

(Revised as of 7/30/2008)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

**ADMINISTRATIVE GUIDE
TO
PRACTICE AND PROCEDURE**



SUPPLEMENT TO THE LOCAL RULES

(Current as of 7/30/2008)

(Revised as of 7/30/2008)

The Administrative Guide to Practice and Procedure has been prepared as a supplement to the Local Bankruptcy Rules to facilitate publication of changes in practice and procedure in the Eastern District without the necessity for a revision to the Local Rules.

The format for the Guide is set to correspond to the governing rule.

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GENERAL INFORMATION

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PUBLIC ACCESS TO INFORMATION

VCIS

(Voice Case Information System)

Telephonic access to the court's electronic records may be obtained at the following toll-free telephone number: ~~The court is pleased to offer to the general public the VCIS public information access service.~~ The system provides information about debtors by using the numbers or letters on the telephone keypad. A search may be performed by name, case number, and, if known, the full social security number or tax identification number. *A social security number or tax identification number is unique to an individual or business and may be more reliable than a name search.* To access the court's VCIS system by telephone, the number is:

(888) 513-9765

INTERNET

~~The court is pleased to offer to the general public access to court records through the Internet. The address to access court information is:~~

Public Access to Court Electronic Records may be obtained at the following locations:*

Home web page: <http://www.nceb.uscourts.gov>

Pacer Case information web page: <http://ecf.nceb.uscourts.gov>

Electronic e-filing: <http://ecf.nceb.uscourts.gov>

There is a fee (HYPERLINK THIS TO : <http://pspsc.psc.ao.dcn/epa/index.html>) for using the Public Access to Court Electronic Records System (PACER).

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LIST OF COUNTY CODES FOR NORTH CAROLINA

North Carolina-Eastern

North Carolina-Middle

North Carolina-Western

37013 Beaufort
37015 Bertie
37017 Bladen
37019 Brunswick
37029 Camden
37031 Carteret
37041 Chowan
37047 Columbus
37049 Craven
37051 Cumberland
37053 Currituck
37055 Dare
37061 Duplin
37065 Edgecombe
37069 Franklin
37073 Gates
37077 Granville
37079 Greene
37083 Halifax
37085 Harnett
37091 Hertford
37095 Hyde
37101 Johnston
37103 Jones
37107 Lenoir
37117 Martin
37127 Nash
37129 New Hanover
37131 Northampton
37133 Onslow
37137 Pamlico
37139 Pasquotank
37141 Pender
37143 Perquimans
37147 Pitt
37155 Robeson
37163 Sampson
37177 Tyrrell
37181 Vance
37183 Wake
37185 Warren
37187 Washington
37191 Wayne
37195 Wilson

37001 Alamance
37025 Cabarrus
37033 Caswell
37037 Chatham
37057 Davidson
37059 Davie
37063 Durham
37067 Forsyth
37081 Guilford
37093 Hoke
37105 Lee
37123 Montgomery
37125 Moore
37135 Orange
37145 Person
37151 Randolph
37153 Richmond
37157 Rockingham
37159 Rowan
37165 Scotland
37167 Stanly
37169 Stokes
37171 Surry
37197 Yadkin

37003 Alexander
37005 Alleghany
37007 Anson
37009 Ashe
37011 Avery
37021 Buncombe
37023 Burke
37027 Caldwell
37035 Catawba
37039 Cherokee
37043 Clay
37045 Cleveland
37071 Gaston
37075 Graham
37087 Haywood
37089 Henderson
37097 Iredell
37099 Jackson
37109 Lincoln
37111 McDowell
37113 Macon
37115 Madison
37119 Mecklenburg
37121 Mitchell
37149 Polk
37161 Rutherford
37173 Swain
37175 Transylvania
37179 Union
37189 Watuaga
37193 Wilkes
37199 Yancey

LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS

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[Rule 1007-1]

(See *Administrative Guide to Practice and Procedure Rule 5003-4*)

MAILING - LIST OR MATRIX

[Rule 1007-2]

(a) ***PETITION ACCOMPANIED BY MATRIX.*** For register of mailing addresses of Federal and State Government Units, see *Administrative Guide to Practice and Procedure Rule 5003-4.*

(b) ***PREPARATION OF MATRIX.***

(1) Filing petitions electronically through CM/ECF.

Filing users must create a mailing list by entering all creditors for each petition into the petition preparation software. The creditor matrix must be saved in an ASCII (.txt) format or a format required by the users software before it can be successfully uploaded. The matrix must be uploaded into the electronic filing system at the same time the petition is filed electronically

(2) Filing petitions in paper.

All bankruptcy petitions submitted in paper for filing must be accompanied by a paper matrix which lists all creditors and their addresses.

In order to ensure that creditor names and addresses are scanned to create a clear image for display on the Internet and properly read by the Optical Character Reader (OCR) for transfer into the court's database, compliance with specific standards and requirements is necessary.

(3) ***Instructions for Preparation of Mailing Matrix.***

(a) The paper matrix should be prepared on plain white 8 ½ X 11 unruled or unblocked paper and shall not contain any extra marks such as letterhead, dates, debtor name, stains or handwritten marks on the front of the matrix. The debtor's name and social security number must be shown on the back of the paper matrix.

(b) The only writing on the paper matrix should be the typed names and address of the creditors. The certification of mailing matrix must be attached as a separate page from the matrix.

(c) Use good letter quality print to print the matrix. LaserJet or InkJet printers provide better quality print than dot matrix printers.

(d) **Do not** use unreadable type faces or print styles such as proportionally-spaced fonts or exotic fonts (such as Olde English or script) or bold print. Twelve (12) pitch

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Times New Roman and Courier New fonts create good print quality that allows the Optical Character Reader (OCR) to accurately read the matrix.

- (e) Provide the original paper matrix. Poor quality photocopies are not readable by the scanner.
- (f) List creditors in alphabetical order.
- (g) **Do not** include the following parties on the creditor matrix, as the name and address of each of these parties are added during case opening procedures by court staff:
 - Debtor
 - Joint Debtor
 - Attorney for the Debtor(s)
 - Bankruptcy Administrator
 - Trustee
- (h) Names should be shown as first name <space> last name.
- (i) Names and address must be typed so that letters are no closer than 1½ inches from any edge of the paper.
- (j) Each line of the address may have a maximum of 35 characters.
- (k) The maximum number of lines per address is 4.
- (l) Make every effort to obtain a complete address for each creditor.
- (m) Leave one blank line between each address.
- (n) Never use the following symbols in names and/or addresses:
 - Ampersand (&). Type the word “and” instead
 - Percent (%). If used to signify “care of” in a creditor’s address, type “c/o” instead.
- (o) **Do not** type a lower case “L” to signify the number one (1).
- (p) **Do not** type an upper or lower case letter “o” to signify the number zero (0).
- (q) Avoid misaligned lists caused by removing the paper from the typewriter before completing the list, or improperly inserting the paper into the typewriter.
- (r) Type in upper and lower case as you would on a letter.

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- (s) States should be abbreviated using two capital letters without periods or other punctuation.
- (t) A comma must appear between the city and the state.
- (u) The last line of the matrix must be the city, state, zip code.
- (v) Do not type the attention line on the last line of the address. The attention line should be the second line of the address.
- (w) **Do not** include account numbers in the address.
- (x) The ZIP Code must be typed on the last line of each address. If only a five digit ZIP Code is used, **Do not** add extra zeroes (0000s) to make nine digits. Separate the 5-digit ZIP code with the “plus four” with a dash, not a space.

(y) Address examples:

123 Incorporated P.O. Box 123 City, NC XXXXX	Finance Company P.O. Box 123456 City, NC XXXXX	Mr. and Mrs. Landlord c/o Mr. Joe Attorney 879 Rent Avenue City, NC XXXXX
Mr. and Mrs. Carolina 1111 Carolina Avenue City, NC XXXXX	Business Company 1992 Inc. Street City, NC XXXXX-XXXX	
M and M Business Company 1212 Candy Lane City, NC XXXXX	Paper Business 213 Pulp Mill Road City, NC XXXXX-XXXX	

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DIVISIONS - BANKRUPTCY COURT
[Rule 1071-1]

<u>Name of Division</u> .	<u>Counties</u>		
Elizabeth City	Bertie Camden Chowan Currituck	Dare Gates Hertford Pasquotank	Perquimans Tyrrell Washington
Fayetteville	Cumberland	Robeson	Sampson
New Bern	Beaufort Carteret Craven Hyde	Jones Lenoir Martin	Onslow Pamlico Pitt
Raleigh	Franklin Granville Harnett	Johnston Vance	Wake Warren
Wilmington	Bladen Brunswick	Columbus Duplin	New Hanover Pender
Wilson	Edgecombe Greene Halifax	Nash Northampton	Wayne Wilson

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NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

[Rule 2002-1(c)]

GUIDE TO SERVICE AND NOTICE REQUIREMENTS

This chart is a guide to common service and notice requirements in this court. It should be used in conjunction with the following explanatory notes.

1. Bankruptcy Rule 9014 requires all contested matters to be served in the manner provided by Bankruptcy Rule 7004. This chart has no effect on the methods of service prescribed by that rule, including the special rules for service upon the United States federal officers and agencies, state or municipal governments, and insured depository institutions. Service pursuant to 7004(h) on an insured depository should be either first class mail addressed to the servicing agent for the bank or by certified mail addressed to any officer.
2. In chapter 11 cases, a trustee appointed under 11 U.S.C. § 1104 should be served.
3. Filing fees referenced in the chart are authorized by 28 U.S.C. § 1930, and by the appendices thereto prescribed by the Judicial Conference of the United States.
4. This chart does not address filings by trustees in chapter 7 cases.
5. *If a case has been previously converted to a case under another chapter and a motion to reconvert is filed, the notice of the motion to reconvert should be served upon the trustee in the previously converted case.*

Codes for parties to serve:

- | | | | |
|------------------------|-------------------------------|--------|---|
| D = Debtor | T = Trustee | 20 LUC | = 20 Largest Unsecured Creditors |
| DA = Debtor's Attorney | BA = Bankruptcy Administrator | UCC | = Unsecured Creditor's Committee or its counsel |
| AP = Affected Parties | All = All creditors on matrix | | |

NOTE: The BANKRUPTCY ADMINISTRATOR is served in CHAPTER 7 AND 11 CASES; therefore, this chart does not itemize service on the Bankruptcy Administrator for these chapters. The bankruptcy administrator need not be served in chapter 12 and 13 cases except (1) when a fee is requested above the standard base fee or (2) when an additional fee is requested above the presumptive non-base fee. The BA need not be served in adversary proceedings unless named as a party.

