection of Personal Privacy

(a) **Retention/Destruction of Personally Identifiable Information**. Trustees are authorized in their discretion to destroy physically or otherwise dispose of any documents, or copies of such documents, in their possession, regardless of format or medium, that may contain any personally identifiable information as that term is defined by 11 U.S.C. § 101(41A). This authorization includes, but is not limited to, the destruction or other disposition of income tax returns, Social Security identification cards, driver's licenses, identification cards, and payroll advices.

(b) **Compliance**. It is the sole responsibility of counsel and the parties to ensure that personal identifiers are redacted from documents filed with the court pursuant to Federal Rule of Bankruptcy Procedure 9037. The Clerk of Court will not review documents filed for compliance with this local rule or otherwise attempt to ensure limited publication.

(c) **Ex Parte Motions to Redact Personal Information**. If a party files documents that contain information that should be redacted from public access pursuant to Rule 9037, the party shall file an ex parte motion requesting an order directing the Clerk of Court to restrict the unredacted document and the party shall thereafter separately tender a proposed order granting the same. Simultaneous with the filing of the ex parte motion, the party shall file an amended redacted document. The Clerk may restrict public access to the unredacted document pending entry of an order granting the ex parte motion. If the case has been closed and the relief sought is limited to restricting access to the unredacted document and filing the redacted document, the movant is not required to file a motion to reopen or pay the fee associated with reopening a case.

(d) **Transcripts**. Before the court enters a transcript on the docket, it will provide notice to the relevant parties and allow 7 days for requests to redact personal identifiers, including Social Security numbers, financial account numbers, names of minor children, and dates of birth. If the court does not receive a request for redaction, it will docket the transcript in its entirety. Counsel or pro se parties who proffer a witness will be responsible for contacting the witness regarding the redaction of personal identifiers.

APPENDICES

APPENDIX A

CHAPTER 11 INFORMATION

GUIDELINES FOR FIRST-DAY CASH COLLATERAL ORDERS AND DEBTOR IN POSSESSION FINANCING ORDERS: PROVISIONS THAT SHOULD AND SHOULD NOT BE INCLUDED

The court has determined that these Guidelines for First-Day Cash Collateral Orders and Debtor in Possession Financing Orders would be useful to the bar in improving the content of first-day cash collateral and debtor in possession financing requests and assist in the ability to grant such relief on an expedited basis. All cash collateral and debtor in possession financing requests under 11 U.S.C. §§ 363 and 364 shall be heard by motion filed under Federal Rules of Bankruptcy Procedure 2002, 4001, and 9014. The following is a general description of those factual findings and decretal provisions that the court will ordinarily approve on an emergency basis in connection with an emergency motion showing the necessity for the use of cash collateral and/or debtor in possession financing. At the end of these guidelines, there is a list of provisions that the court will not approve on an emergency basis. For purposes of these guidelines, "emergency" basis means relief requested on limited notice to all creditors and parties in interest and scheduled for hearing on shortened notice. The court expects that every effort will be made to provide notice of any request for the use of cash collateral and/or debtor in possession financing and an emergency hearing thereon to the Bankruptcy Administrator and any creditor directly affected by any relief sought on an emergency basis.

Findings of Fact. The following findings of fact are generally appropriate for inclusion in an emergency cash collateral and/or debtor in possession financing order and may be included in the emergency motion requesting such relief:

- Compliance with all applicable service requirements, including an attempt to notify the Bankruptcy Administrator, other secured creditors, and the 20 largest unsecured creditors.

- The secured creditor's assertion of a priority lien in cash collateral, together with a specific identification of the assets that are or will generate cash collateral, i.e., cash on hand, proceeds of inventory sales, etc.; the amount of the indebtedness allegedly secured; and any other assets upon which the secured creditor asserts a lien.

- The debtor's immediate need for the use of cash collateral and/or debtor in possession financing to preserve its assets, fund its business operations, purchase inventory, etc.

- The debtor's confirmation of the terms and conditions of existing financing documents with secured creditors.

Decretal Provisions. The following decretal provisions are generally appropriate for inclusion in a cash collateral and/or debtor in possession financing order:

- Provisions that grant and define adequate protection to the secured creditor, and its successors and assigns, pursuant to 11 U.S.C. §§ 361 and 363, including monthly adequate protection payments, if appropriate.

- Provisions that grant the secured creditor replacement liens in post-petition assets to the same extent and priority as existed pre-petition.

- Provisions that grant the secured creditor a super-priority administrative claim to the extent that adequate protection proves inadequate.

- Provisions that provide for creation of a segregated DIP account into which cash collateral and/or debtor in possession financing shall be deposited.

- Provisions that restrict the use of cash collateral and/or debtor in possession financing to pay specified categories of operating expenses, per budgets to be attached to the order or subsequently entered by the court.

- Provisions that require that the debtor maintain insurance.

- Provisions that require submission of periodic (e.g., weekly, bi-weekly, monthly) reports regarding use of cash, aging of accounts receivable, etc.

- Provisions that provide equality of treatment for carve-outs as between professionals for the debtor and professionals for a committee of unsecured creditors and limiting the use of carve-outs to exclude the pursuit, but not investigation, of claims against the secured creditor providing financing.

- Provisions that provide that the order is sufficient and conclusive evidence of the priority and validity of the security interest in and liens, including replacement liens, on the debtor's assets granted to the secured creditor without the necessity of filing, recording, or serving any financing statements or other documents which may otherwise be required under federal or state law in any jurisdiction or the taking of any action to validate or perfect the security interests and liens granted to the secured creditor. Provided, however, the secured creditor may, in its discretion, file such financing statements or other documents with respect to such security interests and

liens, and the debtor may be authorized and directed to execute, or cause to be executed, all such financing statements or other documents upon the secured creditor's reasonable request.

- Provisions that identify the time period to which the order is applicable and provide that, even if authorization to use cash collateral and/or debtor in possession financing expires, adequate protection/liens will continue to be effective unless or until otherwise modified by the court.

- Provisions that set a final hearing date and set a deadline by which the documents relied upon by the secured creditor in asserting a perfected security interest will be filed with the Clerk of Court.

Inappropriate Provisions. The following provisions should not be requested in any cash collateral and/or debtor in possession financing motion to be considered on an emergency basis:

- Provisions that reduce the time period within which parties in interest may challenge the perfection, validity, priority, or amount of secured claims to less than 60 days from the engagement of counsel for the committee of unsecured creditors, or, if no counsel or committee is appointed, less than 90 days after the case is filed.

- Provisions as to the amount, perfection, validity, or priority of pre-petition secured claims that are binding on any party without affording interested parties a reasonable time to challenge the same.

- In cases where the secured creditor asserts liens on accounts receivable pursuant to asset-based revolving credit facilities, provisions that re-characterize the "use of cash collateral" as a "post-petition advance," without regard to whether the "post-petition advance" is a new loan or the use of a pre-petition receivable.

- Provisions that release potential claims or causes of action by the estate against the lender, without the passage of the time periods identified above.

- Provisions that grant automatic relief from stay upon a material default under the cash collateral order; however, provisions granting the secured creditor the right to an emergency hearing in the event of a material default may be included for consideration by the court.

- Provisions that grant cross collateralization on unencumbered assets, absent extraordinary circumstances.

- Provisions that grant a lien on any claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548, and 549.

- Provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided in 11 U.S.C. § 552(b).

- Provisions that provide disparate treatment for the professionals retained by a committee of unsecured creditors from those professionals retained by the debtor with respect to a professional fee carve-out.

- Provisions that seek to waive any rights that the estate may have under 11 U.S.C. § 506(c).

While the foregoing limitations are meant to apply to cash collateral and/or debtor in possession financing motions considered on an emergency basis for interim relief, such limitations will typically also apply to cash collateral and/or debtor in possession financing on a final basis after sufficient notice and hearing; <u>however</u>, the court will consider any provisions included in a request for final approval on a case-by-case basis.

APPENDIX B

LOCAL FORMS

Local Form 1	Notice of Opportunity for Hearing
Local Form 3	Chapter 13 attorney fee disclosure
Local Form 4	Chapter 13 Plan — Local Plan for the Western District of North Carolina
Local Form 4A	Amendment to Chapter 13 Plan
Local Form 5	Motion for Disbursement of Unclaimed Funds
Local Form 7	Chapter 13 Debtor's Certification and Affidavit—§ 341 Meeting
Local Form 8	Chapter 13 Debtor's Motion for Entry of Discharge
Local Form 8HD	Chapter 13 Debtor's Certifications in Support of Motion for Hardship Discharge
Local Form 10	Motion for Relief from Stay - Post-petition Transaction History; Creditor Form
Local Form 11	Motion for Relief from Stay - Post-petition Transaction History; Debtor Form
Local Form 12	Notice of Case-Specific Name and/or Address Change
Local Form 13	Authorization to Release Information to the Chapter 13 Trustee Regarding Mortgage Claim Being Paid by the Trustee
Local Form 16	Corporate Ownership Statement
Local Form 17	Report of Mediator
Local Form 18	Supplement to Response to Motion to Deem Mortgage Current
Local Form 19	Cover Sheet for Amended Schedules and Statements

Local Form 1 **September 2021**

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Case No.:
	)	Chapter:
	)	
	)	
	)	**NOTICE OF**
	)	**OPPORTUNITY FOR HEARING**
	)	(No Protest Notice: No
	)	Hearing Will Be Held Unless
	)	Request For Hearing Is Filed)
	)	
	)	
Debtor(s)	)	
	)	

TAKE NOTICE that [name of moving party] has filed papers with the court to [relief sought in motion or objection]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

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 do not want the court to order [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

   U.S. Bankruptcy Court
   [Courtroom #]
   [Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

   [Name/address/fax # of movant's attorney]

   [Name/address/fax # of other parties to be served]

3. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: _____.

_____.
[Attorney Name]
[Address]
[Telephone/Fax #s]
[State Bar #]

Local Form 3 **September 2021**

Debtors(s) _____

DISCLOSURE TO DEBTOR OF ATTORNEY'S FEES PROCEDURE
FOR CHAPTER 13 CASES IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

After consultation with the undersigned attorney, you have decided to file a petition for relief under Chapter 13 of the United States Bankruptcy Code. Accordingly, you are hereby given notice that pursuant to the Local Rules of the Bankruptcy Court, the base fee for a Chapter 13 case is established at _$5,000_. Payment of all or part of this fee may be included in your payments to the Chapter 13 trustee. The attorney's services included in the base fee are those normally contemplated in a Chapter 13 case. They are as follows:

(a) Providing the pre-filing notices required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005;
(b) Preparation and filing the required Official Bankruptcy Forms (the petition, schedules, statements, and other documents); supplemental local forms, including the Chapter 13 plan and any amended Chapter 13 plan(s); and the matrix of creditors;
(c) Circulating a copy of the Chapter 13 plan and any plan amendments to all creditors and interested parties as reflected in the case matrix;
(d) Drafting and mailing letters to you regarding your attendance at the § 341 meeting of creditors, escrow of first money, and your other responsibilities;
(e) Preparing for and attending the § 341 meeting of creditors;
(f) Reviewing the confirmation order and reviewing the status of the case periodically;
(g) Reviewing the Chapter 13 trustee's motion for determination of status of claims;
(h) Maintaining custody and control of all case files with original documents for such periods as required by law or local rule;
(i) Serving orders related to your motions and objections on all affected parties;
(j) Verifying your identity and Social Security number and furnishing your identification card, tax returns, and payment advices to the Chapter 13 trustee, if required;
(k) Defending objections to confirmation of your Chapter 13 plan; and
(l) Preparing and filing Local Form 8 ("Chapter 13 Debtor's Motion for Entry of Discharge") or Local Form 8HD ("Chapter 13 Debtor's Certifications in Support of Motion for Hardship Discharge").

The base fee shall also include the following services to the extent they are requested or reasonably necessary for your effective representation:

(a) Preparing and filing proofs of claim on your behalf for payment to a creditor;
(b) Objecting to scheduled and unscheduled proofs of claim;
(c) Assuming and rejecting unexpired leases and executory contracts;
(d) Preparing for and attending valuation hearings;
(e) Defending motions to transfer venue;
(f) Conferring with you regarding obtaining post-petition credit when no request to the court or the Chapter 13 trustee is ultimately made;
(g) Avoiding liens pursuant to 11 U.S.C. § 522(f);
(h) Calculating plan payment modifications when no motion is ultimately filed;
(i) Responding to creditor contacts regarding plan terms, valuation of collateral, claim amounts, etc.;
(j) Responding to your communications regarding job losses, changes in financial circumstances, and address changes and advising the court and the Chapter 13 trustee of the same when appropriate;
(k) Communicating with you, to a reasonable degree, regarding mortgage payment defaults, lease defaults, insurance coverage or the lack thereof, warranties, possible credit disability, life insurance coverage, etc.;
(l) Upon request of the Chapter 13 trustee, obtaining and providing copies of documents relating to lien perfection issues, such as recorded deeds of trust, purchase money security agreements, etc.;

(m) Drafting and mailing letters to creditors upon entry of discharge regarding lien releases, turnover of clear title certificates, cancellation of deeds of trust and judgments, etc.;
(n) Drafting and mailing certified letters to creditors regarding matters related to alleged violations of the automatic stay;
(o) Drafting and mailing letters regarding voluntary turnover of property;
(p) Reviewing documents in relation to the use or sale of collateral when no application is ultimately filed;
(q) Providing you with a list of answers to frequently asked questions and other routine communications from you during the pendency of the case; and
(r) Requesting plan payoffs from the Chapter 13 trustee.

In some Chapter 13 cases, legal services that are beyond those normally contemplated must be performed. These legal services are not covered by the base fee. These "non-base" services include the following:

(a) Abandonment of property post-confirmation;
(b) Motions for moratorium;
(c) Motions for authority to sell property;
(d) Motions to modify plan;
(e) Motions to use cash collateral or to incur debt;
(f) Defense of motions for relief from stay and/or co-debtor stay;
(g) Defense of motions to dismiss filed after confirmation of your plan;
(h) Stay violation litigation, including amounts paid as fees by the creditor or other parties;
(i) Discharge injunction actions;
(j) Adversary proceedings;
(k) Motions to turnover property;
(l) Conversions to Chapter 7;
(m) Motions to substitute collateral;
(n) Submission of a Request for Credit Authorization form to the Chapter 13 trustee; and
(o) Any other matter not covered by the base fee.

For such non-base services you will be charged either on the basis of the attorney's time expended at the rate of $ _____ per hour plus the amount of expenses incurred (such as court fees, travel, photocopying, postage, etc.) or pursuant to the schedule of presumptive non-base fees below. These non-base fees are chargeable only after approval by the court. Except as set forth below, before any such fees are charged you will receive a copy of my motion filed in the court requesting approval of any non-base fees as well as a notice explaining your opportunity to object if you do not agree with the fee. Any fees awarded for non-base services will be paid to the undersigned attorney from your payments to the Chapter 13 trustee in the same manner as payment of base fees. **It is possible that non-base fees approved by the court may cause your payment to the Chapter 13 trustee to be increased or the term of your Chapter 13 plan to be extended**. Whether or not a payment increase or an extension will be necessary depends on the facts of your case. If a payment increase is necessary because of a court-approved non-base fee, the Chapter 13 trustee will notify you of the amount of the increase.

