UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA

LOCAL RULES AS OF APRIL 17, 2026

SUMMARY OF CHANGES
SINCE APRIL 10, 2025 VERSION

1. LBR 7041-1 Dismissing Adversary Proceedings. The new local rule seeks to address the proper manner for dismissal of complaints objecting to discharge under § 727, including in connection with a proposed settlement. There is not a nationally recognized procedure for requesting such dismissals, and the Court believes adding a local rule on the subject would be a benefit to the bench and the bankruptcy bar.

2. Because practitioners might also be inclined to review Local Bankruptcy Rule 9019-1 (Settlements and Agreed Orders Pursuant to FRBP 9019) when contemplating dismissal of an action, LBR 9019-1 is amended to include reference to the new rule LBR 7041-1. This reference is included in subsection (a) of LBR 9019-1.

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

LBR 1002-1. Petition – General. (added December 8, 2016 and amended November 1, 2019)

(a) Unrepresented Party Photo ID Requirement: Any unrepresented party filing a bankruptcy petition with the Court, to include both of the joint debtors and of petitioning creditors, shall provide a photo identification to the Clerk at the time of filing, either in person at the Clerk's office or by mail, facsimile, or email filing. The photo identification may be a valid or expired government issued identification card. The photo will be appended to the petitioner's Bankruptcy Form B121, "Your Statement About Your Social Security Numbers" and filed as a restricted document by the Clerk's office. Failure to produce a photo identification will not prevent the Clerk's office from accepting the petition.

(b) Pro Se Debtor's Statement of Assistance Form: Any unrepresented party filing a bankruptcy petition to include both the debtor and the debtor's spouse in a joint case shall file with the Court a Pro Se Debtor's Statement of Assistance in the form found in the Clerk's Instructions. Such statement shall be filed with the petition.

LBR 1005-1. Petition - Caption

In addition to the requirements of FRBP 1005, the caption of a petition shall indicate the chapter under Title 11 in which the petition is being filed. The initials of the bankruptcy judge assigned to the case shall be added by the Court upon filing.

LBR 1006-1. Fees – Installment Payments

If an application for payment of fees in installments fails to specify proposed dates for installment payments, the Court may direct that the filing fee be paid in full by the first date set for the 11 U.S.C. § 341(a) Meeting of Creditors. If a Chapter 13 case is dismissed or converted before confirmation of a plan, any unpaid filing fee shall be paid by the Trustee from any funds on hand in the case.

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LBR 1007-1. Lists, Schedules, and Statements (amended December 1, 2018)

(a) Extension of Time.

(1) The Court may, for cause shown, grant a motion for an extension of time for filing the schedules, statements, and other documents required by FRBP 1007(b) to a date not less than five days before the first date set for the 11 U.S.C. § 341(a) Meeting of Creditors. If the time for filing is extended, the debtor shall serve a copy of the schedules and statement of financial affairs on the Trustee not later than five days before the first date set for the 11 U.S.C. § 341(a) Meeting of Creditors.

(2) Any further extension shall be granted only in accordance with FRBP 1007(c) and FRBP 9006(b) and upon motion served by the debtor on all parties in interest.

(b) Dismissal of Case for Failure to File Required Documents and Information. Failure by the debtor to file the documents and information required by FRBP 1007 may result in dismissal of the case in accordance with LBR 1017-2.

(c) Filing of Payment Advices or Other Evidence of Payment Received by the Debtor From Any Employer of the Debtor. For purposes of the requirement to file payment advices under 11 U.S.C. § 521(a)(1)(b)(iv), payment information is any evidence that can reasonably be used to determine the amount of income received within 60 days before the date of filing of the petition.

LBR 1007-2. Mailing – List or Matrix (updated October 2, 2014)

(a) Creditor Matrix.

(1) General Requirements.

(A) At the time of filing a voluntary petition the debtor shall file a list of creditors which shall include in alphabetical order the name and last known mailing address for every scheduled creditor including individuals and entities co-obligated with the debtor on any debts. In an involuntary case the debtor or, upon order of the Court, a petitioning Creditor or partner, shall file the list within 7 days following the entry of an order for relief.
(B) The creditor matrix shall include the agencies and officers of the U.S. Government required to be served pursuant to FRBP 2002(j). Addresses for proper notice to major agencies of the U.S. Government are listed in the Clerk's Instructions.

(C) If the debtor owes a federal tax debt, the creditor matrix shall include the address of the Internal Revenue Service office having responsibility for monitoring the case. Addresses for proper notice to the Internal Revenue Service are listed in the Clerk's Instructions.

(2) If the debtor is a partnership, the creditor matrix shall contain the name and current mailing address of each general and limited partner.

(3) If the debtor is a corporation, the creditor matrix shall contain the names and current mailing addresses of the present officers and directors and, if known, the immediate past officers and directors.

(4) The creditor matrix shall contain the name and last known address or place of business of each equity security holder, if applicable.

(b) Form of Mailing List. The creditor matrix shall conform to the requirements found in the Clerk's Instructions.

(c) Debtor Certification. The creditor matrix shall be accompanied by a certification signed by the debtor attesting that the list contains all known creditors including any individuals and entities co-obligated with the debtor on any debts.

LBR 1009-1. Amendments to Lists and Schedules (added December 1, 2018)

(a) Service of Plan Upon Creditors Added by Amendment [formerly LBR 1007-1(c)]. If the debtor in a Chapter 13 case adds a creditor by amendment prior to the confirmation of the debtor's plan, the debtor shall immediately serve a copy of the proposed plan on the creditor.

(b) Filing of Amended Schedules in Chapter 13 to Disclose Newly Acquired Assets or Income. **[formerly LBR 1007-1(f)]** All debtors who file for relief under Chapter 13 shall amend their schedules to disclose any and all assets valued in excess of $10,000 or any income in excess of $10,000 per year obtained after the filing of the case and before the final payment is made to the Chapter 13 Trustee under the plan. The amendment shall be filed within 60 days after the asset becomes property of the debtor or the debtor becomes eligible to receive the income. The Chapter 13 Trustee has 90 days after the amendment is filed to file a modification to the plan or take whatever action the Trustee deems necessary based upon the amended schedules. If the debtor fails to comply with this subsection, the Court may dismiss the case after notice and an opportunity to be heard, even if the debtor has already paid the last payment due under the plan.

LBR 1014-2. Venue – Change of Division (updated November 20, 2014)

(a) Cases Filed in Improper Division. Any petition filed in an improper division may be transferred by the Clerk of Court to the proper division without notice or hearing.

(b) Cases Filed in Proper Division. Any debtor proposing to have a case administered in a division other than the proper venue as defined in LBR 1071-1 may file a motion requesting a change of divisional venue. The motion shall be served pursuant to LBR 9007-1 or LBR 2002-1(e). The motion for change of divisional venue shall be filed substantially contemporaneously with the commencement of the case.

LBR 1015-1. Joint Administration/Consolidation (updated December 1, 2017)

(a) Cases Involving Two or More Related Debtors. The estates of married debtors who file a joint petition shall be jointly administered without further order of the Court.

(b) Separate Administration in a Joint Case.

(1) Separation of Estates. A joint petition which was filed and jointly administered pursuant to LBR 1015-1(a) may be separately administered upon motion by a debtor, Trustee, other party in interest, or on the Court's own initiative. Notice of the separation shall specify any additional case numbers to be used to reference the separate estates. If a debtor, Trustee, or other party in interest wishes to separate the estates, the motion shall be served pursuant to LBR 9007-1.

(2) Fees Due Upon Separation of a Joint Case. When the Court orders separate administration in a joint case based upon a request by the debtor, a fee shall be charged equal to the current filing fee for the chapter in which the joint case was commenced. All other orders separating cases otherwise jointly administered will not result in the assessment of an additional filing fee.

(3) Amended Schedules and Modified Plans Upon Separation of a Joint Case. When the Court orders separate administration in a joint case, the debtors shall file amended schedules reflecting the financial status of the separate estates within 14 days following entry of the order. If the case is filed in Chapter 11, 12, or 13, the debtors shall file separate modified plans within the 14 days following entry of the order. Plans shall specify which estate will be responsible for each secured debt.

LBR 1015-2. Related Cases

A motion requesting joint administration of two or more pending bankruptcy cases shall specify the following:

(1) Name and case number of cases sought to be jointly administered;

(2) The proposed style and case number of the jointly administered case;

(3) Whether the case will be consolidated procedurally and/or substantively;

(4) Any administrative or scheduling orders previously entered in the affected cases that may require modification and the proposed modification;

(5) Any amendments to mailing lists in the affected cases for future noticing requirements.

LBR 1016-1. Suggestion of Death (added January 2, 2022):

Suggestion of Death. The attorney for the debtor shall file and serve on all parties in interest in the bankruptcy case a notice of the debtor's death as soon as possible after verifying that the debtor is deceased. The notice shall include a statement that the case will continue and remain open unless otherwise ordered by the Court.

LBR 1017-1. Conversion – Request for/Notice Of (updated April 18, 2016)

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.

LBR 1017-2. Dismissal or Suspension – Case or Proceedings (updated April 18, 2016 and December 1, 2019)

(a) Voluntary Dismissal of a Chapter 7 Case.

(1) A motion for voluntary dismissal of a Chapter 7 case shall state with specificity the cause or reason for the dismissal and shall list any asset previously undisclosed that would be property of the estate under 11 U.S.C. § 541, including any newly discovered or anticipated inheritances. If no such assets exist, the motion shall contain a statement by the debtor under oath that no such assets exist.