Pleading	# of Notice Days	Chapter	Parties to Serve	Comments
11 U.S.C. § 506(c) Fees & Expenses, Application for	15	All	AP	
Abandon, Motion to	15	7, 11, 13	All, T, DA, D	Fee required except for Debtor in Possession

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Pleading	# of Notice Days	Chapter	Parties to Serve	Comments
Accept/Reject/Assign Executory Contract, Motion to (1) Debtor's (2) Creditor's (3) Debtor's (4) Creditor's	15	(1) 11 (2) 11 (3) 12, 13 (4) 12, 13	(1) AP, 20 LUC or UCC (2) D, DA, T, 20 LUC or UCC (3) T, AP (4) D, DA, T	
Accept/Reject Lease, Motion to (1) Debtor's (2) Creditor's (3) Debtor's (4) Creditor's	15	(1) 11 (2) 11 (3) 12, 13 (4) 12, 13	(1) AP, 20 LUC or UCC (2) D, DA, T, 20 LUC or UCC (3) T, AP (4) D, DA, T	
Amendment to Schedules	None	All	AP, T	Fee may be required. See 28 U.S.C. § 1930 Certificate of Service should show that a copy of the Meeting of Creditors Notice was served on creditors affected by the amendment
Approval of Consent Order under BR 4001(d), Motion for	15	11	D, DA, 20 LUC or UCC	
Avoid a Lien under 11 U.S.C. § 522(f), Motion to	15	All	AP, T	
Cash Collateral (1) Debtor's Motion to Use (2) Creditor's Motion to Prohibit (3) Debtor's Motion to Use (4) Creditor's Motion to Prohibit	15	(1) 11, (2) 11 (3) 7, 12, 13 (4) 7, 12, 13	(1) AP, 20 LUC or UCC (2) D, DA, T, 20 LUC or UCC (3) T, AP (4) D, DA, T	For emergency situations, see BR 4001(b)

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Pleading	# of Notice Days	Chapter	Parties to Serve	Comments
Confirm Stay Not in Effect, Motion to (1) Creditor's	15	7, 11, 13	D, DA, T	Only in Individual debtor cases
Compensation and Expenses, Application for	20	All	All, T, D, DA	See BR 2002(a)(6)
Compensation for Additional Presumptive Non-Base Fee, Application for	None	13	T, D, BA	
Compromise, Motion to	20	All	All, D, DA	
Contempt/Sanctions, Motion for	15	All	D, DA, T, AP	See BR 9020 for pleading requirements
Continue 341 Meeting of Creditors, Motion to	None	(1) 11 (2) 7 (3) 12, 13	(1) T (2) T (3) T	
Continue Hearing/Conference, Motion to	None	All	D, DA, T, AP	Motion to be filed as soon as the need for a continuance arises
Convert from Chapter 7 to 12, Motion to (1) Debtor's	None	7	T	If the case was previously converted, see 11 U.S.C. § 706
Convert from Chapter 7 to 11, Motion to (1) Debtor's (2) Creditor's	(1) None (2) 20	7	(1) T (2) All, T, D, DA,	(1) Fee required (2) No fee required
Convert from Chapter 11 to 7, Motion to (1) Debtor In Possession's (2) Creditor's or Debtor Not In Possession's	(1) None (2) 20	11	(1) T (2) All, D, DA, T	Fee required for all motions For exceptions, see 11 U.S.C. § 1112(a)

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Pleading	# of Notice Days	Chapter	Parties to Serve	Comments
Convert from Chapter 13 to 11, Motion to (1) Debtor's (2) Creditor's	15	13	(1) All, T, BA (2) All, T, D, DA, BA	(1) Fee required (2) No fee required (2) If the debtor is a farmer, see 11 U.S.C. § 1307 (f)
Convert from Chapter 12 to 7, Notice to (1) Debtor's	None	12	T	Fee required
Convert from Chapter 12 to 7, Motion to (1) Creditor	15	12	D, DA, T	See 11 U.S.C. §1208(d)
Convert from Chapter 7 to 13, Motion to (1) Debtor's	None	7	T	If the case previously converted, see 11 U.S.C. § 706 <i>and serve the trustee in the formerly converted case</i>
Convert from Chapter 11 to 13, Motion to (1) Debtor's	20	11	All, DA, D	<i>If the case previously converted, serve the trustee in the formerly converted case</i>
Convert from Chapter 13 to 7 (1) Debtor's (Notice) (2) Creditor's (Motion)	(1) None (2) 15	13	(1) T (2) D, DA, T	Fee required
Dismiss, Motion to (1) Debtor's (2) Creditor's (3) Debtor's (4) Creditor's	(1) None (2) 15 (3) 20 (4) 20	(1) 13 (2) 13 (3) 7, 11, 12 (4) 7, 11, 12	(1) T (2) D, DA, T (3) All, T (4) All, D, DA, T	
Employ Professional Person, Application to	None	7, 11, 12	T	
Employ Debtor's Attorney Under a Flat Fee Arrangement, Application to	20	11	All	<u>In re Pineloch</u> , 192 BR 675 (Bankr. E.D.N.C. 1996)
Examination Under 2004, Application for	None	All	D, DA, AP, T	Motion should be filed at least 10 days prior to the examination date

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Pleading	# of Notice Days	Chapter	Parties to Serve	Comments
Examination by Interrogatories in lieu of attendance at the 341 meeting, Motion for	None	All	T	If request is due to medical reasons, the motion should be accompanied by a doctor's statement
Extend Automatic Stay, Motion to (1) Debtor's	15	7, 11, 13	All, T	Only in individual debtor cases Motion should be filed with petition - Hearing must be scheduled within 30 days of petition filing date
Extend Filing Deadline for 11 U.S.C. § 523 and/or § 727 Complaint, Motion to	None	All	D, DA, T	
Hardship Discharge, Motion for	None	12, 13	T	
Incur Debt, Motion to; or Obtain Credit, Motion to; or Post-Petition Financing, Motion for	(1) None (2) 15	(1) 12, 13 (2) 11	(1) T (2) 20 LUC or UCC, AP	See LBR 4002-1(f)(5) For emergency situations see BR 4001(c)
Impose Stay, Motion to (1) Debtor's	15	7, 11, 13	All, T	Only in individual debtor cases
Modify Plan, Motion to (1) Plan Proponent's (2) Debtor's (3) Creditor's	20	(1) 11 (2) 12, 13 (3) 12, 13	(1) All, T, D, DA (2) All, T (3) All, T, D, DA	Ch 13 - If no adverse affect to creditors, notice to All not required
Objection to Claim	30	All	D, DA, AP, T	
Objection to Claim of Exemptions	15	All	D, DA, T	This applies to individual debtors only
Objection to Disclosure Statement	None	11	D, DA, T	
Objection to Plan	None	11, 12, 13	D, DA, T	
Re-Open Case, Motion to (1) Debtor's (2) Creditor's	(1) None (2) 15	All	(1) T (2) D, DA, T	§ 1930(b) requires payment of filing fee and retrieval fee

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Pleading	# of Notice Days	Chapter	Parties to Serve	Comments
Reconsider or Vacate Order, Motion to	15	All	D, DA, T, AP	See BR 9023 and BR 9024 This does not apply to Motions to Set Aside Dismissals in Chapter 13 cases - See Set Aside Dismissal
Relief from Automatic Stay, Motion for	15	(1) 7, 12, 13 (2) 11	(1) D, DA, T (2) D, DA, T, 20 LUC or UCC	Fee required, see 11 U.S.C. § 1930(b) (2) see BR 4001
Relief from Co-debtor Stay, Motion for	15	13	D, DA, T, Co-debtor	No fee required
Schedule of unpaid debts incurred after confirmation but before conversion to Chapter 7 / Report Upon Conversion	None	11, 12, 13	T, AP	Certificate of Service should show that a copy of the Meeting of Creditors Notice was served on creditors affected by the schedule of unpaid debt No fee required
Sell Free and Clear of Liens, Motion to	15	All	D, DA, AP	
Sell Property, Application to	20	All	All, D, DA, T	15-day response time required in all chapters See BR 6004 regarding a hearing date
Set Aside Dismissal, Motion to	20	13	All, T	
(1) Debtor's Surrender, Motion to	15	13	T, AP	
Turnover Order, Motion for	15	All	D, DA, T, AP	
Valuation of Collateral, Motion for	15	All	D, DA, T, AP	
Withdraw as Counsel, Motion to	15	All	D, T	
(1) Debtor's Withdrawal of Motion/Response/Claim	None	All	D, DA, T, AP	

NOTICE TO CREDITORS
[RULE 2002-1(d)]

~~(d)~~ RETURNED AND UNDELIVERABLE MAIL

~~(a)~~ *Upon the trustee's receipt of mail marked returned or undeliverable, with the exception of disbursement checks returned to the trustee, the trustee shall make a text entry in CM/ECF notifying the clerk of the returned or undeliverable mail, and the clerk will delete the address from the matrix. The Clerk will provide, to counsel for the debtor or to a pro se debtor, Notice of the Returned Mail and Deletion of the Address, referencing the returned or undeliverable document.*

~~(b)~~ *If counsel for a debtor receives notification from the clerk of the deletion of the creditor's address, or receives returned or undeliverable mail, counsel shall notify the debtor that the debtor is directed to diligently search for a correct address. After the debtor provides counsel with a correct address, counsel shall promptly:*

- ~~(1)~~** *forward the returned document to the correct address, and*
- ~~(2)~~** *update the address by making a text entry in CM/ECF, also stating that the returned or undeliverable mail was forwarded to the creditor's correct address.*

~~(c)~~ *If a pro se debtor receives notification from the clerk of the deletion of the creditor's address, or receives returned or undeliverable mail, the pro se debtor is directed to:*

- ~~(1)~~** *diligently search for a correct address,*
- ~~(2)~~** *forward the returned document to the correct address,*
- ~~(3)~~** *file a certificate of service with the court stating that the returned or undeliverable mail was forwarded to the creditor's correct address, and*
- ~~(4)~~** *promptly file with the court a notice of the creditor's correct address.*

The clerk will update the address on the official matrix upon notification by counsel for the debtor or by a pro se debtor.

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COMPENSATION OF PROFESSIONALS
[Rule 2016-1]

(a)(1) Amount of Standard Base Fee:

Effective in cases filed on and after April 1, 2006, the standard base fee in a chapter 13 case is \$3,000.00.

(a)(6) Presumptive Non-base Fees *effective* _____, 2008.

Motion to extend or impose the automatic stay for repeat filers	\$350.00 400.00
Motion to use interrogatories, and interrogatories	\$150.00 150.00
Motion for turnover	\$250.00 300.00
Adversary proceeding for turnover	\$500.00 1000.00
Uncontested lien avoidance BY AP	\$500.00 1000.00
Motion to avoid judicial lien	\$200.00 350.00
Motion to modify plan post-confirmation	\$250.00 350.00
Motion to substitute collateral	\$350.00 350.00
Motion for authority to sell property	\$250.00 300.00
Application to incur debt	\$200.00 200.00
Defense of motion for relief from stay and/or co-debtor stay	\$350.00 500.00
Handling of an insurance inquiry received more than twelve (12) months after the Chapter 13 case is filed	\$ 50.00 75.00
<i>Motion to set aside dismissal</i>	\$ 350.00
Defense of motion to dismiss	\$200.00 250.00
Motion for hardship discharge	\$350.00 350.00
Objection to claims (<i>up to three claims whether filed separately or combined</i>)	\$200.00 250.00
Notice to abandon property	\$100.00 250.00
CREDITOR: <i>Stay motions</i>	\$350.00 500.00

COSTS APPLIED TO ALL:

When the costs for copying and postage exceed \$25.00, the actual amount, plus the presumptive fee, shall be reimbursed to counsel.

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(a)(9)(B) Payment of Attorney Fees/Modification of Plan

These fees shall be paid by the Trustee at the rate of \$200.00 per month during the first year of the plan unless the Court directs otherwise. **In a case where this rate will not pay the entire amount of the Standard Base Fee authorized to be paid in the Chapter 13 plan during the first 12 months of the plan, the trustee may adjust the monthly rate upward to pay the entire fee during this period.**

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REGISTER OF MAILING ADDRESSES OF
FEDERAL AND STATE GOVERNMENTAL UNITS
[Rule 5003-4]

Register of Mailing Addresses of Federal and State Governmental Units

Bankruptcy Administrator
Post Office Box 3758
Wilson, NC 27895-3758

Bankruptcy Administrator
434 Fayetteville Street, Suite 620
Raleigh, NC 27601

Employment Security Commission
Post Office Box 26504
Raleigh, NC 27611-6504

Internal Revenue Service
Insolvency Support Services
320 Federal Place, Room 335
Greensboro, NC 27401

***Internal Revenue Service
P. O. Box 21126
Philadelphia, PA 19114***

North Carolina Department of Revenue
Office Services Division
Bankruptcy Unit
Post Office Box 1168
Raleigh, North Carolina 27602-1168

Secretary of the Treasury
1500 Pennsylvania Ave., N. W.
Washington, DC 20220

Securities & Exchange Commission
Branch of Reorganization
Suite 1000
3475 Lennox Road, N. E.
Atlanta, GA 30326-1232

*United States Attorney
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461

*NOTE: Federal Housing Administration, Farm Service Agency, Veterans Administration, Small Business Administration

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ASSIGNMENT TO SYSTEM AND FILING REQUIREMENTS

[Rule 5005-4(1)]

When a document is electronically filed within one day or on the day of a hearing scheduled in that case, the filing party must send an email to the appropriate judge's law clerk and to the courtroom staff notifying them of the filing. The e-mail addresses are posted on the court's website at www.nceb.uscourts.gov **(COURT NOTE: This should link to the personnel e-mail page on the web site - "Court Info - > Personnel - > PDF file lists the e-mail addresses - (this site needs to be updated))**

ELIGIBILITY, REGISTRATION AND PASSWORDS

[Rule 5005-4(2)(a)]

(1) **ELIGIBILITY.** Each filing user must enroll in and complete a CM/ECF Filing User Training Program conducted by the clerk. Filing users may enroll one or more assistants or staff in the training. Selection and scheduling of applicants for CM/ECF training will be determined by the clerk. The clerk will use discretion in a fair and nondiscriminatory manner to ensure that all registrants are treated fairly.

