UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA

ADMINISTRATIVE GUIDE
TO
PRACTICE AND PROCEDURE

SUPPLEMENT TO THE LOCAL RULES

(Current as of 12/1/2016)

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 PUBLIC ACCESS TO INFORMATION

McVCIS
(Voice Case Information System)

Telephonic access to the court's electronic records may be obtained at the toll-free telephone number listed below. 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 McVCIS system by telephone, the number is:

(866) 222-8029, Option 12

INTERNET

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 for using the Public Access to Court Electronic Records System (PACER).

LIST OF COUNTY CODES FOR NORTH CAROLINA

North Carolina Eastern

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

North Carolina Middle

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

North Carolina Western

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 Watauga
37193 Wilkes
37199 Yancey

LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS
[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 user's 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.

(A) INSTRUCTIONS FOR PREPARATION OF MAILING MATRIX.

(i) The 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.

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

(iii) Use good letter quality print to print the matrix.

(iv) Do not use unreadable typefaces or print styles such as proportionally-spaced fonts or exotic fonts (such as Olde English or Script) or bold print. Twelve (12) pitch Times New Roman and Courier New fonts create good print quality.

(vi) List creditors in alphabetical order

(vii) 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 procedure by court staff:

(a) Debtor
(b) Joint Debtor
(c) Attorney for the Debtor(s)
(d) Bankruptcy Administrator
(e) Trustee

(viii) Names should be shown as first name <space> last name.

(ix) Names and addresses must be typed so that letters are no closer than 1 ½ inches from any edge of the paper.

(x) Each line of the address may have a maximum of 35 characters.
(xi) The maximum number of lines per address is 5.
(xii) Make every effort to obtain a complete address for each creditor.
(xiii) Leave one blank line between each address.
(xiv) Never use the following symbols in names and/or addresses:
  (a) Ampersand (&) – Type the word "and" instead
  (b) Percent (%) – If used to signify "care of" in a creditor's address, type "c/o" instead.
(xv) Do not type a lower case "L" to signify the number one (1).
(xvi) Do not type an upper or lower case "o" to signify the number zero (0).
(xvii) Type in upper and lower case as you would on a letter.
(xviii) States should be abbreviated using two capital letters without periods or other punctuation.
(xix) A comma must appear between the city and the state.
(xx) The last line of the matrix must be the city, state, and zip code.
(xxi) Do not type the attention line on the last line of the address. The attention line should be the second line of the address.
(xxii) Do not include account numbers on the matrix.
(xxiii) 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 zeros (0000s) to make nine digits. Separate the five-digit zip code with the "plus four" with a dash, not a space.
(xxiv) 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	Paper Business 213 Pulp Mill Road City, NC xxxxx-xxxx
M and M Business Company 1212 Candy Lane City, NC xxxxx		

(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 scanner for transfer into the court's database, compliance with specific standards and requirements is necessary.

(A) INSTRUCTIONS FOR PREPARATION OF MAILING MATRIX. In addition to the matrix requirements listed under section (1)(A) above, the following requirements also apply to matrices filed in paper.

(i) Provide the original paper matrix. Poor quality photocopies are not readable by the scanner.

(ii) Avoid misaligned lists caused by removing the paper from the printer before completing the list, or improperly inserting the paper into the printer.

DIVISIONS – BANKRUPTCY COURT
[Rule 1071-1]
(Effective December 2, 2013)

NAME OF DIVISION	COUNTIES		
Greenville	Beaufort	Gates	Pasquotank
	Bertie	Greene	Perquimans
	Camden	Halifax	Pitt
	Chowan	Hertford	Tyrrell
	Currituck	Hyde	Washington
	Dare	Martin	Wilson
	Edgecombe	Northampton	
Fayetteville	Cumberland	Robeson	Sampson
New Bern	Carteret	Lenoir	Wayne
	Craven	Onslow	
	Jones	Pamlico	
Raleigh	Franklin	Johnston	Wake
	Granville	Nash	Warren
	Harnett	Vance	
Wilmington	Bladen	Columbus	New Hanover
	Brunswick	Duplin	Pender