(2) Prior to the voluntary dismissal of a Chapter 7 case, all administrative expenses shall be paid.

(3) A motion for voluntary dismissal of a Chapter 7 case shall be served pursuant to LBR 9007-1 or LBR 2002-1(e).

(b) Voluntary Dismissal of a Chapter 12 or Chapter 13 Case Previously Converted From Chapter 7.

(1) A motion by a debtor to dismiss a Chapter 12 or Chapter 13 case that was previously converted from Chapter 7 shall specify the grounds for the motion.

(2) A motion by the debtor to dismiss a Chapter 13 or Chapter 12 case previously converted from a Chapter 7 case shall be served pursuant to LBR 9007-1 or LBR 2002-1(e). Any such motion shall also be served on the Chapter 7 Trustee originally appointed in the Chapter 7 case.

(c) Fee Payable Upon Dismissal. If a Chapter 13 case is dismissed prior to confirmation of a Chapter 13 plan, or prior to any disbursement to creditors, the Chapter 13 Trustee shall pay any unpaid portion of the filing fee.

(d) Voluntary Dismissal of Chapter 11 Case.

(1) A debtor's motion to dismiss a Chapter 11 case shall specify the grounds for the motion.

(2) The debtor shall obtain a hearing date for the motion and serve the motion for voluntary dismissal, along with a notice of hearing pursuant to LBR 9007-1 or LBR 2002-1(e).

(e) Motion by Chapter 7 Trustee to Dismiss Case for Failure to Attend the 11 U.S.C. § 341(a) Meeting of Creditors. A motion to dismiss a Chapter 7 case by the Chapter 7 Trustee for failure of the debtor to appear at the 11 U.S.C. § 341(a) Meeting of Creditors shall be served on all entities required by FRBP 2002(a) and shall comply with LBR 9007-1 or LBR 2002-1(e).

(f) Dismissal for Failure to File Documents and Information Required by 11 U.S.C. § 521 and FRBP 1007. If the information and documents required by 11 U.S.C. § 521 and FRBP 1007 are not filed upon the commencement of the case, the Clerk of Court shall notify the debtor and debtor's counsel that the missing information shall be filed within 14 days from the date of the notice. If the information and documents are not filed within the 14 days of the date of the notice, and the debtor has not requested a hearing during the 14 days, the bankruptcy case may be dismissed by the Court without further notice or hearing.

(g) Automatic Dismissal Pursuant to 11 U.S.C. § 521: Motions to Dismiss for Insufficiency of Information Required by 11 U.S.C. § 521. No case shall be automatically dismissed without a written order of the Court. The Court shall deem the information required to be filed by 11 U.S.C. § 521 and FRBP 1007 to be sufficient unless the Court has dismissed the case pursuant to LBR 1017-2(f) or a motion to dismiss is filed respecting the sufficiency of the information by the 45th day after the filing of the petition.

(h) Effect of Dismissal on Related Adversary Proceedings and Pending Motions. After dismissal of a bankruptcy case, any pending adversary proceedings shall be dismissed by the Court unless the Court determines that it should retain jurisdiction. The Court reserves jurisdiction over any pending contested matters. However, such matters shall be deemed moot unless within 14 days after entry of the order of dismissal the movant requests that the motion remain active pending further order of the Court.

(i) Effect of Dismissal on Future Filings by the Debtor. All proposed orders of dismissal shall be silent as to the prejudicial effect of the dismissal on future filings by the debtor unless the motion specifically addresses the prejudicial effect of the relief requested.

LBR 1019-1. Conversion – Procedure Following

(a) Trustee Fee Allowable Upon Conversion. If a Chapter 13 case is converted prior to confirmation of a Chapter 13 plan, or prior to any disbursement to creditors, the Chapter 13 Trustee shall be allowed to retain the percentage of the plan payments received as allowed by the United States Trustee Program as an administrative expense without further motion or order of the Court.

(b) Duty of Trustee Upon Conversion. Upon conversion of a case from Chapter 13 or Chapter 7 to any other chapter under Title 11, the Trustee shall file an account of all receipts and disbursements made in the case and a report on the administration of the case pursuant to 11 U.S.C. § 704(a)(9) and 11 U.S.C. § 1302(b)(1). The Trustee is discharged from the case 30 days after the filing of the required reports.

(c) Disposal of Pending Motions to Dismiss Upon Conversion. All pending motions to dismiss filed by the Trustee prior to the conversion of a case shall be deemed terminated as moot.

(d) Duty to Amend. Upon conversion of a case, the debtor shall, within 14 days of the effective date of conversion, file inventories, schedules, and statements of financial affairs as may be applicable, or amend such items to include any interest in property acquired since the entry of the order for relief in the original chapter. The amendments shall account for any material additions, deletions, or other changes in the debtor's assets or liabilities. The amendments shall add to the mailing matrix any post-petition, pre-conversion creditors. If no amendments or additional inventories, schedules, or statements are necessary, the debtor shall file a certificate to that effect within the 14-day period.

(e) Duty to Attend Scheduled 11 U.S.C. § 341(a) Meeting of Creditors. The filing of a motion to convert a Chapter 7 case shall not relieve the debtor and debtor's counsel from attending the 11 U.S.C. § 341(a) Meeting of Creditors scheduled in the Chapter 7 case unless the motion has been granted prior to the Meeting.

LBR 1071-1. Divisions – Bankruptcy Court

All bankruptcy petitions in the Middle District of Georgia shall be filed in the division in which the domicile, residence, principal place of business, or principal assets of the debtor entity that is filing the case have been located for the greater portion of the prior 180 days; or in the division in which there is pending a case under Title 11 concerning the debtor's affiliate, general partner, or partnership. If the proper venue for the bankruptcy case is outside of the Middle District of Georgia, the case shall be assigned by the Clerk's office to the division closest to the debtor's domicile, residence, principal place of business, or principal assets. A listing of divisional boundaries for the Middle District of Georgia can be found in the Clerk's Instructions.

PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

LBR 2002-1. Notice to Creditors and Other Parties in Interest (updated subsection (g) on August 1, 2014, subsection (a) on December 1, 2017, and subsections (h) and (i) on September 6, 2022)

(a) Noticing of FRBP 2002(a) Matters. The Clerk of Court shall serve the notices required by FRBP 2002(a)(1), 2002(a)(7), 2002(a)(8), and 2002(a)(9). If additional creditors are added by amendment after the commencement of the case, the attorney for the debtor shall give the notice that is required by FRBP 2002(a)(1), FRBP 2002(a)(7), 2002(f)(4), and 2002(f)(5) to any creditor added. The party filing any motion or application shall serve any other notice required by FRBP 2002(a).

(b) Noticing of FRBP 2002(b) Matters. The party filing any motion or application shall serve any notices required by FRBP 2002(b).

(c) Other Notices. The Clerk of Court shall serve the notices required by FRBP 2002(e), 2002(f)(1), 2002(f)(2), 2002(f)(3), 2002(f)(4), 2002(f)(5), 2002(f)(6), 2002(f)(7), 2002(f)(9), 2002(f)(10), 2002(f)(11), 2002(o), 3002(c)(5), 3004, 4007(c), 4007(d), 7054(b), 8004, and 9022(a). The party filing any motion or application shall serve any other notice required by FRBP 2002 that is not otherwise specified in this or other sub-parts of this Rule.

(d) Certificate of Service. The party filing any motion or application who is required by this Rule to serve notices shall, upon completion of the service required by this Rule, file a certificate of service with the Court.

(e) Service.

(1) Whenever a pleading or other document is filed electronically, the electronic case filing system automatically generates a notice of electronic filing at the time of the docketing. Participants in the electronic case filing system, by possessing a login and password from the Court, agree to receive notice and service by electronic means through the notice of electronic filing for notices both from the Court and from other system participants, wherever located.

(2) An attorney filing a pleading or other document electronically resulting in a notice of electronic filing shall be deemed to have served the notice on participants in the Court's system and such service shall be considered the equivalent of service of the pleading or other document by first class mail, postage pre-paid. However, such electronic service will not be entitled to the additional three days under FRBP 9006(f). This form of service applies only to recipients of a notice of service who are registered participants in the electronic case filing system or have agreed in writing with the filer to accept such service in lieu of service by first class mail but shall not apply to service of a motion or a contested matter pursuant to FRBP 9014. The named respondent in a contested matter under FRBP 9014 must receive service by first class mail. If a debtor is the respondent to a motion or contested matter under

FRBP 9014, the attorney for debtor can still receive service by electronic means. For all remaining recipients of service or notice, the filing attorney shall serve the pleading or the document upon those recipients in accordance with applicable bankruptcy rules.

(3) The following language is recommended for the certificate of service:

> I hereby certify that the following parties have been served with the [designate the pleading or notice]. Those not served by electronic means by the Court's electronic filing system have been served [designate the alternative method of services used such as first class mail]:

(f) Content of Notice. All notices except those notices served electronically pursuant to FRBP 9036 shall comply with the provisions of LBR 9004-1.

(g) Matters Requiring Expedited Hearing. When a party files a pleading and seeks to expedite its consideration by the Court to within 10 or fewer days, a separate motion for expedited hearing shall be filed contemporaneously with the affected pleading. The motion shall contain sufficient information on its face to permit the Court to determine the necessity for expedited treatment. All motions to expedite shall have a separate certification regarding the request for emergency hearing and a proposed order sent to the Court's electronic case filing system. The certificate shall substantially comply with the form certificate found in the Clerk's Instructions.