After completion of training, each filing user will receive a login and password and help desk contact information for assistance with the filing process.

The court accepts training provided by another bankruptcy or district court and waives the classroom training requirement. Filing users trained by other courts must indicate on the CM/ECF Filing User Registration Form the court in which they were trained.

(2) **REGISTRATION.** A person must register as a filing user by submitting the appropriate form prescribed by the clerk for an attorney admitted to practice in this district, an attorney not admitted to practice in this district, or a creditor. An attorney must attach to the registration form a declaration that the attorney is admitted to practice before this court, is exempt from the admission requirements or has been granted or has applied for leave to appear pro hac vice pursuant to **(NOTE TO CLERK: CHECK ON THIS CITE) Local Rule 83.1(e)(f) of the Local Rules of Practice and Procedure for the United States District Court, Eastern District of North Carolina.** Within a law firm, a separate registration form must be submitted for each filing user. A copy of each registration form is included in the Administrative Guide to Practice and Procedure and may be obtained from the clerk of court or the court's web site at www.nceb.uscourts.gov. The form may be duplicated for use by multiple applicants. All registration forms must be mailed or delivered in a sealed envelope to the address shown on the registration form.

(3) **PASSWORDS.** Filing users should periodically notify the court to change their password. If an employee of a filing user leaves their employment, the filing user must immediately notify the court to activate a new password, remove the employee's e-mail address and add the e-mail address of the new employee, if applicable. If a filing user decides to discontinue practice or business in this district, the court should be notified immediately to deactivate the users password and remove their e-mail address.

(Revised as of 7/30/2008)

Filing users are responsible for notifying the court of all applicable changes associated with the password and should maintain a record of their password and user profile information. Filing users are also responsible for keeping their office address, e-mail address, preferred notification method and other user profile information current in the Electronic Filing System by notifying the court to any modifications.

ENTRY OF COURT ORDERS; ISSUANCE OF ELECTRONIC SUMMONS
[Rule 5005-4(4)]

(ab) Submission of Documents for Judges Signature. When motions, applications, objections to claim, and other requests for relief are filed electronically, the moving party must submit a proposed order for each request for relief through the **Order Upload** option in CM/ECF. The format of the proposed order must comply with Local Bankruptcy Rules 9004-2 and 5005-4(5) and conform to the following format requirements:

- (1) The top margin on the FIRST PAGE must be three (3) inches. All other pages of the order will have a top margin of one (1) inch.
- (2) To assist the court in verifying that the “entire” body of the submitted order has been properly transmitted, the LAST LINE in the order must be “End of Document”, centered in the middle of the line.
- (3) Only consent orders showing parties signed signatures may be scanned and converted to PDF format. The “End of Document” statement must appear after the signatures. All other orders must be created in a word processing program and converted to PDF format.
- (4) A line for the date and a signature line for the judge is omitted. All orders will be signed electronically by the judge in the space provided by the top margin on the first page.
- (5) Proposed orders which do not comply with this format will be rejected.

(Revised as of 7/30/2008)

FORMAT; ATTACHMENTS AND EXHIBITS
[Rule 5005-4(5)]

~~(a)~~ Format. All electronic documents must be submitted in portable document format (.pdf) as created by Adobe Acrobat or another similar and compatible program supported by the court with the exception of the creditor list (matrix) which must be submitted in an ASCII text (.txt) format. Electronic filings must not exceed 3 megabytes in size. Transmission time for effecting such filings is time sensitive. Filings that take more than 5 minutes to transmit, for security reasons, will time out. If a filing is larger than 3 megabytes and if any portion of the filing has been scanned, the filing document should be no more than 8 ½ by 11 inches, without color and the resolution should not exceed 300 DPI. If making these adjustments does not reduce the filing size to 3 megabytes or less, the filing user must make suitable arrangements with the court to effect the filing.

NOTE: Moved from Local Rule 5005-4(8)(c)

SIGNATURES AND CERTIFICATION
[Rule 5005-4(8)]

Electronically filed documents requiring a signature shall either (1) show an image of such signature as it appears on the original document or as appended as an image file, in which case such document shall indicate that it has been filed electronically, or (2) bear the name of the signatory preceded by an "s/" typed in the space where the signature would otherwise appear, as follows: s/Jane D. Doe.

APPRAISERS AND AUCTIONEERS
[Rule 6005-1]

(a) EMPLOYMENT OF AUCTIONEER WITH APPLICATION TO THE COURT : The court approved commission scale for auctioneers is:

Personal Property

20% on the first \$20,000
10% on the next \$50,000
4% on the balance

Real Property

10% on the first \$25,000
4% on the balance

(Revised as of 7/30/2008)

PRETRIAL PROCEDURES
[Rule 7016-1(c)]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
DIVISION

IN RE:
JOE SMITH,
Debtor

CASE NO.
99-02272-5-ATS

ABC CORP.,)
Plaintiff)
v.)
JOE SMITH,)
Defendant)

ADVERSARY PROCEEDING
NO.: 07-00001-5-ATS

FINAL PRETRIAL ORDER

DATE OF CONFERENCE: May 5, 1999

Appearance: John Y. Lawyer, Raleigh, North Carolina, for plaintiff; Sam X. Attorney, Fayetteville, North Carolina, for defendant.

I. STIPULATIONS

- A. All parties are properly before the court.
- B. The court has jurisdiction of the parties and of the subject matter.
- C. This is a core proceeding, or in the alternative, both parties have consented to hearing by the bankruptcy court.
- D. All parties have been correctly designated.
- E. There is no question as to misjoinder or nonjoinder of parties.
- F. Facts:
 - 1. Plaintiff is a New York corporation, licensed to do business and doing business in the State of North Carolina.
 - 2. Defendant is a citizen of Wake County, North Carolina.
- G. Legal Issues: The legal issue is whether the debt owed by the defendant to the plaintiff is nondischargeable under 11 U.S.C. § 523(a)(2)(B).
- H. Factual Issues:
 - 1. Did the defendant receive money, property, services, or an extension, renewal, or refinancing of credit through the use of a statement in writing that was materially false?
 - 2. Did the written statement relate to the defendant's or an insider's financial condition?
 - 3. Did the plaintiff reasonably rely on the written statement?

(Revised as of 7/30/2008)

4. Did the defendant make or publish the written statement with the intent to deceive the plaintiff?

II. CONTENTIONS

A. Plaintiff

1. Facts:

- (a) Plaintiff loaned defendant \$XXX,XXX.XX based on written property appraisals that defendant had falsified materially.
- (b) The written appraisals were on real property owned by the defendant.
- (c) Plaintiff had no factual reason not to accept the appraisal and, therefore, reasonably relied on the appraisal.
- (d) Defendant had the appraisal done simply for its use in obtaining the loan from plaintiff.

2. Law:

- (a) The falsified property appraisal used by the defendant in obtaining a loan from the plaintiff has created a nondischargeable debt under 11 U.S.C. § 523(A)(2)(B).

B. Defendant

1. Facts:

- (a) Defendant did not falsify the property appraisals he used in obtaining the loan from the plaintiff.
- (b) Plaintiff is experienced as a commercial lender in the area and has made loans on property appraisals for 50 years.
- (c) Defendant had the appraisal done at the plaintiff's request.

2. Law:

- (a) The loan from plaintiff was not obtained through the use of a false appraisal and, therefore, the debt is dischargeable.

III. EXHIBITS

A. Plaintiff:

<u>Number</u>	<u>Title</u>	<u>Objection</u>
1	Appraisal of Bob Hope	Hearsay
2	Deed of Trust dated 1/4/84	None
3	Promissory Note dated 1/4/84	None
4	Personal Financial Statement dated 12/3/83	None

B. Defendant:

<u>Number</u>	<u>Title</u>	<u>Objection</u>
1	Appraisal of Joe Smith	Hearsay
2	Debtor's Bankruptcy Petition	None

(Revised as of 7/30/2008)

IV. DESIGNATION OF PLEADINGS AND DISCOVERY MATERIALS

- A. Plaintiff:
- | <u>Document</u> | <u>Portion</u> | <u>Objection</u> | <u>Reason</u> |
|--|--|---------------------------------|---------------|
| Plaintiff's first set of interrogatories | Nos. 1, 8 and 9 | No. 8 | Privilege |
| Deposition of Richard Roe | Vol. 1, line 6 p. 1, thru line 5, p. 6 | Line 6, p. 1, thru line 2, p. 7 | Hearsay |
- B. Defendant: None

V. WITNESSES

- A. Plaintiff:
- | <u>Name</u> | <u>Address</u> | <u>Proposed Testimony</u> |
|-------------|----------------|---|
| Frank Flake | Selma, N. C. | Loan officer - facts surrounding the loan |
- B. Defendant:
All witnesses listed by plaintiff:
- | <u>Name</u> | <u>Address</u> | <u>Proposed Testimony</u> |
|-------------|----------------|---|
| Sam Smith | Apex, N. C. | Facts surrounding value of real property in the debtor's area |

Trial Time estimate: _____ days.

John Y. Lawyer
Counsel for Plaintiff

Sam X. Attorney
Counsel for Defendant

(Revised as of 7/30/2008)

RULE 9009-1

FORMS

(Revised as of 7/30/2008)

Rev. 5/03

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ DIVISION**

IN RE:

CASE NO.

DEBTOR

APPLICATION FOR APPROVAL OF MENTAL HEALTH EVALUATION

Comes now the debtor, and requests the Court to approve a pro bono or low cost mental health evaluation, and states as follows:

1. The debtor's mental health is a genuine issue of material fact to these bankruptcy proceedings in that (state relevance, examples: the debtor claims that debtor's mental health is relevant to the debtor's failure to attend meeting of creditors or hearings; the debtor claims that debtor's mental health is relevant to allegations related to challenges to the debtor's general discharge (Section 727) or arguments for an exception to discharge based upon fraud allegations (Section 523(a)(2)); the debtor seeks to discharge student loans based upon mental illness under Section 523(a)(8) or 42 U.S.C. 294g; the debtor seeks to avoid a default judgment based upon excusable neglect; or the debtor seeks to exempt personal injury award related to mental health);
2. Based upon information and belief, the debtor's mental health should be examined by a mental health professional to determine whether the debtor may have . . . (examples: manic depression, bipolar disorder, schizophrenia, paranoid personality disorder), or another recognized mental illness;
3. Based upon the bankruptcy schedules and the debtor's available income and assets as follows, (set out monthly income and any liquid assets), the debtor is currently unable to pay for a mental health evaluation that is necessary and relevant to bankruptcy issues presented;
4. After making diligent efforts to obtain mental health services to assist the debtor, the debtor has been unable to obtain relevant services based upon available health insurance, public health programs, or other third party services. A copy of this application has been transmitted to the Bankruptcy Administrator and (identify any other interested party). Wherefore, based upon the foregoing, the debtor respectfully requests that the Court approve a pro bono or low cost mental health evaluation in this case.

Date:

Debtor

(Revised as of 7/30/2008)

Rev. 5/03

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ DIVISION**

IN RE:

DEBTOR

CASE NO.

ORDER

Based upon the Application for Approval of Mental Health Evaluation by the debtor and the representations contained therein, the Court approves the debtor's request for a pro bono or low cost mental health evaluation for purposes of this action.

SO ORDERED.

END OF DOCUMENT

(Revised as of 7/30/2008)

Rev. 2/04

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA

CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) SYSTEM
ELECTRONIC FILING USER REGISTRATION FORM
(For attorneys admitted to practice in the Eastern District of North Carolina)

An attorney desiring to register as a Filing User for filing documents through the internet component of the court's Case Management/Electronic Case Filing system must provide the information requested below:

Name _____

Bar ID # _____ State of Admission _____

Firm Name _____

Mailing Address _____

Voice Phone Number _____ FAX Number _____

E-Mail Address _____

Bankruptcy court(s) in which the filing user is registered as an ECF filer: _____

By signing and submitting this registration form, the Filing User agrees to abide by the following requirements:

1. Pursuant to Federal Rule of Bankruptcy Procedure 9011 and Local Bankruptcy Rule 5005-4(8), every pleading, motion and other paper (except lists, schedules, statements or amendments thereto) shall be signed by a least one attorney of record and that signatures shall be indicated by "s/" and the typed name of the person signing in the following format: "s/Jane Doe" on the signature line. The unique password issued to each Filing User identifies the person upon login and constitutes the signature of the Filing User.
2. The Filing User must protect and secure the login and password issued by the court. The login and password must be used exclusively by the Filing User and authorized employees. The Filing User must not knowingly permit the login and password to be used by anyone who is not authorized. After the password is first issued by the court, the Filing User agrees to change the password on a regular basis, if an employee is no longer an authorized user, or as needed for other

(Revised as of 7/30/2008)

reasons to ensure its security. The Filing User must immediately notify the court if misuse of a password is suspected.

