

LBR 2016-1. COMPENSATION OF PROFESSIONALS

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(b) Applications for Interim Compensation. Each application for interim compensation shall disclose the following:

1. The amount and date of all previous fee awards or that there has been no prior award;
2. An itemized statement of attorney time expended since the last fee award;
3. Total attorney time expended in the case as of the date of the current application;
4. A statement that describes the primary or most time consuming aspects of the case.

(c) Service of Applications for Interim Compensation. Applications for Interim Compensation shall be served on the interested parties as follows:

1. Applications for Interim Compensation of one thousand dollars or less shall be served upon the debtor and any trustee appointed in the case, and upon the United States Trustee.
2. All Applications for Interim Compensation that exceed one thousand dollars shall be served upon ~~the debtor, any trustee appointed in the case, and the United States Trustee.~~ A notice of filing of the application shall be served upon all creditors in the case. ~~in addition to the debtor, any trustee appointed in the case, and the United States Trustee.~~
3. All ~~Applications and notices of filing of the application~~ shall be accompanied by the appropriate notice of the time to respond and the pending hearing date as required by these Rules.

LBR 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

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(b) **Electronic Filing of Claims**. Entities that file 15 or more proofs of claim during any 12-month period shall file the claims electronically or obtain a Judicial Waiver. ~~If such entities file paper claims without a Judicial Waiver, the Court shall consider striking the documents.~~ Attorneys ~~that~~ **who** file claims for themselves, their firms, or on behalf of any other entity shall file all claims electronically regardless of number. **If paper claims are filed in violation of this rule without a Judicial Waiver, the Court shall consider striking the documents.**

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LBR 3012-1. VALUATION OF COLLATERAL

(a) Chapter 12 and Chapter 13 Cases. The value of collateral in all Chapter 12 and Chapter 13 cases shall be determined at the confirmation hearing and shall be incorporated into the Court's order confirming the plan. The values set by the debtors in their Chapter 13 plans may be adopted by the Court, unless a written objection is filed by the holder of the secured claim, and evidence concerning value is presented by the holder of the claim at the confirmation hearing. Any allegation of value contained in a proof of claim filed by a creditor shall not be deemed an objection to the debtor's valuation.

(b) Expert Witnesses on Valuation. In all actions involving valuation of property by an expert witness, seven working days prior to the time of the hearing or trial, the party wishing to introduce the testimony of an expert witness shall file with the Court and serve on all parties in interest **a statement disclosing the identity of any expert witness it may use at trial or hearing to present evidence under Federal Rule of Evidence 702, 703, or 705. Any such disclosure shall be accompanied by any written reports required under Federal Rule of Bankruptcy Procedure 7026 and Federal Rule of Civil Procedure 26(a)(2). This disclosure and any written reports required by Rule 7026 and Rule 26(a)(2) applies to contested matters and are due seven days prior to the time of the hearing or trial and is not subject to the 90-day disclosure deadline provided in Rule 7026 and Federal Rule of Civil Procedure 26(a)(2)(D). A** ~~sworn written statement of the valuation of the property, qualifications of the witness, a copy of any written appraisal, and the method used in making the appraisal.~~ The expert witness shall give oral testimony at the time of a hearing or trial, but not testify on direct examination except with leave of Court. The party wishing to introduce the valuation of property by an expert witness may, at the time of a hearing or trial, make a summary of the appraisal. The witness shall be sworn for the purposes of cross-examination by the adverse parties.

LBR 3015-3. CHAPTER 13 - CONFIRMATIONS

(a) All creditor objections to confirmation of a Chapter 13 plan shall comply with the following:

1. All creditor objections shall be filed and served seven days prior to the first confirmation hearing held in the case unless a modification of plan has been filed prior to the confirmation hearing. If such modification is filed, the objection deadline shall be 21 days from the date of the modification. Any objection to a plan or modification not filed timely may be overruled by the court.

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LBR 4071-1. AUTOMATIC STAY - VIOLATION OF

(a) Duty of Creditors Upon Notice. Upon notification that a bankruptcy has been commenced, all creditors shall take all appropriate steps to cease any and all collection efforts and shall take all necessary action to release garnishments that violate §362. For purposes of this Rule, notice includes the official notice from the Court of the commencement of a bankruptcy case or any other notice provided to the creditor by the debtor or debtor's attorney which reasonably alerts the creditor to the existence of a bankruptcy case.