In the court's discretion, your attorney in a Chapter 13 proceeding may request, in open court and without any other notice, non-base fees for the following services in amounts not exceeding those shown below:

(a)	Defense of the Chapter 13 trustee's motion to dismiss and/or modify	$200
(b)	Motion to modify plan (including motion for moratorium, motion for hardship discharge, motion to approve insurance settlement, and other motions that require plan modification)	$450
(c)	Substitution of collateral	$450
(d)	Prosecution or defense of motion for relief from stay and/or co-debtor stay	$450
(e)	Motion for authority to sell property	$450
(f)	Motion to obtain credit	$450
(g)	Permission from the Chapter 13 trustee to obtain credit	$200
(h)	Motion to extend or impose the automatic stay	$350
(i)	Preparation and filing of a conduit mortgage proof of claim (Official Bankruptcy	$350

	Form B 410) with a copy of the recorded deed of trust (if no proof of claim has been filed by the creditor on/before the claims bar date)	
(j)	Objection to the proof of claim of a Real Property Creditor	$450
(k)	Mortgage modification pursuant to the Loan Modification Management (LMM) program	up to $2000
(l)	Assisting you in applying for a mortgage modification and filing a motion to participate in a trial mortgage modification (non-LMM)	$450
(m)	Filing a motion to approve a permanent mortgage modification (non-LMM)	$450
(n)	Filing a motion to declare a mortgage current or paid in full	$450

(These expenses may be increased by the court at a later date; if so, the increased fees will be charged.)

Without other notice, your attorney may also request [the actual expenses of notice to creditors] OR [up to $1.50 for each item noticed to creditors as expense for postage, copying, and envelopes] and reimbursement for filing fees charged by the court.

ACKNOWLEDGEMENT

I hereby certify that I have read this notice and that I have received a copy of this notice.

Dated: _____ _____
Debtor's Signature

Dated: _____ _____
Debtor's Signature

I hereby certify that I have reviewed this notice with the Debtor(s) and that the Debtor(s) have received a copy of this notice.

Dated: _____ _____
Attorney

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
***[correct division name]* DIVISION**

IN RE:	Case No.
	Chapter 13
TIN: XXX-XX-	
Debtor(s)	

Chapter 13 Plan – Local Plan for the Western District of North Carolina

The following is the Chapter 13 plan proposed by the above-named debtor or debtors ("Debtor").

Part 1: Notices: To Creditors and Other Parties in Interest

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. *This is a local plan with changes from the national plan. Please review carefully and, specifically, refer to Part 8 for nonstandard provisions.*

If you do not want the court to confirm the Debtor's proposed plan, or if you want the court to consider your views on these matters, then you and/or your attorney must file a written objection to confirmation and request for hearing on confirmation at one of the following addresses:

Cases filed in the Charlotte or Shelby Divisions:
Physical & Mailing Address: Clerk, U.S. Bankruptcy Court, 401 West Trade Street, Suite 2500, Charlotte, N.C. 28202

Cases filed in the Statesville Division:
Physical Address: Clerk, U.S. Bankruptcy Court, 200 West Broad Street, Room 301, Statesville, N.C. 28677
Mailing Address: Clerk, U.S. Bankruptcy Court, 401 West Trade Street, Suite 2500, Charlotte, N.C. 28202

Cases filed in the Asheville or Bryson City Divisions:
Physical & Mailing Address: Clerk, U.S. Bankruptcy Court, 100 Otis Street, Room 112, Asheville, N.C. 28801-2611

Your objection to confirmation and request for hearing must include the specific reasons for your objection and must be filed with the court no later than 21 days following the conclusion of the § 341 meeting of creditors. If you mail your objection to confirmation to the court for filing, you must mail it early enough so that the court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the Debtor at the address listed in the Notice of Chapter 13 Bankruptcy Case. The attorney for the Debtor and the Chapter 13 trustee will be

served electronically. If any objections to confirmation are filed with the court, the objecting party must provide written notice of the date, time, and location of the hearing on the objection. No hearing will be held unless an objection to confirmation is filed. If you or your attorney do not take these steps, the court may decide that you do not oppose the proposed plan of the Debtor and may enter an order confirming the plan.

The following matters may be of particular importance. *The Debtor must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

1.1	A limit on the amount of a secured claim that may result in a partial payment or no payment at all to the secured creditor (Part 3.2)	☐ Included	☐ Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest (Part 3.4)	☐ Included	☐ Not Included
1.3	Request for termination of the 11 U.S.C. § 362 stay as to surrendered collateral (Part 3.5)	☐ Included	☐ Not Included
1.4	Request for assumption of executory contracts and/or unexpired leases (Part 6)	☐ Included	☐ Not Included
1.5	Nonstandard provisions	☒ Included	☐ Not Included

Part 2: Plan Payments and Length of Plan

2.1 Debtor will make regular payments to the Chapter 13 Trustee as follows:

$ _____ per _____ for _____ months

$ _____ per _____ for _____ months

Or

$ _____ per _____ for a _____ percentage composition to be paid to general unsecured creditors

2.2 Regular payments to the Chapter 13 Trustee will be made from future income in the following manner:

Check all that apply.

☐ Debtor will make payments directly to the Chapter 13 trustee.

☐ Debtor will make payments pursuant to a payroll deduction order.

☐ Other (specify method of payment): _____.

2.3 Additional payments.

Check one.

☐ None. *If "None" is checked, the rest of Part 2.3 need not be completed or reproduced.*

☐ Debtor will make additional payment(s) to the Chapter 13 trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

_____

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any. (*Conduit mortgage payments, if any, are included here.)*

Check one.

☐	None. *If "None" is checked, the rest of Part 3.1 need not be completed or reproduced.*
☐	Installment payments on each of the claims listed below will be maintained by the trustee, Debtor, or other, as indicated, and any arrearage will be paid in full. Amounts stated on a timely filed proof of claim will be presumed to control over any contrary amounts listed below for the installment payment and the arrearage. If the plan provides for payment of the current installment payments by the trustee, then the trustee shall include for payment under the Debtor's plan an allowed Administrative Arrearage claim equal to three (3) post-petition mortgage payments (unless otherwise stated). The trustee will adjust the installment payment in accordance with any Notice of Mortgage Payment Change filed under Bankruptcy Rule 3002.1. The trustee is authorized to pay any post-petition fee, expense, or charge for which notice is filed under Bankruptcy Rule 3002.1 if no objection is filed to such fee, expense, or charge. If relief from the automatic stay is ordered as to any item of collateral listed in this part, then, unless otherwise ordered by the court, all payments under this part as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. If the Debtor elects to participate in the Loan Modification Management Program for a particular claim, it shall be indicated below. If so indicated, the Special Terms set forth in Part 8.1.15 shall apply.

Name of creditor	Collateral	Value of collateral	Current installment payment (including escrow)	Estimated amount of prepetition arrearage (if any)	LMM election (Y/ N)
		$	$	$	
			Disbursed by: ☐Trustee ☐Debtor ☐Other _____		
		$	$	$	
			Disbursed by: ☐Trustee ☐Debtor ☐Other _____		

Explain in detail the basis for proposing any deviations from this district's standard procedure for the disbursement of Conduit Mortgage Payments pursuant to Local Rule 3003-1. This information must be included in this part, but it may also be cross-referenced to Part 8.1.17 and may require a separate motion.

Include only the amounts of pre-petition arrearages in this part. The trustee will adjust the total arrearage claim to be provided for by the plan by adding the Administrative Arrearage pursuant to Local Rule 3003-1.

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

☐	None. *If "None" is checked, the rest of Part 3.2 need not be completed or reproduced.*
	The remainder of this part will be effective only if the applicable box in Part 1 of this plan is checked.
☐	The Debtor requests that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor states that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim shall be presumed to control over any contrary amounts listed in this part. The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the Debtor or the estate until the earlier of: (a) Payment of the underlying debt determined under nonbankruptcy law, or (b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate
	$		$	$	$	%
					Disbursed by: ☐Trustee ☐Debtor ☐Other _____	
	$		$	$	$	%
					Disbursed by: ☐Trustee ☐Debtor ☐Other _____	

Please explain any disbursements to be made by someone other than the Chapter 13 trustee or the Debtor:

_____

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☐ None. *If "None" is checked, the rest of Part 3.3 need not be completed or reproduced.*

☐ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or

(2) incurred within 1 year (365 days) of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the Chapter 13 trustee, directly by the Debtor, or as otherwise specified below.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the Debtor or the estate until the earlier of:

(a) Payment of the underlying debt determined under nonbankruptcy law, or
(b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Collateral	Amount of claim	Interest rate
		$	%
		Disbursed by: ☐Trustee ☐Debtor ☐Other _____	
		$	%
		Disbursed by: ☐Trustee ☐Debtor ☐Other _____	

Please explain any disbursements to be made by someone other than the Chapter 13 trustee or the Debtor:

_____

Insert additional claims as needed.

3.4 Lien avoidance.

Check one.

☐ None. *If "None" is checked, the rest of Part 3.4 need not be completed or reproduced.*

The remainder of this part will be effective only if the applicable box in Part 1 of this plan is checked.

☐ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the Debtor would have been entitled under 11 U.S.C § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be treated as avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan and avoided pursuant to 11 U.S.C. § 522(f) upon completion of the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 of this plan to the extent allowed. The amount, if any, of the judicial lien or security that is not avoided will be paid in full as a secured claim under the plan and disbursed by the Chapter 13 trustee, directly by the Debtor, or as otherwise specified below. *If more than one lien is to be avoided, provide the information separately for each lien.*

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the Debtor or the estate until the earlier of:

(a) Payment of the underlying debt determined under nonbankruptcy law, or
(b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Collateral	Lien identification (such as judgment date, date of lien recording, book and page number)	Amount of secured claim remaining after avoidance	Interest rate
			$	%
			Disbursed by: ☐Trustee	

			☐Debtor ☐Other _____	
			$	%
			Disbursed by: ☐Trustee ☐Debtor ☐Other _____	

Please explain any disbursements to be made by someone other than the Chapter 13 trustee or the Debtor:

_____

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.

☐ None. *If "None" is checked, the rest of Part 3.5 need not be completed or reproduced.*

The remainder of this part will be effective only if the applicable box in Part 1 of this plan is checked.

☐ The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor requests that, upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only. Any allowed unsecured claim that is filed within the time set forth in Part 8.1.4, below, resulting from the disposition of the collateral will be treated in Part 5 of this plan below.

[ ] The Debtor consents to relief from the 11 U.S.C. § 1301 co-debtor stay as to the collateral only. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 of the plan below.

[ ] The Debtor consents to relief from the 11 U.S.C. § 1301 co-debtor stay as to the collateral and as to any deficiency claim resulting from the disposition of the collateral.

Name of creditor	Collateral	Claim amount

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

The Chapter 13 trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in Part 4.5 below, will be paid in full without post-petition interest. Payments on all fees and priority claims, other than domestic support obligations, will be disbursed by the Chapter 13 trustee, rather than the Debtor directly.

Payments on all domestic support obligations listed in Parts 4.4 and 4.5 below will be disbursed by the Debtor directly, rather than by the Chapter 13 trustee, unless otherwise specifically provided in Part 8 of the plan. This provision includes all regular post-petition payments, as well as any pre-petition or post-petition payment arrearages that may exist.

4.2 Chapter 13 trustee's fees

The Chapter 13 trustee's fees are governed by statute and may change during the course of the case.

4.3 Debtor's Attorney's fees

(a) The total base attorney's fee is $ _____.

(b) The balance of the base fee owed to the attorney is $ _____.

4.4 Priority claims other than attorney's fees and those treated in Part 4.5.

Check all that apply.

☐ None. *If "None" is checked, the rest of Part 4.4 need not be completed or reproduced.*

☐ Section 507(a) priority claims other than domestic support obligations *(generally taxes and other government obligations)*.

Name of creditor	Claim amount
	$
	$

☐ Domestic Support Obligations

Name of creditor	Mailing address (incl. city, state and zip code)	Telephone #	Pre-petition arrearage amount, if any

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☐ None. *If "None" is checked, the rest of Part 4.5 need not be completed or reproduced.*

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). *This plan provision requires that payments in Part 2.1 above be for a term of 60 months.*

Name of creditor	**Amount of claim to be paid**
	$
	$

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata by the Chapter 13 trustee. If more than one option is checked, the option providing the largest pro rata payment will be effective.

☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan, for an estimated payout of

_____%. (This is a base plan.)

OR

☐ Payment of a _____% composition as set forth in Part 2 of the plan. (This is a percentage plan.)

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.
Check One.

☐ None. *If "None" is checked, the rest of Par 5.2 need not be completed or reproduced.*

☐ The Debtor will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment to the Chapter 13 trustee. These payments will be disbursed either by the Chapter 13 trustee, directly by the Debtor, or as otherwise specified below. The principal amount of the claim for the arrearage amount will be paid in full.

Name of creditor	Current installment payment	Amount of arrearage
	$	$
	Disbursed by: ☐Trustee ☐Debtor ☐Other _____	Disbursed by: ☐Trustee ☐Debtor ☐Other _____
	$	$
	Disbursed by: ☐Trustee ☐Debtor ☐Other _____	Disbursed by: ☐Trustee ☐Debtor ☐Other _____

Please explain any disbursements to be made by someone other than the Chapter 13 trustee or the Debtor:

_____

Insert additional claims as needed.

5.3 Other separately classified nonpriority unsecured claims.
Check One.

☐ None. *If "None" is checked, the rest of Part 5.3 need not be completed or reproduced.*

☐ The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of creditor	**Basis for separate classification and treatment**	**Amount to be paid on the claim**	**Interest rate** (if applicable)
		$	%
		Disbursed by:	

		☐Trustee ☐Debtor ☐Other _____	
		$	%
		Disbursed by: ☐Trustee ☐Debtor ☐Other _____	

Please explain any disbursements to be made by someone other than the Chapter 13 trustee or the Debtor:

_____

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.
Check one.

☐ None. *If "None" is checked, the rest of Part 6.1 need not be completed or reproduced.*

The remainder of this part will be effective only if the applicable box in Part 1 of this plan is checked.

☐ Assumed items. Current installment payments will be disbursed either by the Chapter 13 trustee, directly by the Debtor, or as otherwise specified below, subject to any contrary order or rule. Arrearage payments will be disbursed by the Chapter 13 trustee.

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage
		$	$	
		Disbursed by: ☐Trustee ☐Debtor ☐Other _____		
		$	$	
		Disbursed by: ☐Trustee ☐Debtor ☐Other _____		

Please explain any disbursements to be made by someone other than the Chapter 13 trustee or the Debtor:

_____

Insert additional contracts or leases as needed.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate includes all of the property specified in 11 U.S.C. § 541 and all property of the kind specified in 11 U.S.C. § 1306 acquired by the Debtor after commencement of the case but before the case is closed, dismissed, or converted to one under another chapter of the Code. All property of the Debtor remains vested in the estate and will vest in the Debtor upon entry of the final decree.

Part 8: Nonstandard Plan Provisions

8.1 Nonstandard Plan Provisions

A nonstandard provision is a provision not otherwise included in Official Form B 113 or one deviating from it. Nonstandard provisions set out elsewhere in this local plan are adopted in Part 8.

The remainder of this part will be effective only if the applicable box in Part 1 of this plan is checked.

8.1.1 Insurance information for all secured claims (real property or motor vehicles):

Collateral	Insurance Agent and Address	Vehicle Mileage	VIN

Insert additional insurance information as needed.

8.1.2 To receive payment from the Chapter 13 trustee, either prior to or following confirmation, both secured and unsecured creditors must file proofs of their claims. Secured claims that are not timely filed may be disallowed or subordinated to other claims upon further order of the court.

8.1.3 Confirmation of the plan does not bar a party in interest at any time from objecting to a proof of claim for good cause shown.