(h) Returned Notices. Notices from the Court as generated by and mailed out of the Bankruptcy Noticing Center including notice of any orders entered by the Court shall contain a return address for the attorney representing the debtor. If the debtor is pro se, the return address shall be the debtor's address. If a notice is returned to debtor's attorney or pro se debtor as undelivered, or the debtor's attorney or pro se debtor is given notice by the Bankruptcy Noticing Center that a notice was returned to the Bankruptcy Noticing Center, the debtor's attorney or pro se debtor shall be responsible for determining the correct address for the addressee on each returned notice. The debtor's attorney or pro se debtor shall re-serve the notice and file a certificate of such service. At the time of the certification, the debtor's attorney or pro se debtor shall also provide the Clerk of Court with any corrected address. If a corrected address is not available, the debtor's attorney or pro se debtor shall inform the Clerk by filing an appropriate certification, and the Clerk is then authorized to remove any incorrect address from the mailing list.

(i) Undeliverable Notices. If a creditor address is provided to the Court which cannot be mailed by the Bankruptcy Noticing Center, the debtor's attorney or pro se debtor will be notified by the Bankruptcy Noticing Center that the address is insufficient and the notice of the 11 U.S.C. § 341(a) Meeting of Creditors for the particular creditor involved was undeliverable. The debtor's attorney or pro se debtor shall immediately ascertain the correct address for such creditor and serve the notice of the 11 U.S.C. § 341(a) Meeting of Creditors at the correct address. The debtor's attorney or pro se debtor shall file a certification regarding service of such notices using the Notice of Undeliverable Mail form provided by the Bankruptcy Noticing Center.

At the time of the certification, the debtor's attorney or pro se debtor shall also provide the Clerk of Court with any corrected address. If a corrected address is not available, the debtor's attorney or pro se debtor shall inform the Clerk by filing an appropriate certification, and the Clerk is then authorized to remove any incorrect address from the mailing list.

LBR 2014-1. EMPLOYMENT OF PROFESSIONALS

(a) Filer of Application. An application to approve the employment of a professional person shall be made and signed by the entity or Court approved counsel for the entity seeking to employ that person (e.g., Trustee, debtor in possession, committee, etc.).

(b) Content of Application. An application to employ a professional person shall, in addition to the information required by FRBP 2014, contain the following information:

(1) The date of the filing of the petition and chapter in which the petition was filed;

(2) The mailing address and telephone number of the professional person to be employed;

(3) The name(s) of any other professionals in the same profession employed pursuant to Court order by the same applicant and, if there is any overlap in proposed services, an explanation of why additional professionals are needed and how duplication of service shall be avoided;

(4) A description of any compensation or promise of compensation, or of any security or pledge given to the professional. The term "general retainer" is not a suitable description;

(5) The statements required by FRBP 2014(a) and 2016(b) if applicable shall be attached to the application.

(c) Nunc Pro Tunc Application.

(1) If an application for approval of employment of a professional person is made within 14 days after the filing of the case or within 14 days of commencement of the professional's services, it shall be deemed contemporaneous.

(2) If an application for approval of the employment of a professional person is made more than 14 days after the filing of the case or more than 14 days after commencement of the professional's services, and the application requests that the approval be nunc pro tunc, the following information shall be required:

(A) An explanation of why the application was not filed earlier;

(B) An explanation of why the order authorizing employment is required nunc pro tunc;

(C) An explanation, to the best of the applicant's knowledge, how the approval of the application will or will not prejudice any parties in interest.

(3) Applications to approve the employment of professional persons nunc pro tunc shall be approved only on notice and opportunity for hearing. All parties in interest in the case shall be served with notice of the application. The notice shall substantially comply with the provisions of LBR 9004-1 and 9007-1.

(d) Professionals Employed Without an Application. Professionals who are deemed full-time employees of the debtor at the time of the order for relief are not required to be appointed by order of the Court. However, any material change in employment terms or conditions occurring after the filing of the petition shall be disclosed by way of a notice served pursuant to LBR 9007-1 or 2002-1(e). A debtor in possession or Trustee of an operating business may also apply for an order waiving the provisions of this Rule as to professionals of a type who are regularly employed in the ordinary course of the debtor's business and who are to provide services not directly related to the reorganization proceedings (e.g., collection agents or attorneys, accountants, geologists, appraisers, realtors, eviction attorneys, etc.). Any such application shall be served pursuant to LBR 9007-1 or 2002-1(e).

LBR 2015-3. Trustees – Reports and Disposition of Records

A Trustee or custodian in possession of books and records of the debtor may destroy, abandon, store, or return to the debtor all or any portion of those books and records upon motion and notice served pursuant to LBR 9007-1 or LBR 2002-1(e). Such notice shall include a description of the books and records.

LBR 2016-1. Compensation of Professionals (updated April 18, 2016)

(a) Compensation Payable Upon Dismissal of Chapter 13 Cases. Upon dismissal of a Chapter 13 case before confirmation of the debtor's plan, and prior to the Chapter 13 Trustee refunding any funds on hand to the debtor, the Trustee shall disburse the funds in the following priority:

(1) The Chapter 13 Trustee shall pay any unpaid portion of the filing fee;

(2) Attorney Fees:

(A) The Chapter 13 Trustee is authorized to pay from the remaining funds on hand an attorney fee of $800, less any fee paid as disclosed in the FRBP 2016 disclosure, to the attorney for the debtor, without any further motion, application, or order of this Court;

(B) If the Chapter 13 Trustee has cause to believe the $800 fee is inappropriate, the Chapter 13 Trustee shall file a request with the Court to reduce the amount to be paid pursuant to this Rule;

(C) If the attorney for the debtor requests a fee in excess of $800, the attorney shall file an attorney fee application.

(b) Application 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.

(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 2090-1 Attorneys – Admission to Practice (added March 30, 2020)
Any attorney appearing in this Court shall have complied with the Middle District of Georgia District Court Local Rule 83.1.1 for attorney admissions or 83.1.2.C for pro hac vice admissions.

LBR 2091-1. Attorneys – Withdrawals (amended April 7, 2021)

Any attorney who has made an appearance in any case in this Court on behalf of an interested party shall continue to represent that party in the case until excused by the Court. An attorney or law firm, having filed a petition or other pleading on behalf of a debtor, shall represent the debtor in any contested matters or adversary proceedings that are filed in the case. Upon request by motion with notice given pursuant to LBR 9007-1 or LBR 2002-1(e), the Court will consider excusing the attorney from further representation for cause shown. In lieu of a motion, an attorney wishing to withdraw may instead file a certificate of consent that has been signed by (i) the withdrawing attorney, (ii) the substituting attorney, if one has been selected by the client, and (iii) the client, but only if the client is a debtor. If the client is a debtor who has not retained a substitute attorney, then a motion to withdraw is required and the certificate of consent option is not available.

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PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

LBR 3001-1. Claims and Equity Security Interests (amended February 24, 2020)

(a) Interest in Proofs of Claim. For all claims filed, creditors who calculate interest by using the "add on interest" method shall rebate interest from their claims by using the "pro rata" method.

(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. Attorneys 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.

(c) Extension of Time to File. Creditors added to a bankruptcy case by amendment later than 60 days before the original bar date shall be allowed 60 days from the date of the filing of the amendment to file a proof of claim.

(d) Bar Date for Filing Claims in non-Subchapter V Chapter 11 Reorganization Cases. For all bankruptcy petitions filed under Chapter 11, the bar date for filing of proofs of claim or interest shall be 90 days from the first scheduled 11 U.S.C. § 341(a) Meeting of Creditors. For cause shown, the Court shall consider extending the time to file proofs of claim upon the filing of an appropriate motion or request within the 90-day period.

(e) Bar Date for Filing Claims in Subchapter V Chapter 11 Reorganization Cases. For all bankruptcy petitions filed under Subchapter V of Chapter 11, the bar date for filing proofs of claim or interest shall be 70 days after docketing of the order for relief of the Subchapter V Chapter 11 case. For cause shown, the Court shall consider extending the time to file proofs of claim upon the filing of an appropriate motion or request within the 70-day period.

LBR 3002.1-1. Claims Secured by Security interest in the Debtor's Principal Residence (updated December 1, 2018)

When a creditor files a supplemental claim for fees, expenses, and charges pursuant to FRBP 3002.1(c)and (d) prior to the payment of the last payment under the plan by the debtor, the claim may be paid through the plan by the Chapter 13 Trustee as if it arose pre-petition unless within 60 days from the filing of the claim any party in interest objects to its allowance.

LBR 3002.1-2. Notice for Final Cure - Response

If a creditor agrees with the information contained in the Notice of Final Cure Payment filed by the debtor or the Trustee, the response by the creditor indicating agreement may be filed pro se.

LBR 3007-1. Claims – Objections (updated April 18, 2016 and December 1, 2018)

(a) Proposed Order. If the respondent to an objection to claim does not file a response within the time specified in the notice of the objection, the objecting party shall promptly send to the Court a proposed E-Order adjusted to the facts alleged in the objection.

(b) Reference Claim Numbers. All claim objections and proposed orders shall reference the specific claim number of the objected claim in the title of the claim objection and proposed order.

LBR 3009-1. Dividends – Chapter 7

The United States Trustee shall file with the Court a copy of all proposed plans of disbursement in Chapter 7 asset cases.