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 Rule 7004(h) on an insured depository should be either by first class mail addressed to the service 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. The service and notice requirements of any pleading not listed in this chart are subject to judicial discretion.
6. 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
DA = Debtor's attorney
AP = Affected parties
T = Trustee
BA = Bankruptcy Administrator
All = All creditors on matrix
20 LUC = 20 Largest Unsecured Creditors
UCC = Unsecured Creditor's Committee or its counsel

NOTE: The BANKRUPTCY ADMINISTRATOR must be served with all case pleadings in CHAPTER 7 AND CHAPTER 11 CASES. Therefore, this chart does not itemize service requirements on the Bankruptcy Administrator for chapter 7 and chapter 11 cases. In chapter 12 case pleadings, only serve the Bankruptcy Administrator (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 should 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	14*	All	AP	*21 days' notice is required if the fees/expenses applied for are over $1000.00
Abandon, Motion to	14	All	All, T, DA, D	Fee required except for DIP See 11 U.S.C. § 554; Rule 6007
Accept/Reject/Assign Executory Contract/Lease, Motion to (1) Debtor's (2) Creditor's (3) Debtor's (4) Creditor's	14	 (1) 11 (2) 11 (3) 12, 13 (4) 12, 13	 (1) AP, 20 LUC/UCC (2) D, DA, T, 20 LUC/UCC (3) T, AP (4) D, DA, T	See 11 U.S.C. § 365; Rule 6006; Rule 9014
Amendment to Schedules	None	All	AP, T	Fee may be required. See 28 U.S.C. § 1930; Rule 1009 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 Rule 4001(d), Motion for	14	11	D, DA, 20 LUC/UCC	
Avoid a Lien under 11 U.S.C. § 522(f), Motion to	14	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	14	 (1) 11 (2) 11 (3) 7, 12, 13 (4) 7, 12, 13	 (1) AP, 20 LUC/UCC (2) D, DA, T, 20 LUC/UCC (3) T, AP (4) D, DA, T	For emergency situations, see Rule 4001(d).
Confirm Stay is Not in Effect, Motion to	14	7, 11, 13	D, DA, T	Only in individual debtor cases

PLEADING	# OF NOTICE DAYS	CHAPTER	PARTIES TO SERVE	COMMENTS
Compensation and Expenses, Application for	21	All	All, T, D, DA	See Rule 2002(a)(6)
Compensation for Additional Presumptive Non-Base Fee, Application for	None*	13	T, D	* Amounts in excess of $1,000.00 should be served on All, T, D, DA pursuant to Rule 2002(a)(6)
Compromise, Motion to	21	All	All, D, DA	See Rule 9019
Contempt/Sanctions, Motion for	14	All	D, DA, T, AP	See Rule 9020 for pleading requirements
Continue 341 Meeting of Creditors, Motion to	None	(1) 7, 12, 13 (2) 11	(1) T (2) 20 LUC, secured Cs, BA	Motion to be filed as soon as the need for a continuance arises
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 chapter 11, Motion to (1) Debtor's (2) Creditor's	 (1) None (2) 21	7	 (1) T (2) All, T, D, DA	 (1) Fee required (2) No fee required
Convert from chapter 7 to chapter 12 or 13, Debtor's Motion to	21	7	All, T	If the case previously converted, see 11 U.S.C. § 706 and serve the trustee in the formerly converted case.
Convert from chapter 11 to chapter 7, Creditor's/DIP's Motion to	21	11	All, D, DA, T	Fee required for all motions For exceptions, see 11 U.S.C. § 1112(a)
Convert from chapter 11 to chapter 13, Debtor's Motion to	21	11	All	If the case previously converted, serve the trustee in the formerly converted case.