8.1.4 Unless otherwise specifically ordered, any creditor holding a claim secured by property which is removed from the protection of the automatic stay, whether by judicial action, voluntary surrender, or through operation of the plan, will receive no further distribution from the Chapter 13 trustee unless an itemized proof of claim for any unsecured deficiency balance is filed within 120 days (or 180 days if the property is real estate or manufactured housing), or such other period as the court orders, after the removal of the property from the protection of the automatic stay. The removal date shall be the date of the entry of an order confirming the plan, modifying the plan, or granting relief from stay. This provision also applies to other creditors who may claim an interest in, or a lien upon, property that is removed from the protection of the automatic stay or surrendered to another lien holder.

8.1.5 If a claim is listed in the plan as secured and the creditor files a proof of claim as an unsecured creditor, the creditor shall be treated as unsecured for purposes of distribution and for any other purpose under the plan and the debt shall be subject to discharge.

8.1.6 For purposes of distribution, an “Administrative Arrearage” as defined by Local Rule 3003-1 will be included as a separate arrearage claim for payment by the Chapter 13 trustee or added to any pre-petition arrearage claim.

8.1.7 The Debtor shall notify the Chapter 13 trustee of any substantial acquisitions of property or significant changes in net monthly income that may occur during the pendency of the case and shall amend the appropriate schedules previously filed in the case accordingly.

8.1.8 Confirmation of the plan shall impose a duty on Conduit Creditors and/or mortgage servicers of such creditors, with respect to application of mortgage and mortgage-related payments, to comply with the provisions of 11 U.S.C. § 524(i), Local Rule 3003-1, and Local Rule 4001-1(e) relating to Arrearages, Administrative Arrearages, Mortgage Payments, and Conduit Mortgage Payments. The terms of Local Rule 3003-1 are specifically incorporated herein by reference as if completely set forth with respect to the acceptance and application of all funds pursuant to the Conduit Mortgage Payment Rule. As a result, all Conduit Creditors and/or servicers for Conduit Creditors shall have an affirmative duty to do the following upon confirmation of the plan:

(a) Properly apply all post-petition payments received from the Chapter 13 trustee and designated to the pre-petition arrearage claim and the administrative arrearage claim only to such claims;

(b) Properly apply all post-petition payments received from the Chapter 13 trustee and designated as Conduit Mortgage Payments beginning with the calendar month and year designated for such payment by the court in the Order Confirming Plan;

(c) Properly apply all post-petition payments received directly from the Debtor in a non-conduit mortgage plan only to post-petition payments unless otherwise ordered by the court;

(d) Refrain from assessing or adding any additional fees or charges to the loan obligation of the Debtor based solely on a pre-petition default;

(e) Refrain from assessing or adding any additional fees or charges to the loan obligation of the Debtor (including additional interest, escrow, and taxes) unless notice of such fees and charges has been timely filed pursuant to the applicable Federal Rule of Bankruptcy Procedure and a proof of claim has been filed and has not been disallowed upon objection of the Chapter 13 trustee or the Debtor;

(f) To the extent that any post-confirmation fees or charges are allowed pursuant to the applicable Federal Rule of Bankruptcy Procedure and are added to the plan, to apply only payments received from the Chapter 13 trustee that are designated as payment of such fees and charges only to such fees and charges; and

(g) To the extent that any post-confirmation fees or charges are allowed pursuant to the applicable Federal Rule of Bankruptcy Procedure and are NOT added to the plan, to apply only payments received directly from the Debtor and designated as payments of such fees and charges only to such fees and charges.

8.1.9 If the periodic Conduit Mortgage Payment changes due to either changed escrow requirements or a change in a variable interest rate, or if any post-petition fees or expenses are added to the plan, and an increase in the plan payment is required as a result, the Debtor shall thereafter make such increased plan payment as is necessary. Provided, however, that the Conduit Creditor shall have complied with the requirements of the applicable Federal Rule of Bankruptcy Procedure for the allowance of such Conduit Mortgage Payment change or addition of such fees and expenses. The Chapter 13 trustee shall file notice of the required plan payment

increase with the court and serve a copy of the notice on the Debtor. Service of the notice shall be made on the attorney for the Debtor through CM/ECF.

8.1.10 All contractual provisions regarding arbitration or alternative dispute resolution are rejected in connection with the administration of this Chapter 13 case.

8.1.11 Standing Stay Modification: The automatic stay provided in 11 U.S.C. § 362(a) is modified in Chapter 13 cases to permit affected secured creditors to contact the Debtor about the status of insurance coverage on property used as collateral and, if there are direct payments being made to creditors, to allow affected secured creditors to contact the Debtor in writing about any direct payment default and to require affected secured creditors to send statements, payment coupons, or other correspondence to the Debtor that the creditor sends to its non-bankruptcy-debtor customers. Such actions do not constitute violations of § 362(a).

8.1.12 Proposed Order of Distribution: Unless otherwise specifically ordered by the court, Chapter 13 trustee payments to creditors will be disbursed in the following order of priority:

(a) Administrative, including administrative priority, and secured claims to be paid in full; then,

(b) Pre-petition priority unsecured claims to be paid in full; then,

(c) Nonpriority unsecured claims.

Note: The base fee for the attorney for the Debtor will be paid pursuant to the procedure established in Local Rule 2016-2.

8.1.13 Any creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim(s) as proposed in the plan.

8.1.14 The Chapter 13 plan must pay claimants for a minimum of 3 years and a maximum of 5 years, unless claimants are paid in full (100% of claims) or unless otherwise ordered by the court.

8.1.15 If the Debtor is seeking a mortgage modification through the Loan Modification Management Program ("LMM Program"), the Debtor has filed or will file, within the first twelve months following the filing of this case, a Motion for Loan Modification Management (LMM Form 1). Pursuant to the LMM Program, mortgage creditors have twenty-one days from service of such motion to object to participation. During the pendency of the LMM Program, the mortgage creditor shall be entitled to adequate protection payments paid or held in reserve on account of its claim in the amount equal to 80% of the contractual principal and interest payment plus one-twelfth of the annual escrow amounts for property taxes and insurance (including mortgage insurance, if applicable).

8.1.16 For claims treated under Parts 3.2 and 3.3 of the plan, if the creditor had established an escrow account for taxes and/or insurance prior to the petition date, the creditor may continue to treat the account as escrowed and give notice of any escrow advances through the filing of a Notice of Postpetition Fees, Expenses, and Charges (despite the technical inapplicability of Federal Rule of Bankruptcy Procedure 3002.1). This treatment shall be presumed unless otherwise stated in the plan or unless the creditor provides notice in writing to the Debtor, the Debtor's attorney, and the Chapter 13 trustee.

8.1.17 Other Non-standard Provisions, including Special Terms:

Part 9:	**Signature(s):**

9.1 Signatures of Debtor and Debtor's Attorney

I declare under penalty of perjury that the information provided in this Chapter 13 plan is true and correct as to all matters set forth herein.

_____	_____
Signature of Debtor 1	Signature of Debtor 2
Executed on _____ MM / DD / YYYY	Executed on _____ MM / DD / YYYY

I hereby certify that I have reviewed this document with the Debtor and that the Debtor has received a copy of this document.

_____	Date _____
Signature of Attorney for Debtor	MM / DD / YYYY

Although this is the local plan for the Western District of North Carolina that includes nonstandard provisions as noted in the plan, the Debtor and the Debtor's attorney certify by filing this document that the wording and order of the provisions in this Chapter 13 plan are substantially similar to those contained in Official Form B 113.

CERTIFICATE OF SERVICE

This is to certify that I have this day served each party or counsel of record indicated on the list attached hereto in the foregoing matter with a copy of this Chapter 13 plan by depositing in the United States mail a copy of same in a properly addressed envelope with first class postage thereon. Attorneys were served electronically.

This the _____ day of _____, 20___.

_____
Attorney Name and Address
N.C. State Bar No.

Local Form 4A **September 2021**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
***[correct division name]* DIVISION**

IN RE: TIN: XXX-XX- Debtor(s)	Case No. Chapter 13

AMENDMENT TO CHAPTER 13 PLAN
AND NOTICE OF OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN
FOR CASES FILED ON OR AFTER SEPTEMBER 1, 2021

Check as applicable to this plan amendment:

1.1	**A limit on the amount of a secured claim that may result in a partial payment or no payment at all to the secured creditor (Part 3.2)**	☐ **Added**	☐ **Removed**	☐ **No change**
1.2	**Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest (Part 3.4)**	☐ **Added**	☐ **Removed**	☐ **No change**
1.3	**Request for termination of the 11 U.S.C. § 362 stay as to surrendered collateral (Part 3.5)**	☐ **Added**	☐ **Removed**	☐ **No change**
1.4	**Request for assumption of executory contracts and/or unexpired leases (Part 6)**	☐ **Added**	☐ **Removed**	☐ **No change**
1.5	**Nonstandard provisions**	☐ **Added**	☐ **Removed**	☐ **No change**

The Chapter 13 plan, including certain motions and other provisions, is hereby **amended** as follows:

For each part of the Debtor's plan that is to be amended, the entire text of the part as amended must be included below.

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 plan 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 do not want the court to confirm the Debtor's proposed plan as amended, or if you want the court to consider your views on these matters, then you and/or your attorney must file a written objection to confirmation and request for hearing on confirmation at one of the following addresses:

Cases filed in the Charlotte or Shelby Divisions:

Physical & Mailing Address: Clerk, U.S. Bankruptcy Court, 401 West Trade Street, Suite 2500, Charlotte, N.C. 28202

Cases filed in the Statesville Division:

Physical Address: Clerk, U.S. Bankruptcy Court, 200 West Broad Street, Room 301, Statesville, N.C. 28677

Mailing Address: Clerk, U.S. Bankruptcy Court, 401 West Trade Street, Suite 2500, Charlotte, N.C. 28202

Cases filed in the Asheville or Bryson City Divisions:

Physical & Mailing Address: Clerk, U.S. Bankruptcy Court, 100 Otis Street, Room 112, Asheville, N.C. 28801-2611

Your objection to confirmation and request for hearing must include the specific reasons for your objection and must be filed with the court no later than 21 days following the conclusion of the § 341 meeting of creditors, or within 21 days of service of the amendment, whichever is later. If you mail your objection to confirmation to the court for filing, you must mail it early enough so that the court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the Debtor at the address listed in the notice of the meeting of creditors. The Debtor's attorney and the Chapter 13 trustee will be served electronically. If any objections to confirmation are filed with the court, the objecting party will provide written notice of the date, time, and location of the hearing. **No hearing will be held unless an objection to confirmation is filed.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the proposed plan of the Debtor as amended and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed pursuant to 11 U.S.C. § 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in this Amendment to Chapter 13 Plan is true and correct as to all matters set forth herein.

Dated_____ _____

Debtor's Signature

Dated_____ _____

Debtor's Signature

I hereby certify that I have reviewed this document with the Debtor and that the Debtor has received a copy of this document.

Dated_____ _____

Attorney for the Debtor

[Attach Certificate of Service if Served on Creditor(s)]

Local Form 5 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

In re:	)	Case No.:
	)	
	)	Chapter:
	)	
	)	
	)	
	)	
Debtor(s)	)	
_____	)	

MOTION FOR DISBURSEMENT OF UNCLAIMED FUNDS

_____ hereby moves the Court for an order
(Claimant(s) Name)

directing the United States Bankruptcy Court to disburse the sum of $_____
(Enter amount of claim)

from the Court's registry fund, payable to _____, representing
(Claimant(s) Name)

unclaimed funds previously deposited with the Court.

Date _____

Supporting documentation attached ____yes ____no

I understand that pursuant to 18 U.S.C. §§ 152 and 3571, I may be fined up to $500,000, imprisoned for up to 5 years, or both if I have knowingly and fraudulently made any false statements in this document or provided false and fraudulent documentation as part of this application.

_____
Signature of Claimant

_____
Typed or printed name of Claimant

_____
Address of Claimant

_____
Telephone Number of Claimant

_____
Email Address of Claimant

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

In re:	)	Case No.:
	)	
	)	
	)	Chapter:
	)	
Debtor(s).	)	
	)	

NOTICE OF HEARING AND CERTIFICATE OF SERVICE

NOTICE IS HEREBY GIVEN that the court will conduct a hearing on _____

at _____ (a.m./p.m.) in Courtroom number _____ located at _____

to consider the Motion for Disbursement of Unclaimed Funds filed by _____.
(Claimant(s) Name)

NOTICE IS FURTHER GIVEN to the Court that on _____, the parties listed on the attached matrix, including the United States Attorney, the Bankruptcy Administrator, the trustee, the Debtor(s), and the Debtor's attorney (if any), were served a copy of the Motion for Disbursement of Unclaimed Funds and this Notice of Hearing by U.S. Mail at the addresses listed on the following page.

_____
Signature of Claimant(s)

_____
Typed or printed name of Claimant(s)

Date _____

[United States Attorney]

[Bankruptcy Administrator]

[Trustee]

[Debtor(s)]

[Debtor’s Attorney (if any)]

[Any other parties served]

Local Form 7 **September 2021**

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN THE MATTER OF:	)	
	)	
	)	Case Number_____
	)	
	)	
Debtor(s)	)	

CHAPTER 13 DEBTOR'S CERTIFICATION AND AFFIDAVIT—§ 341 MEETING

The undersigned, being the Debtor(s) referenced above, do hereby certify under oath administered by the Chapter 13 trustee at the § 341 meeting of creditors the following (check the appropriate options and fill in all required information as applicable to this case)

In a joint Chapter 13 case, Debtor # 1 and Debtor # 2 are separately identified below in the same order as set forth in Official Form 101 (*Voluntary Petition for Individuals Filing for Bankruptcy*):

DOMESTIC SUPPORT OBLIGATION CERTIFICATION

Debtor # 1 Debtor # 2

1. ( ) ( ) I am not presently required by any voluntary agreement, judicial or administrative order, or statute to pay any domestic support obligation (as defined in 11 U.S.C. § 101(14A)); or,

2. ( ) ( ) I am required to pay under a voluntary agreement or domestic support order, and the full information as required by law as to the identity of the holder of this claim is already included in my petition, including the name and full mailing address of the holder, and ages and custodian of any children relating to the support order, and,

a. ( ) ( ) As of the date of this affidavit, I am current under any obligation created therein, and I agree to notify the Chapter 13 trustee should I miss any payments due or otherwise become delinquent under any support obligation from this day until my confirmation order is entered.

b. ( ) ( ) I am presently in arrears as of the date of this Affidavit as follows:

( ) ( ) I have only those arrears as listed in my petition, and I am current post-petition through today; or,

( ) ( ) In addition to any arrears listed in my petition, I have incurred the following post-petition arrearage:

_____

TAX RETURN CERTIFICATION

Debtor # 1 Debtor # 2

1. ( ) ( ) I was not required to file any Federal, State, or local tax returns for the 4-year period ending on the date of the filing of my Chapter 13 petition for the following reason(s):

_____.

2. ( ) ( ) I was not required to file Federal, State, or local tax returns for the following years during the 4-year period ending on the date of the filing of my Chapter 13 petition for the following reason(s). I have filed the required returns for all other years during the 4-year period:

_____

_____

3. ( ) ( ) I was required to file Federal, State, and local tax returns for the 4-year period ending on the date of the filing of my Chapter 13 petition, and I have filed all of the returns that I was required to file during that 4-year period.

