

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	<u>In re Pineloch</u> , 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 required 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)  *14-day response time required in all chapters  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	