3. The Filing User expressly consents to receive notice and service of pleadings and other papers by electronic means from the court and other Filing Users in all cases, except with regard to service of a summons and complaint under Bankruptcy Rule 7004 or a motion initiating a contested matter under Bankruptcy Rule 9014. Applicant must maintain the accuracy of the CM/ECF Filing User account to ensure the receipt of electronic notice.

4. The Filing User understands that electronically filed documents that require original signatures from any person other than the Filing User must be maintained by the Filing User in paper form, bearing the original signatures, for four years after the closing of the case or proceeding in which the documents were filed. Upon the court's request, the Filing User must provide the original signed documents for review.

5. The Filing User agrees to abide by all the requirements set out in the Local Bankruptcy Rules and the Administrative Guide to Practice and Procedure currently in effect, and any changes or additions that later may be made.

6. The Filing User understands that the court may revoke a Filing User's login and password and, therefore, authority and ability to electronically file documents for cause, including failure to comply with any provisions of this agreement, failure to adequately protect the Filing User password, failure to comply with the provisions of the Local Bankruptcy Rules and/or Administrative Guide to Practice and Procedure, failure to pay any fees required for documents electronically filed, or other misuse of the electronic case filing system.

7. The Filing User agrees, as authorized by Local Bankruptcy Rule 9036-1, Notice by Electronic Transmission, to waive the electronic confirmation required in the Federal Rules of Bankruptcy Procedure 9036, as to notices issued by the court.

Date

Filing User Applicant

Return to:
U. S. Bankruptcy Court
Attn: Training Specialist
Clerk of Court
1760-A Parkwood Boulevard
Wilson, North Carolina 27893

For Court Use Only:
Date Approved _____

CM/ECF Filing User Login Name _____

(Revised as of 7/30/2008)

Rev. 7/05 - Out of District

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA

CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) SYSTEM
ELECTRONIC FILING USER REGISTRATION FORM FOR
OUT OF DISTRICT ATTORNEYS

An attorney desiring to register as a filing user for filing notices of appearance, assignments/transfers of claims, reaffirmation agreements, and proofs of claim through the internet component of the court's Case Management/Electronic Case Filing system must provide the information requested below:

Name: _____

Bar ID # _____ State of Admission : _____

Firm Name: _____

Mailing Address _____

Voice Phone Number: _____ FAX Number: _____

E-Mail Address: _____

Bankruptcy court(s) in which the filing user is registered as an ECF filer: _____

By signing and submitting this registration form, the Filing User agrees to abide by the following requirements:

1. Pursuant to Federal Rule of Bankruptcy Procedure 9011 and Local Bankruptcy Rule 5005-4(8), every pleading, motion and other paper (except lists, schedules, statements or amendments thereto) shall be signed by a least one attorney of record and that signatures shall be indicated by "s/" and the typed name of the person signing in the following format: "s/Jane Doe" on the signature line. The unique password issued to each Filing User identifies the person upon login and constitutes the signature of the Filing User.

2. The Filing User must protect and secure the login and password issued by the court. The login and password must be used exclusively by the Filing User and authorized employees. The Filing User must not knowingly permit the login and password to be used by anyone who is not authorized. After the password is first issued by the court, the Filing User agrees to change the password on a regular basis, if an employee is no longer an authorized user, or as needed for other reasons to ensure its security. The Filing User must immediately notify the court if misuse of a password is suspected.

CM/ECF Electronic Filing User Registration Form - Page 2

3. The Filing User expressly consents to receive notice and service of pleadings and other papers by electronic means from the court and other Filing Users in all cases, except with regard to service of a summons and complaint under Bankruptcy Rule 7004 or a motion initiating a contested matter under Bankruptcy Rule 9014. Applicant must maintain the accuracy of the CM/ECF Filing User account to ensure the receipt of electronic notice.
4. The Filing User understands that electronically filed documents that require original signatures from any person other than the Filing User must be maintained by the Filing User in paper form, bearing the original signatures, for four years after the closing of the case or proceeding in which the documents were filed. Upon the court's request, the Filing User must provide the original signed documents for review.
5. The Filing User agrees to abide by all the requirements set out in the Local Bankruptcy Rules and the Administrative Guide to Practice and Procedure currently in effect, and any changes or additions that later may be made.
6. The Filing User understands that the court may revoke a Filing User's login and password and, therefore, authority and ability to electronically file documents for cause, including failure to comply with any provisions of this agreement, failure to adequately protect the Filing User password, failure to comply with the provisions of the Local Bankruptcy Rules and/or Administrative Guide to Practice and Procedure, failure to pay any fees required for documents electronically filed, or other misuse of the electronic case filing system.
7. The Filing User agrees, as authorized by Local Bankruptcy Rule 9036-1, Notice by Electronic Transmission, to waive the electronic confirmation required in Federal Rules of Bankruptcy Procedure 9036, as to notices issued by the court.

Date

Filing User Applicant

Return to:
U. S. Bankruptcy Court
Attn: Training Specialist
Clerk of Court
1760-A Parkwood Boulevard
Wilson, North Carolina 27893

For Court Use Only:

Date Approved _____ CM/ECF Filing User Login Name _____

(Revised as of 7/30/2008)

Rev. 07/05 - Limited User

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA

CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) SYSTEM
LIMITED FILING PRIVILEGES REGISTRATION FORM

This form is to be used by Filing Users to register for filing requests for notice, proofs of claim, assignments/transfers of claim, and reaffirmation agreements via the internet component of the Case Management/Electronic Case Filing System (CM/ECF), in the United States Bankruptcy Court for the Eastern District of North Carolina. Firm name is the name of the creditor entity on whose behalf an employee or agent (Filer) is to be issued a login and password and authorized to file electronically. Complete a separate form for each separate corporate or other distinct legal entity.

Firm Name: _____

Federal Tax ID # _____

Mailing Address: _____

The undersigned certifies under penalty of perjury that he/she is authorized to submit this registration form on behalf of the firm identified above. By submitting this registration form, the firm agrees to adhere to the terms and conditions specified on this form.

Firm Officer/Manager Name (Print): _____

Mailing Address: _____

Phone # _____ FAX Phone # _____

Internet E-Mail Address: _____

The undersigned filer (person who processes documents submitted for filing) agrees to adhere to the terms and conditions specified on this form.

Filer Name: _____

Mailing Address: _____

Phone # _____ FAX Phone # _____

Internet E-Mail Address _____

Filer Signature: _____

By signing and submitting this registration form, the firm and filer agree to abide by the following requirements:

1. Pursuant to Federal Rule of Bankruptcy Procedure 9011 and Local Bankruptcy Rule 5005-4(8), every document shall be signed by the person authorized to submit the document for filing and that signature shall be indicated by “s/” and the typed name of the person signing in the following format: “s/Jane Doe” on the signature line. The unique password issued to each Filing User identifies the creditor upon login and constitutes the signature of the authorized filer.
2. The Filing User must protect and secure the login and password issued by the court. The login and password must be used exclusively by the Filing User and authorized employees. The Filing User must not knowingly permit the login and password to be used by anyone who is not authorized. After the password is first issued by the court, the Filing User agrees to change the password on a regular basis, if an employee is no longer an authorized user, or as needed for other reasons to ensure its security. The Filing User must immediately notify the court if misuse of a password is suspected.
3. The Filing User expressly consents to receive notice and service of pleadings and other papers by electronic means from the court and other Filing Users in all cases, except with regard to service of a summons and complaint under Bankruptcy Rule 7004 or a motion initiating a contested matter under Bankruptcy Rule 9014. Applicant must maintain the accuracy of the CM/ECF Filing User account to ensure the receipt of electronic notice.
4. The Filing User understands that electronically filed documents that require original signatures from any person other than the Filing User must be maintained by the Filing User in paper form, bearing the original signatures, for four years after the closing of the case or proceeding in which the documents were filed. Upon the court's request, the Filing User must provide the original signed documents for review.
5. The Filing User agrees to abide by all the requirements set out in the Local Bankruptcy Rules and the Administrative Guide to Practice and Procedure currently in effect, and any changes or additions that later may be made.
6. The Filing User understands that the court may revoke a Filing User’s login and password and, therefore, authority and ability to electronically file documents for cause, including failure to comply with any provisions of this agreement, failure to adequately protect the Filing User password, failure to comply with the provisions of the Local Bankruptcy Rules and/or Administrative Guide to Practice and Procedure, or other misuse of the electronic case filing system.
7. The Filing User agrees, as authorized by Local Bankruptcy Rule 9036-1, Notice by Electronic Transmission, to waive the electronic confirmation required in Federal Rules of Bankruptcy Procedure 9036, as to notices issued by the court.

_____ Date

_____ Officer/Manager

Return to:
U. S. Bankruptcy Court
Attn: Training Specialist
Clerk of Court
1760-A Parkwood Boulevard
Wilson, North Carolina 27893
For Court Use Only:

Date Approved _____ CM/ECF Filing User Login Name _____

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ Division**

In re: **Bankruptcy Case No.**

Debtor(s)* **Chapter**

APPEARANCE OF CHILD SUPPORT CREDITOR* OR REPRESENTATIVE

I certify under penalty of perjury that I am a child support creditor* of the above named debtor, or the authorized representative of such child support creditor, with respect to the child support obligation which is set out below:

Name:

Organization:

Address:

Telephone Number:

Date

Child Support Creditor* or Authorized Representative

Summary of Child Support Obligation

Amount in arrears:

\$ _____

Amount currently due per week or per month

\$ _____ \$ _____
(per week) (Per month)

If Child Support has been assigned:

Amount of Support which is owed under Assignment:

\$ _____

Amount owed primary child support creditor (balance not assigned):

\$ _____

**Child support creditor includes both creditor to whom the debtor has a primary obligation to pay child support as well as any entity to whom such support has been assigned, if pursuant to Section 402(a)(26) of the Social Security Act or if such debt has been assigned to the Federal Government or to any State or political subdivision of a state.*

(Revised as of 7/30/2008)

Rev. 9/97

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**
_____ **Division**

In re:

Case No.

Debtor(s)

**CERTIFICATION OF MAILING MATRIX
REQUIRED BY E.D.N.C. LBR 1007-2**

I hereby certify under penalty of perjury that the attached list of creditors which has been prepared in the format required by the clerk is true and accurate to the best of my knowledge and includes all creditors scheduled in the petition.

Date: _____

Attorney for Debtor

(Revised as of 7/30/2008)

Rev. 9/97

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

NOTICE OF [MOTION TO] [OBJECTION TO]

_____ has filed papers with the court to [relief sought in motion or objection].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], then on or before _____ (date) _____, unless otherwise ordered, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

{address of the bankruptcy clerk's office}

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

You must also mail a copy to: {list names and addresses of applicable parties}

movant's attorney, debtor(s), debtor(s) attorney, trustee, Bankruptcy Administrator, and other parties in interest.

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the [motion] [objection] at a date, time and place to be later set and all parties will be notified accordingly.

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

Date: _____

Signature: _____

Name:

Address:

(Revised as of 7/30/2008)

COMPUTATION OF RESPONSE TIME

Pursuant to Bankruptcy Rule 9006 the following guidelines are provided to compute the time allowed to respond to a motion or objection.

1. Local Bankruptcy Rule 9014-1(c) provides that a response and accompanying affidavits, if any, to any motion shall be filed within 15 days from the date of the service of the motion, unless otherwise ordered or provided in the Federal Rules of Bankruptcy Procedure or Local Bankruptcy Rules.
2. The designated period of time begins to run by excluding the day of the service but including the last day, unless the last day falls on Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next business day.
3. Bankruptcy Rule 9006 provides for three additional days to perform an act when the period is computed from service, and service is done by mail. Thus if the notice of motion is served by mail (postal or electronic), three days must be added to the period in paragraph 2 before computing the due date. If the last day falls on Saturday, Sunday or a legal holiday, the next business day is the due date.
4. When computing a response time that is reduced by an order, if the period of time for a response is less than 8 days, intermediate Saturdays, Sundays and legal holidays are excluded in the computation.