LBR 3010-1. Dividends - Small

A Trustee shall not be required to obtain prior permission to disburse any dividends to creditors in amounts less than specified under FRBP 3010.

LBR 3011-1. Unclaimed Funds

The disposition of unclaimed funds tendered to the Court is governed by 28 U.S.C. § 2041 and § 2042. All unclaimed funds paid into the Court shall be deposited into the Court's registry account. The Clerk of Court is hereby authorized, without further order, to transfer funds from this account to the U.S. Treasury in accordance with the procedures and guidelines set out by the Administrative Office of the United States Courts for the handling of unclaimed funds. All payment of funds to a claimant of those funds shall be by separate order of the Court.

LBR 3012-1. Valuation of Collateral (updated February 10, 2017)

(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, the party wishing to introduce the testimony of an expert witness shall serve on all parties in interest, so that it is received no later than seven days prior to the hearing or trial, a statement disclosing the identity of any expert witness it may use at trial or hearing to present evidence under F.R.Evid. 702, 703, or 705. Any such disclosure shall be accompanied by any written reports required under FRBP 7026 and F.R.Civ.P. 26(a)(2). A certificate of service shall be filed in the case indicating these documents were served on all parties in interest. This

disclosure and any written reports required by FRBP 7026 and F.R.Civ.P. 26(a)(2) apply to contested matters, are due seven days prior to the hearing or trial, and are not subject to the 90-day disclosure deadline provided in FRBP 7026 and F.R.Civ.P. 26(a)(2)(D). 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, proffer a summary of the appraisal. The witness shall be sworn for the purposes of cross-examination by the adverse parties. Objections to the qualifications of the expert witness shall be deemed preserved until cross-examination.

LBR 3015-1. Chapter 13 Plan

(a) Filing and Service of Chapter 13 Plans. The debtor shall file the initial Chapter 13 plan at the time of the filing of the petition whenever possible. If a Chapter 13 plan is not filed with the petition, it shall be filed within the time allowed by FRBP 3015(b). Any plan not filed within 24 hours of the filing of the petition shall be served by the debtor on all interested parties in the case. The debtor shall file with the Court a certificate of service immediately thereafter showing that the Chapter 13 plan has been served.

(b) Mandatory Chapter 13 Plan Form.

(1) All Chapter 13 debtors, as well as the trustee and holders of secured and unsecured claims, shall use the standard Chapter 13 plan form contained in the Clerk's Instructions when proposing a plan pursuant to 11 U.S.C. §§ 1321 or 1329 (a).

(2) The language of the standard plan shall not be altered except to insert text in designated spaces, to expand the tables to include additional claims, or to change the title to indicate the Chapter 13 plan is a modified plan. The plan proponent is not prohibited from proposing additional or different plan provisions including but not limited to additional or different plan provisions specifying that any of the standard provisions of the Chapter 13 plan will not be applicable in a particular case. Any such deviations from the plan form must be made a part of the special provision section of the plan and shall be limited to that section only. Any plan provisions that vary from the standard plan form and are not contained in the special provision section are hereby deemed void and shall have no binding effect as part of any confirmable plan.

(3) Except as provided hereafter, every plan shall provide that property of the estate shall remain property of the estate after confirmation until the case is closed or unless otherwise ordered by the Court. If the debtor proposes a plan providing that the property of the estate re-vest in the debtor upon confirmation of the plan, that proposal shall be clearly and conspicuously stated in the special provision section of the plan.

(c) Long-Term Debt Paid Through Plan. All Chapter 13 plans shall provide that when a pre-petition arrearage exists for claims treated pursuant to 11 U.S.C. § 1322(b)(5) as of the date of the bankruptcy filing and such arrearage is four monthly payments or more under the terms of the applicable note or contract, the payments which come due after the filing of the bankruptcy shall be maintained during the plan and shall be paid by the Chapter 13 Trustee unless otherwise

ordered by the Court. The Chapter 13 Trustee is authorized to disburse to the holder of such claim the payment amounts under the applicable note or contract which come due after the filing of the bankruptcy but before the confirmation of the plan. The Chapter 13 Trustee is authorized to collect the percentage fee in effect at the time of the disbursement on all payments made pursuant to this Rule. Such disbursements shall be made within a reasonable time after receipt of payment from the debtor unless otherwise ordered by the Court. Such disbursements shall be made to the creditor's address as listed in the debtor's schedules if no proof of claim has been filed by the creditor.

(d) Length of Plan. All Chapter 13 plans shall provide for payments over a period of not less than 36 months unless the plan provides that the value of the property to be distributed under the plan on account of any claim is not less than the amount of such claim. Unless the Court orders otherwise, if the dividend provided in the confirmed plan is less than 100% and is met before 36 monthly payments are made by the debtor to the Chapter 13 Trustee, the debtor, in order to be eligible for a discharge under 11 U.S.C. § 1328(a), shall continue to make payments until the earlier of 36 monthly payments have been made or a 100% dividend has been paid.

(e) Pre-Confirmation Adequate Protection and Lease Payments.

(1) General. The Chapter 13 plan shall provide that 11 U.S.C. § 1326(a)(1) pre-confirmation adequate protection and lease payments are to be paid through the Chapter 13 Trustee. The plan shall identify the creditors entitled to the payments and the amounts proposed. The debtor shall immediately commence plan payments to the Chapter 13 Trustee and may not reduce payments to the Chapter 13 Trustee under 11 U.S.C. § 1326(a)(1)(B) and (C) without an order of the Court.

(2) Payment by the Chapter 13 Trustee. The Chapter 13 Trustee is authorized to pay 11 U.S.C. § 1326(a)(1) pre-confirmation payments set forth in the proposed plan and to collect the Chapter 13 Trustee's usual fee thereon without an order of the Court. No payment shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to creditors within 30 days of the filing of the proof of claim unless sufficient funds to make such payments have not been received by the Chapter 13 Trustee within seven working days prior to the end of the 30-day period. The Chapter 13 Trustee is authorized to deduct from an allowed claim the 11 U.S.C. § 1326(a)(1) pre-confirmation payments made by the Chapter 13 Trustee. The deduction is made as of the date of payment.

(3) If a creditor obtains an order for payments under 11 U.S.C. § 1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the Chapter 13 Trustee, upon dismissal of the case, any payments due and owing from funds collected by the Chapter 13 Trustee under 11 U.S.C. § 1326(a)(1)(A), less the Chapter 13 Trustee's fees.

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LBR 3015-2. Chapter 13 – Modifications to Plan (updated July 5, 2017 and December 1, 2018, and January 5, 2023)

(a) Content of a Plan Modification A modification of a plan pursuant to 11 U.S.C. §§ 1323 or 1329 shall include a description of each proposed change or modification. This requirement cannot be satisfied by simply attaching the new proposed plan to the modification.

(b) Service of the Modification The modification shall be served by the proponent of the modification on the Trustee and on all parties in interest affected by the modification pursuant to LBR 9007-1 or LBR 2002-1(e).

(c) Amended Budgets For all post-confirmation modifications the debtor shall prepare and file a budget of current income and expenses.

(d) Notices – Form.

(1) All notices of motions to modify Chapter 13 plans *post-confirmation* shall use the language required by LBR 9004-1(c)(5)(B) which can be found in the Clerk's Instructions under "Notice of Motion or Objection Other than Objections to Claims."

(2) All notices of motions to modify Chapter 13 plans *before* confirmation shall substantially conform to one of two options:

(A) Notice of Motion to Modify Chapter 13 Plan Before Confirmation with Rescheduled Confirmation Date shall be used if the timing of the notice **requires a rescheduling** of the Confirmation Hearing. The form can be found in the Clerk's Instructions under "Notice of Motion to Modify Chapter 13 Plan Before Confirmation With Rescheduled Confirmation Date."

(B) Notice of Motion to Modify Chapter 13 Plan Before Confirmation – No Rescheduling Required shall be used if the timing of the notice does not require a rescheduling of the Confirmation Hearing. The form can be found in the Clerk's Instructions under "Notice of Motion to Modify Chapter 13 Plan Before Confirmation With No Rescheduled Confirmation Date."

LBR 3015-3. Chapter 13 – Confirmations (updated December 1, 2018)

For purposes of 11 U.S.C. § 1324(b), the date of the meeting of creditors shall be the date the meeting of creditors is concluded.

LBR 3016-2. Disclosure Statement

Disclosure statements shall, to the extent applicable, be complete in one document including any attached exhibits and shall include the following information:

(1) A short chronological history of the debtor's business and the material factors that led to the filing of a bankruptcy petition;

(2) A description of the available assets, their value at the time the case was filed, their value at the time of filing the plan, and the source of the valuations;

(3) The anticipated future of the business;

(4) The source of all information stated in the disclosure statement;

(5) A disclaimer to the effect that the Court's approval of the disclosure statement does not constitute an endorsement of any of the representations contained in either the disclosure statement or the plan;

(6) The present condition of the debtor while in Chapter 11, including a summary of material changes to the assets and liabilities during the case;

(7) The estimated return to creditors in a Chapter 7 liquidation;

(8) The accounting method used to produce financial information and the name of the accountants (if any) responsible for such information;

(9) The proposed future management of the debtor;

(10) The Chapter 11 plan or a summary thereof;

(11) The estimated administrative expenses, including attorney and accountant fees, and a summary of all fees allowed in the case through the date the plan was filed;

(12) The collectible status of accounts receivable;

(13) Financial information, data, valuations, and projections relevant to the debtor's current and future operations;

(14) Information relevant to the risks posed to creditors in the plan;

(15) The actual or projected realizable value from recovery of preferential or otherwise voidable transfers;

(16) Litigation likely to arise in a non-bankruptcy context;

(17) Tax attributes of the debtor;

(18) The relationship of the debtor with affiliates;

(19) A summary of significant orders entered during the case.