4. ( ) ( ) I was required to file Federal, State, and local tax returns for the 4-year period ending on the date of the filing of my Chapter 13 petition, but I have not filed the following required return(s):

_____

CERTIFICATION OF WAGES

Debtor # 1 Debtor # 2

1. ( ) ( ) My Chapter 13 petition as filed and with any subsequent amendments contains valid and accurate information as regards the payment of wages, salaries and commissions to me by my employer for the 60-day period ending on the date of the filing of my petition, and my petition contains valid and accurate information as to my average income for the six-month period ending on the last day of the calendar month immediately preceding the filing of my petition; or,

2. ( ) ( ) The information as contained in my petition has changed as follows:

_____

_____

By signing this affidavit, I acknowledge that all of the statements contained herein are true and accurate, and the Chapter 13 trustee and the court may rely on these statements for purposes of determining if confirmation of my proposed plan is allowed under the provisions of the Bankruptcy Code. Any inaccuracy in this affidavit may be grounds for revocation or denial of my confirmation.

Dated this the _____ day of _____, 20_____.

_____
Debtor # 1

_____
Debtor # 2

Local Form 8 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Chapter 13
	)	Case No.
Debtor(s)	)	

CHAPTER 13 DEBTOR'S MOTION FOR ENTRY OF DISCHARGE AND CERTIFICATIONS REGARDING PLAN COMPLETION, DOMESTIC SUPPORT OBLIGATIONS, AND SECTION 522(q)

Pursuant to 11 U.S.C. § 1328(a) the Debtor makes the following certifications regarding the completion of the plan:

1. I have satisfied all plan requirements.

2. _____ I owed no Domestic Support Obligation when I filed my Chapter 13 petition, and I have not been required to pay any such obligation since then.

3. _____ I am or have been required to pay a Domestic Support Obligation. I have paid all such amounts that my Chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my Chapter 13 petition and today.

3a. If you checked paragraph 3 above, you must provide the information below:

My current address is:_____

My current employer and my employer's address:_____

Debts not discharged under 11 U.S.C. § 523(a)(2) or (4):_____

Debts reaffirmed under 11 U.S.C. § 524(c):_____

4. _____ I have not claimed an exemption pursuant to § 522(b)(3) and state or local law in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), that exceeds $170,350* in value in the aggregate.

5. _____ I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), that exceeds $170,350* in value in the aggregate.

6. I am entitled to receive a discharge under 11 U.S.C. § 1328.

I declare under penalty of perjury that the information provided in this certification and motion is true and correct and move the Court to enter a discharge in this case.

Dated:_____ _____
Debtor

**Amounts are subject to adjustment on 4/1/22 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Chapter 13
	)	Case No.
Debtor(s)	)	

NOTICE OF OPPORTUNITY FOR HEARING ON CHAPTER 13 DEBTOR'S MOTION FOR ENTRY OF DISCHARGE AND CERTIFICATIONS REGARDING PLAN COMPLETION, DOMESTIC SUPPORT OBLIGATIONS, AND SECTION 522(q)

To: [all creditors on the court's mailing matrix]:

PLEASE TAKE NOTICE that the Debtor has filed a Motion for Entry of Discharge and Certification Regarding Plan Completion, Domestic Support Obligations, and Section 522(q). A copy of said pleading is attached hereto.

Any objection must be filed in writing with the Bankruptcy Court and a copy served on the Debtor and the attorney for the Debtor within 14 days of the date of this notice. If no objections are filed and served in a timely manner, the court will enter a discharge.

A hearing on any objections filed and served in a timely manner will be held on the _____

day of_____, 20____ at _____ in _____

_____

Date:

Attorney Name or	Pro Se Debtor
Attorney Address	Debtor address
Attorney Tel. No.	(if Debtor has
Attorney Bar No.	no attorney)

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this pleading on the attorneys, creditors, and interested parties of record included on the most recent version of the Clerk of Court's mailing matrix, a copy of which is attached hereto. Non-ECF users were served by depositing a copy of same in a properly addressed envelope with first class postage thereon. ECF users were served electronically.

Date:

Attorney for Debtor/Pro Se Debtor

Local Form 8HD **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	
	)	Chapter 13
Debtor(s)	)	Case No.

CHAPTER 13 DEBTOR'S CERTIFICATIONS IN SUPPORT OF MOTION FOR HARDSHIP DISCHARGE REGARDING DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Pursuant to 11 U.S.C. § 1328(b) the Debtor makes the following certifications and attaches the same to the Motion for Hardship Discharge.

1. _____ I owed no Domestic Support Obligation when I filed my Chapter 13 petition, and I have not been required to pay any such obligation since then.

2. _____ I am or have been required to pay a Domestic Support Obligation. I have paid all such amounts that my Chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my Chapter 13 petition and today.

2a. Because I checked paragraph 2 above, I am providing the information below:

My current address is:_____

My current employer and my employer's address:_____

Debts not discharged under 11 U.S.C. § 523(a)(2) or (4):_____

Debts reaffirmed under 11 U.S.C. § 524(c):_____

3. _____I have not claimed an exemption pursuant to § 522(b)(3) and state or local law in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), that exceeds $170,350* in value in the aggregate.

4. _____I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), that exceeds $170,350* in value in the aggregate.

I declare under penalty of perjury that the information provided in this certification is true and correct.

Dated:_____ _____
Debtor

**Amounts are subject to adjustment on 4/1/22 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

LOCAL FORM 10

MOTION FOR RELIEF FROM STAY – POST-PETITION TRANSACTION HISTORY
CREDITOR FORM
(MAY BE PREPARED IN SPREADSHEET FORMAT)

DEBTOR NAME: **DATE:**
BANKRUPTCY CASE NO.: **MORTGAGEE** **PREPARED BY:**
DATE CASE FILED **LOAN #**

PMT. DUE DATE (Beg. 1st post-pet pmt due)	P & I	TAX ESCROW	INS.	PMI	L/C TOTAL	AMOUNT RECEIVED	DATE POSTED

LOCAL FORM 11

MOTION FOR RELIEF FROM STAY – POST-PETITION TRANSACTION HISTORY
DEBTOR FORM
(MAY BE PREPARED IN SPREADSHEET FORMAT)

DEBTOR NAME: **DATE:**
BANKRUPTCY CASE NO.: **MORTGAGEE** **PREPARED BY:**
DATE CASE FILED **LOAN #**

AMOUNT PAID	MONEY ORDER/CHECK DATE	MONEY ORDER/CHECK NUMBER

Local Form 12 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

In re:	)	
	)	Case No.
	)	Chapter
	)	
Debtor(s)	)	
_____	)	

NOTICE OF CASE-SPECIFIC NAME AND/OR ADDRESS CHANGE*

[ ] Filed by the Debtor(s)
[ ] Filed by a creditor
[ ] Filed by another party in interest

(_____) files this notice of name and/or mailing address change to be used to provide notice and/or to deliver payments in this case. Pursuant to 11 U.S.C. § 342(e)(2), any notice in this case required to be provided to a creditor by the Debtor or the court will not be provided in care of the new name and/or mailing address designated below until after 7 days following the filing of this notice with the court.

Current address to be changed (if applicable):

Name: _____

Address 1: _____

Address 2: _____

Address 3: _____

Address 4: _____

City, State, Zip: _____

New name and/or mailing address below:
[ ] for payment purposes only
[ ] for notice purposes only
[ ] for both payment and notice purposes

Name: _____

Address 1: _____

Address 2: _____

Address 3: _____

---

* This form cannot be used to file a formal notice of transfer of claim pursuant to Federal Rule of Bankruptcy Procedure 3001(e).

Address 4: _____

City, State, Zip: _____

Under penalty of perjury, I, the undersigned, affirm that I am authorized to request this address change.

Name and position: _____
(Print or Type)

Signature: _____

Date: _____

Local Form 13 **September 2021**

AUTHORIZATION TO RELEASE INFORMATION TO THE CHAPTER 13 TRUSTEE REGARDING MORTGAGE CLAIM BEING PAID BY THE TRUSTEE
(to be filed with the court)

( ) Not Applicable

Debtor Name(s) _____ Case No. _____

The Debtor(s) in the above-captioned bankruptcy case does/do hereby authorize any and all lien holders on real property of the bankruptcy estate to release information to the standing Chapter 13 trustee upon request.

The information to be released includes, but is not limited to, the amount of the post-petition monthly installment payments, the annual interest rate and type of loan, the loan balance, the escrow account(s), the amount of the contractual late charge, and the mailing address for payments. This information will only be used by the Chapter 13 trustee and his/her staff in the administration of the bankruptcy estate and may be included in motions brought before the court.

_____ _____
Debtor's Signature Joint Debtor's Signature

_____ _____
Date Date

Local Form 16 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:

	)	Case No:
	)	
	)	Chapter
	)	
Debtor(s).	)	
	)	

CORPORATE OWNERSHIP STATEMENT

_____
[Insert name of corporate debtor/party]

Check one: ___DEBTOR ___PLAINTIFF ___DEFENDANT ___OTHER (specify): _____

Instructions: *Federal Rule of Bankruptcy Procedure 7007.1 requires corporate parties to an adversary proceeding, other than the debtor or a governmental unit, to file a statement of corporate ownership with the first pleading filed. Similarly, Federal Rule of Bankruptcy Procedure 1007(a)(1) requires corporate debtors to file a corporate ownership statement with their petitions containing the information described in Rule 7007.1. Check one of the statements set forth below and provide any information as directed.*

☐ **1. The following corporations directly or indirectly own 10% or more of any class of the above-named corporate debtor's/party's equity interests:**

Name:_____

Address:_____

Name:_____

Address:_____

Name:_____

Address:_____

(For additional names, attach an addendum to this form.)

☐ **2. There are no entities that directly or indirectly own 10% or more of any class of the above-named corporate debtor's/party's equity interests.**

Date: _____

_____
Signature of Authorized Individual for Corporate Debtor/Party

_____
Printed Name of Authorized Individual for Corporate Debtor/Party

_____
Title of Authorized Individual for Corporate Debtor/Party

Local Form 17 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:

	)	Case No:
	)	
	)	Chapter
	)	
Debtor(s).	)	
	)	

REPORT OF MEDIATOR

1. **Convening of Mediation.** The mediated settlement conference ordered in this case:

   ☐ was held on _____.

   ☐ was NOT held because _____

   _____.

2. **Attendance.** No objection was made on the grounds that any required attendee was absent.

3. **Outcome.** The mediation resulted in:

   ☐ Complete settlement of the case

   ☐ Partial settlement of the case

   ☐ Recess (i.e., mediation to be resumed at later date)

   ☐ Impasse

   ☐ Other disposition. Specify: _____

   _____.

4. **Settlement Filings**

   a. The document(s) to be filed to effect the settlement are:_____

   _____.

   b. The person responsible for filing the document(s) is:_____

   _____.

   c. The agreed deadline for filing the document(s) is:_____.

I have submitted this completed report within 14 days after conclusion of the conference.

_____ _____
Signature of Mediator Date

Local Form 18 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	
	)	Case No.:
	)	Chapter 13
	)	
	)	
Debtor(s)	)	
_____	)	

SUPPLEMENT TO RESPONSE TO CHAPTER 13 TRUSTEE'S NOTICE OF FINAL CURE PAYMENT AND MOTION TO DEEM MORTGAGE LOAN CURRENT

Now comes _____ having filed the foregoing response to the Chapter 13 Trustee's Notice of Final Cure Payment and Motion to Deem Mortgage Loan Current and by way of supplement to such response states that it:

[ ] Agrees with the allegations in the Chapter 13 Trustee's notice and motion and does not request that a hearing be held.

[ ] Disagrees with some or all of the allegations in the Trustee's notice and motion and requests that a hearing be held:

[ ] Disagrees that the Debtor(s) has/have paid in full the amounts required to cure the default on the claim and alleges an existing arrearage amount of $_____.

[ ] Disagrees with the allegation in the Chapter 13 Trustee's notice and motion regarding the last post-petition contractual payment and alleges that the last post-petition contractual payment received from the Chapter 13 Trustee should instead be applied to the _____, 20__ installment payment.

[ ] Disagrees with the Chapter 13 Trustee's notice and motion for the following reason(s): _____
_____
_____.

Dated _____

Signed _____

Local Form 19 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	
	)	Case No.:
	)	Chapter
	)	
	)	
Debtor(s)	)	
_____	)	

COVER SHEET FOR AMENDED SCHEDULES AND STATEMENTS

Briefly describe the amendments to the Debtor's schedules and statements below, including the names of the schedules and/or statements being amended and any creditors added or removed.

Note: A filing fee may be required.

Date: _____

_____
Attorney for Debtor(s) (or Debtor, if Pro Se)

_____
Pro Se Joint Debtor (if applicable)

_____
Print Name(s)

_____
Address

APPENDIX C

Loan Modification Management (LMM) Program Procedures and Forms

Loan Modification Management Program Procedures
United States Bankruptcy Court for the Western District of North Carolina

1. **Purpose**. These procedures and forms implement the Loan Modification Management Program ("LMM" or "LMM Program"). The Loan Modification Management Program is designed to function as a forum for debtors and creditors to reach a consensual resolution when a debtor's property is at risk of foreclosure. The goal of the Loan Modification Management Program is to facilitate communication and the exchange of information in a confidential setting under the supervision of the United States Bankruptcy Court for the Western District of North Carolina (the "Bankruptcy Court").

2. **Definitions**. The following definitions shall be applicable to the LMM and the procedures described herein:

    a. Adequate Protection Payments: An amount equal to 80% of the contractual principal and interest payment plus one-twelfth of the annual escrow amounts for property taxes and insurance (including mortgage insurance, if applicable) due on account of a claim of a Creditor for an Eligible Loan.

    b. Creditor: Any holder, servicer, or trustee of an Eligible Loan.

    c. Debtor: Any individual debtor in a case filed under Chapter 13 of the Bankruptcy Code, including joint debtors. Where a Debtor is represented by an attorney, the term "Debtor" may mean the Debtor's attorney on behalf of the Debtor unless the context requires otherwise.

    d. Document Preparation Software: A secure online program maintained and operated by the Portal Manager that facilitates the preparation of the Initial LMM Package by populating the Standard LMM Documents and generating a customized checklist of required additional forms and supporting documents that a Debtor needs to initiate a loss mitigation review with a Creditor. The use of the Document Preparation Software ensures that the initial submission to the Creditor is complete and accurate and should expedite the Creditor's review. By requiring its use by the Debtor prior to the filing of the Motion for Loan Modification Management (LMM Form 1) ("Motion for LMM"), the Debtor will signify to the Bankruptcy Court and the Creditor that the Debtor is prepared to engage in the LMM in good faith and provide the necessary information to the Creditor.

    e. Document Preparation Software Fee: The non-refundable fee required by the Portal Manager for providing access to documents managed by the Portal Manager. The Document Preparation Software Fee shall be set by the Portal Manager and, as of March 8, 2021, is the amount of $60.

f. Eligible Loan: Any loan, lien, or extension of money or credit secured by an Eligible Property, regardless of whether the loan is considered to be subprime or non-traditional, was in foreclosure prior to the bankruptcy filing, is the first or junior deed of trust or lien on the Eligible Property, and/or has been pooled, securitized, or assigned to a Creditor or trustee.

g. Eligible Property: The Debtor's principal residence as defined by 11 U.S.C. § 101(13A).

h. Facilitator: An independent, nonpartisan attorney, licensed to practice law in North Carolina and admitted to the Western District of North Carolina, who has demonstrable skill and experience in consumer bankruptcy loss mitigation to assist the Bankruptcy Court with facilitating compliance by the parties with the LMM.

i. Without limiting the generality of the foregoing, a Facilitator should:

1. Have experience in the practice of consumer bankruptcy in the Western District of North Carolina, as an attorney representing consumer debtors or mortgage servicers or as a trustee;

2. Have knowledge of the forms and supporting documents required by Creditors to complete a loss mitigation analysis;

3. Have understanding of the various loss mitigation programs offered by Creditors and the terms of their availability to Debtors;