(b) Motions to Terminate Garnishment. After the commencement of a bankruptcy case, the debtor may seek termination of any pending garnishment by motion which shall set out a showing that:

- 1) The debtor and/or debtor's counsel have contacted the judgment creditor seeking voluntary release of the garnishment;
- 2) The garnishment and the withholding of any funds from the garnishment are in violation of 11 U.S.C. §362, and
- 3) The motion to terminate the garnishment has been served on the judgment creditor, the Court in which the garnishment is pending, and any entity that has been served as garnishee.

The motion shall include a notice which shall provide 14 days for a response and shall be served pursuant to LBR 9007-1 or 2002-1(e). If no objection is filed to the motion within the 14 days provided, the Court may enter an order ~~directing~~ **authorizing** any entity holding garnished funds to release the funds and ~~directing~~ **authorizing** that the garnishment be terminated.

LBR 5005-4. ELECTRONIC FILING

(a) Filing and Transmittal of Pleadings, Complaints, Petitions, and Other Documents by Electronic Means Using the Court's Electronic Case Filing System.

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(b) Signatures.

(1) The electronic filing of a petition, pleading, motion, claim, or other paper that would bear a signature of an attorney or unrepresented party who is a registered participant of the electronic case filing system shall constitute the signature of that attorney or unrepresented party for purposes of the application of

FRBP 9011 and other applicable rules. The signature indicated on the document submitted for filing must match the identity of the individual registered as the CM/ECF electronic filer.

(2) All pleadings and documents electronically filed shall contain either a scanned image of a signature as a part of that document, or for registered users, an indication of the name of the filer with their signature represented by "/s/ Jane Doe" in a location where the original signature would have occurred.

(3) Filing of pleadings, documents, and other papers that require original or verified signatures.

A. Electronic filing by registered users.

Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. Section 1746 may be filed electronically by attorneys registered in this electronic case filing system. An original copy containing an original signature must be retained by the attorney who files such a petition, pleading, document, or other paper for ~~four (4)~~ **one** years after the closing of the case. If the case is later reopened, the ~~(4)~~ **one** year retention period

for documents already on file is not extended. However, any new filings as defined herein filed after the case is reopened shall be retained by the attorney who files such a petition, pleading, document, or other paper for ~~four (4)~~ **one** years after the re-closing of the case.

B. Filings initially received in paper format.

The court will retain the original documents bearing original signatures of any paper filings where such signatures are a required verification under FRBP 1008 or an unsworn declaration as provided under 28 U.S.C. Section 1746 for 6 months after the filing has been converted to an electronic image.

LBR 9004-1. DOCUMENTS AND PLEADINGS - REQUIREMENTS OF FORM

(a) Multiple Requests for Relief.

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(b) Waiver of Requirements of § 362(e).

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(c) Notices - Form. All notices served shall substantially conform to the following directives:

1. Method of Service. Every notice shall be set out as a separate document from any associated pleading except that a certificate of service may be combined with the notice. The notice may be served separately. If served with an associated pleading, the notice shall be the first page or pages of the service packet. However, the notice may be combined with a short pleading if both can be contained on a single page.

2. Designated Authority for a Notice. The notice shall contain language that identifies the authority of the sender for originating the notice by indicating whether the notice is being sent by direction of the Court or pursuant to a Local Bankruptcy Rule, Federal Rule of Bankruptcy Procedure, or the Bankruptcy Code. The appropriate citation for any rule or code section shall be specified in the notice.

3. Identity of Sender and Court. The notice shall clearly identify the sender by name, address, and telephone number. The notice shall also set out the name, mailing address, and phone number for the Clerk's office.

4. Required Notice Caption. Each notice shall be captioned as it appears on any associated pleading or petition and shall substantially comply with the requirements of FRBP 9004(b).

5. Mandatory Language.

a. Notice of Motion or Objection Other Than Objections to Claims. Unless a hearing is specifically required for the matter being noticed, notice and an opportunity for hearing as contemplated by LBR 9007-1 may be accomplished by the inclusion of the following

language presented conspicuously in the notice and fully capitalized:

NOTICE

[Movant] HAS FILED DOCUMENTS WITH THE COURT TO [relief sought in motion or objection].