LBR 3018-1. Ballots – Voting on Plans (updated November 24, 2015)

The following shall govern any Chapter 11 case pending in this district unless otherwise ordered by the Court:

(a) All ballots accepting or rejecting a plan in a Chapter 11 case shall be filed with the Court by the voting creditors and equity security holders, and will be docketed by the Court. Voting creditors and equity security holders should file their original executed ballots with the Court via ECF or via physical delivery (such as mail or courier) to the address provided in the Clerk's instructions.

(b) If a plan proponent receives an original executed ballot mistakenly sent to it instead of the Clerk's office, the plan proponent shall promptly mail or otherwise deliver the original ballot to the Clerk's office. A plan proponent shall not electronically file any other party's ballot.

(c) For all confirmation hearings, the plan proponent shall prepare a written summary of the ballots filed with the Court, in substantially the same form as contained in the Clerk's Instructions. At the confirmation hearing, the original ballot summary and one copy shall be submitted to the Court. At that time it shall be marked as an exhibit for the plan proponent.

LBR 3019-1. Chapter 11 Modification of Plan

Unless the Court orders otherwise, a motion to modify a plan filed pursuant to 11 U.S.C. § 1127 shall be served by the proponent of the modification on all parties in interest pursuant to LBR 9007-1 or LBR 2002-1(e).

LBR 3022-1. Final Report/Decree (Chapter 11) (amended February 24, 2020)

(a) Projected Dates for Substantial Consummation. Non-individual Chapter 11 debtors shall file with the Clerk of Court within 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for substantial consummation as defined in 11 U.S.C. § 1101(2). The report shall describe the action that is to be taken to reach substantial consummation. If the projected date for substantial consummation must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward consummation of the plan, the action remaining to be taken toward substantial consummation, and the reasons for the delay.

(b) Application for Final Decree. Upon substantial consummation as defined in 11 U.S.C. § 1101(2), a non-individual Chapter 11 debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), file an application for final decree, and submit a proposed final decree.

(c) Final Decree and Closing of Chapter 11 Cases for Individual Debtors. Upon confirmation of an individual debtor's Chapter 11 plan, the Court will continue to resolve all pending matters then before the Court. When all matters have been concluded, the Court will

enter a Final Decree directing that the case be closed but that the Court reserves jurisdiction to enter a discharge to the debtor upon completion of all payments under the plan. Any matters that need to be brought before the Court other than the issuance of the discharge will require that the case be reopened by motion pursuant to 11 U.S.C. § 350.

(d) Application for Discharge. Upon completion of all payments under the confirmed plan, an individual debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), and file a Certificate of Plan Completion and Request for Discharge.

LBR 3022-2. Final Report/Decree in Subchapter V Cases (Chapter 11) (added February 24, 2020)

(a) If the confirmed plan is subject to 11 U.S.C. § 1191(a) (a "consensual plan") the Subchapter V small business debtor will conform to the following provisions:

(1) Projected Dates for Substantial Consummation. Chapter 11 Subchapter V small business debtors shall file with the Clerk of Court within 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for substantial consummation as defined in 11 U.S.C. § 1101(2). The report shall describe the action that is to be taken to reach substantial consummation. If the projected date for substantial consummation must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward consummation of the plan, the action remaining to be taken toward substantial consummation, and the reasons for the delay.

(2) Application for Final Decree. Upon substantial consummation as defined in 11 U.S.C. § 1101(2), the Subchapter V Chapter 11 debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), file an application for final decree, and submit a proposed final decree.

(b) If the confirmed plan is subject to 11 U.S.C. §1191(b) (a "non-consensual plan"), upon completion of all payments under the confirmed plan, the debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), and file a Certificate of Plan Completion and Request for Discharge.

LBR 3070-1. Chapter 13 - Payments

(a) Payroll Deductions. In every case filed in Chapter 13, the Court may enter an order requiring any entity from whom the debtor receives income to pay as much of that income to the Chapter 13 Trustee as is necessary to fund the plan.

(b) Suspension of Chapter 13 Plan Payments. The Chapter 13 Trustee shall have the authority to grant a debtor a reasonable moratorium in Chapter 13 payments for a period not to exceed 60 days. This moratorium shall be granted without notice, but the grounds for the moratorium shall be noted in the Trustee's records.

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PART IV. THE DEBTOR: DUTIES AND BENEFITS

LBR 4001-1. Automatic Stay – Relief From

(a) Contents of Motions for Relief From Stay. A motion seeking relief from the automatic stay as to property of the estate shall specify the relief requested and include the following:

(1) A description of the security interest(s) claimed by the movant in the subject property ("collateral").

(2) The movant's estimate of value of the collateral and the basis of that valuation.

(3) A statement of the indebtedness claimed to be due and owing with an itemization showing principal and advances, accrued interest, attorney fees, and costs.

(4) A statement of the amount of any other secured claims against the collateral (if known), and whether any such claim is superior or inferior to the movant's claim.

(5) When the relief requested is based upon a security interest in residential real property, a statement of the name, address, and telephone number of the individual or entity who shall have full authority to negotiate, amend, and modify all terms of the security instrument as provided in O.C.G.A. § 44-14-162.2(a) et seq..

(6) If relief is sought pursuant to 11 U.S.C. § 362(d)(1)for cause, including lack of adequate protection, a factual statement of the grounds for such relief.

(7) Motions seeking relief under 11 U.S.C. § 362(d) shall comply with the requirements of LBR 9004-1(a)(1) and shall include a notice of hearing pursuant to LBR 9004-1(c)(6).

(8) Relief from stay allowed pursuant to 11 U.S.C. § 1301(d) can only be granted by order of the Court.

(b) Agreements Providing for Relief From the Automatic Stay or for the Provision of Adequate Protection. All motions for approval of an agreement to provide adequate protection, for the modification or termination of the stay provided in 11 U.S.C. § 362, for the use of cash collateral, or for the approval of an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property shall require the service on or the consent of the following entities:

(1) In a Chapter 11 or a Chapter 9 case, any committee appointed by the United States Bankruptcy Trustee or the authorized agent for the committee, or, if no committee has been appointed, the 20 largest unsecured creditors contained in the list filed pursuant to FRBP 1007(d), the Trustee, any individuals or entities requesting notices pursuant to FRBP 2002(g), and any other individuals or entities that the Court may direct.

(2) In Chapters 7, 12, and 13, all agreements, as set out above, require the consent of the Trustee appointed in the case, unless the Trustee has been served with the agreement and the Trustee has expressly abandoned the asset, filed a report of no assets in a Chapter 7 case, or indicated in writing that the Trustee has no opposition to the motion. No further service on any other entity shall be required unless otherwise ordered by the Court.

(c) Payment of Secured Claims After Motion for Relief Is Granted or Collateral Surrendered. In a Chapter 13 case, after a motion for relief from stay has been granted, or after confirmation of a plan or a modified plan that provides for surrender of secured collateral, the Chapter 13 Trustee is authorized, following written notice to any such creditor, to suspend payments on any claim filed by such creditor. Actual possession of the collateral by the creditor is not a prerequisite for the application of this Rule. After liquidation of the collateral the creditor may reinstate its right to receive payment on the claim by notifying the Chapter 13 Trustee in writing, with a copy to the Court, that it believes it is entitled to payment under the plan, and the creditor furnishes an accounting of all proceeds, if any, received from the sale of the collateral.

(d) Ex Parte Relief From Stay to Obtain Possession of Certain Uninsured Collateral.

(1) Except in Chapter 11 cases, if collateral securing a claim, including leased property, is a motor vehicle, trailer, boat, or an airplane, and if there is a contractual obligation by the debtor to provide collision and comprehensive insurance and the same is not in effect, then the creditor may file with the Court a motion for ex parte relief from the stay pursuant to 11 U.S.C. § 362(f) to obtain possession of the collateral or leased property.

(2) The Bankruptcy Court may, in its discretion, apply this Rule to a Chapter 11 case.

(3) Any motion for ex parte relief from the stay under this Rule shall be verified in accordance with FRBP 9011(e) and shall:

(A) Include the following:

(i) A description of the collateral or leased property;

(ii) A statement of the amount of the claim and the basis on which the claim is secured;

(iii) An affidavit setting forth the basis on which the movant believes that the collateral or leased property is not insured with full collision and comprehensive insurance;

(iv) A statement that the movant or its attorney has given or attempted to give oral notice to the debtor's attorney or the debtor, if the debtor is not represented, and to the case Trustee, that the motion is being filed, and;

(v) A statement specifying the failure, if any, of the debtor to produce proof of

insurance at the time of the 11 U.S.C. § 341(a) Meeting of Creditors as required by LBR 4070-1.

