



MEMORANDUM

To: Bankruptcy Practitioners, Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Abrogation of LBR 1017-1(b)

March 8, 2016

1. Abrogation of LBR 1017-1(b).

a. It has come to our attention that our current LBR 1017-1, regarding conversions of Chapter 11 cases to Chapter 7, improperly adds a requirement to file and serve a notice of conversion. This runs counter to FRBP 1017(f)(2), which specifies that conversion shall be filed on motion filed and served under FRBP 9013.

b. The judges of this court discussed the issue and determined that our LBR 1017-1(b) is inconsistent with the Federal Rule and should therefore be abrogated.

c. The proposed change to LBR 1017-1 is as follows (changes in red):

LBR 1017-1. Conversion – Request for/Notice Of

(a) Conversion of Chapter 7 Case. A debtor may convert a Chapter 7 case to a case under Chapter 11, 12, or 13, by filing a motion with notice to all interested parties pursuant to LBR 9007-1 or LBR 2002-1(e). If no objection is filed, the Court shall enter an order granting the conversion.

~~**(b) Conversion of Chapter 11 Case to a Case Under Chapter 7.** A debtor may convert a Chapter 11 case to a case under Chapter 7 by filing and serving a notice of conversion. If there is no pending motion to dismiss in the Chapter 11 case, the effective date of conversion shall be the date the notice of conversion is filed. If a motion to dismiss is pending in a Chapter 11 case at the time the debtor requests conversion, all interested parties shall be served pursuant to LBR 9007-1 or LBR 2002-1(e). If no objection is~~

~~filed, the Court shall enter an order granting the conversion, and the case shall be converted as of the date of the order.~~

2. Please review the proposed change to the local rules. I would very much appreciate comments back to me via email no later than April 8, 2016. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.