4. Have the ability to accept electronic payment for the Facilitator Fee;

5. Have competence in computer technology and use of the Portal; and

6. Have sufficient staff dedicated to the LMM to ensure oversight of submission of documents to the Portal by the Required Parties and compliances with these procedures.

ii. The Office of the United States Bankruptcy Administrator for the Western District of North Carolina (the "BA") shall maintain and publish a list of approved Facilitators, as well as an application to be approved to serve as a Facilitator. In conjunction with the Clerk of Court for the United States Bankruptcy Court for the Western District of North Carolina, the BA will supervise the assignment of an approved Facilitator to a Debtor who initiates the LMM.

i. Facilitator Fee: The non-refundable fee payable to the Facilitator for the fulfillment of the services provided herein, which shall be payable upon the terms set forth herein. The Facilitator Fee as of April 1, 2019 is set at the amount of $500.

j. Final Report: The report to be filed at the conclusion of the LMM per section 9(c).

k. Initial LMM Package: The Standard LMM Documents and all of the forms and supporting documentation that the Creditor requires to initiate the assessment of a Debtor's loss mitigation options. The Creditor shall be responsible for providing the Creditor's Initial LMM Package to the Facilitator, as more particularly provided in section 8(b).

l. LMM Period: The time during which the LMM is in effect prior to its expiration or termination by order of the Bankruptcy Court.

m. Loss mitigation: The full range of solutions that may prevent either the loss of a Debtor's Eligible Property to foreclosure, increased costs to the Creditor, or both, including but not limited to, loan modification, loan refinance, forbearance, short sale, or surrender of the Eligible Property in full satisfaction of obligations arising under an Eligible Loan.

n. Portal: A secure online service maintained and operated by the Portal Manager that allows LMM documents and communications between the Required Parties to be submitted, retrieved, and tracked. The Portal must be accessible to the Bankruptcy Court, the Bankruptcy Administrator, the Chapter 13 trustee, and the Facilitator. Submitting documents to the Portal provides transparency in the loan modification process by making information immediately available to all parties through a secure website. To ensure that all Required Parties may obtain access to the Portal in a timely manner, registration on the Portal by any Required Party (including, without limitation, registration by the Creditor as provided in section 8(b)(i)) must be capable of being completed in three business days.

o. Portal Manager: An independent, nonpartisan organization that has demonstrable skill and experience in consumer bankruptcy loss mitigation to assist the Bankruptcy Court with managing the LMM. Without limiting the generality of the foregoing, the Portal Manager should:

    i. Have extensive knowledge of the forms and supporting documents required by Creditors to complete a loss mitigation analysis;

    ii. Have extensive understanding of the various loss mitigation programs offered by Creditors and the terms of their availability to Debtors;

iii. Own or be able to provide access to the Document Preparation Software; and

iv. Own or be able to provide access to the Portal.

p. Portal Submission Fee: The non-refundable fee charged by the Portal Manager for the submission of an Initial LMM Package. The Portal Submission Fee shall be set by the Portal Manager and, as of March 8, 2021, is the amount of $60.

q. Required Parties: The Debtor, the Debtor's attorney (if any), the Creditor, the Creditor's North Carolina legal counsel (if any), the Chapter 13 trustee, the Facilitator, and any co-obligor, co-borrower, or third-party obligor.

r. Standard LMM Documents: The industry standard forms that are generally required by Creditors to initiate a review of a Debtor's loss mitigation options, which include, but are not limited to, the following:

i. HAMP Request for Mortgage Assistance;
ii. Uniform Borrower Assistance Form (Form 710);
iii. IRS Form 4506-T;
iv. Hardship Letter; and
v. Dodd-Frank Certification.

3. **Eligibility**. Any debtor who currently has a case pending under Chapter 13 and proposes to pay the on-going contractual mortgage payment through disbursements by the Chapter 13 trustee is eligible to participate in the LMM Program with respect to any Eligible Property. Individuals who seek to modify a loan under the LMM must have paid their bankruptcy filing fee in full prior to filing a Motion for LMM. In addition, the Debtor must have funds available to pay the costs for the Document Preparation Software Fee, Portal Submission Fee, and one-half of the Facilitator Fee.

4. **Ineligibility**. The Bankruptcy Court may, after notice and a hearing, resolve any disputes regarding eligibility of the Debtor to apply for loss mitigation, the application process, or any other matters related to the LMM Program.

5. **Additional Parties**.

a. Co-debtors, Creditors, and Third Parties. Where the participation of a co-debtor, additional creditors, or another third party may be necessary or desirable, any party may request, or the Bankruptcy Court may direct, that such party participate in loss mitigation to the extent that the Bankruptcy Court has jurisdiction over the party.

b. Bankruptcy Administrator. The Bankruptcy Administrator may participate in the LMM to the extent such participation would be consistent with the Bankruptcy Administrator's duties under the Bankruptcy Code.

6. **Commencement of LMM**. The Debtor, the Creditor, or the Bankruptcy Court may seek referral to the LMM Program beginning as of the filing date of the Chapter 13 case and continuing for a period of up to twelve months thereafter unless the Bankruptcy Court orders otherwise. Cases that are pending at the time of the implementation of the LMM program in this district may seek referral to the Program for a period of up to twelve months following the Program implementation date.

   a. By Debtor.

      i. *Confirm Eligibility*. Prior to filing a Motion for LMM (LMM Form 1), the Debtor shall perform reasonable due diligence to confirm that the Debtor may be eligible for loss mitigation and confirm all information necessary to make the certifications required on the Certification of LMM Eligibility and Readiness (LMM Form 2).

      ii. *Complete Document Preparation Software*. Prior to filing a Motion for LMM, the Debtor shall complete the tasks required by the Document Preparation Software and pay the Document Preparation Software Fee to the Portal Manager. The Debtor's Initial LMM Package shall be completed and ready for signature and submission before filing a Motion for LMM unless the Creditor is not registered in the Portal or is newly registered.

      iii. *Contract for Representation in LMM*. Prior to filing a Motion for LMM, if represented by an attorney, the Debtor shall execute a Supplemental Agreement to Attorney-Client Agreement for Chapter 13 Bankruptcy Services and Limited Power of Attorney for Participation in Bankruptcy Court Loan Modification Management Program (LMM Form 3) ("Contract for Representation in LMM") with such attorney detailing the costs, fees, duties, and limitations on representation.

      iv. *Proposed Chapter 13 Plan*. If the Debtor elects to seek referral to the LMM Program prior to confirmation of a Chapter 13 plan, the Debtor shall include the following nonstandard provision in the proposed Chapter 13 plan:

      "The Debtor has filed or will file, within the first twelve months following the filing of this case, a Motion for Loan Modification Management (LMM Form 1). Pursuant to the LMM Program, mortgage creditors have twenty-one days from service of such motion to object to participation. During the pendency of the LMM Program, the mortgage creditor shall be entitled to adequate protection payments paid or held in reserve on account of its claim in the amount equal to 80% of the contractual principal and interest payment plus one-twelfth of the annual escrow amounts for property taxes and insurance (including mortgage insurance, if applicable)."

v. *Modification of Chapter 13 Plan*. If the Debtor's Chapter 13 plan has already been confirmed, the Debtor shall additionally plead sufficient details in the Motion for LMM (LMM Form 1) to satisfy the requirements for modification of such plan pursuant to 11 U.S.C. § 1329.

vi. *Pro Se Debtor Obligations*. All pro se debtors shall have the same duties under the LMM Program as debtors who are represented by counsel. Nothing in these rules shall be construed to require the Portal Manager, Facilitator, or any other party to provide advice or assistance to a debtor who participates in the LMM Program pro se.

vii. *Motion for LMM*. Upon completion of the Debtor's Initial LMM Package, the Debtor may request the commencement of the LMM by filing a Motion for LMM (LMM Form 1). The Motion for LMM shall be served pursuant to Federal Rules of Bankruptcy Procedure 7004 and 9014 on the Chapter 13 trustee, the Bankruptcy Administrator, the Creditor, and all other creditors whose claims are secured by liens against the Eligible Property. A Certification of LMM Eligibility and Readiness (LMM Form 2), a fully executed Contract for Representation in LMM (LMM Form 3), and a proposed Order for Loan Modification Management (LMM Form 4) (the "LMM Order") shall be attached to any Motion for LMM.

b. By Creditor. Any creditor seeking to commence the LMM must file a Motion for LMM (LMM Form 1) including a proposed Order for Loan Modification Management (LMM Form 4) with the Bankruptcy Court and serve the motion and proposed order pursuant to Federal Rules of Bankruptcy Procedure 7004 and 9014 on the Debtor, the Debtor's counsel (if any), the Chapter 13 trustee, and the Bankruptcy Administrator.

c. By the Bankruptcy Court. The Bankruptcy Court may order the assignment of a loss mitigation matter to the LMM on its own motion.

7. **Opportunity to Object**. The deadline for filing an objection to a Motion for LMM is twenty-one days from the service of the Motion for LMM. Objections shall identify the grounds for the objection, which may include unavailability of loss mitigation options, ineligibility of the Debtor, or the Creditor declining to participate in the LMM Program, with specificity. If no objection is filed, the Bankruptcy Court may enter an LMM Order without further notice or hearing.

8. **LMM Participation and Duties**.

a. General. Upon entry of the LMM Order, the moving party shall serve a copy of the LMM Order on the Required Parties and file a certificate of service indicating the parties (including any parties in addition to the Required Parties) that were

served with the LMM Order. Upon the entry of the LMM Order, the following shall apply:

i. *Good Faith Requirement*. The Required Parties shall act in good faith throughout the entirety of the LMM Period, including, but not limited to, promptly responding to all inquiries through the Portal and providing all requested documentation and information. A party failing to participate in good faith may be subject to sanctions and/or termination of the LMM after notice and a hearing.

ii. *Deadlines*. The Required Parties shall comply with all deadlines set forth in the LMM Order. Any deadlines may be extended by order of the Bankruptcy Court or by stipulation of the parties.

iii. *Communication through Portal*. During the LMM Period, unless otherwise permitted by the Bankruptcy Court, all material communications between the Required Parties shall be conducted exclusively through the Portal. Any litigated matters required by or incidental to the LMM process, however, shall be considered as separate matters not subject to the Portal requirement. For example, all motions, including motions to compel mediation or motions related to discovery, and notices must be filed with the Bankruptcy Court and not through the Portal.

iv. *Authorized Parties*. A person with complete knowledge of the file so as to be reasonably capable of answering questions related to the LMM shall attend all LMM-related hearings and conferences before the Bankruptcy Court on behalf of each participating party.

v. *Automatic Stay*. Any Creditor seeking relief from the automatic stay with respect to real property subject to the LMM Program prior to the conclusion of the LMM Period shall, in its motion, set forth the reasons why relief is appropriate prior to the conclusion of the LMM Period. If a relief from stay motion pursuant to 11 U.S.C. § 362(d) is pending when an LMM Order is entered, or if such a motion is filed during the LMM Period, the Bankruptcy Court may condition the stay upon fulfillment of the Debtor's obligations under the LMM Order. If the Debtor fails to comply with the Debtor's LMM duties or the LMM Order, the Creditor may file a Motion to Terminate the LMM Program (LMM Form 10).

vi. *No Delay*. The referral of a case to the LMM Program does not relieve the parties from complying with any other court orders or applicable provisions of the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina (the "Local Rules"). Notwithstanding a matter being referred to the LMM

Program, the bankruptcy case shall not be stayed or delayed without further order of the Bankruptcy Court.

vii. *Confidential Communications*. All communications and information exchanged during the LMM Program shall be privileged and confidential and shall be inadmissible in any subsequent proceeding as provided by Federal Rule of Evidence 408.

b. Creditor's Duties upon Commencement of LMM.

i. *Registration on Portal*. If a Creditor has not already registered, the Creditor and the Creditor's North Carolina counsel (if any) shall register on the Portal and provide the Creditor's most current Initial LMM Package to the Portal Manager within ten days after entry of the LMM Order. The Portal Manager will promptly upload and post the Creditor's Initial LMM Package on the Portal. A newly-registered Creditor shall also provide any Initial LMM Package or its own loss mitigation documents and requirements directly to the Debtor and the Debtor's Attorney. Registration on the Portal is a one-time event, and a Creditor and the Creditor's North Carolina counsel (if any) will not have to re-register for each subsequent matter. The Creditor, however, is responsible for providing any updates or changes to the Creditor's Initial LMM Package if and as necessary.

ii. *Acknowledge Receipt of Initial LMM Package*. Within seven days after the Debtor submits a completed Initial LMM Package to a Creditor on the Portal, the Creditor shall: (i) acknowledge receipt of the Debtor's completed Initial LMM Package on the Portal; and (ii) designate its single point of contact and outside legal counsel (if any) on the Portal. The designated single point of contact and outside legal counsel (if any) shall have all requisite authority (within the investor's guidelines) to settle any and all issues that may arise during the LMM Period.

iii. *Payment of LMM Facilitator Fee*. Within seven days after the Debtor submits the completed Initial LMM Package to the Creditor on the Portal, the Creditor shall pay one-half of the applicable Facilitator Fee directly to the Facilitator.

iv. *Process Debtor's Application*. Upon receipt of the Debtor's Initial LMM Package, the Creditor shall promptly review the Initial LMM Package to determine the Debtor's eligibility for any loss mitigation options which may be available to the Debtor. In the event that the Creditor requires additional (or corrected) documentation, the Creditor shall promptly notify the Debtor through the Portal of such requirements and promptly respond to the Debtor's submissions thereof as well as any inquiries made by the Debtor.

v. *Servicer Transfer*. In the event that the Creditor transfers a loan subject to the LMM Program, the Creditor shall promptly provide a copy of the LMM Order to the new holder of the loan (the "Successor Creditor"), and the Successor Creditor shall promptly comply with the provisions of Federal Rule of Bankruptcy Procedure 3001(e). Without limiting the generality of the foregoing, the Successor Creditor shall accept all documentation and information previously accepted by the original Creditor. Further, the Creditor shall file an Ex Parte Motion to Substitute LMM Creditor (LMM Form 5) with notice to the parties, submit an Order Substituting LMM Creditor (LMM Form 6), and transfer the submission on the Portal to the Successor Creditor.

vi. *Payment Changes.* During the LMM Period, the Creditor shall comply with the requirements of Federal Rule of Bankruptcy Procedure 3002.1(b) regarding Notices of Payment Changes. Upon compliance by the Creditor, the Chapter 13 trustee shall adjust the Adequate Protection Payment as follows:

1. For payment changes due to adjustments needed in the escrow account, the Adequate Protection Payment shall remain at 80% of the contractual principal and interest payment plus any increase or decrease in the monthly escrow payment;

2. For payment changes due to adjustments for interest rate changes, the Adequate Protection Payment shall be recalculated to reflect 80% of the new principal and interest payment plus any escrow payment as applicable.

c. Debtor's Duties upon Commencement of LMM.

i. *Submit Initial LMM Package*. Within seven days after the entry of the LMM Order or the Creditor's registration on the Portal, whichever occurs later, the Debtor shall upload the Initial LMM Package and a copy of the LMM Order to the Portal.

ii. *Payment of Portal Submission Fee and Facilitator Fee*. Within seven days after the entry of the LMM Order or the Creditor's registration on the Portal, whichever occurs later, the Debtor shall pay the Portal Submission Fee directly to the Portal Manager and one-half of the Facilitator Fee directly to the Facilitator.

iii. *Document Submissions*. The Debtor shall promptly provide any additional documents requested by and/or answer any questions from the Creditor, the Facilitator, or the Portal Manager.

iv. *LMM Reports*. The Debtor will complete the Final Report as more particularly provided in section 9(c).

d. Trustee's Duties.

i. *Adequate Protection Payments*. Upon the entry of the LMM Order, the Chapter 13 trustee shall begin disbursing Adequate Protection Payments to the Creditor if the Debtor's Chapter 13 plan has been confirmed and the Creditor has filed a valid proof of claim. If the Debtor's Chapter 13 plan has not been confirmed or the Creditor has not filed a valid proof of claim when the Bankruptcy Court enters the LMM Order, the Chapter 13 trustee shall begin reserving Adequate Protection Payments for the Creditor. The amount of the Adequate Protection Payments shall be set out in the Motion for LMM (LMM Form 1) filed by the Debtor and in the LMM Order (LMM Form 4).

ii. *Trial Modification Payments*. Beginning with the first month of the trial modification period and continuing thereafter, the Chapter 13 trustee shall begin making the trial payments, cease making Adequate Protection Payments to the Creditor, and continue to reserve cure payments on all existing prepetition and administrative arrearage claims pending further order of the court.

iii. *Payments on Permanent Loan Modification*. Upon approval of a permanent loan modification, the trustee shall disburse the ongoing payments to the Conduit Creditor pursuant to Local Rule 3003-1.

e. Facilitator's Duties.

i. *Monitoring of Communications*. The Facilitator shall monitor all Portal communications between the Debtor and the Creditor to ensure that each party is performing its obligations and duties as required by the LMM Program, including, without limitation:

1. Confirming that the Debtor has provided the correct Initial LMM Package;

2. Facilitating the communication and document exchanges between the Creditor and the Debtor to ensure that the loss mitigation review is proceeding in accordance with the terms and deadlines of the LMM Program;

3. Tracking and monitoring the deadlines for each party; and

4. Preparing for, scheduling, and conducting LMM Conferences as more particularly described in section 9(b).

ii. *Reporting Non-compliance.* The Facilitator shall promptly report any non-compliance with the terms of the LMM Program by any of the Required Parties to the Bankruptcy Court within seven days of the failure of a Required Party to comply with any duties set forth in this section. The Facilitator shall report the non-compliance by filing a Certificate of Non-compliance in Loan Modification Management Program (LMM Form 7) ("Certificate of Non-compliance") with the Bankruptcy Court. The Certificate of Non-compliance shall provide details of the Required Party's non-compliance along with any supporting evidence.