(B) Be accompanied by a proposed order which shall provide that:

(i) The debtor or Trustee is prohibited from using the collateral or leased property unless and until adequate evidence of full collision and comprehensive insurance is presented to the movant or movant's counsel;

(ii) The debtor or Trustee, whichever is in actual physical possession of the collateral or leased property, shall notify the movant or movant's counsel of the location of the collateral;

(iii)The debtor or Trustee, whichever is in actual physical possession of the collateral or leased property, shall surrender it to the movant within 72 hours, unless within that time the movant or movant's counsel is provided with adequate evidence of collision and comprehensive insurance or, the debtor or Trustee requests a hearing concerning same;

(iv)The movant is authorized to take physical possession of collateral or leased property required to be surrendered under this Rule, and to hold same, at the movant's risk. The movant shall not dispose of the collateral or leased property unless and until the automatic stay is modified, terminated, or expires as a matter of law. If the debtor provides adequate evidence of full collision and comprehensive insurance prior to the expiration or termination of the automatic stay, then the movant shall return the property to the debtor;

(v) The movant or movant's counsel shall serve copies of the motion and proposed order promptly on the debtor, the debtor's attorney, and the Trustee, and shall provide telephonic notice to the debtor's attorney and, if the Trustee is in actual physical possession of the property, to the Trustee.

(e) Negotiation of Modifications to Mortgages on Residential Real Estate and the Automatic Stay. The stay as provided under 11 U.S.C. § 362 of the United States Bankruptcy Code shall not operate to prevent debtors and creditors from voluntarily re-negotiating the terms of an existing mortgage on residential property in a case in this Court. The debtor or creditor is free to decline entering into any such negotiations and is empowered to terminate the negotiations at any time invoking the full protection of the stay under 11 U.S.C. § 362. In a Chapter 13 case, any modification may be agreed to by the debtor and the creditor without Court approval, but shall be immediately reported to the case Trustee and the debtor shall file a modified plan as needed or as requested by the Trustee.

(f) Automatic Termination of the Stay Pursuant to 11 U.S.C. § 362(c)(3). Upon the filing of a motion by a party in interest pursuant to 11 U.S.C. § 362(c)(3)(B), the Court hereby authorizes the extension of the stay until the Court enters a final order on the motion. The notice of the motion shall be deemed completed upon service on all parties in interest, and said notice shall be

prepared, filed, and served pursuant to LBR 9004-1(c)(5). A party at interest may request an expedited hearing at any time following service of the motion.

LBR 4002-1. Debtor – Duties (updated December 1, 2018)

(a) Duty to Maintain Books and Records. Unless the Trustee appointed by the Court takes possession of books and records of an estate, the debtor shall maintain, preserve and keep in safe storage all such books and records during the time the case is pending.

(b) Duty to Produce Records. Upon request and without order of the Court, the debtor shall make his books and records available to the Trustee. The records shall be produced within 14 days of the request and shall include the following types of records:

(1) Books, records, and other documents reflecting title, encumbrances, and the nature, extent, value and location of all assets;

(2) A complete accounting of all cash on hand;

(3) A complete inventory of the assets of the estate unless that inventory is set forth in the schedules;

(4) Copies of any inventories prepared by or for the debtor within the preceding 12 months;

(5) The debtor's federal income tax returns for the three-year period preceding the date of filing of the petition;

(6) Bank statements and canceled checks for the 12-month period prior to the date of the petition.

LBR 4003-1. Exemptions

(a) Schedule C. Schedule C shall contain the following:

(1) A detailed list of all property or assets claimed as exempt by the debtor.

(2) Each asset's value shall be stated in dollar amounts. If the value of any asset claimed to be exempt is not known, the debtor shall state the exemptible sum in dollars.

(3) Exemptions shall be limited to the dollar amount claimed as exempt even if the asset exempted is later discovered to have had a greater value than the amount listed in the schedules.

(4) If exempting future proceeds of an unliquidated claim or of a cause of action, the debtor shall fully describe any such claim or cause of action.

(b) Notice of Amendment of Schedule C Exemptions. If Schedule C is amended, notice to all parties in interest in the case shall be sent by the debtor.

LBR 4003-2. Lien Avoidance (updated December 1, 2017 and December 1, 2018)

If the debtor proposes to avoid liens in the Chapter 12 or 13 plan, the plan shall specify the creditors by name whose liens are affected by such provisions in the plan and such provisions shall apply only to those liens that can be avoided under 11 U.S.C. § 522(f). Any liens other than those that are avoidable under 11 U.S.C. § 522(f) shall not be included in such lien avoidance provisions in the Chapter 12 or Chapter 13 plan.

LBR 4004-3. Grant of Discharge

The Court shall delay entry of the order of discharge as provided by FRBP 4004(c)(2) for 30 days and shall grant only one additional extension requested by motion within the 30 days.

LBR 4007-1. Dischargeability Complaints (updated May 18, 2015)

(a) If additional creditors are added by amendment after the filing of the case but prior to the date set to file a complaint to determine the dischargeability of a debt under 11 U.S.C. § 523(c), the Court shall deem such amendment as a request to extend the time to file such complaint until the latter of the original bar date or thirty (30) days from the date of service of the amendment upon the added creditors. The request to extend shall be deemed granted by the Court.

(b) In a Chapter 13 case, where the proposed settlement addresses how a claim will be treated under the plan or otherwise, approval of any proposed settlement of an Adversary Proceeding under 11 U.S.C. § 523(c) shall require a hearing upon notice to the parties and the Chapter 13 Trustee, unless the Chapter 13 Trustee has given written consent to the terms thereof.

LBR 4008-1. Reaffirmation

In any case commenced on or after October 17, 2005, no reaffirmation agreement shall be enforceable unless it complies with the following:

(1) A reaffirmation agreement shall include a certification by debtor's attorney if the attorney assisted in the negotiation of the reaffirmation agreement. The certification shall include all the requirements of 11 U.S.C. § 524(c)(3); and

(2) All disclosures prescribed by 11 U.S.C. § 524 shall be contained in the reaffirmation agreement; and

(3) The filing of the agreement shall comply with FRBP 4008; and

(4) If a reaffirmation agreement does not contain a certification from debtor's attorney or the attorney indicates that the agreement will create an undue hardship on the debtor, the agreement is not enforceable unless the Court approves the agreement. The debtor or

creditor shall file a separate motion for Court approval. Any such motion shall be filed prior to the entry of the order of discharge. The Court, after a hearing, shall issue an appropriate order on the reaffirmation agreement.

(5) No reaffirmation agreement filed after the entry of the order of discharge shall be enforceable unless the agreement was entered into prior to the discharge and contains the 11 U.S.C. § 524(c)(3) certificate of the debtor's attorney.

LBR 4070-1. INSURANCE

At the meeting of creditors scheduled pursuant to FRBP 2003, the debtor shall present proof of insurance or other adequate protection of all secured collateral that is property of the estate provided such insurance or other protection is required by the security agreement.

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 11 U.S.C. § 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 authorizing any entity holding garnished funds to release the funds and authorizing that the garnishment be terminated.

PART V. COURTS AND CLERKS

LBR 5003-1. Clerk of Court - Exhibits

Exhibits and/or documentary evidence tendered in any contested matter or adversary proceeding may be deemed obsolete by the Clerk of Court upon termination of the contested matter or adversary proceeding and expiration of all time periods for appeal or rehearing. The Clerk may destroy such exhibits and/or documents after giving all parties in interest in the contested matter or adversary proceeding 14 days' notice of the Clerk's intended action. Parties desiring to have any documentary evidence or exhibits returned shall contact the Court within the 14 days.

LBR 5005-4. Electronic Filing (updated November 20, 2014, December 1, 2018, and December 18, 2024)

(a) Electronic Filing.

(1) Documents filed in paper form when allowed under FRBP 5005(a)(3) shall be converted to electronic form by the Clerk's office and the electronic document shall be the official document.

(2) A party to a pending action or an individual or entity that files documents with the Court frequently as determined by the Clerk of Court and who is not represented by an attorney may register as a Filing User in the electronic case filing system. Registration shall be in the form prescribed by the Clerk of Court in the Clerk's Instructions.

(3) 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. § 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 one-year after the closing of the case. If the case is later reopened, the 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 one year after the re-closing of the case.

(4) For filings initially received in paper format as allowed under FRBP 5005(a)(3), 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. § 1746 for 6 months after the filing has been converted to an electronic image.

(b) Filings by Facsimile or Email.

Only with prior approval, a pleading, complaint, petition or other document to be filed with the Court may be accepted as timely filed by transmission to the Court by facsimile or email to the appropriate Court email inbox at EmergencyFilings@gamb.uscourts.gov. The pleading,

complaint, petition or other document to be filed shall be authorized to be received for filing by a judge of this Court, the Clerk of Court, or by the Clerk's designee. Such authorization shall be obtained prior to the sending of the document and shall be based on a showing of time-critical need and that the filer is unable to gain access to the Court's Electronic Case Filing System. In the event the filer is a non-attorney, discretion shall be used to determine whether to approve the receipt of the document by facsimile or email. No facsimile or emailed pleading or document shall be accepted or deemed filed without prior approval.

(c) Conversion of the Faxed Document.

The pleading, complaint, petition or other document submitted by facsimile shall be converted to an electronic image by the Court and the electronic image shall be the official record of the document.

LBR 5010-1. Reopening Cases (Added April 4, 2018)

When a Motion to Reopen is filed in a Chapter 7 case, the motion must state whether the reappointment of a Chapter 7 Trustee is necessary and the factual basis for that position. The proposed order shall provide for the appointment or non-appointment of a Chapter 7 Trustee as stated in the motion.