PLEADING	# OF NOTICE DAYS	CHAPTER	PARTIES TO SERVE	COMMENTS
Convert from chapter 13 to chapter 7 (1) Debtor's Notice of (2) Creditor's Motion to	(1) None (2) 21	13	(1) T (2) All, D, DA, T	(1) Fee required
Convert from chapter 13 to chapter 11 or 12, Motion to (1) Debtor's (2) Creditor's	21	13	(1) All, T, BA (2) All, T, D, DA, BA	(1) Fee required (2) No fee required; if debtor is a farmer, see 11 U.S.C. § 1307(f)
Convert from chapter 12 to chapter 7 (1) Debtor's Notice of (2) Creditor's Motion to	(1) None (2) 14	12	(1) T (2) D, DA, T	(1) Fee required (2) See 11 U.S.C. § 1208(d)
Determine Mortgage Fees & Expenses, Motion to	21	13	D, DA, T, AP	See Rule 3002.1(e)
Determine Final Cure and Mortgage Payment, Motion to	21	13	D, DA, T, AP	See Rule 3002.1(h)
Dismiss, Motion to (1) Debtor's (2) Creditor's (3) Debtor's (4) Creditor's (5) Trustee's	(1) None* (2) 21 (3) 21 (4) 21 (5) 21	(1) 13 (2) 13 (3) 7, 11**, 12 (4) 7, 11**, 12 (5) 13, 12	(1) T (2) D, DA, T (3) All, T (4) All, D, DA, T (5) D, DA	See Rule 2002(a)(4) *In chapter 13 cases which have previously been converted from a chapter 7, 11, or 12, 7 day service is required upon the chapter 13 trustee and any trustee appointed under the previous chapter. **A chapter 11 motion to dismiss must include a notice of motion containing a hearing date obtained from the court prior to the filing of the motion.

PLEADING	# OF NOTICE DAYS	CHAPTER	PARTIES TO SERVE	COMMENTS
Employ Debtor's Attorney Under a Flat Fee Arrangement, Application to	21	11	All	In re Pineloch, 192 BR 674 (Bankr. E.D.N.C. 1996)
Employ Professional Person, Application to	None	7, 11, 12	T, BA	See Rule 2014
Employ Professional Person under § 328 Under Fixed/Percentage Fee Basis, Contingency Fee Basis, etc., Application to	21	All	All	Fees will be further reviewed by the court upon completion of services after service and notice to all creditors.
Entry of Discharge, Motion for	21	13	T, All	
Examination under Rule 2004, Application for	None*	All	D, DA, AP, T	*Motion should be filed at least 14 days prior to the examination date, unless consented to by all parties.
Examination by Interrogatories in Lieu of Attendance at 341 Meeting of Creditors, Motion for	None	All	T	If request is made due to medical reasons, the motion should be accompanied by a doctor's statement.
Excuse from Filing Schedule I and for Order Setting Alternative Date to Determine Debtor's CMI, Motion to	21	13	All, T	

PLEADING	# OF NOTICE DAYS	CHAPTER	PARTIES TO SERVE	COMMENTS
Extend Automatic Stay, Debtor's Motion to	14	7, 11, 13	All, T	Only in individual debtor cases Motion should be filed with the petition; hearing must be scheduled within 30 days of the petition filing date; See Local Rule 4001-1(d) Motion should be filed with a notice of motion containing a hearing date obtained from the court prior to the filing of the motion.
Extend Filing Deadline for 11 U.S.C. § 523 and/or § Complaint, Motion to	None	All	D, DA, T	
Extend/Limit Exclusivity/Acceptance Period, Motion to	21	11	All	
Hardship Discharge, Motion for	None	12, 13	T	
(1) Incur Debt/Obtain Credit (2) Obtain Post Petition Financing, Motion to	(1) None (2) 14	(1) 13 (2) 11	(1) T (2) 20 LUC/UCC, AP	See Local Rule 4002-1(g)(5) For emergency situations, see Rule 4001(d).
Impose Stay, Debtors Motion to	14	7, 11, 13	All, T	Only in individual debtor cases
Joint Administration, Motion for	21	All	All, T	
Modify Plan, Motion to (1) Plan Proponent's (2) Debtor's (3) Creditor's	21	 (1) 11 (2) 12, 13 (3) 12, 13	 (1) All, T, D, DA (2) All*, T (3) All*, T, D, DA	In chapter 13 cases, notice to all is not required if there is no adverse effect to creditors