Computation Example providing 15 days response time:

Service of Motion on June 1 providing 15 days response time plus 3 additional days for service.

Response time period = June 2 through June 20

Response due date = June 20 (unless this date falls on a Saturday, Sunday or legal holiday, then designate the date of the next business day). In this case June 20 falls on Sunday; therefore June 21 is the response due date.

Computation Example providing for less than 8 days response time:

Service of Motion on June 1 providing 7 days response time (Time reduced by Order)

Response time period = June 2 through June 13 (Excluded June 5 -Saturday; June 6 - Sunday)

Response due date = June 10

If an order shortens the response time to a specific date, additional days for service are not added.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**
_____ **Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

NOTICE OF OBJECTION TO CLAIM

_____ has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before (date) you or your attorney must file with the court, pursuant to Local Rule 9014-1, a written response, an answer explaining your position, and a request for hearing at:

{ address of the bankruptcy clerk's office }

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

You must also mail a copy to:

{ objector's attorney's name and address }
{ names and addresses of others to be served }

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the objection to claim at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: _____

Signature: _____

Name:

Address:

(Revised as of 7/30/2008)

COMPUTATION OF RESPONSE TIME

Pursuant to Bankruptcy Rule 9006 the following guidelines are provided to compute the time allowed to respond to a motion or objection.

1. Bankruptcy Rule 3007 provides that a response and accompanying affidavits, if any, to an objection to claim shall be filed within 30 days from the date of the service of the objection.
2. The designated period of time begins to run by excluding the day of the service but including the last day, unless the last day falls on Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next business day.
3. Bankruptcy Rule 9006 provides for three additional days to perform an act when the period is computed from service, and service is done by mail. Thus if the notice of motion is served by mail (postal or electronic), three days must be added to the period in paragraph 2 before computing the due date. If the last day falls on Saturday, Sunday or a legal holiday, the next business day is the due date.

Computation Example providing 30 days response time:

Service of objection to Claim on June 1

Response time period = June 2 through July 5

Response due date = July 5 (unless this date falls on a Saturday, Sunday or legal holiday, then designate the date of the next business day)

(Revised as of 7/30/2008)

Rev. 2/2000 - for cases filed before October 17, 2005)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

_____ **Division**

REAFFIRMATION AGREEMENT

Debtor's Name	Bankruptcy Case No.
	Chapter
Creditor's Name and Address	

Instructions: 1) Attach a copy of all court judgments, security agreements, and evidence of their perfection
2) File all the documents by mailing them or delivering them to the Clerk of the Bankruptcy Court

NOTICE TO DEBTOR

This agreement gives up the protection of your bankruptcy discharge for this debt.

As a result of this agreement, the creditor may be able to take your property or wages if you do not pay the agreed amounts. The creditor may also act to collect the debt in other ways.

You may rescind (cancel) this agreement at any time before the bankruptcy court enters a discharge order or within 60 days after this agreement is filed with the court, whichever is later, by notifying the creditor that the agreement is canceled.

You are not required to enter into this agreement by any law. It is not required by the Bankruptcy Code, by any other law, or by any contract (except another reaffirmation agreement made in accordance with Bankruptcy Code § 524(c)).

You are allowed to pay this debt without signing this agreement. However, if you do not sign this agreement and are later unwilling or unable to pay the full amount, the creditor will not be able to collect it from you. The creditor also will not be allowed to take your property to pay the debt unless the creditor has a lien on that property.

If the creditor has a lien on your personal property, you may have a right to redeem the property and eliminate the lien by making a single payment to the creditor equal to the current value of the property, as agreed by the parties or determined by the court.

(Revised as of 7/30/2008)

This agreement is not valid or binding unless it is filed with the Clerk, U. S. Bankruptcy Court. If you were not represented by an attorney during the negotiation of this reaffirmation agreement, the agreement cannot be enforced by the creditor unless: (1) you have attended a reaffirmation hearing in the bankruptcy court, and (2) the agreement has been approved by the bankruptcy court. (Court approval is not required if this is a consumer debt secured by a mortgage or other lien on your real estate.)

REAFFIRMATION AGREEMENT

The debtor and creditor named above agree to reaffirm the debt described in this agreement as follows:

THE DEBT

Total amount of debt when case was filed \$ _____

Total amount of debt reaffirmed \$ _____

Above total includes the following:

Interest accrued to date of agreement \$ _____

Attorney fees \$ _____

Late fees \$ _____

Other expenses or costs relating to
the collection of this debt (Describe) \$ _____

Annual percentage rate (APR) _____ %

Amount of monthly payment \$ _____

Date payments start _____

Total number of payments to be made _____

Total of Payments if paid according to schedule _____

Date any lien is to be released if paid
according to schedule _____

(Revised as of 7/30/2008)

The debtor agrees that any and all remedies available to the creditor under the security agreement remain available.

All additional terms agreed to by the parties (if any): _____

Payments of this debt (were)(were not) in default on the date on which this bankruptcy case was filed.

This agreement differs from the original agreement with the creditor as follows: _____

CREDITOR'S STATEMENT CONCERNING AGREEMENT
AND SECURITY/COLLATERAL
(IF ANY)

Description of Collateral. (If applicable, list manufacturer, year and model): _____

Value \$ _____

Basis or source for valuation _____

Current location and use of collateral _____

Expected future use of collateral _____

Check applicable boxes:

Any lien described herein is valid and perfected.

(Revised as of 7/30/2008)

- This agreement is part of a settlement of a dispute regarding the dischargeability of this debt under section 523 of the Bankruptcy Code (11 U.S.C. § 523) or any other dispute. The nature of dispute is: _____

DEBTOR'S STATEMENT OF
EFFECT OF AGREEMENT ON DEBTOR'S FINANCES

My monthly income (take home pay plus any other income received) is \$ _____.

My current monthly expenses total \$ _____, not including any payment due under this agreement or any debt to be discharged in this bankruptcy case.
I believe this agreement (will) (will not) impose an undue hardship on me or my dependents.

DEBTOR'S STATEMENT CONCERNING
DECISION TO REAFFIRM

I agree to reaffirm this debt because _____

I believe this agreement is in my best interest because _____

I (considered)(did not consider) redeeming the collateral under section 722 of the Bankruptcy Code (11 U.S.C. § 722). I chose not to redeem because _____

(Revised as of 7/30/2008)

I (was)(was not) represented by an attorney during negotiations on this agreement.

CERTIFICATION OF ATTACHMENTS

Any documents which created and perfected the security interest or lien (are)(are not) attached. (*If documents are not attached:* The documents which created and perfected the security interest or lien are not attached because _____

_____.)

SIGNATURES

Signature of Debtor

Date _____

Signature of Joint Debtor

Date _____

Name of Creditor

Signature of Creditor Representative

Date _____

CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY)

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose a hardship on the debtor or any dependent of the debtor;

(Revised as of 7/30/2008)

and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

Date _____

Signature of Debtor's Attorney, (if any)

<input type="checkbox"/> Presumption of Undue Hardship <input type="checkbox"/> No Presumption of Undue Hardship (Check box as directed in Part D: Debtor's Statement in Support of Reaffirmation Agreement.)

UNITED STATES BANKRUPTCY COURT

District of _____

In re _____,
Debtor

Case No. _____
Chapter _____

REAFFIRMATION AGREEMENT

[Indicate all documents included in this filing by checking each applicable box.]

- | | |
|--|---|
| <input type="checkbox"/> Part A: Disclosures, Instructions, and Notice to Debtor (pages 1 - 5) | <input type="checkbox"/> Part D: Debtor's Statement in Support of Reaffirmation Agreement |
| <input type="checkbox"/> Part B: Reaffirmation Agreement | <input type="checkbox"/> Part E: Motion for Court Approval |
| <input type="checkbox"/> Part C: Certification by Debtor's Attorney | |

[Note: Complete Part E only if debtor was not represented by an attorney during the course of negotiating this agreement. Note also: If you complete Part E, you must prepare and file Form 240B - Order on Reaffirmation Agreement.]

Name of Creditor: _____

[Check this box if] Creditor is a Credit Union as defined in §19(b)(1)(a)(iv) of the Federal Reserve Act

PART A: DISCLOSURE STATEMENT, INSTRUCTIONS AND NOTICE TO DEBTOR

1. DISCLOSURE STATEMENT

Before Agreeing to Reaffirm a Debt, Review These Important Disclosures:

SUMMARY OF REAFFIRMATION AGREEMENT

This Summary is made pursuant to the requirements of the Bankruptcy Code.

AMOUNT REAFFIRMED

The amount of debt you have agreed to reaffirm: \$ _____

The amount of debt you have agreed to reaffirm includes all fees and costs (if any) that have accrued as of the date of this disclosure. Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.

ANNUAL PERCENTAGE RATE

[The annual percentage rate can be disclosed in different ways, depending on the type of debt.]

a. If the debt is an extension of “credit” under an “open end credit plan,” as those terms are defined in § 103 of the Truth in Lending Act, such as a credit card, the creditor may disclose the annual percentage rate shown in (i) below or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate disclosed, or that would have been disclosed, to the debtor in the most recent periodic statement prior to entering into the reaffirmation agreement described in Part B below or, if no such periodic statement was given to the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time of the disclosure statement: _____%.

--- And/Or ---

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____%. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

\$ _____ @ _____ %;
\$ _____ @ _____ %;
\$ _____ @ _____ %.

b. If the debt is an extension of credit other than under than an open end credit plan, the creditor may disclose the annual percentage rate shown in (I) below, or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate under §128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to entering into the reaffirmation agreement with respect to the debt or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed: _____%.

--- And/Or ---

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____%. If different simple interest rates apply to different balances included in the amount reaffirmed,

the amount of each balance and the rate applicable to it are:

\$ _____ @ _____ %;
\$ _____ @ _____ %;
\$ _____ @ _____ %.

c. If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act:

The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.

d. If the reaffirmed debt is secured by a security interest or lien, which has not been waived or determined to be void by a final order of the court, the following items or types of items of the debtor's goods or property remain subject to such security interest or lien in connection with the debt or debts being reaffirmed in the reaffirmation agreement described in Part B.

<u>Item or Type of Item</u>	<u>Original Purchase Price or Original Amount of Loan</u>
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Optional---At the election of the creditor, a repayment schedule using one or a combination of the following may be provided:

Repayment Schedule:

Your first payment in the amount of \$_____ is due on _____(date), but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.

— Or —

Your payment schedule will be: _____(number) payments in the amount of \$_____ each, payable (monthly, annually, weekly, etc.) on the _____(day) of each _____(week, month, etc.), unless altered later by mutual agreement in writing.

— Or —

A reasonably specific description of the debtor's repayment obligations to the extent known by the creditor or creditor's representative.

2. INSTRUCTIONS AND NOTICE TO DEBTOR

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

6. If the creditor is not a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D. If the creditor is a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.

7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you and the creditor of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

YOUR RIGHT TO RESCIND (CANCEL) YOUR REAFFIRMATION AGREEMENT

You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

Frequently Asked Questions:

What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A “lien” is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State’s law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.

NOTE: When this disclosure refers to what a creditor “may” do, it does not use the word “may” to give the creditor specific permission. The word “may” is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don’t have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.

PART B: REAFFIRMATION AGREEMENT.

I (we) agree to reaffirm the debts arising under the credit agreement described below.

1. Brief description of credit agreement:

2. Description of any changes to the credit agreement made as part of this reaffirmation agreement:

SIGNATURE(S):

Borrower:

(Print Name)

(Signature)

Date: _____

Co-borrower, if also reaffirming these debts:

(Print Name)

(Signature)

Date: _____

Accepted by creditor:

(Printed Name of Creditor)

(Address of Creditor)

(Signature)

(Printed Name and Title of Individual Signing
for Creditor)

Date of creditor acceptance:

PART C: CERTIFICATION BY DEBTOR’S ATTORNEY (IF ANY).

[To be filed only if the attorney represented the debtor during the course of negotiating this agreement.]