LBR 5075-1. Clerk's Authority to Redact Information on File with the Court

(a) Redaction by the Clerk of Court. Any entity needing to redact information on file with the Court may file a request for redaction. Such request shall specify the document containing the information and a contention that the information is one or more of the following types:

(1) Social Security numbers

(2) Financial account numbers

(3) Dates of birth or names of minor children

Upon filing such request, the Clerk of Court shall remove the subject document from the public docket. The party requesting redaction shall file with the Court a replacement document with all necessary redaction properly executed by the filer within 14 days from the date of the request. If no replacement document is filed, the Clerk of Court shall place the original document back on the public docket.

(b) Redaction by the Court. Any information to be redacted other than that contained in paragraph (a) of this Rule shall only be redacted by order of the Court and after motion and hearing.

LBR 5080-1. Fees - General

Attorneys who receive filing fees from the debtor shall pay such funds over to the Court at the time of the filing of the petition or, if the petition has already been filed, within fourteen (14)

business days from the receipt of the payment from the debtor. Upon dismissal of a Chapter 13 case, the Chapter 13 Trustee shall pay any unpaid filing fee from funds on hand at the time of the dismissal.

LBR 5081-1. Fees – Form of Payment

Registered users of the Court's electronic filing system shall pay all filing fees through the Pay.Gov system as set out in the Clerk's Instructions. All other fees shall be paid in cash or by cashier's check, money order, or check on the account of an attorney of record. No personal checks shall be accepted.

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PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

LBR 6004-1. Sale of the Estate Property

(a) Notices. Notices required by FRBP 6004 shall be prepared by the movant.

(b) Content of Notice. A notice shall, in addition to the requirements of FRBP 2002(c)(1) and LBR 9004-1, contain the name and address of the proposed buyer, if known, and estimated cost of the sale or lease, including commissions, auction fees, document preparation costs, recordation fees, and other such expenses.

(c) Chapter 12 and 13 Cases. Before filing any motion for proposed use, sale, or lease of property in a Chapter 12 or Chapter 13 case, the movant shall consult with the Trustee and determine, if possible, whether the Trustee will consent to the motion. Any such motion shall indicate that such consultation has taken place and shall recite the Trustee's position, if known to the movant.

(d) Sales of Property Subject to Security Interest. Any motion to sell property that is subject to one or more claims of security interest shall set forth the identity of the creditor, the description of property subject to such claim, and the amount of such claim. Compliance with this Rule shall not constitute waiver of the movant's right to object to the validity or priority of such liens.

LBR 6007-1. Abandonment (Amended December 1, 2019)

(a) Abandonment by Chapter 7 Trustee at 11 U.S.C. § 341 Meeting of Creditors.

(1) At the 11 U.S.C. § 341 meeting of creditors, a Trustee in a Chapter 7 case may announce the abandonment of all or any portion of scheduled property of the estate and/or sign a notice of intent to abandon prepared and presented at the 11 U.S.C. § 341 meeting of creditors by any party in interest.

(2) An objection to such abandonment shall be in writing, filed with the Clerk of Court, and served upon the Trustee, debtor, debtor's attorney, and any known lien-holders within 14 days after the meeting of creditors. If no such objection is filed and served, the property shall be deemed abandoned without further notice or hearing.

(3) If an objection is filed to a proposed abandonment by the Trustee, the Court shall set a hearing date and give notice to all parties in interest.

(b) Other Abandonments: A notice of intent to abandon (filed by the Trustee or debtor) or motion to compel abandonment (filed by any other entity shall include a description of the property, state the reason the property should be abandoned, state the estimated value of the property, and make clear the date of the abandonment.

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PART VII. ADVERSARY PROCEEDINGS

LBR 7001-1. Adversary Proceedings (Abrogated December 18, 2024)

LBR 7005-1. Certificates of Service in Adversary Proceedings as to Discovery (updated September 23, 2015)

A party serving Interrogatories, Requests for Production of Documents, Requests for Admission, or responses thereto, upon counsel, a party, or a non-party shall file with the Court a certificate indicating the discovery request(s) or response(s) which was(were) served, the date of service (or that the same has been delivered for service with the summons), the method of service, and the persons (including addresses) served.

LBR 7041-1. Dismissing Adversary Proceedings (added April 9, 2026)

A complaint objecting to the discharge of the debtor under 11 U.S.C. § 727 shall be dismissed at the plaintiff's request only by motion (and not by stipulation or notice). The motion shall:

(a) detail the conditions of dismissal, including any consideration promised to the plaintiff;

(b) be served upon all creditors and parties in interest in the bankruptcy case, and the Office of the United States Trustee; and

(c) provide a twenty-one (21) day opportunity to object from the service of the motion.

LBR 7054-1. Costs – Taxation/Payment

(a) Generally. The Clerk of Court shall tax costs as authorized by law. The request for taxation of costs by the prevailing party shall be made on a Bill of Costs form provided by the Clerk. The Bill of Costs form shall be supplemented with citations of authority and copies of invoices and other supporting documentation. Opposing counsel shall be given the opportunity to respond to the prevailing party's Bill of Costs.

(b) Time for Filing. A Bill of Costs shall be filed by the prevailing party within 30 days from the entry of the judgment that awarded the costs. Opposing counsel shall have 21 days from the service of the Bill of Costs to file a response.

LBR 7056-1. Summary Judgment (updated February 10, 2017 and December 1, 2017)

(a) Statement of Uncontested Material Facts. Upon filing any motion for summary judgment pursuant to FRBP 7056, the movant shall file and serve a supporting brief and a separate, short, and concise statement of the material facts as to which the movant contends there is no genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions, and affidavits that support such contention.

(b) Response. The party or parties opposing a motion for summary judgment shall file their response with supporting brief and a separate, short, and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions, and affidavits that support such contentions. Any such response shall be filed and served within 21 days of service of movant's brief and Statement of Uncontested Material Facts.

(c) Time Limit for Reply. (added December 1, 2017) Movant's counsel shall file and serve any desired reply brief, argument, or affidavit within fourteen (14) days after service of respondent's response, brief, or affidavit.

(d) Facts Deemed Admitted. All material facts set forth in the statement served by the movant may be deemed admitted unless controverted by the statement required to be served by the opposing party or parties.

(e) Failure to Comply. Failure to comply with this Rule by the movant may result in denial of the motion.

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PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

LBR 8004-1. Motion for Leave to Appeal (updated October 17, 2016)

(a) In addition to the content required by FRBP 8004(b), a movant seeking leave to appeal shall include a brief argument as to why the judge should enter a certification that in the judge's opinion the order being appealed involves:

(1) a controlling question of law as to which there is substantial ground for difference of opinion; and

(2) that an immediate appeal from the order may materially advance the ultimate termination of the litigation.

(b) Any response to the motion filed by an adverse party shall include any argument in opposition to the Court certifying the appeal as outlined above.

(c) The certification of the Bankruptcy Court will not bind the District Court which in its discretion may permit an appeal to be taken or deny the motion as that Court deems appropriate.

LBR 8007-1. Motion, Response, Reply - Appeal

Except for motions that may be filed directly with the District Court pursuant to FRBP 8007, all pleadings shall be filed with the Clerk of the Bankruptcy Court until an appeal is docketed by the District Court.

LBR 8010-1. Transmission of Record – Appeal (Abrogated April 10, 2025)

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PART IX. GENERAL PROVISIONS

LBR 9001-1. Definitions

(1) "Bankruptcy Code" or "Code" means the United States Bankruptcy Code (Title 11 U.S.C.) as amended;

(2) "Bankruptcy Court" or "Court" means the United States Bankruptcy Court for the Middle District of Georgia;

(3) "Bankruptcy Judge" or "judge" refers to a United States Bankruptcy Judge in a case or adversary proceeding referred to this Court;

(4) "Clerk or Clerk of Court" means the Clerk of the United States Bankruptcy Court for the Middle District of Georgia and the deputy clerks;

(5) "Clerk's Instructions" means written instructions or forms prepared by the Clerk's office that give procedural guidelines on specific topics. The instructions are available from the Clerk's office;

(6) "Court" see "Bankruptcy Court";

(7) "FRBP" means the Federal Rules of Bankruptcy Procedure as adopted by the Supreme Court of the United States;

(8) "F.R.Civ.P." means the Federal Rules of Civil Procedure;

(9) "F.R.Evid." means Federal Rules of Evidence;

(10) "Judge" see "Bankruptcy Judge";

(11) "LBR" means the Local Bankruptcy Rules for the United States Bankruptcy Court, Middle District of Georgia as adopted by this Court.

(12) "Parties in interest" means such persons as may be required to be served pursuant to any order of the Court, the Federal Rules of Bankruptcy Procedure, or Local Bankruptcy Rules, and any other persons or entities that might have an interest in the matter including but not limited to the debtor, debtor's counsel, and the Trustee.

(13) "Trustee" means the case Trustee serving in a case in Chapter 7, 11, 12, or 13 and includes the U.S. Trustee in Chapter 11 cases.

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LBR 9004-1. Documents and Pleadings – Requirements of Form (updated October 17, 2016 and September 18, 2017, and January 5, 2023)

(a) Multiple Requests for Relief.