PLEADING	# OF NOTICE DAYS	CHAPTER	PARTIES TO SERVE	COMMENTS
Objection to Claim	30	All	D, DA, AP, T	
Objection to Claim of Exemptions	14	All	D, DA, T	Only in individual debtor cases
Objection to Disclosure Statement	None	11	D, DA, T, 20 LUC/UCC	See Rule 3017(a) and 3017.1(2)
Objecting to Discharge, Motion		7, 13	D, DA, T*	Trustee must be served if motion filed by another party
Objection to Plan	None	12, 13	D, DA, T	
Reconsider/Vacate Order, Motion to	14	All	D, DA, T, AP	
Relief from Automatic Stay, Motion for	14	(1) 7, 12, 13 (2) 11	(1) D, DA, T (2) D, DA, T, 20 LUC/UCC	Fee requied per 28 U.S.C. § 1930(b) See Rule 4001
Relief from Co-Debtor Stay, Motion for	14	13	D, DA, T, Co-Debtor	No fee required
Reopen Case, Motion to (1) Debtor's (2) Trustee's (3) Creditor's	 (1) None* (2) None (3) 14	All	 (1) T* (2) D, DA (3) D, DA, T	*If motion is for the purpose of filing a financial management certificate/ certification of domestic support obligations and/or prior discharges, 21 days' notice is required with service on all creditors. If motion is for the purpose of avoiding a lien 21 days notice is required on the lienholder.

PLEADING	# OF NOTICE DAYS	CHAPTER	PARTIES TO SERVE	COMMENTS
Schedule of Unpaid Debts Incurred After Confirmation but Before Conversion to chapter 7/Report Upon Conversion	None	7	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	14	All	D, DA, AP	See Rule 6004(c)
Sell Property, Application to	21	All	All, D, DA, T	See Rule 2002(a)(2) See Rule 6004 regarding hearing date
Set Aside Discharge, Debtor's Motion to*	21	All	D, DA, T, All	* Necessary in order to file a reaffirmation agreement after entry of the discharge.
Set Aside Dismissal, Debtor's Motion to	21	13	All*	*Notice and a copy of the order/consent order should be served on all creditors
Surrender, Motion to	14	13	T, AP	
Transfer Title or Property, Motion to	21	13	T, All	
Turnover Order, Motion for	14	All	D, DA, T, AP	
Valuation of Collateral, Motion for	14	All	D, DA, T, AP	
Withdraw as Debtor's Counsel, Motion to	14	All	D, T	
Withdrawal of Motion/Response/Claim	None	All	D, DA, T, AP	

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 14 days from the date of the service of the motion, unless otherwise ordered or provided in the Federal Rule 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 a 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, three days must be added to the period in paragraph 2 above before computing the due date. If the last day falls on a 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, intermediate Saturdays, Sundays, and legal holidays are included in the computation.

COMPUTATION EXAMPLE PROVIDING 14-DAY RESPONSE TIME AND SERVICE BY MAIL:

Service of motion on June 1 providing 14 days response time plus 3 additional days for mail service.

Response time period = June 2 through June 18

Response due date = June 18 (unless this date falls on a Saturday, Sunday, or legal holiday, in which case the next business day would be designated)*

*If served electronically, the 3 additional days for mail service does not apply, and the response due date would be June 15.

NOTICE TO CREDITORS
[RULE 2002-1(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. The clerk will provide to counsel for the debtor or to a pro se debtor "Notice of the Returned Mail" referencing the returned or undeliverable document.