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

[Check box, if applicable and the creditor is not a Credit Union.] A presumption of undue hardship has been established with respect to this agreement. In my opinion, however, the debtor is able to make the required payment.

Printed Name of Debtor’s Attorney: _____

Signature of Debtor’s Attorney: _____

Date: _____

PART D: DEBTOR’S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

*[Read and complete sections 1 and 2, **OR**, if the creditor is a Credit Union and the debtor is represented by an attorney, read section 3. Sign the appropriate signature line(s) and date your signature. If you complete sections 1 and 2 **and** your income less monthly expenses does not leave enough to make the payments under this reaffirmation agreement, check the box at the top of page 1 indicating “Presumption of Undue Hardship.” Otherwise, check the box at the top of page 1 indicating “No Presumption of Undue Hardship”]*

1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is \$_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total \$_____, leaving \$_____ to make the required payments on this reaffirmed debt.

I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____

(Use an additional page if needed for a full explanation.)

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____
(Debtor)

(Joint Debtor, if any)

Date: _____

— Or —

[If the creditor is a Credit Union and the debtor is represented by an attorney]

3. I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____
(Debtor)

(Joint Debtor, if any)

Date: _____

PART E: MOTION FOR COURT APPROVAL

[To be completed and filed only if the debtor is not represented by an attorney during the course of negotiating this agreement.]

MOTION FOR COURT APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

Therefore, I ask the court for an order approving this reaffirmation agreement under the following provisions (*check all applicable boxes*):

- 11 U.S.C. § 524(c)(6) (debtor is not represented by an attorney during the course of the negotiation of the reaffirmation agreement)
- 11 U.S.C. § 524(m) (presumption of undue hardship has arisen because monthly expenses exceed monthly income)

Signed: _____

(Debtor)

(Joint Debtor, if any)

Date: _____

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF NORTH CAROLINA
 _____ DIVISION

IN THE MATTER OF:

CASE NUMBER:

Debtor(s)

SCHEDULE C-1 - PROPERTY CLAIMED AS EXEMPT

I, _____, claim the following property as exempt pursuant to 11 U.S.C. § 522 and the laws of the State of North Carolina, and nonbankruptcy Federal law: **(Attach additional sheets if necessary).**

1. NCGS 1C-1601(a)(1) (NC Const., Article X, Section 2) REAL OR PERSONAL PROPERTY USED AS A RESIDENCE OR BURIAL PLOT (The exemption is not to exceed \$18,500; however, an unmarried debtor who is 65 years of age or older is entitled to retain an aggregate interest in the property not to exceed \$37,000 in value so long as the property was previously owned by the debtor as a tenant by the entireties or as a joint tenant with rights of survivorship and the former co-owner of the property is deceased, in which case the debtor must specify his/her age and the name of the former co-owner, if a child use initials only, of the property below).

Description of Property and Address	Market Value	Owner (H)Husband (W)Wife (J)Joint	Mortgage Holder or Lien Holder	Amount of Mortgage or Lien	Net Value	Value Claimed as Exempt Pursuant to NCGS 1C-1601(a)(1)

Debtor's Age: _____
 Name of former co-owner: _____

VALUE OF REAL ESTATE CLAIMED AS EXEMPT PURSUANT TO NCGS 1C-1601(a)(1): \$.00

2. NCGS 1C-1601(a)(3) MOTOR VEHICLE (The exemption in one vehicle is not to exceed \$3,500).

Model, Year Style of Auto	Market Value	Owner (H)Husband (W)Wife (J)Joint	Lien Holder	Amount of Lien	Net Value	Value Claimed as Exempt Pursuant to NCGS 1C-1601(a)(3)

VALUE OF MOTOR VEHICLE CLAIMED AS EXEMPT PURSUANT TO NCGS 1C-1601(a)(3): \$.00

3. NCGS 1C-1601(a)(4) (NC Const., Article X, Section 1) PERSONAL OR HOUSEHOLD GOODS (The debtor's aggregate interest is not to exceed \$5,000 plus \$1,000 for each dependent of the debtor, not to exceed \$4,000 total for dependents). The number of dependents for exemption purposes is _____.

Description of Property	Market Value	Owner (H)Husband (W)Wife (J)Joint	Lien Holder	Amount of Lien	Net Value	Claimed as Exempt Pursuant to NCGS 1C-1601(a)(4)
Clothing & personal						
Kitchen appliances						
Stove						
Refrigerator						
Freezer						
Washing machine						
Dryer						
China						
Silver						
Jewelry						
Living room furniture						
Den furniture						
Bedroom furniture						
Dining room furniture						
Television						
()Stereo ()VCR/DVD						
()Radio ()Video Camera						
Musical Instruments						
()Piano ()Organ						
Air conditioner						
Paintings/Art						
Lawn mower						
Yard tools						
Crops						
Recreational Equipment						
()Computer						

VALUE CLAIMED AS EXEMPT PURSUANT TO NCGS 1C-1601(a)(4) : \$.00

4. NCGS 1C-1601(a)(5) TOOLS OF TRADE (The debtor's aggregate interest is not to exceed \$2,000 in value).

<u>Description</u>	<u>Market Value</u>	<u>Owner (H)Husband (W)Wife (J)Joint</u>	<u>Lien Holder</u>	<u>Amount of Lien</u>	<u>Net Value</u>	<u>Value Claimed as Exempt Pursuant to NCGS 1C-1601(a)(5)</u>

VALUE CLAIMED AS EXEMPT PURSUANT TO NCGS-1C-1601(a)(5): \$.00

5. NCGS 1C-1601(a)(6) LIFE INSURANCE (NC Const., Article X, Section 5)

<u>Description</u>	<u>Insured</u>	<u>Last Four Digits of Policy Number</u>	<u>Beneficiary (if child, initials only)</u>	<u>Cash Value</u>

6. NCGS 1C-1601(a)(7) PROFESSIONALLY PRESCRIBED HEALTH AIDS (For Debtor or Debtor's Dependents, no limit on value).

<u>Description</u>

7. NCGS 1C-1601(a)(8) COMPENSATION FOR PERSONAL INJURY, INCLUDING COMPENSATION FROM PRIVATE DISABILITY POLICIES OR ANNUITIES, OR COMPENSATION FOR DEATH OF A PERSON UPON WHOM THE DEBTOR WAS DEPENDENT FOR SUPPORT. COMPENSATION NOT EXEMPT FROM RELATED LEGAL, HEALTH OR FUNERAL EXPENSE.

<u>Description</u>	<u>Source of Compensation, Including Name (If child, initials only) & Last Four Digits of Account Number of any Disability Policy/Annuity</u>

8. NCGS 1C-1601(a)(2) ANY PROPERTY [Debtor's aggregate interest in any property is not to exceed \$5,000 in value of any unused exemption amount to which the debtor is entitled under NCGS 1C-1601(a)(1)].

<u>Description of Property and Address</u>	<u>Market Value</u>	<u>Owner (H)Husband (W)Wife (J)Joint</u>	<u>Lien Holder</u>	<u>Amount of Lien</u>	<u>Net Value</u>	<u>Value Claimed as Exempt Pursuant to NCGS 1C-1601(a)(2)</u>

VALUE CLAIMED AS EXEMPT PURSUANT TO NCGS 1C-1601(a)(2): \$.00

9. NCGS 1C-1601(a)(9) and 11 U.S.C. § 522 INDIVIDUAL RETIREMENT PLANS & RETIREMENT FUNDS, as defined in the Internal Revenue Code, and any plan treated in the same manner as an individual retirement plan, including individual retirement accounts and Roth retirement accounts as described in §§ 408(a) and 408A of the Internal Revenue Code, individual retirement annuities as described in § 408(b) of the Internal Revenue Code, accounts established as part of a trust described in § 408(c) of the Internal Revenue Code, and funds in an account exempt from taxation under § 401, 403, 408, 408A, 414, 457, or 510(a) of the Internal Revenue Code. For purposes of this subdivision, "Internal Revenue Code" means Code as defined in G.S. 105-228.90.

<u>Type of Account</u>	<u>Location of Account</u>	<u>Last Four Digits of Account Number</u>

10. NCGS 1C-1601(a)(10) FUNDS IN A COLLEGE SAVINGS PLAN, as qualified under § 529 of the Internal Revenue Code, and that are not otherwise excluded from the estate pursuant to 11 U.S.C. §§ 541(b)(5)-(6), (e), not to exceed a cumulative limit of \$25,000. If funds were placed in a

college savings plan within the 12 months prior to filing, the contributions must have been made in the ordinary course of the debtor's financial affairs and must have been consistent with the debtor's past pattern of contributions. The exemption applies to funds for a child of the debtor that will actually be used for the child's college or university expenses.

<u>College Savings Plan</u>	<u>Last Four Digits of Account Number</u>	<u>Value</u>	<u>Initials of Child Beneficiary</u>

11. NCGS 1C-1601(a)(11) RETIREMENT BENEFITS UNDER THE RETIREMENT PLANS OF OTHER STATES AND GOVERNMENTAL UNITS OF OTHER STATES (The debtor's interest is exempt only to the extent that these benefits are exempt under the laws of the state or governmental unit under which the benefit plan is established).

<u>Name of Retirement Plan</u>	<u>State Governmental Unit</u>	<u>Last Four Digits of Identifying Number</u>

12. NCGS 1C-1601(a)(12) ALIMONY, SUPPORT, SEPARATE MAINTENANCE, AND CHILD SUPPORT PAYMENTS OR FUNDS THAT HAVE BEEN RECEIVED OR TO WHICH THE DEBTOR IS ENTITLED (The debtor's interest is exempt to the extent the payments or funds are reasonably necessary for the support of the debtor or any dependent of the debtor).

<u>Type of Support</u>	<u>Amount</u>	<u>Location of Funds</u>

13. TENANCY BY THE ENTIRETY. The following property is claimed as exempt pursuant to 11 U.S.C. § 522 and the law of the State of North Carolina pertaining to property held as tenants by the entirety.

<u>Description of Property and Address</u>	<u>Market Value</u>	<u>Lien Holder</u>	<u>Amount of Lien</u>	<u>Net Value</u>

VALUE CLAIMED AS EXEMPT: \$.00

14. NORTH CAROLINA PENSION FUND EXEMPTIONS

a.	North Carolina Local Government Employees Retirement benefits NCGS 128-31	
b.	North Carolina Teachers and State Employees Retirement benefits NCGS 135-9	
c.	Firemen's Relief Fund pensions NCGS 58-86-90	
d.	Fraternal Benefit Society benefits NCGS 58-24-85	
e.	Benefits under the Supplemental Retirement Income Plan for teachers and state employees are exempt from levy, sale, and garnishment NCGS 135-95	
f.	Benefits under the Supplemental Retirement Income Plan for state law enforcement officers are exempt from levy, sale, and garnishment NCGS 143-166.30(g)	

15. OTHER EXEMPTIONS CLAIMED UNDER LAWS OF THE STATE OF NORTH CAROLINA

a.	Aid to the Aged, Disabled and Families with Dependent Children NCGS 108A-36	
b.	Aid to the Blind NCGS 111-18	
c.	Yearly Allowance of Surviving Spouse NCGS 30-15	
d.	Workers Compensation benefits NCGS 97-21	
e.	Unemployment benefits, so long as not commingled and except for debts for necessities purchased while unemployed NCGS 96-17	
f.	Group insurance proceeds NCGS 58-58-165	
g.	Partnership property, except on a claim against the partnership NCGS 59-55	
h.	Wages of debtor necessary for support of family NCGS 1-362	
i.	Benefits under the Separate Insurance Benefits Plan for state and local law enforcement officers are exempt from levy, sale, and garnishment NCGS 143-166.60(h)	
j.	Vested benefits under the North Carolina Public Employee Deferred Compensation Plan are exempt from levy, sale, and garnishment NCGS 147-9.4	

16. FEDERAL PENSION FUND EXEMPTIONS

a.	Foreign Service Retirement and Disability Payments 22 U.S.C. § 4060	
b.	Civil Service Retirement benefits 5 U.S.C. § 8346	
c.	Railroad Retirement Act annuities and pensions 45 U.S.C. § 231m	
d.	Veterans benefits 38 U.S.C. § 5301	
e.	Special pension paid to winners of Congressional Medal of Honor 38 U.S.C. § 1562	
f.	Annuities payable for service in the General Accounting Office 31 U.S.C. 776	

17. OTHER EXEMPTIONS CLAIMED UNDER NONBANKRUPTCY FEDERAL LAW

a.	Social Security benefits 42 U.S.C. § 407	
b.	Injury or death compensation payments from war risk hazards 42 U.S.C. § 1717	
c.	Wages owing a master or seamen, except for support of a spouse and/or minor children 46 U.S.C. § 11109	
d.	Longshoremen and Harbor Workers Compensation Act death and disability benefits 33 U.S.C. § 916	
e.	Crop insurance proceeds 7 U.S.C. § 1509	
f.	Public safety officers' death benefits 42 U.S.C. § 3796. See subsection (g)	
g.	Railroad unemployment insurance 45 U.S.C. § 352. See subsection (e)	

18. RECENT PURCHASES

(a). List tangible personal property purchased by the debtor within ninety (90) days of the filing of the bankruptcy petition.