9. LMM Process.

a. Duration.

i. *Initial Duration*. The LMM Period shall be 180 days from the date of the LMM Order unless otherwise specified in the LMM Order.

ii. *Extension*. A request to extend the LMM Period shall be made by way of a Motion to Extend the LMM Period (LMM Form 8). A proposed Order Granting Motion to Extend LMM Period (LMM Form 9) and a complete and current printout of the account history from the Portal shall be attached to the motion. A request to extend the LMM Period shall be served on all Required Parties on fourteen days' notice of opportunity for hearing pursuant to the Local Rules.

iii. *Early Termination*. A request to terminate the LMM Period prior to its expiration shall be made by way of a Motion to Terminate the LMM Program (LMM Form 10). A proposed Order Terminating LMM Program (LMM Form 11) and a complete and current printout of the account history from the Portal shall be attached to the motion. A request to terminate the LMM Program shall be served on all Required Parties on fourteen days' notice of opportunity for hearing.

b. LMM Conferences.

i. *Scheduling*. In the event that the Debtor and the Creditor are not able to reach mutually agreeable terms, then upon consultation with the parties and their attorneys (if any), the Facilitator shall fix a reasonable date and time for an LMM Conference and shall give the parties at least seven days' advance written notice of the date and time of the LMM Conference. The Facilitator shall report the scheduling of the LMM Conference on the Portal. The Facilitator may (in his or her sole discretion) schedule multiple LMM Conferences.

ii. *Appearances*. Attendance at the LMM Conference by the Debtor and the Creditor is mandatory. All Required Parties may appear at the LMM Conference remotely unless otherwise agreed to by the parties or directed by the Facilitator.

1. *Debtor Represented by Attorney*. If the Debtor is represented by an attorney, then the Debtor, the Debtor's attorney, and any co-obligor, co-borrower, or other third party obligated on the note or deed of trust may participate in the LMM Conference by telephone provided that they are physically present with the Debtor's attorney and present identification to the Debtor's attorney during all LMM Conferences.

2. *Translator*. The Debtor shall provide a translator at the Debtor's own expense in the event one is necessary, unless otherwise required by the Americans with Disabilities Act.

3. *Creditor*. The Creditor shall appoint a designated representative to appear on behalf of the Creditor.

4. *Settlement Authority*. All parties attending the LMM Conference shall be ready, willing, and able to sign a binding settlement agreement and have the ability to scan, send, and receive documents by facsimile, email, or other electronic means.

iii. *Failure to Appear*. In the event that a Required Party fails to appear at a scheduled LMM Conference, the Facilitator may file a Certificate of Non-compliance (LMM Form 7) with the Bankruptcy Court. The Bankruptcy Court reserves the right to treat such non-compliance as a failure to act in good faith under the LMM, 11 U.S.C. § 1325(a)(3), (a)(5)(A) and/or (a)(7), 12 C.F.R. § 1024.41, North Carolina General Statute § 45-105, and the North Carolina Commissioner of Banks Rules 702 and 703.

c. LMM Reports.

Final Report. Within seven days after the conclusion of the LMM Period, the Debtor, on notice to the Creditor, shall file and serve a Final Report with an attached printout of the current and complete account history from the Portal. The Final Report shall be completed in accordance with the instructions provided on the Portal.

d. Debtor Payments. Any Debtor participating in the LMM Program shall be required to make any payments due to a Creditor through the Chapter 13 trustee, including, but not limited to, Adequate Protection Payments, trial modification payments, and final modification payments, unless otherwise ordered by the court.

10. **LMM Resolution**.

a. Trial Loan Modification Agreement. If the parties reach a trial loan modification agreement, the Debtor shall file a Motion to Approve Trial Loan Modification Agreement (LMM Form 12) and a proposed Order Approving Trial Loan Modification (LMM Form 13) within fourteen days after the parties reach such agreement. The Motion to Approve Trial Loan Modification Agreement shall be served upon all interested parties with fourteen days' notice of opportunity for hearing pursuant to the Local Rules. Once entered by the Bankruptcy Court, the Debtor shall serve a copy of the Order Approving Trial Loan Modification on the Required Parties and shall file a certificate of service.

b. Final Loan Modification Agreement. If the parties agree to a final or long-term loan modification, the Debtor shall file a Motion to Authorize Final Loan Modification (LMM Form 14), which shall be served immediately on the Chapter 13 trustee and all creditors whose claims are secured by liens against the Eligible Property. The motion shall contain a detailed description of the proposed loan modification and shall include a Final Loan Modification Summary (LMM Form 15). A copy of the loan modification agreement shall accompany the motion. The proposed Order Granting Motion to Authorize Final Loan Modification (LMM Form 16) shall include the following provisions, where applicable:

   i. If the loan modification approved by the Bankruptcy Court impacts the provisions of the Debtor's Chapter 13 plan, a motion to modify plan shall be filed within fourteen days of the entry of the Order Granting Motion to Authorize Final Loan Modification;

   ii. If the loan modification approved by the Bankruptcy Court results in a material change in the Debtor's expenses, the Debtor shall file an amendment to the impacted schedules reflecting income and expenses (Schedules I and J) within fourteen days of the entry of the Order Granting Motion to Authorize Final Loan Modification.

c. Additional Provisions.

   i. *No Dismissal*. Dismissal of the bankruptcy case shall not be made a requirement of an agreement reached through the LMM.

   ii. *Consent*. Consent to the resolution of the LMM shall be acknowledged in writing by an authorized representative of the Creditor, the Debtor, and the Debtor's attorney, if applicable.

   iii. *Bankruptcy Court Review and Approval*. LMM participants shall file a motion seeking approval from the Bankruptcy Court to enter into any agreement reached during the LMM process, including, but not limited to,

a stipulation, sale, plan of reorganization, amended plan of reorganization, or loan modification. If a Debtor is represented by counsel, a resolution may be approved by the Bankruptcy Court pursuant to a notice of opportunity for hearing pursuant to Local Rule 9013-1(e). If a Debtor is not represented by counsel, the Bankruptcy Court will conduct a hearing at which the Debtor shall appear in person prior to approving a resolution. The Bankruptcy Court will not approve a proposed resolution unless it is in the best interests of the Debtor and the bankruptcy estate.

11. **LMM Fees**.

a. Compensation for Debtor's Counsel.

i. *Presumptive Non-base Fee*. Debtor's counsel may accept a presumptive non-base fee pursuant to Local Rule 2016-2(c)(1)(B) in a reasonable amount not to exceed $2,000 to be paid in cases resulting in a successful (as determined by the Bankruptcy Court) loan modification. Debtor's counsel must indicate a selection of the presumptive non-base fee in the Motion for LMM. These fees are in addition to fees and costs incurred in the representation of the Debtor in the bankruptcy case. These non-base fees shall be considered to be earned in the following amounts for the corresponding events:

- $1,000.00 upon entry of the LMM Order (LMM Form 4);
- $500.00 upon entry of the Order Approving Trial Loan Modification (LMM Form 13); and
- $500.00 or the remainder of the total fee upon entry of the Order Granting Motion to Authorize Final Loan Modification (LMM Form 16).

The presumptive non-base fee compensates the Debtor's counsel for the following services:

- Filing of the Motion for LMM (LMM Form 1) and preparation of the LMM Order (LMM Form 4);
- Preparation of the Initial LMM Package;
- Preparation of any additional forms that may be required throughout the LMM Period;
- Submission of all required documentation through the Portal;
- Filing of other required pleadings and preparation of proposed orders and settlement papers, including, as applicable, the various LMM motions and motions to modify Chapter 13 plans, with no duplicative compensation for such pleadings from the non-base fee schedule provided in Part 2 of Appendix D of the Local Rules;
- Communicating with the Creditor, the Facilitator, and the Portal Manager, including communications through the Portal;

- Attendance at LMM Conferences and Bankruptcy Court hearings related to the LMM;
- Review of all modified loan documents; and
- Review and modification, if necessary, of the Chapter 13 plan following completion of the LMM.

ii. *Hourly Fee Application.* Alternatively, Debtor's counsel may seek approval for reasonable compensation on an hourly basis for all reasonable and necessary work involved in connection with the LMM process and may file an application for allowance of attorney's fees and costs with the Bankruptcy Court.

b. Facilitator Fees. The Facilitator shall be entitled to a fee in the amount of $500 due and payable as set forth herein.

c. Creditor Fees. If a proposed LMM resolution provides for a Creditor to receive payment or reimbursement from the Debtor of any fee, cost, or charge that arose from the LMM process, all such fees, costs, and charges shall be disclosed to the Debtor prior to approval of the resolution. The Creditor's counsel may be entitled to receive a reasonable fee for all work involved with the LMM and shall clearly delineate such fee in the LMM resolution or by a Notice of Fees, Expenses, and Charges pursuant to Federal Rule of Bankruptcy Procedure 3002.1(c).

LMM FORMS

LMM Form 1	Motion for Loan Modification Management
LMM Form 2	Certification of LMM Eligibility and Readiness
LMM Form 3	Contract for Representation in LMM
LMM Form 4	(proposed) Order for Loan Modification Management
LMM Form 5	Ex Parte Motion to Substitute LMM Servicer
LMM Form 6	(proposed) Order Substituting LMM Servicer
LMM Form 7	Certificate of Non-compliance in Loan Modification Management Program
LMM Form 8	Motion to Extend the LMM Period
LMM Form 9	(proposed) Order Granting Motion to Extend LMM Period
LMM Form 10	Motion to Terminate the LMM Program
LMM Form 11	(proposed) Order Terminating LMM Program
LMM Form 12	Motion to Approve Trial Loan Modification Agreement
LMM Form 13	(proposed) Order Approving Trial Loan Modification
LMM Form 14	Motion to Authorize Final Loan Modification
LMM Form 15	Final Loan Modification Summary
LMM Form 16	(proposed) Order Granting Motion to Authorize Final Loan Modification

LMM Form 1 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[*insert correct division name*] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

MOTION FOR LOAN MODIFICATION MANAGEMENT

NOW COMES [Debtor(s) name] ("Debtor(s)") and hereby submits the following motion and shows unto the Court as follows:

1. The Debtor(s) in this case hereby request the commencement of the Court's Loan Modification Management Program ("LMM") with respect to property located at: [FULL ADDRESS OF THE ELIGIBLE PROPERTY].

2. The Creditor is [FULL NAME OF CREDITOR] and [is / is not] registered on the Portal.

3. The Creditor is the holder of a [first / second / third] mortgage.

4. A completed and executed Certification of LMM Eligibility and Readiness (LMM Form 2), a fully executed Contract for Representation in LMM (LMM Form 3), and a proposed Order for Loan Modification Management (LMM Form 4) are attached to this motion.

5. Any objection to the relief requested herein must be filed within 21 days of service of this motion.

6. The Adequate Protection Payments during the LMM are proposed in the amount of $_____.

7. Counsel for Debtor(s) hereby requests that the Order for Loan Modification Management approve a non-base fee in the amount of $1000 pursuant to section 11(a)(i) of the Court's LMM Procedures.

WHEREFORE, Debtor(s) respectfully request that the Court enter an order approving participation in the LMM Program; approving fees for counsel for Debtor(s); and for any other relief the Court deems just and proper.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Case No.:
	)	Chapter:
	)	
	)	**NOTICE OF**
	)	**OPPORTUNITY FOR HEARING**
	)	(No Protest Notice: No
	)	Hearing Will Be Held Unless
	)	Request For Hearing Is Filed)
	)	
Debtor(s).	)	
	)	

TAKE NOTICE that [name of moving party] has filed papers with the court to [relief sought in motion]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

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 do not want the court to order [relief sought in motion], or if you want the court to consider your views on the motion, then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

4. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

   U.S. Bankruptcy Court
   [Courtroom #]
   [Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

5. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

   [Name/address/fax # of movant's attorney]

   [Name/address/fax # of other parties to be served]

6. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

LMM Form 2 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[*insert correct division name*] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

CERTIFICATION OF LMM ELIGIBILITY AND READINESS

I. CERTIFICATION OF THE DEBTOR(S)

[Debtor(s) name] ("Debtor(s)") hereby certify that:

1. [I / We] will participate in the Court's Loan Modification Management Program ("LMM") in good faith.

2. [I / We] understand and agree to the ongoing obligation to promptly provide information and documentation that may be reasonably requested by the Creditor during the LMM process.

3. [I / We] will make Adequate Protection Payments to [FULL NAME OF CREDITOR] (the "Creditor") in the amount of $ _____ each month during the LMM Period, unless and until otherwise ordered by the Court.

4. [I / We] understand that commencing the LMM is voluntary and that [I am / we are] not required to enter into any agreement or settlement with any other party and no other party is required to enter into any agreement or settlement with [me / us] as part of the LMM.

5. [I / We] understand that [I am / we are] not required to request dismissal of this case as part of any resolution or settlement that is offered or agreed to during the LMM Period.

6. [I / We] understand that if [I / we] do not fully comply with the requirements of the LMM, our participation in the LMM may be terminated.

7. [I / We] have completed the tasks required by the Document Preparation Software and [I /we] have paid the non-refundable Document Preparation Software Fee directly to the Portal Manager. [My / Our] Initial LMM Package has been completed and is ready for signature and submission. Attached

is the Certification of Document Preparation [I / we] received upon completion of the Document Preparation Software.

