UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

LOCAL RULES
OF
PRACTICE AND PROCEDURE

2026
Comprehensive Review Clean Copy

JUDGES

David M. Warren
Chief Judge

Mailing Address:
Post Office Drawer 791
Century Station
Raleigh, NC 27602

Chambers:
Third Floor, Century Station
300 Fayetteville Street
Raleigh, NC 27601
(919) 856-4752

Joseph N. Callaway
Judge

Mailing Address:
Post Office Drawer 791
Century Station
Raleigh, NC 27602

Chambers:
150 Reade Circle
Greenville, NC 27858
(919) 856-4752

Pamela W. McAfee
Judge

Mailing Address:
Post Office Drawer 791
Century Station
Raleigh, NC 27602

Chambers:
Second Floor, Fayetteville Street
Raleigh, NC 27601
(919) 856-4752

CLERK OF COURT

Stephanie J. Butler

Office Address:
Fourth Floor, Century Station
300 Fayetteville Street
Raleigh, NC 27601
(919) 856-4752

Divisional Office Address:
150 Reade Circle
Greenville, NC 27858

Mailing Address
P.O. Box 791
Raleigh, NC 27602

BANKRUPTCY ADMINISTRATOR

Brian C. Behr

Office and Mailing Address:
434 Fayetteville Street
Suite 640
Raleigh, NC 27601-1888
(919) 856-4886

PART I
COMMENCING A BANKRUPTCY CASE; THE PETITION, THE ORDER FOR RELIEF, AND RELATED MATTERS

Rule 1001-1
SCOPE; TITLE; CITATIONS

(a) TITLE AND CITATION. These rules ("local rules") are the "Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of North Carolina" ("court"). They may be cited as "E.D.N.C. LBR" (Example: "E.D.N.C. LBR 1007-1").

(b) APPLICATION. These local rules must be followed provided they are not inconsistent with the Bankruptcy Code ("Code") and the Federal Rules of Bankruptcy Procedure. ("Fed. R. Bankr. P."). These local rules may be amended from time to time by the judges of the court, after a reasonable notice and comment period ("notice and comment period") or by General Order, as necessary. The notice and comment period will be determined by the chief judge of the court and displayed on the court's website (defined below). The local bankruptcy forms of the court ("local forms") may be revised from time to time, subject to approval by the chief judge of the court and the clerk of court ("clerk"). These local rules, the local forms, the Administrative Guide to Practice and Procedure for the United States Bankruptcy Court for the Eastern District of North Carolina, General Orders and each judge's chambers procedures are available on the court's website at www.nceb.uscourts.gov ("court's website"). Unless otherwise noted in these local rules or ordered by the court, all filings in the Eastern District of North Carolina relating to cases filed under Title 11 must be made with the clerk and will be governed by these local rules, in addition to the Fed. R. Bankr. P. The Federal Rules of Civil Procedure ("Fed. R. Civ. P.") are applicable only to the extent provided herein or in the Fed. R. Bankr. P.

(c) MODIFICATION. The application of these local rules in any case or proceeding may be modified by the court in the interest of justice.

(d) EFFECTIVE DATE. These local rules will be effective on ______________________.

(e) RELATIONSHIP TO PRIOR RULES; ACTIONS PENDING ON EFFECTIVE DATE. These local rules supersede all previous local rules promulgated by the court, but do not affect any General Order issued by the court or any chambers procedures of any judge of the court. They govern all cases or proceedings filed after their effective date. They also apply to all proceedings pending on the effective date, except to the extent that the court finds they would not be feasible or would work injustice.

(f) RELATIONSHIP TO DISTRICT COURT RULES. Except as otherwise provided in the local rules for the District Court of the Eastern District of North Carolina (the "district court rules") with respect to bankruptcy appeals, the district court rules apply to all filings to be determined by the district court, whether initially filed in the district court or the bankruptcy court, including, but not limited to, any briefing in connection with any motion to withdraw the reference from the bankruptcy court of a matter or proceeding.

Rule 1002-1
COMMENCING A BANKRUPTCY CASE

(a) PETITION FILED BY OR ON BEHALF OF A DEBTOR. Any bankruptcy petition filed with this court by or on behalf of a debtor must be accompanied by a current government-issued photo identification.