(b) If counsel for a debtor receives notification from the clerk, 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, 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.

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

DEBTOR-IN-POSSESSION DUTIES
[Federal Rules of Bankruptcy Procedure 2015(a)(6)]

BANK STATEMENTS

Effective January 30, 2009, small business debtors are required to file periodic financial reports with related bank statements attached thereto. To facilitate the protection of any information that may be specified under 11 U.S.C. § 107(b)(1), the court will allow the bank statements to be filed separately, and that separately-filed bank statement shall be treated as a private entry until further order of the court.

COMPENSATION OF PROFESSIONALS
[Rule 2016-1]

(a)(1) AMOUNT OF STANDARD BASE FEE. Effective in cases filed on and after October 1, 2015, the standard base fee in a chapter 13 case is $5,000.00.

(a)(6) PRESUMPTIVE NON-BASE FEES EFFECTIVE SEPTEMBER 1, 2012.

Motion to use interrogatories, and interrogatories	$150.00
Motion for turnover	$400.00
Motion to avoid lien	$450.00
Motion to modify plan post-confirmation	$450.00
Motion to substitute collateral	$400.00
Motion for authority to sell property	$450.00
Application to incur debt	$200.00
Defense of motion for relief from stay and/or co-debtor stay	$500.00
Handling of an insurance inquiry received more than twelve (12) months after the Chapter 13 case is filed	$100.00
Motion to set aside dismissal	$350.00
Defense of motion to dismiss	$250.00
Motion for hardship discharge	$500.00
Objection to claim	$150.00
Notice to abandon property	$150.00
Motion to value collateral and avoid mortgage	$500.00
Filing of proof of claim	$150.00
Motion to deem mortgage current (to be paid directly by the debtor)	$350.00
Amendment to schedules or statement of financial affairs	$100.00
Objection to confirmation	$350.00
Motion to surrender	$150.00 (eff. 8/13/13)

CREDITOR:

Stay motions	$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.

(a)(10)(B) PAYMENT OF ATTORNEY FEES/MODIFICATION OF PLAN. These fees shall be paid by the Trustee at the rate of not less than $225.00 per month during the first year of the plan unless the court directs otherwise or unless debtor's counsel agrees otherwise.

DISBURSEMENT OF UNCLAIMED FUNDS
[RULE 3011-1]

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF NORTH CAROLINA

IN RE: CASE NO.:

MOTION TO RELEASE UNCLAIMED FUNDS

1. A dividend check in the amount of $_____ was issued by the trustee to _____ ("the creditor") in the above referenced case.

2. The dividend check was not negotiated by the creditor. Therefore, the trustee, pursuant to 11 U.S.C. § 347(a), delivered the unclaimed funds to the Clerk of the U.S. Bankruptcy Court for the Eastern District of North Carolina. The United States Treasury is currently holding these funds.

3. The creditor's full name, address, and telephone number are:

   Name:

   Address:

   Telephone No.:

4. The movant's full name, address, and telephone number are: (if different from the creditor)

   Name:

   Address:

   Telephone

   No.:

5. The dividend check was not deliverable at the time of the original distribution for the following reason(s):

6. The movant is: (choose one)

   [ ] the owner of record of the claim (the entity shown in the court's records as the holder of the claim)

   [ ] a successor claimant (an entity other than the owner of record of the claim that has become legally entitled to the funds by assignment or otherwise)**

   ** If the movant is a successor claimant, copies of all documents evidencing the claimant's right to the funds by assignment or otherwise must be attached to the motion.

7. To the best of my knowledge, I [ ] do [ ] do not believe that any other entity is entitled to these funds.

8. Proof of my identity is attached. ***

   ***See proof of identity requirements on website at http://www.nceb.uscourts.gov/unclaimed-funds-procedures

9. I hereby certify that a copy of the foregoing Motion to Release Unclaimed Funds was served upon the United States Attorney for the Eastern District of North Carolina, 310 New Bern Ave., Suite 800, Federal Building, Raleigh, NC 27601, and upon any other entity believed to claim an entitlement to the unclaimed funds as noted on the attached Certificate of Service.