Description	Market Value	Lien Holder	Amount of Lien	Net Value

(b). List any tangible personal property from 18(a) that is directly traceable to the liquidation or conversion of property that may be exempt and that was not acquired by transferring or using additional property.

Description of Replacement Property	Description of Property Liquidated or Converted that May Be Exempt

19. The debtor's property is subject to the following claims:

- a. Of the United States or its agencies as provided by federal law
- b. Of the State of North Carolina or its subdivisions for taxes, appearance bonds or fiduciary bonds
- c. Of a lien by a laborer for work done and performed for the person claiming the exemption, but only as to the specific property affected
- d. Of a lien by a mechanic for work done on the premises, but only as to the specific property affected
- e. For payment of obligations contracted for the purchase of specific real property affected.
- f. For contractual security interests in specific property affected; provided, that the exemptions shall apply to the debtor's household goods notwithstanding any contract for a nonpossessory, nonpurchase money security interest in any such goods
- g. For statutory liens, on the specific property affected, other than judicial liens
- h. For child support, alimony or distributive award order pursuant to Chapter 50 of the General Statutes of North Carolina
- i. For criminal restitution orders docketed as civil judgments pursuant to G.S. 15A-1340.38
- j. Debts of a kind specified in 11 U.S.C. § 523(a)(1) (certain taxes), (5) (domestic support obligations)
- k. Debts of a kind specified in 11 U.S.C. § 522(c)

Claimant	Nature of Claim	Amount of Claim	Description of Property	Value of Property	Net Value

None of the property listed in paragraph 18(a), except qualified replacement property under 18(b), has been included in this claim of exemptions.

None of the claims listed in paragraph 19 is subject to this claim of exemptions.

I declare that to the extent any exemptions I have claimed appear on its face to exceed the amount allowed by the applicable statute, I claim only the maximum amount allowed by statute.

UNSWORN DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF INDIVIDUAL
TO SCHEDULE C-1 - PROPERTY CLAIMED AS EXEMPT

I, _____, declare under penalty of perjury that I have read the foregoing Schedule C-1 - Property Claimed as Exempt, consisting of _____ sheets, and that they are true and correct to the best of my knowledge, information and belief.

Executed on: _____

Debtor

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF NORTH CAROLINA
 _____ DIVISION

IN THE MATTER OF:

CASE NUMBER:

Debtor(s)

SCHEDULE C - 2 - PROPERTY CLAIMED AS EXEMPT

I, _____, claim the following property as exempt pursuant to 11 U.S.C. § 522 and the Federal bankruptcy law or the laws of a State other than North Carolina, and nonbankruptcy Federal law: (*Attach additional sheets if necessary*).

Check if debtor claims a homestead exemption that exceeds \$125,000.

<u>Description of Property</u>	<u>Specify Law Providing Each Exemption</u>	<u>Value of Claimed Exemption</u>	<u>Current Market Value of Property Without Deducting Exemption</u>

I declare that the following are the dates and addresses of my domicile during the 730 days preceding the date of the filing of the bankruptcy petition:

<u>Dates</u>	<u>Addresses</u>

I declare that to the extent that any exemption I have claimed appears on its face to exceed the amount allowed by the applicable statute, I claim only the maximum amount allowed by statute.

UNSWORN DECLARATION UNDER PENALTY OF PERJURY
 ON BEHALF OF INDIVIDUAL TO SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

I, _____, declare under penalty of perjury that I have read the foregoing Schedule -C-2 - Property Claimed as Exempt, consisting of _____ sheets, and that they are true and correct to the best of my knowledge, information and belief.

Executed on: _____

Debtor

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

SUBPOENA FOR RULE 2004 EXAMINATION

TO:

[] YOU ARE COMMANDED to appear pursuant to a court order issued under Rule 2004, Fed.R.Bankr.P., at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Place:	Date:
	Time:

[] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

(list documents or objects):	
Place:	Date:
	Time:

Issuing Officer Signature and Title:	Date
Issuing Officer's Name, Address and Phone Number:	

PROOF OF SERVICE		
SERVED	Date	Place

Served on (Print Name)	Manager or Service
Served by (Print Name)	Title
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof Of Service is true and correct.	
Executed on _____	_____
	Signature of Server

	Address of Server

Rule 45, Fed. R. Civ. P., Parts(c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated material or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the material or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of

clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and not exception or waiver applies, or
- (iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing the specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ Division**

IN THE MATTER OF:

CASE NUMBER:

DEBTOR

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

TO:

[] YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

Place:	Date:
	Time:

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Place:	Date:
	Time:

[] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

(list documents or objects):	
Place:	Date:
	Time:

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Premises:	Date:
	Time:

Any subpoenaed organization not a party to this proceeding case shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

Issuing Officer Signature and Title:	Date
Issuing Officer's Name, Address and Phone Number:	

PROOF OF SERVICE		
SERVED	Date	Place
Served on (Print Name)	Manager or Service	
Served by (Print Name)	Title	
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof Of Service is true and correct.		
Executed on _____	_____	
	Signature of Server	

	Address of Server	

Rule 45, Fed. R. Civ. P., Parts(c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include but is not limited to, lost earnings and a reasonable attorney’s fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated material or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the material or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person

resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and not exception or waiver applies, or
- (iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert’s opinion or information not describing the specific events or occurrences in dispute and resulting from the expert’s study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**
_____ **Division**

In re:

Bankruptcy Case No.

Debtor(s)*

Social Security No.

Employer Tax I.D. No.:

SUMMONS TO DEBTOR IN INVOLUNTARY CASE

To the above named debtor:

A petition under the Bankruptcy Code (title 11, of the United States Code) was filed against you on

_____ in this court, requesting an order for relief under chapter _____
(date)

of the Bankruptcy Code.

YOU ARE SUMMONED and required to submit to the clerk of the bankruptcy court a motion or answer to the petition within 20 days after the service of this summons. A copy of the petition is attached.

Clerk, U.S. Bankruptcy Court, Eastern District of North Carolina
 1760-A Parkwood Blvd., Wilson, NC 27893
 300 Fayetteville Street, P.O. Box 1441, Raleigh, NC 28602-1441

At the same time you must also serve a copy of your motion or answer on petitioner's attorney.

Name and Address of Petitioner's Attorney

If you make a motion, your time to serve an answer is governed by Bankruptcy Rule 1011(c).

If you fail to respond to this summons, the order for relief will be entered.

Peggy B. Deans, Clerk of Court

Date

By: _____
Deputy Clerk

**Set forth all names, including trade names, used by the debtor within the last 6 years. (Bankruptcy Rule 1005). For joint debtors, set forth both social security numbers.*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

_____)
)
JUDGMENT CREDITOR (PLAINTIFF))
)
V.)
)
JUDGMENT DEBTOR (DEFENDANT))
_____)

ADVERSARY PROCEEDING
NUMBER:

BILL OF COSTS

Notice is given that the following Bill of Costs will be presented to the bankruptcy clerk at the following place, date, and time:

Address:	Date
	Time

Judgment was entered in the above entitled action on _____ against _____.
(Date)

The clerk of the bankruptcy court is requested to tax the following as costs:

Fee of the clerk	\$	
Fee for service of summons and complaint	\$	
Fee of the court reporter for any and all part of the transcript necessarily obtained for use in the case	\$	
Fees and disbursements for printing	\$	
Fees for witnesses (itemized on reverse)	\$	
Fees for exemplifications and copies of papers necessarily obtained for use in this case	\$	
Docket fees under 28 U.S.C. § 1923	\$	
Costs incident to taking of depositions	\$	
Costs as shown on Mandate of appellate court	\$	
Other costs (Please itemize)	\$	
TOTAL	\$	

NOTICE

Section 1924, title 28, U.S. Code provides:

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

Section 1920 of title 28 reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Bankruptcy Rules contain the following provisions:

Bankruptcy Rule 7054(b)

“COSTS. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice; on motion served with five days thereafter, the action of the clerk may be reviewed by the court.”

Bankruptcy Rule 9006(f)

“ADDITIONAL TIME AFTER SERVICE BY MAIL. When there is a right or requirement to do some act or undertake some proceeding within a prescribed period after service of a notice or other paper and the notice or paper other than process is served by mail, three days shall be added to the prescribed period.”

Bankruptcy Rule 9021(a) (in part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

_____)

PLAINTIFF(S))

V.)

DEFENDANT(S))

ADVERSARY PROCEEDING
NUMBER:

DEPOSITION SUBPOENA IN AN ADVERSARY PROCEEDING

To: _____

YOU ARE COMMANDED to appear to testify at the taking of a deposition in the above named adversary proceeding at the following place and time:

Date: _____ Time: _____
Location: _____

YOU ARE ALSO COMMANDED TO BRING with you the following documents(s) and objects(s): [If not applicable, enter "None"]

Any subpoenaed organization not a party to this adversary proceeding is directed pursuant to Federal Rule of Civil Procedure 30(b)(6), as made applicable to this proceeding by Bankruptcy Rule 7030, to file a designation with the court specifying one or more officers, directors, managing agents or other persons who consent to testify on its behalf, and to set forth, for each person designated, the matters on which each person will testify, and which documents or objects each person will produce. The persons so designated shall testify as to matters known or reasonable to the organization.

Subpoena issued on the request of [Name of Party]:	Inquiries may be addressed to [Attorney's name, address and phone]:
--	---

Peggy B. Deans, Clerk of Court

Date

By _____
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA

_____ Division

IN RE:

CASE NUMBER:

DEBTOR(S)

_____)

PLAINTIFF(S))

V.)

DEFENDANT(S))

_____)

ADVERSARY PROCEEDING
NUMBER:

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:

Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Peggy B. Deans, Clerk of Court

Date

By: _____
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
_____ Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

_____)
 JUDGMENT CREDITOR (PLAINTIFF))
)
 V.)
)
 JUDGMENT DEBTOR (DEFENDANT))
 _____)

ADVERSARY PROCEEDING
NUMBER:

MOTION TO CLAIM EXEMPT PROPERTY

I, the undersigned, move to set aside the property claimed below as exempt.

1. I am a citizen and resident of _____ County, North Carolina.
2. I am married to _____
 I am not married.
3. I live at _____

(I own) (I am purchasing) (I rent) (choose one; mark out the other choices) a (house) (trailer) (apartment) (choose one; mark out the other choices).

The following persons live in my household and are in substantial need of my support:

NAME	RELATIONSHIP TO JUDGMENT DEBTOR	AGE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. I (do) (do not) own any other real property. If other real property is owned, list that property on the following lines. If no other real property is owned, mark "not applicable" on the first line.

5. The following persons are, so far as I am able to tell, all of the persons or companies to whom I own money:

6. I wish to claim my interest in the following real or personal property that I use as a residence or my dependent uses as a residence. I also wish to claim my interest in the following burial plots for myself or my dependents. I understand that my total interest claimed in the residence and burial plots may not exceed \$10,000. I understand that I am not entitled to this exemption if I take the homestead exemption provided by the constitution of North Carolina in other property. I understand that if I wish to claim more than one parcel exempt I must attach additional pages setting forth the following information for each parcel claimed exempt.

Property Location:

County _____ Township _____

Street Address _____

Legal Description:

Number by which county tax assessor identifies property _____

Description (Attach a copy of your deed or other instrument of conveyance that describes the property and indicate here, or describe the property in as much detail as possible). Attach additional sheets if necessary.