(1) FILING IN PERSON BY A DEBTOR. When filing a petition with the court in person, the debtor must present a current government-issued photo identification for copying by the clerk's office.

(2) FILING BY MAIL BY A DEBTOR. When filing a petition with the court by mail, the debtor must provide with the petition a legible photocopy of their current government-issued photo identification.

(3) FILING BY PERSON OTHER THAN THE DEBTOR. If a person other than the debtor files a petition on behalf of the debtor, the petition must be accompanied by a legible photocopy of the document(s) giving the filing party the legal authority to file the petition on behalf of the debtor, a legible image of the person's current government-issued photo identification, and a legible image of the debtor's current government-issued photo identification.

(4) FILING BY AN ATTORNEY. If an attorney files a petition on behalf of the debtor, the petition must be accompanied by a legible image of the debtor's current government-issued photo identification, filed as a restricted event.

(5) RETENTION OF PHOTOCOPIES BY THE CLERK. The clerk will convert photocopies of such identification and documents authorizing filing to pdf documents, that will be added to the docket as a restricted event, after which all paper copies will be destroyed.

(6) FAILURE TO PROVIDE REQUIRED PHOTO IDENTIFICATION. The failure to provide the required photo identification with the filing of the petition may result in the issuance of an order to show cause.

(7) FILING BY A NON-INDIVIDUAL.

(A) PETITION BY A REPRESENTED NON-INDIVDUAL DEBTOR. A non-individual debtor represented by an attorney is exempt from the requirements of this local rule.

(B) PRO SE PETITION BY A NON-INDIVIDUAL: If a petition is filed pro se by a partnership, corporation, or other business entity (other than an individual conducting business as a sole proprietorship) and is not represented by an attorney admitted to practice before the court, the court will issue an order to appear and show cause as to why the case should not be dismissed.

(b) PETITION FILED BY OR ON BEHALF OF A MINOR OR INCOMPETENT PERSON. Any bankruptcy petition filed with this court on behalf of a minor or incompetent person must comply and conform with Local Bankruptcy Rule 1004.1-1.

(c) PETITION FILED BY A BUSINESS ENTITY**.** When a business entity files a voluntary bankruptcy petition, an executed copy of the resolution of the debtor's board of directors, managers, general partners, or other governing body authorizing the filing of the bankruptcy petition must be filed with or contemporaneously with the petition.

NOTE

See North Carolina General Statutes § 20-30.

Rule 1004.1-1
VOLUNTARY PETITION ON BEHALF OF AN INFANT OR INCOMPETENT PERSON

(a) PREPETITION APPOINTMENT OF REPRESENTATIVE. If, before the petition date, a representative has been appointed by a court under nonbankruptcy law for a debtor who is an infant or incompetent person, then a copy of the appointment instrument must be filed with a voluntary petition or with the alleged debtor's first pleading responding to an involuntary petition.

(b) NO PREPETITION APPOINTMENT OF REPRESENTATIVE. If, before the petition date, no representative has been appointed by a court under nonbankruptcy law for a debtor who is an infant or incompetent person, then a motion, made upon information and belief, for the court to appoint a next friend or guardian ad litem ("movant") for the debtor must be filed with a voluntary petition or with the alleged debtor's first pleading responding to an involuntary petition.

 (1) The motion must be accompanied by the movant's declaration under penalty of perjury with the following information:

  (A) the movant's name, address, the relationship to the debtor (the movant's relationship to the debtor as spouse or other close relative who might have an interest in the debtor's financial affairs will not necessarily preclude granting the motion);

  (B) whether a representative was appointed for the debtor under nonbankruptcy law before the petition was filed;

  (C) why appointment of the movant as next friend or guardian ad litem is necessary;

  (D) why appointment of the movant would be in the debtor's best interest;

  (E) the flat fee or hourly rate, if any, that the movant would charge the debtor for serving as next friend or guardian ad litem;

  (F) the movant's criminal and professional history (at movant's written request, to be sealed or redacted in the court's sole discretion);

  (G) the movant's competence to handle the debtor's financial affairs, including the movant's knowledge of debtor's financial affairs;

  (H) whether the movant has any current or potential future interest in the debtor's financial affairs; and

  (I) whether any of the debtor's debts were incurred for the benefit of the movant.