Wherefore, the movant requests that the court issue an order directing the clerk to make disbursement of said unclaimed funds for the benefit of the movant.

Dated: _____

Movant's Signature

CHAPTER 13 – PAYMENTS
[Rule 3070-1]

CHAPTER 13 TRUSTEE'S ADMINISTRATIVE FEE IN CHAPTER 13 CASES DISMISSED PRIOR TO CONFIRMATION

The administrative fee authorized pursuant to Local Bankruptcy Rule 3070-1(c)(1) shall be in the amount of $375.00.

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

Please see http://www.nceb.uscourts.gov/public-agency-contact-info.

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 email addresses are posted on the court's website at www.nceb.uscourts.gov.

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 training requirement in those instances. Filing users trained by other court 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 Local Rule 83.1(e) and (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 available on the court's web site at www.nceb.uscourts.gov. The form may be duplicated for use by multiple applicants.

(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 email address and add the email 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 user's password and remove their email address.

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 provide information. Filing users are also responsible for keeping their office address, email address, preferred notification method and other user profile information current in the Electronic Filing System by notifying the court of any modifications.

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

(b) SUBMISSION OF DOCUMENTS FOR JUDGE'S 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 of the first page.

(5) Proposed orders which do not comply with this format will be rejected.

For further guidance, please see
http://www.nceb.uscourts.gov/documents/Order%20Requirements.pdf.

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

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 ASCII text (.txt) format. Electronic filings must not exceed 10 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 10 megabytes and if any portion of the filing has been scanned, the filing document should be no more than 8 ½ x 11 inches, without color and the resolution should be at least 300 pixels per inch (ppi) or higher. If making these adjustments does not reduce the filing size to 10 megabytes or less, the filing user must make suitable arrangements with the court to effect the filing.

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.

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

(1) Personal Property.
- (A) 20% on the first $20,000
- (B) 10% on the next $50,000
- (C) 4% on the balance

(2) Real Property.
- (A) 10% on the first $25,000
- (B) 4% on the balance

PRETRIAL PROCEDURES
[Rule 7016-1(c)]

(Include 3" top margin)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
* DIVISION

IN RE:

JOE SMITH, Debtor	CASE NO. 99-02272-8-*** CHAPTER *

ABC CORP., Plaintiff vs. JOE SMITH Defendant	)))))))	ADVERSARY PROCEEDING NO.: 07-00001-8-***

FINAL PRETRIAL ORDER

DATE OF CONFERENCE: May 5, 2012

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. Both parties have consented to the bankruptcy judge hearing and determining the proceeding pursuant to 28 U.S.C. § 157(c)(2).
- 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?
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

Number	Title	Objection
1	Appraisal of Bob Hope	Hearsay
2	Deed of Trust dated 1/4/11	None
3	Promissory Note dated 1/4/11	None
4	Personal Financial Statement Dated 12/3/10	None

B. DEFENDANT

Number	Title	Objection
1	Appraisal of Joe Smith	Hearsay
2	Debtor's bankruptcy petition	None

IV. DESIGNATION OF PLEADINGS AND DISCOVERY MATERIALS

A. PLAINTIFF:

Document	Portion	Objection	Reason
Plaintiff's first set of interrogatories	Nos. 1, 8 and 9	No. 8 and 9	Privilege
Deposition of	Vol. 1, line 6 p. 1	Line 6 p. 1 thru	Hearsay

Richard Roe	thru line 2, p. 7	line 5, p. 6

B. DEFENDANT: None

V. WITNESSES

A. PLAINTIFF:

Name	Address	Proposed Testimony
Frank Flake	Selma, NC	Loan officer - facts surrounding the loan

B. DEFENDANT:

All witnesses listed by plaintiff.

Name	Address	Proposed Testimony
Sam Smith	Apex, NC	Facts surrounding the 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