Record Owner(s):

Estimated Value:

Lienholders:

(1) Name _____ Current Balance _____

Address _____

(2) Name _____ Current Balance _____
Address _____

(3) Name _____ Current Balance _____
Address _____

(4) Name _____ Current Balance _____
Address _____

7. I wish to claim the following life insurance policies whose sole beneficiaries are (my wife) (my children) (my wife and children) as exempt:

Name of Insurer	Policy Number	Face Value	Beneficiary(ies)

8. I wish to claim the following items of health care aid necessary for (myself) (my dependents) to work or sustain health:

Item	Purpose	Person Using Item

9. I wish to claim the following implements, professional books, or tools (not to exceed \$750), of my trade or the trade of my dependent. I understand that such property purchased within 90 days of this proceeding is not exempt:

Item	Estimated Value

10. I wish to claim the following personal property consisting of household furnishing, household goods, wearing apparel, appliances books, animals, crops or musical instruments as exempt from the claims of my creditors. I affirm, that these items of personal property are held primarily for my personal, family or household use or for such use by my dependents.

I understand that I am entitled to personal property worth the sum of \$3,500. I understand that I am also entitled to \$750 for each person dependent on me for support, but not to exceed \$3,000 for dependents. I further understand that I am entitled to this amount after deduction from the value of the property the amount of any valid lien or purchase money security interest and that property purchased within 90 days of this proceeding is not exempt.

Item (or class) of Property	Amount of Lien or Security Interest	Location	Estimated Value of Judgment Debtor's Interest

11. I wish to claim my interest in the following motor vehicle as exempt from the claims of my creditors. I understand that I am entitled to my interest in a motor vehicle worth the sum of \$1,500 after deduction of the amount of any valid liens or purchase money security interest. I understand that a motor vehicle purchased within 90 days of this proceeding is not exempt.

Make and Model of Motor Vehicle	Year	Name(s) of Title Owner of Record	Name(s) of Lien Holder(s) of Record	Estimated Value of Judgment Debtor's Interest

12. I wish to claim as exempt the following compensation which I received for the personal injury of myself or a person upon whom I was dependent for support or compensation which I received for the death of a person upon whom I was dependent for support. I understand that this compensation is not exempt from claims for funeral, legal, medical, dental, hospital or health care charges related to the accident or injury which resulted in the payment of the compensation to me.

- (a) amount of compensation: _____
- (b) method of payment: lump sum or installments _____
(If installments, state amount, frequency and duration of payments)

- (c) name and relationship to debtor of person(s) injured or killed giving rise to compensation: _____

- (d) location of compensation if received in lump or installments: _____

- (e) unpaid debts arising out of the injury or death giving rise to compensation:

Name and Address	Services Rendered	Amount of Debt

13. I wish to claim the following property as exempt because I claimed residential real or personal property as exempt that is worth less than \$3,500 or I made no claim for a residential exemption under section (6) above, I understand that I am entitled to \$3,500 in any property only if I made no claim under section (6) above and that if I make a claim under section (6) above, that I am entitled to \$3,500 in any property minus any amount I claimed under section (6). (Examples: claim of \$1,000 under section (6), \$2,500 allowed here; claim of \$3,450 under section (6), \$50 allowed here; claim of \$3,600 under section (6), no claim allowed here.)

I further understand that the amount of my claim under this section is after the deduction from the value of this property of the amount of any valid lien or purchase money security interests and that tangible personal property purchased within 90 days of this proceeding is not exempt.

PERSONAL PROPERTY:

Property Location	Amount of Liens or Purchase Money Security Interest	Value of Judgment Debtor's Interest

REAL PROPERTY (I understand that if I wish to claim more than one parcel exempt, I must attach additional pages setting forth the following information for each parcel claimed exempt):

Property Location:

County _____ Township _____

Street Address _____

Legal Description:

Number by which county tax assessor identifies property _____

Description (Attach a copy of your deed or other instrument of conveyance that describes the property and indicate here, or describe the property in as much detail as possible). Attach additional sheets I necessary.

Record Owner(s):

Estimated Value:

Lienholders:

(1) Name _____ Current Balance _____

Address _____

(2) Name _____ Current Balance _____

Address _____

(3) Name _____ Current Balance _____
Address _____

(4) Name _____ Current Balance _____
Address _____

14 I wish to claim my individual retirement accounts, individual retirement annuities, and accounts established as part of a trust.

Account no. _____ Account holder _____

15. The following is a complete listing of all of my assets which I have not claimed as exempt under any of the preceding paragraphs:

Item	Location	Estimated Value

16. I certify that the above statements are true and that a copy of this motion was served on the judgment creditor (plaintiff) by delivering a copy to him personally delivering a copy to _____, the judgment creditor's attorney depositing a copy of the motion in a postpaid addressed wrapper in a post office, addressed to the judgment creditor (plaintiff) at the address shown on the notice of rights served on me depositing a copy of the motion in a postpaid properly addressed wrapper in a post office, addressed to the judgment creditor's (plaintiff's) attorney at the following address: _____

Dated: _____
Signature of Judgment Debtor (Defendant)

Note to Judgment Debtor: The Clerk of the U.S. Bankruptcy Court cannot fill out this form for you. If you need assistance you should talk with an attorney.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

JUDGMENT CREDITOR (PLAINTIFF))
)
)
V.)
)
JUDGMENT DEBTOR (DEFENDANT))
_____)

ADVERSARY PROCEEDING
NUMBER:

NOTICE OF RIGHT TO HAVE EXEMPTIONS DESIGNATED

A judgment has been entered against you in the case captioned above in which you have been ordered to:

- pay money over to the judgment creditor (Plaintiff).
- turn over various household belongings to the judgment creditor (Plaintiff).

The judgment creditor (person who has the judgment against you) is now seeking to collect this judgment and has asked me to give you notice of your rights. Under the Constitution and laws of North Carolina, you have the right to exempt from the collection of the judgment certain of your property (in other words, to keep it from being taken from you). If you wish to keep your exempt property, you **MUST** fill out the attached schedule of property and mail or take it to the Clerk at the address listed below. You **MUST** also mail or take a copy to the judgment creditor (plaintiff) at his address listed below.

It is important that you respond to this notice no later than 20 days after it was served on you because you will lose valuable constitutional and statutory rights if you do nothing. If you do not respond, you will give up your right to exemptions and the judgment creditor (plaintiff) may be able to take any or all of your property to satisfy the judgment. You may wish to consider hiring an attorney to help you with this proceeding to make certain that you receive all the protection to which you are entitled under the North Carolina Constitution and laws.

Judgment Creditor (Plaintiff) or Attorney	Date
Address	Signature
Telephone	Clerk, U.S. Bankruptcy Court, EDNC <input type="checkbox"/> 1760-A Parkwood Boulevard, Wilson, NC 27893 <input type="checkbox"/> P.O. Box 1441, Raleigh, NC 27602-1441

You may serve this notice and the motion to claim exempt property by mailing a copy of each, registered or certified mail, return receipt requested, addressed to the judgment debtor (defendant). To prove service, you must file an affidavit (notarized by a notary public) with the clerk asserting that (1) a copy of the notice or rights and motion to claim exempt property was deposited in the post office for mailing by registered or certified mail, return receipt requested; (2) it was in fact received as evidenced by the attached registry receipt or other evidence of delivery; and (3) the genuine receipt or other evidence of delivery is attached. You must attach the post office delivery receipt to the affidavit.

Alternatively, you may choose to have this notice and the motion served by the U.S. Marshall. If you select this method, you must pay a service fee. The Marshall's service will be proven by his return.

If your attempted service by certified or registered mail or personal service by the Marshall fails, you may then serve the judgment debtor (defendant) by mailing a copy of notice and motion to him at his last known address. To prove service, you must file a certificate with the clerk that the notice and motion were served indicating why you used such service, the date the notice was mailed and the address to which it was mailed. Remember, you may NOT use service by regular first class mail until you have tried first to serve the judgment debtor (defendant) personally or by certified or registered mail and such service was unsuccessful.

RETURN OF SERVICE BY U.S. MARSHALL		
I certify that this notice and a copy of a motion to claim exempt property were received and served as follows:		
Date Served	Name of Judgment Debtor (Defendant)	
<input type="checkbox"/> By delivering to the judgment debtor (defendant) named above a copy of the notice and motion to claim exempt property.		
<input type="checkbox"/> By leaving a copy of the notice and motion to claim exempt property at the dwelling house or usual place of abode of the judgment debtor (defendant) named above with a person of suitable age and discretion.		
Name of person with whom copies left.		
Address where copies delivered or left.		
<input type="checkbox"/> Debtor (Defendant) WAS NOT served for the following reason:		
Service Fee Paid	Date Received	Name of U.S. Marshall Making Return:
	Date of Return	Address:

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**
_____ **Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

)
JUDGMENT CREDITOR (PLAINTIFF))
)
)
V.)
)
)
JUDGMENT DEBTOR (DEFENDANT))

ADVERSARY PROCEEDING
NUMBER:

ORDER DESIGNATING EXEMPT PROPERTY

Upon notice and motion duly made, and for good cause shown, it is ORDERED:

- that all property listed in the motion and schedule attached is designated as exempt property.
- that the following property belonging to the judgment debtor, of the value as shown, is designated as exempt property

Item	Description	Judgment Debtor's Interest	Exemption Value
Residence			
Burial Plot			
Household goods, furnishings, appliances, etc.			
Interest in Motor Vehicle			
List any other exempt property			

It is further ORDERED as follows:

Dated:

Clerk of Court

PROOF OF SERVICE		
SERVED	Date	Place
Served on (Print Name)		Manager or Service
Served by (Print Name)		Title
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof Of Service is true and correct.		
Executed on _____		_____ Signature of Server
		_____ Address of Server

Rule 45, Fed. R. Civ. P., Parts(c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated material or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the material or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person

resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and not exception or waiver applies, or
- (iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing the specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**
_____ **Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

PLAINTIFF(S))

V.)

DEFENDANT(S))

ADVERSARY PROCEEDING
NUMBER:

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the third-party complaint within **35** days.

Clerk, U. S. Bankruptcy Court, Eastern District of North Carolina
 1760-A Parkwood Blvd., Wilson, NC 27893
 300 Fayetteville St. , P.O. Box 1441, Raleigh, NC 28602-1441

At the same time, you must also serve a copy of the motion or answer upon plaintiff's attorney

Name and Address of Plaintiff's Attorney:

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Peggy B. Deans, Clerk of Court

Date

By: _____
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

)	
PLAINTIFF)	
V.)	
DEFENDANT(S) AND THIRD-PARTY PLAINTIFF(S))	
V.)	
THIRD-PARTY DEFENDANT(S))	
)	

ADVERSARY PROCEEDING
NUMBER:

THIRD-PARTY SUMMONS

YOU ARE SUMMONED and required to submit a motion or answer to the third-party complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its officers and agencies shall submit a motion or answer to the third-party complaint within **35** days.

Clerk U.S. Bankruptcy Court, Eastern District of North Carolina
 1760-A Parkwood Blvd., Wilson, NC 27893
 300 Fayetteville St., P.O. Box 1441, Raleigh, NC 28602-1441

At the same time, you must also serve a copy of the motion or answer upon plaintiff's attorney as well as the defendant and third-party plaintiff's attorney.

Name and Address of Plaintiff's Attorney:	Name and Address of Defendant's Attorney and Third-Party Plaintiff's Attorney:
---	--

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012. If you are also being served with a copy of the complaint of the plaintiff you have the option of not answering the plaintiff's complaint **unless** this is an admiralty or maritime case subject to the provisions of Federal Rules of Civil Procedures 9(h) and 14(c), in which case you are required to submit a motion or an answer to both the plaintiff's complaint and the third-party complaint, and to serve a copy of your motion or answer upon the appropriate parties.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE THIRD-PARTY COMPLAINT.

Peggy B. Deans, Clerk of Court

Date

By: _____
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Division**

IN RE:

CASE NUMBER:

DEBTOR(S)

JUDGMENT CREDITOR (PLAINTIFF))
V.)
JUDGMENT DEBTOR (DEFENDANT))

ADVERSARY PROCEEDING
NUMBER:

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor

Amount of Judgment:
\$ _____

vs.

Clerk's Fee:
\$ _____

Name and Address of Judgment Debtor

Other Costs:
\$ _____

Interest From: _____
\$ _____

Costs of this writ: \$ _____

TO THE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

Date

Clerk of the Bankruptcy Court

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____.
(date) (date)

United States Marshal

By: _____