8. [I / We] understand and agree that upon issuance of the Order for Loan Modification Management, [I / we] will be required to pay (i) a non-refundable Portal Submission Fee directly to the Portal Manager, and (ii) $250 to the Facilitator (representing one-half of the Facilitator Fee).

9. Prior to filing the Motion for Loan Modification Management, [I / we] determined that: (select one)

____ The Creditor is registered with the approved Portal.

____ The Creditor is not registered with the approved Portal. [I / We] request that the Court require the Creditor (and the Creditor's North Carolina counsel, if applicable) to register with the Portal and provide the Creditor's most current Initial LMM Package to the Facilitator within ten days after the entry of the Order for Loan Modification Management. The Facilitator will promptly post the Initial LMM Package on the Portal after it is provided by the Creditor.

Date: _____ _____
Debtor

Date: _____ _____
Joint Debtor (if any)

II. CERTIFICATION OF COUNSEL TO DEBTOR(S)

I, [ATTORNEY NAME] represent [NAME(S) OF DEBTOR(S)] in this case and hereby certify that:

1. I have discussed the details of the Court's LMM with the Debtor(s).

2. I performed adequate due diligence to determine the Debtor(s) eligibility for the LMM.

3. In light of my due diligence, I [am aware of no reason why the commencement of the LMM in this case would be futile or otherwise contrary to reasonable expectations of a successful outcome] OR [I have a colorable argument for the Debtor(s) participating in the LMM Program notwithstanding the following fact(s) which might hinder the pursuit of a successful outcome: [IF KNOWN, COUNSEL MUST SPECIFY THESE FACT(S), for example: the debt-to-income ratio is outside of the standard range for loan modification; the loan was recently denied for modification; the loan is currently under a modification; and any similarly problematic facts]. Nevertheless, I am moving for the commencement of the LMM because [FOR EACH OF THE AFOREMENTIONED FACTS, PROVIDE SPECIFIC REASONS WHY LMM IS SOUGHT IN GOOD FAITH].

4. I have fully complied with the requirements set forth in the LMM Program Procedures, and I am prepared to upload the required documents to the Portal upon entry of the Order for Loan Modification Management.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

SUPPLEMENTAL AGREEMENT TO ATTORNEY-CLIENT AGREEMENT FOR CHAPTER 13 BANKRUPTCY SERVICES AND LIMITED POWER OF ATTORNEY FOR PARTICIPATION IN BANKRUPTCY COURT LOAN MODIFICATION MANAGEMENT PROGRAM
("Contract for Representation in LMM")

I, _____, hereunder referred to as the "Client," retain and employ _____ ("Law Firm") for representation in trying to obtain a mortgage modification during my Chapter 13 Bankruptcy under the Bankruptcy Court's Loan Modification Management Program ("LMM Program").

Scope of Contract

1. Client hereby retains Law Firm to represent him/her under the Bankruptcy Court's LMM Program in their current and active Chapter 13 bankruptcy proceeding. Specifically, the Law Firm will:

   a. Review all documents and history of loans and give the Client an analysis of his/her situation with available options and advise whether seeking a loan modification is advisable and feasible;

   b. Gather from the Client all necessary documents and information required under the LMM Program, prepare and upload the documents to the LMM Portal, and assist the Client in responding to requests for further documentation and information;

   c. Appear at all court hearings, mediations, facilitation meetings, etc., file all pleadings as required by the LMM Program, respond to all requests from the LMM Facilitator and the Creditor, and negotiate with the Client's Creditor to try to obtain a loan modification; and

   d. Advise the Client regarding acceptance of any loan modification offered and seek approval and implementation of the Client's choice based upon this discussion, including seeking allowance of that option and payment of attorney's fees and costs through the Client's Chapter 13 plan.

2. The Client agrees that:

   a. The attorney's fees for the Law Firm's representation in the LMM program will be $_____ _____ to seek a modification of the Client's mortgage through the Chapter 13 case and shall be payable to the Law Firm. These fees and any related costs will be collected through the Chapter 13 plan. Absent a contrary determination by the Bankruptcy Court, the fees will be awarded as follows: $1000 upon entry of an Order for Loan Modification Management (LMM Form 4); $500 upon entry of an Order Approving Trial Loan Modification (LMM Form 13); and $500 or the remainder of the total fee upon entry of an Order Granting Motion to Authorize Final Loan Modification (LMM Form 16). **ALL ATTORNEY'S FEES AND COSTS ARE NON-REFUNDABLE. This fee is for EACH mortgage the Client attempts to modify. Any additional mortgage modifications will be charged an additional fee at the same amount for each mortgage to be modified.**

b. There shall be additional fees due in the amount of $370 for the participation in the LMM Program. This includes one-half of the Facilitator Fee, the Document Preparation Software Fee, and the Portal Submission Fee. **ALL FEES ARE NON-REFUNDABLE, and they are for EACH mortgage that the Client attempts to modify. Any additional mortgage modifications will be charged fees at the same amount for each mortgage to be modified.** Further, even if a Motion for Loan Modification Management ("Motion for LMM") is timely filed, the Client understands that the Creditor may object and that the Creditor cannot be compelled to participate in the LMM Program.

3. The Client understands that once the Order for Loan Modification Management is entered by the court, the Client must begin Adequate Protection Payments to the Creditor. The Adequate Protection Payments will be made through the Chapter 13 plan. The payments will be in an amount equal to 80% of the contractual principal and interest payment plus one-twelfth of the annual escrow amounts for property taxes and insurance (including mortgage insurance, if applicable).

4. The Client understands that there is **NO LEGAL RIGHT TO A LOAN MODIFICATION UNDER ANY APPLICABLE LAW IN THE UNITED STATES**. Therefore, the outcome of the LMM Program is uncertain. The Law Firm makes no representations as to the outcome. The Client understands that the amount of the Adequate Protection Payments is just an estimated payment and any final modification offered by the mortgage company may vary substantially.

5. The Client understands that it is his/her responsibility to obtain homeowners insurance, flood insurance, and any other required insurance under the terms of the mortgage. Failure to maintain the necessary insurance will jeopardize the probability of success in obtaining a loan modification.

6. The Client understands that he/she must provide all required documentation to the Law Firm within 72 hours of request. There may be substantial requests for documentation. The failure to provide this documentation will result in the denial of your loan modification.

7. The Client understands that he/she must attend such LMM Conferences as the Facilitator may schedule.

8. The Client understands that all owners of the property and all parties on the original promissory note must participate in the LMM Program, including attending the LMM Conferences. Their failure to do so will jeopardize the probability of success in obtaining a loan modification. These parties are not required to file bankruptcy to participate.

9. All terms of the original retainer agreement shall remain in full force and effort and shall not be altered by the execution of this agreement.

THE ENTIRE CONTRACT BETWEEN US IS CONTAINED IN THIS AGREEMENT. CLIENT HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ AND FULLY UNDERSTANDS EACH AND EVERY PART OF THIS AGREEMENT, AGREES TO THE TERMS CONTAINED HEREIN, AND ACKNOWLEDGES RECEIPT OF A COPY OF THIS AGREEMENT.

Date: _____ _____
Client/Debtor

Date: _____ _____
Joint Client/Debtor

Date: _____ _____
Attorney

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

ORDER FOR LOAN MODIFICATION MANAGEMENT

A Motion for Loan Modification Management was filed by _____ on _____. All interested parties have had notice and an opportunity to object, and the court has reviewed any objections. Now therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The following parties are directed to participate in the court's Loan Modification Management Program ("LMM Program") in good faith.

Debtor: _____

Creditor: _____

2. The Facilitator in this case shall be designated on the court docket.

3. During the LMM Period, the Debtor shall make Adequate Protection Payments in the amount of $ _____ per month to the Creditor or the Creditor's designee. The Adequate Protection

Payments will be disbursed or reserved by the Chapter 13 trustee following the entry of this order, depending on whether a Chapter 13 plan has been confirmed and whether the Creditor has filed a valid proof of claim. During the LMM Period, the Creditor shall still comply with the requirements of Federal Rule of Bankruptcy Procedure 3002.1(b) regarding Notices of Payment Changes, but the Chapter 13 trustee shall adjust the Adequate Protection Payments consistent with section 8(b)(vi) of the LMM Program Procedures.

4. Within ten days after entry of this order, the Creditor and the Creditor's North Carolina counsel (if any) shall register on the Portal (if not already registered) and shall provide the Creditor's most current Initial LMM Package to the Portal Manager.

5. Within seven days after entry of this order or the Creditor's registration on the Portal, whichever occurs later, the Debtor shall: (i) upload the Debtor's Initial LMM Package to the Portal; (ii) upload a copy of this LMM Order to the Portal; (iii) pay the $60 Portal Submission Fee to the Portal Manager; and (iv) pay $250 directly to the Facilitator (representing one-half of the Facilitator Fee).

6. Within seven days after the Debtor submits the completed Initial LMM Package to the Creditor on the Portal, the Creditor shall: (i) acknowledge receipt of the Debtor's completed Initial LMM Package on the Portal; (ii) designate its single point of contact and outside legal counsel (if any) on the Portal; and (iii) pay $250 directly to the Facilitator (representing one-half of the Facilitator Fee).

7. During the LMM Period, the Creditor shall promptly review the Debtor's Initial LMM Package to determine the Debtor's eligibility for any loss mitigation options that may be available to the Debtor. In the event that the Creditor shall require additional (or corrected) documentation, the Creditor shall promptly notify the Debtor through the Portal of such requirements and promptly respond to the Debtor's submissions thereof as well as any inquiries made by the Debtor.

8. During the LMM Period, upon request through the Portal, the Debtor shall promptly provide any additional documents requested by the Creditor, the Facilitator, and/or the Portal Manager and/or answer any questions.

9. The LMM Period shall terminate 180 days from the entry of this order unless extended by order of the court.

10. Within seven days of the conclusion of the LMM Period, the Debtor, on notice to the

Creditor, shall file and serve a Final Report with an attached printout of the current and complete account history from the Portal. The Final Report shall be completed in accordance with the instructions provided in the Portal.

11. The Debtor shall immediately serve a copy of this order on the Creditor and file a certificate of service evidencing same.

12. During the LMM Period, unless otherwise permitted by the court, all material communications shall be conducted exclusively through the Portal.

13. During the LMM Period, on behalf of each participating party, a person with complete knowledge of the file so as to be reasonably capable of answering questions posed by the court related to the LMM shall attend all LMM-related hearings and conferences.

14. The automatic stay as provided for under 11 U.S.C. § 362(a) shall be modified to the extent necessary to facilitate the LMM Program as more particularly provided in the Loan Modification Management Program Procedures.

15. The request of counsel for the Debtor(s) for a non-base fee in the amount of $1000 is hereby approved.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

LMM Form 5 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

EX PARTE MOTION TO SUBSTITUTE LMM CREDITOR

NOW COMES [Former Creditor's name] ("Former Creditor") and hereby submits the following motion and shows unto the Court as follows:

1. On [DATE OF MOTION FOR LOAN MODIFICATION MANAGEMENT], the Debtor(s) filed a Motion for Loan Modification Management upon which the Court entered an Order for Loan Modification Management ("LMM Order") dated [DATE OF DOCKETING], naming the Former Creditor as the creditor in the Loan Modification Management Program ("LMM Program") and setting forth certain deadlines.

2. Subsequent to entry of the LMM Order, the Debtor(s) was notified that [FULL AND COMPLETE NAME OF SUCCESSOR CREDITOR] ("Successor Creditor") with an address of [FULL AND COMPLETE ADDRESS OF SUCCESSOR CREDITOR] has replaced the Former Creditor.

WHEREFORE, the Former Creditor respectfully requests that the Court enter an order:

1. Relieving the Former Creditor of any further responsibility pursuant to the LMM Order and vacating the LMM Order as to it;

2. Designating [SUCCESSOR CREDITOR] as the Successor Creditor responsible for completion of all LMM Program duties, responsibilities, and obligations previously imposed on the Former Creditor, including compliance with all LMM Program requirements as if originally designated in the LMM Order in the first instance. Without limiting the generality of the foregoing, the Successor Creditor shall be obligated to accept all of the documentation submitted by the Debtor to the Former Creditor;

3. Requiring the Former Creditor to upload an Order Substituting LMM Servicer and to serve the Order Substituting LMM Servicer electronically on the Chapter 13 trustee within three days of its entry at the following email address: _____; and

4. Authorizing and directing the Chapter 13 trustee to make payments to [SUCCESSOR CREDITOR] beginning with the next distribution date that is not less than ten days from service of this order upon the Chapter 13 trustee.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

ORDER SUBSTITUTING LMM SERVICER

On [DATE OF MOTION FOR LOAN MODIFICATION MANAGEMENT], the Debtor(s) filed a Motion for Loan Modification Management upon which the court entered an Order for Loan Modification Management ("LMM Order") dated [DATE OF DOCKETING], naming [FORMER CREDITOR] ("Former Creditor") as the creditor in the Loan Modification Management Program ("LMM") and setting forth certain deadlines.

Subsequent to the entry of the LMM Order, the Debtor(s) was notified that the Former Creditor changed and that the successor creditor is [FULL AND COMPLETE NAME OF SUCCESSOR CREDITOR] ("Successor Creditor") with an address of [FULL AND COMPLETE ADDRESS OF SUCCESSOR CREDITOR].

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. [FORMER CREDITOR] is relieved from any further responsibility pursuant to the LMM Order and the LMM Order is vacated as to it;

2. [SUCCESSOR CREDITOR] is now designated as the Successor Creditor responsible for completion of all LMM duties, responsibilities, and obligations previously imposed on the Former Creditor,

including compliance with all LMM requirements as if originally designated in the LMM Order in the first instance. Without limiting the generality of the foregoing, the Successor Creditor shall be obligated to accept all of the documentation submitted by the Debtor to the Former Creditor;

3. Within three days of entry of this order, the Former Creditor shall upload the signed order to the LMM Portal and serve this order electronically on the Chapter 13 trustee at the following email address: _____; and

4. The Chapter 13 trustee is authorized and directed to make payments to [SUCCESSOR CREDITOR] beginning with the next distribution date that is not less than ten days from service of this order upon the Chapter 13 trustee.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

LMM Form 7 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

CERTIFICATE OF NON-COMPLIANCE
IN LOAN MODIFICATION MANAGEMENT PROGRAM

An Order for Loan Modification Management was entered in this matter on _____, 20___. The Facilitator hereby gives notice to the Court that the [DEBTOR / CREDITOR] has failed to cooperate or perform its obligations as determined by the Facilitator acting in good faith.

[Facilitator to set forth the specific reasons detailing how the Debtor or the Creditor has failed to comply with the LMM Program together with any supporting evidence documenting such non-compliance].

Date: _____

_____
[Facilitator's name]
LMM Facilitator

LMM Form 8 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

MOTION TO EXTEND THE LMM PERIOD

[FULL NAME OF MOVANT] hereby requests an extension of the Loan Modification Management Period ("LMM Period") in this case, which is presently set to expire on [DATE], and in support for said request attests as follows:

Part 1: LMM Background

[In separately numbered paragraphs and in chronological order, identify each docket event related to the LMM in this case, such as relevant docket entries or dates of submissions of any required forms or information to the parties.] A complete and current printout of the entire account history from the Portal is attached hereto. [Do not provide copies of the documents submitted to the Portal, the Creditor, or the Creditor's Attorney for LMM review.]

Part 2: LMM Progress

[In separately numbered paragraphs, provide a brief summary of the LMM process and the current status.]

Part 3: Reasons Supporting an Extension of the LMM Period

[In separately numbered paragraphs, set forth the specific reasons why the Creditor and the Debtor are unable to reach a consensual resolution on or before the present LMM termination date as ordered by the Court and set forth the specific reasons why an extension of the LMM Period should be granted by the Court.]