(1) Motions for relief from stay may not be combined with other forms of relief, except those allowed by 11 U.S.C. §§ 362 and 1205. Motions for relief from stay allowed by 11 U.S.C. § 1301 may be combined with motions pursuant to § 362. If motions are combined, the filing must contain the appropriate notice for each type of motion filed as set forth in LBR 9004-1(c)(5)(A) (Notice of Motion), LBR 9004-1(c)(5)(B) (Objection Other Than Objections to Claims), or LBR 9004-1(c)(6) (Notice of Hearing on All Other Matters).

(2) Objections to confirmation of a Chapter 13 plan may not be combined with other requests for relief.

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

Any waiver of the 30-day requirement of 11 U.S.C. § 362(e) by the movant shall be recited in the motion and set out in the title of the motion.

(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, email 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) Notices for "Negative Notice" Events. Events not specifically requiring a hearing ("Negative Notice" Events) shall use the Notice of Motion as described in LBR 9004-1(c)(5(B) below. A list of all current Negative Notice events and events that require a hearing can be found in the Clerk's Instructions.

(B) 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 language presented conspicuously in the "Notice of Motion," which can be found in the Clerk's Instructions.

(C) Notice of Objections to Claims. The form "Notice of Objection to Claim," which can be found in the Clerk's Instructions, shall be used.

(6) Notice of Hearing on All Other Matters. 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 language presented conspicuously in the notice which can be found in the Clerk's Instructions.

LBR 9004-2. Captions

(a) Chapter and Judge Assignment in Caption. In all pleadings, the caption shall indicate the chapter in which the case is filed and, as part of the case number, include the initials of the judge assigned to the case.

(b) Relief Sought Stated in Caption. All pleadings shall, within their title, specifically designate the relief sought. Substantial variance between the title of a pleading and the relief sought in the body of the pleading may result in dismissal of the pleading or denial of the relief by the Court. The designation of "motion" without further description is not sufficient.

LBR 9007-1 Notice and Opportunity for Hearing

(a) Notice - Service. Unless these Rules specifically provide for the persons or entities to be served, when these Rules require service of a motion pursuant to this Rule, the movant shall serve a copy of the motion on all parties in interest.

(b) Notice - Contents. Any notice served pursuant to this Rule shall comply with LBR 9004-1(c)(5).

(c) Objections or Responses - Service and Hearings. If a response to a motion, application or Objection to Claim, is filed pursuant to this Rule, the response shall indicate that the respondent requests a hearing and contain a short and concise statement giving the reason why the respondent opposes the relief requested. Any issues not raised in the response shall not be

deemed waived and may be later raised at the time of the hearing without prejudice. The hearing shall be held at the date, time, and location as provided in the notice.

(d) Relief Granted. If no objection is filed pursuant to this Rule, the Court may grant the relief requested without further notice or hearing.

LBR 9010-3. Standards of Professional Conduct and Discipline by the Court (added December 1, 2017)

The Middle District of Georgia District Court Local Rule 83.2.1 is applicable to and governs all actions and proceedings in the Bankruptcy Court.

LBR 9011-1. Attorneys - Duties

(a) Attorney Leaves of Absence.

(1) Attorneys practicing in the Bankruptcy Court for the Middle District of Georgia are expected to be available to personally represent the interests of their clients in matters before the Court. The Georgia State Bar Rules regarding appearance conflicts do not apply to this Court.

(2) If an attorney cannot attend a hearing or trial, the attorney must make arrangements to protect the client's interest at the hearing in one of the following ways:

(A) Engage substitute counsel to represent the client. The substitute counsel must be familiar with the case and competent to represent the client in the case. The client must consent to the substitution.

(B) Obtain a continuance. Contact opposing parties and request a continuance of the matter. If a request for continuance is refused by any party, file a motion for continuance and request an expedited hearing on such motion before the beginning of the period of absence with adequate notice of the hearing to opposing parties.

(3) If an attorney anticipates an extended absence for any reason and may require accommodation for previously unscheduled hearings, the Court will accommodate the attorney on terms as follows:

(A) The attorney must request such accommodation by letter delivered to the Clerk of Court in advance of the planned absence.

(B) The request for accommodation must designate another member of the bar of this Court who has agreed to act as substitute counsel in matters scheduled during the attorney's absence. Such a designation must include the name, address, and telephone number of substitute counsel.

(C) If the request for accommodation is deemed reasonable, the Court will attempt to avoid scheduling routine matters during the period of absence. If an expedited matter must be scheduled during the period of absence, the Court will notify the designated substitute counsel.

(D) If the request for accommodation is deemed unreasonable, the Court will advise counsel accordingly.

(4) Accommodations for emergency absences shall be made on a case-by-case.

(b) Attorney Information. All documents prepared by an attorney including all pleadings and orders tendered to the Court 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.

LBR 9011-2. Pro Se Parties

Individuals may appear before the Court and be heard without the assistance of counsel. However, all other entities may only appear and be heard through counsel admitted to practice in the Court.

LBR 9013-1. Motion Practice

(a) Proposed Order. Any motion which may be granted without a hearing shall have a proposed order bearing a title which describes relief granted sent as an E-Order to the Court's electronic filing system. If the motion requests alternative relief as allowed under LBR 9004-1(a), the order shall dispose of all matters raised in the motion. If a hearing is held on the motion and the proposed order is no longer appropriate to the outcome of the hearing, the movant shall upload an appropriate order at the earliest opportunity.

(b) Citation of Authority. All motions should indicate applicable code sections, rules, or other legal authorities which affect the granting or denial of the relief which is sought.

(c) Notice of Motion. All motions filed pursuant to this Rule shall be accompanied by a notice that complies with the requirements of LBR 9004-1(c).

LBR 9013-3. Certificate of Service – Motions (amended April 7, 2021)

(a) All motions, briefs, and other documents filed with the Court that require notice to parties in interest shall contain a certificate of service. The certificate of service shall specify the parties served (including their addresses), the method of service, the date of service, and the signature of an attorney, except for parties served by electronic service through the Electronic Case Filing system pursuant to LBR 2002-1(e). The movant shall sign the certificate if not represented by an attorney.

(b) If a certificate of service is not filed as required by this Rule, the Clerk of Court shall send notice to the filing party and give 14 days from the date of the notice for the certificate to be filed. If the certificate is not filed within the 14 days and the filing party within the 14 days does not request relief from the requirements of this Rule, the motion, brief, or other document shall be dismissed or stricken without further notice or hearing.

LBR 9014-1. Contested Matters

Evidentiary hearings shall be held in contested matters at the first appearance of the contested matter before the Court. If time does not allow for the hearing to be completed, it shall be continued by the Court to a date specially set for the purpose of completing the hearing.

LBR 9015-1. Jury Trial

(a) Authority for Bankruptcy Judges to Conduct Jury Trials. The United States District Court for the Middle District of Georgia, by order entered November 18, 1994, designated each of the Bankruptcy Judges of this Court to conduct jury trials pursuant to 28 U.S.C. §157.

(b) Consent to Have Trial Conducted by Bankruptcy Judge. If the right to a jury trial applies and a timely demand has been filed under F.R.Civ.P. 38(b), the parties may consent to have a jury trial conducted by a Bankruptcy Judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement of consent no later than 30 days after the conclusion of the initial pretrial conference.

LBR 9019-1. Settlements and Agreed Orders Pursuant to FRBP 9019 (updated April 9, 2026)

(a) Notice Required. Notices regarding motions to compromise or settle filed under FRBP 9019 shall state the nature of the controversy and the terms of the compromise. No notice is required with respect to settlements of actions arising under 11 U.S.C. § 523(a), unless directed otherwise by the Court. Motions to compromise or settle that include dismissal of a complaint objecting to discharge under 11 U.S.C. § 727 shall comply with LBR 7041-1, Dismissing Adversary Proceedings.

(b) Adversary Proceedings. If all or part of an adversary proceeding has been compromised or settled, a motion to compromise shall be filed in the bankruptcy case, and not in the adversary proceeding. An order approving or denying a compromise or settlement shall be entered in the bankruptcy case and a separate disposition shall be entered in the adversary proceeding.

LBR 9029-1. Local Rules

Scope and Effective Date of Rules. These Rules supplement, or, as permitted, modify the Federal Rules of Bankruptcy Procedure, and shall be construed consistently with those Rules to promote the just, efficient, and economical determination of every action and proceeding. These Rules shall govern all actions and proceedings pending or commenced after the entry of this Court's order adopting the latest version.

LBR 9072-1. Orders – Proposed (added April 7, 2021)

When parties report to the Court that a matter has been resolved and that an order will be submitted, the underlying matter (motion, application, objection, other contested matter, etc.) will generally then be placed on the Court's Final Disposition Calendar. Attorneys (or unrepresented parties) are expected to submit the proposed order before the date on which the matter appears on the Final Disposition Calendar. If the proposed order has not been submitted and signed, the attorneys (or unrepresented parties) shall appear at the Final Disposition Calendar hearing unless their appearance is excused by the Court. Failure to do so may result in the matter being dismissed for failure to prosecute. More details concerning the Final Disposition Calendar may be found in the Clerk's Instructions, Appendix J.

LBR 9073-1. Hearings (added April 7, 2021)

If a matter (motion, application, objection, other contested matter, etc.) has been placed on a Final Disposition Calendar and is not resolved by the signing of the order submitted by the parties before the hearing on the Final Disposition Calendar, the attorneys (or unrepresented parties) shall appear at the Final Disposition Calendar hearing unless their appearance is excused by the Court. Failure to do so may result in the matter being dismissed for failure to prosecute. More details concerning the Final Disposition Calendar may be found in the Clerk's Instructions, Appendix J.