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE DOCUMENTS 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 [relief sought in motion or objection], OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE [motion] [objection], THEN YOU OR YOUR ATTORNEY SHALL FILE WITH THE COURT A WRITTEN OBJECTION OR RESPONSE ON OR **BEFORE** [*Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov*]. THE OBJECTION OR RESPONSE SHOULD BE SENT TO THE CLERK OF THE COURT, U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF GEORGIA, PO BOX 1957, MACON, GEORGIA 31202 [*Or Columbus Address*]. IF AN OBJECTION OR RESPONSE IS FILED A HEARING ON THE [motion or objection] SHALL BE HELD ON [*Date of Scheduled Hearing*] AT [*Time*] AT THE [*Location/Address*].

IF YOU MAIL YOUR RESPONSE OR OBJECTION TO THE COURT FOR FILING, YOU SHALL SEND IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** THE OBJECTION OR RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE.

ANY RESPONSE OR OBJECTION SHALL ALSO BE SERVED ON THE MOVANT ~~AND ON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.~~

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING RELIEF.

THIS NOTICE IS SENT BY THE UNDERSIGNED PURSUANT TO **[Enter here the Local Rule, Federal Rule or other legal authority for issuing this notice].**

Dated this _____

[Attorney Information]

b. Notice of Objections to Claims. The following language shall be presented conspicuously in the notice of objection to claims and shall be fully capitalized:

[Objecting Party] HAS FILED AN OBJECTION TO YOUR CLAIM IN THIS BANKRUPTCY CASE.

YOUR CLAIM MAY BE REDUCED, MODIFIED, OR ELIMINATED. YOU SHOULD READ THESE DOCUMENTS 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 ELIMINATE OR CHANGE YOUR CLAIM, THEN YOU OR YOUR ATTORNEY SHALL

FILE WITH THE COURT A WRITTEN RESPONSE TO THE OBJECTION ON OR BEFORE [*Enter date from the Court's Hearing Scheduler program (CHS) found at www.gamb.uscourts.gov*]. THE WRITTEN RESPONSE SHOULD BE SENT TO THE CLERK OF THE COURT, U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF GEORGIA, PO BOX 1957, MACON, GEORGIA 31202 [*Or Columbus Address*]. IF A RESPONSE IS FILED A HEARING ON THE OBJECTION TO YOUR CLAIM SHALL BE HELD ON [*Date of Scheduled Hearing*] AT [*Time*] AT THE [*Location/Address*].

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU SHALL SEND IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** THE RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE.

ANY RESPONSE SHALL ALSO BE SERVED ON THE OBJECTING PARTY ~~AND ON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.~~

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE OBJECTION TO YOUR CLAIM.

THIS NOTICE IS SENT BY THE UNDERSIGNED PURSUANT TO [*Enter here the Local Rule, Federal Rule or other legal authority for issuing this notice*].

Dated this _____

[Attorney Information]

6. Notice of Hearing. If a hearing is required to be held concerning any matter other than one provided for under LBR 9007-1(c), the notice of hearing shall be served with the motion on all interested parties and shall include the following language presented conspicuously in the notice:

[Movant] HAS FILED DOCUMENTS WITH THE COURT
TO [relief sought in motion].

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ
THESE DOCUMENTS 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 [relief sought
in motion], OR IF YOU WANT THE COURT TO CONSIDER YOUR
VIEWS ON THE [motion], THEN YOU AND/OR YOUR ATTORNEY
SHALL ATTEND THE HEARING SCHEDULED TO BE HELD ON
[date], [year], AT [time] a.m./p.m. IN COURTROOM _____
, UNITED STATES BANKRUPTCY COURT, [*INSERT HERE THE
COURT'S STREET ADDRESS*].

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS,
THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE
RELIEF SOUGHT IN THE MOTION AND MAY ENTER AN ORDER
GRANTING THAT RELIEF.

THIS NOTICE IS SENT BY THE UNDERSIGNED PURSUANT
TO [**Enter here the Local Rule, Federal Rule or other
legal authority for issuing this notice**].

Dated this _____

[Attorney Information]

LBR 9011-1. ATTORNEYS - DUTIES

(a) Attorney Leaves of Absence.

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(b) Attorney Bar Number Information. Each attorney shall include the attorney's state bar number on all documents filed with the Court. The state bar number shall be placed on the document in immediate proximity to the attorney's signature. All pleadings and orders tendered to the court by an attorney shall state the attorney's name, assigned State Bar number, current office address, telephone number, and e-mail address. The e-mail address shall be the address used to register as a filing user of the Court's electronic filing system. The information shall be placed on the document in immediate proximity to the attorney's signature.