Based upon the foregoing, Movant respectfully requests that the Court enter an order extending the LMM Period by an additional [NUMBER OF DAYS] through and including [DATE].

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Case No.:
	)	Chapter:
	)	
	)	**NOTICE OF**
	)	**OPPORTUNITY FOR HEARING**
	)	(No Protest Notice: No
	)	Hearing Will Be Held Unless
	)	Request For Hearing Is Filed)
	)	
Debtor(s).	)	
	)	

TAKE NOTICE that [name of moving party] has filed papers with the court to [relief sought in motion]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

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 do not want the court to order [relief sought in motion], or if you want the court to consider your views on the motion, then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

   U.S. Bankruptcy Court
   [Courtroom #]
   [Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

   [Name/address/fax # of movant's attorney]

   [Name/address/fax # of other parties to be served]

3. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

ORDER GRANTING MOTION TO EXTEND LMM PERIOD

An Order for Loan Modification Management was entered in this case on _____. On _____, _____ filed a Motion to Extend the LMM Period. Now therefore, for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the LMM Period is extended up to and including_____, 20 _____.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

LMM Form 10 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

MOTION TO TERMINATE THE LMM PROGRAM

[FULL NAME OF MOVANT] hereby requests the termination of the Loan Modification Management Program ("LMM") in this case and in support of said request attests as follows:

Part 1: LMM Background

[In separately numbered paragraphs and in chronological order, identify each docket event related to the LMM in this case, such as relevant docket entries or dates of submissions of any required forms or information to the parties.] A complete and current printout of the entire account history from the Portal is attached hereto. [Do not provide copies of the documents submitted to the Portal, the Creditor, or the Creditor's attorney for LMM review.]

Part 2: LMM Progress

[In separately numbered paragraphs, provide a brief summary of the LMM process and the current status.]

Part 3: Reasons Supporting a Termination of the LMM Program

[In separately numbered paragraphs, set forth the specific reasons why the Creditor and the Debtor are unable to reach a consensual resolution and/or set forth the specific reasons why the Court should terminate the Loan Modification Management Program in this case.]

Part 4: Current Mortgage Status

[In separately numbered paragraphs, set forth the current monthly mortgage payment, the pre-petition mortgage arrearage, the post-petition mortgage arrearage, etc.]

Based upon the foregoing, Movant respectfully requests that the Court enter an order terminating the LMM Program in this case and for any other relief the Court deems just and proper.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Case No.:
	)	Chapter:
	)	
	)	**NOTICE OF**
	)	**OPPORTUNITY FOR HEARING**
	)	(No Protest Notice: No
	)	Hearing Will Be Held Unless
	)	Request For Hearing Is Filed)
	)	
Debtor(s).	)	
	)	

TAKE NOTICE that [name of moving party] has filed papers with the court to [relief sought in motion]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

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 do not want the court to order [relief sought in motion], or if you want the court to consider your views on the motion, then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

   U.S. Bankruptcy Court
   [Courtroom #]
   [Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

   [Name/address/fax # of movant's attorney]

   [Name/address/fax # of other parties to be served]

3. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

ORDER TERMINATING LMM PROGRAM

An Order for Loan Modification Management was entered in this case on _____. On _____, _____filed a Motion to Terminate the LMM Program. Now therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Loan Modification Management Program in this case is terminated, effective _____, 20 _____, and the Final Report is due seven days thereafter.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the Chapter 13 trustee shall commence disbursing the on-going monthly mortgage payment in the contractual amount of $_____ _____ at the next regular disbursement date. The pre-petition arrearage is allowed, without prejudice to other objections, in the amount of $_____ as stated in the Proof of Claim, and the post-petition arrearage is allowed in the amount of $__ through the date of this order.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

LMM Form 12 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

MOTION TO APPROVE TRIAL LOAN MODIFICATION AGREEMENT

NOW COMES [Debtor(s) names] ("Debtor(s)") and hereby submits the following motion and shows unto the Court as follows:

1. The Debtor(s) in this case hereby request that the Court enter an order approving a trial loan modification agreement (the "Trial Modification") with [NAME OF LENDER/SERVICER] ("Creditor") pursuant to the Court's Loan Modification Management Program ("LMM") with respect to the [FIRST/SECOND/THIRD] mortgage on the Debtor's property at [PROPERTY ADDRESS].

2. The terms of the Trial Modification require monthly payments in the amount of [$ AMOUNT] to begin on [DUE DATE OF FIRST TRIAL PAYMENT] and to continue in that amount until [DUE DATE OF LAST TRIAL PAYMENT].

3. A true and accurate copy of the Trial Modification documents are attached hereto as Exhibit A and incorporated herein by reference.

4. Beginning with the first month of the trial modification period and continuing thereafter, the Chapter 13 trustee shall cease making Adequate Protection Payments to the Creditor, shall commence making the trial modification payments set forth above, and shall continue to reserve cure payments on all existing prepetition and administrative arrearage claims pending further order of the Court.

5. Counsel for Debtor(s) hereby requests that the Court approve a non-base fee in the amount of $500 pursuant to section 11(a)(i) of the Court's LMM Procedures.

WHEREFORE, based upon the foregoing, the Debtor(s) respectfully requests that the Court enter an order approving the Trial Modification and for any other relief the Court deems just and proper.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Case No.:
	)	Chapter:
	)	
	)	**NOTICE OF**
	)	**OPPORTUNITY FOR HEARING**
	)	(No Protest Notice: No
	)	Hearing Will Be Held Unless
TIN: XXX-XX-	)	Request For Hearing Is Filed)
	)	
Debtor(s).	)	
	)	

TAKE NOTICE that [name of moving party] has filed papers with the court to [relief sought in motion]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

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 do not want the court to order [relief sought in motion], or if you want the court to consider your views on the motion, then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

   U.S. Bankruptcy Court
   [Courtroom #]
   [Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

   [Name/address/fax # of movant's attorney]

   [Name/address/fax # of other parties to be served]

3. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

ORDER APPROVING TRIAL LOAN MODIFICATION

On [DATE OF TRIAL MODIFICATION AGREEMENT], the Debtor(s) and [NAME OF LENDER/SERVICER] ("Creditor") entered into a trial modification (the "Trial Modification") through the court's Loan Modification Management Program with respect to the [FIRST/SECOND/THIRD] mortgage on the Debtor's property at [PROPERTY ADDRESS]. The terms of the Trial Modification require monthly payments in the amount of [$ AMOUNT] ("Trial Payments") to begin on [DUE DATE OF FIRST TRIAL PAYMENT] and to continue in that amount until [DUE DATE OF LAST TRIAL PAYMENT] (the "Trial Modification Period"). Therefore, the Debtor(s) requests that the court enter this Order Approving Trial Loan Modification until a final modification can be presented to the court for approval. Now therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Motion to Approve Trial Loan Modification is granted;

2. Each Trial Payment shall be made in the amount of [$ AMOUNT] for the following months: [Month 1], [Month 2], and [Month 3];

3. Beginning with the first month of the Trial Modification Period and continuing thereafter, the Chapter 13 trustee shall begin making the trial payments set forth above, cease making Adequate

Protection Payments to the Creditor, and shall continue to reserve cure payments on all existing prepetition and administrative arrearage claims pending further order of the court;

4. Following the Trial Modification Period, the trustee shall continue to make distributions in the same amount as the Trial Payments until further order of this court;

5. In the event that a final modification is reached between the parties, the Debtor shall ***immediately*** file a Motion to Authorize Final Loan Modification;

6. The LMM Period is extended until fourteen days after the expiration of the Trial Modification Period. If the Debtor has not filed a Motion to Authorize Final Loan Modification within fourteen days after the expiration of the Trial Modification Period, then the Debtor shall ***immediately*** file and serve either a Motion to Extend the LMM Period or a Motion to Terminate the LMM Program that sets forth the specific reasons why an agreement was not reached;

7. Any party may seek a further hearing regarding the amendment or termination of this order at any time during the Trial Modification Period by filing an appropriate motion; and

8. The request of counsel for Debtor(s) for a non-base fee in the amount of $500 is hereby approved.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

LMM Form 14 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

MOTION TO AUTHORIZE FINAL LOAN MODIFICATION

NOW COMES [Debtor(s) names] ("Debtor(s)") and hereby submits the following motion and shows unto the Court as follows:

1. The Debtor(s) in this case hereby request that the Court enter an order approving a final loan modification agreement with [NAME OF LENDER/SERVICER] ("Creditor") pursuant to the Court's Loan Modification Management Program ("LMM") with respect to the [FIRST/SECOND/THIRD] mortgage on the Debtor's property at [PROPERTY ADDRESS].

2. The Debtor and the Creditor agreed to a final loan modification agreement. A true and correct copy of the final loan modification agreement is attached hereto as Exhibit A.

3. The summary of the loan modification terms are provided in the Final Loan Modification Summary attached hereto as Exhibit B.

4. Counsel for Debtor(s) hereby requests that the Court approve a non-base fee in the amount of $500 pursuant to section 11(a)(i) of the Court's LMM Procedures.

WHEREFORE, based upon the foregoing, the Debtor(s) respectfully requests that the Court enter an Order Granting Motion to Authorize Final Loan Modification; approve fees for counsel for Debtor(s); and for any other relief that the Court deems just and proper.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
***[insert correct division name]* DIVISION**

IN RE:	)	Case No.:
	)	Chapter:
	)	
	)	**NOTICE OF**
	)	**OPPORTUNITY FOR HEARING**
	)	(No Protest Notice: No
	)	Hearing Will Be Held Unless
TIN: XXX-XX-	)	Request For Hearing Is Filed)
	)	
Debtor(s).	)	
	)	

TAKE NOTICE that [name of moving party] has filed papers with the court to [relief sought in motion]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

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 do not want the court to order [relief sought in motion], or if you want the court to consider your views on the motion, then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

   U.S. Bankruptcy Court
   [Courtroom #]
   [Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

   [Name/address/fax # of movant's attorney]

   [Name/address/fax # of other parties to be served]

3. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____

_____
[Attorney Name]
[State Bar #]
[Address]
[Telephone #]
[Email address]
Attorney for Debtor(s)

EXHIBIT A

FINAL LOAN MODIFICATION AGREEMENT

EXHIBIT B

FINAL LOAN MODIFICATION SUMMARY

LMM Form 15 **September 2021**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
_____	)	

FINAL LOAN MODIFICATION SUMMARY

Property Valuation: $ _____ Source: _____

Original Loan Amount: $ _____ Origination Date: _____

Prepetition Arrears: $ _____

As of Petition Date		Under Proposed Modification
	Principal Balance	
	Interest Rate	
	Maturity Date	
	P&I Payment	
	Escrow Payment	
	Total Payment	
	Balloon Payment Amount	
	Balloon Payment Date	
	Cumulative Interest	
	LTV	
	Ch. 13 Payment	
	Ch. 13 Pmt. (Arrears)	

Any other term(s) in which there is a substantive difference between the original loan and the proposed modified loan:

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
[insert correct division name] DIVISION

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER 13
TIN: XXX-XX-	)	
	)	
Debtor(s).	)	
	)	

ORDER GRANTING MOTION TO AUTHORIZE FINAL LOAN MODIFICATION

On _____, the Debtor(s) filed a Motion to Authorize Final Loan Modification (the "Motion") seeking approval of the final loan modification agreement (the "Final Agreement") entered into with [NAME OF LENDER/SERVICER] ("Creditor") with respect to the [FIRST/SECOND/THIRD] mortgage on the Debtor's property at [PROPERTY ADDRESS]. The Final Agreement was attached as Exhibit A to the Motion. A Final Loan Modification Summary was attached as Exhibit B. Upon due consideration and for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Motion is granted;

2. The Final Agreement is approved and the Debtor(s) is authorized to enter into the Final Agreement;

3. The Debtor(s) and the Creditor are authorized to execute any and all documents necessary to effectuate and implement the terms of the Final Agreement;

4. The terms of the Final Agreement are incorporated into this order;

5. The Debtor's new loan payment to the Creditor shall be $_____ per month, which includes principal, interest, and escrow amounts for property insurance and taxes. The payments shall commence on _____, 20___ and continue through _____, 20___. The Chapter 13 trustee shall make these payments payable to _____ and mail the payments to _____, _____. The Chapter 13 trustee is authorized to reduce all balances currently owing on all arrearage claims in the plan to a total of $_____.

6. The request of counsel for Debtor(s) for a non-base fee in the amount of $500 is hereby approved; and

7. The court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this order, including, but not limited to, interpretation and enforcement of the Final Agreement.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

APPENDIX D

Attorney's Fees in Chapter 13 Cases

Part 1: Base Fee for Debtor's Counsel in Chapter 13 Cases

Pursuant to Local Rule 2016-2(c)(1)(A), the maximum presumptive base fee for debtor's counsel in Chapter 13 cases is $5,000.

When a Chapter 13 debtor retains substitute counsel during a Chapter 13 case, the substitute counsel is entitled to a presumptive base fee of $500 pursuant to Local Rule 2016-2(c)(2).

Part 2: Non-base Fees for Debtor's Counsel in Chapter 13 Cases

The following are the maximum presumptive non-base fees for debtor's attorneys in Chapter 13 cases pursuant to Local Rule 2016-2(d)(4):

– Defense of the Chapter 13 trustee's motion to and/or modify	$200
– Motion to modify plan (including motion for moratorium, motion for hardship discharge, motion to approve insurance settlement, and other motions that require plan modification)	$450
– Substitution of collateral	$450
– Prosecution or defense of motion for relief from stay or co-debtor Stay	$450
– Motion for authority to sell property	$450
– Motion to obtain credit	$450
– Permission from the Chapter 13 trustee to obtain credit	$200
– Motion to extend or impose the automatic stay	$350
– Preparation and filing of a conduit mortgage proof of claim (Official Bankruptcy Form B 410) with a copy of the recorded deed of trust (if no proof of claim has been filed by the creditor on/before the claims bar date)	$350
– Objection to the proof of claim of a Real Property Creditor	$450
– Mortgage modification pursuant to the Loan Modification Management (LMM) Program (see Appendix C for the LMM Program Procedures)	Up to $2000
– Assisting the debtor in applying for a mortgage modification and filing a motion to participate in a trial mortgage modification (non-LMM)	$450
– Filing a motion to approve a permanent mortgage modification (non-LMM)	$450
– Filing a motion to declare a mortgage current or paid in full	$450

Part 3: Legal Fees for Attorneys Representing Real Property Creditors in Chapter 13 Cases

The following are the maximum presumed fees pursuant to Local Rule 2016-2(i) for attorneys representing Real Property Creditors:

– Review of the petition, plan, and loan information and legal advice or counseling to the Real Property Creditor or the servicer on its treatment in the case and or allowance of the proof of claim	$150
– Filing a proof of claim on behalf of a Real Property Creditor	$350
– Responding to an objection to claim, including attending one hearing if necessary, and responding to basic discovery	$450
– Objection to confirmation of a plan regarding the amount of the pre-petition arrears or the treatment of the Real Property Creditor, including attending one hearing if necessary	$450
– Motion to incur debt to allow a loan modification agreement or other similar workout between the debtor and the Real Property Creditor	$450
– Motion for relief from stay or adequate protection	$450[1]
– Consent order/judgment to an adversary proceeding that is not contested[2]	$350
– Objection to a motion to declare mortgage obligations current upon completion of plan, including one court appearance	$450
– Filing an amended proof of claim	$150

[1] Attorneys for Real Property Creditors are also entitled to reimbursement of the filing fee associated with motions for relief from stay.

[2] A matter is contested where a motion to dismiss or a motion for summary judgment has been filed or where the trial has been held.