 (2) In cases where appointment is sought on behalf of an incompetent person, the declaration must be accompanied by the following documents:

(A) a letter from the debtor's physician regarding the debtor's ability to conduct the debtor's own financial affairs;
(B) a letter from the debtor's caregiver regarding the debtor's ability to conduct the debtor's own affairs; and
(C) a copy of any power of attorney or other document giving the movant authority to act for the debtor.

(3) The motion and declaration must be served under Fed. R. Bank. P. 7004 on the debtor, and notice thereof must be provided to the trustee, the bankruptcy administrator, any governmental entity from which the debtor is receiving funds, and the debtor's closest relative, if known and whose address can be ascertained in the exercise of reasonable diligence by the person required to give notice.
(4) The court will hear the motion before the meeting of creditors under 11 U.S.C. § 341(a), if possible. The movant must appear to testify at the hearing, either in person, by telephone, or by video.
(5) If the motion is allowed, the movant must serve a copy of the order of appointment on all creditors and parties in interest within three days of entry of the order and file a certificate of service with the clerk of court within seven days after service.

(c) In the event that the information required in subsections (b)(1) and (b)(2) above is unavailable at the time of the filing of the petition and motion, the movant will have thirty days from the petition date within which to file the declaration and attachments. If the declaration and attachments are not filed within thirty days of the petition date, the case will be subject to dismissal.
(d) The petition must be accompanied by a legible black and white photocopy of a current government-issued photo identification of the filing party. The clerk will convert photocopies of identification and documents authorizing filing by the filing party to PDF, which will be added to the docket as a restricted event, after which all paper copies will be destroyed.

CROSS REFERENCES

Local Bankruptcy Rule 1002-1(b), "Petition;" Local Bankruptcy Rule 1016-1, "Death & Incompetency."

Rule 1006-1
FILING FEE - INSTALLMENT PAYMENTS

(a) Following the filing of a petition and an application to pay filing fee in installments, each application will be reviewed by the court and an order entered granting or denying the application. If the application is denied, the debtor must have fourteen days from the date of the order to pay the full fee. If the full fee is not paid within fourteen days of the order, the petition may be dismissed by the court.
(b) Final installments of the filing fee must be paid within fourteen days following the date first set for the meeting of creditors pursuant to 11 U.S.C. § 341, unless otherwise ordered by the court upon appropriate motion for extension and for cause shown.

(c) Upon failure to make any payment as scheduled, the petition is subject to dismissal after hearing on notice to the debtor and trustee.

Rule 1007-1
LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS; TIME TO FILE

(a) ITEMS REQUIRED AT COMMENCEMENT. In all cases, the following schedules and statements must be filed with the commencement of the case:
  (1) Official Form B 101
  (2) Filing Fee/Motion For Waiver Of Filing Fee Or To Pay Filing Fee In Installments
  (3) Your Statement About Your Social Security Numbers
  (4) Mailing Matrix
  (5) Declaration Regarding Electronic Filing (eSR Cases Only)
  (6) The List Of Creditors Who Have The 20 Largest Unsecured Claims Against You Who Are Not Insiders (chapter 11 only)

(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED AT COMMENCEMENT OR WITHIN FOURTEEN DAYS THEREAFTER. Upon the filing of an accelerated case, when the schedules and statements are not filed with the voluntary petition, the following schedules and statements must be filed within fourteen days after the commencement of the filing of the petition.
  (1) A Summary of Your Assets and Liabilities and Certain Statistical Information (Individual)/A Summary of Your Assets and Liabilities (Non-Individual)
  (2) Declaration About an Individual Debtor's Schedules/Declaration Under Penalty of Perjury For Non-Individual Debtors
  (3) Schedules:

Schedule A/B	Schedule H
Schedule D	Schedule I with Item 13 completed (individual only)
Schedule E	Schedule J with Item 24 completed (individual only)
Schedule G	Schedule J-2 (if applicable)

  (4) Statements:
  Statement of Financial Affairs for Individuals Filing for Bankruptcy (Individual)
  Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy (Non-Individual)
  Statement of Current Monthly Income (individuals only)
    (A) Form B 122A-1 Chapter 7 Statement of Your Current Monthly Income
    (B) Form B 122A-1Supp Statement of Exemption from Presumption of Abuse under § 707(b)(2) (if applicable)
    (C) Form B 122A-2 Chapter 7 Means Test Calculation (if applicable)
    (D) Form B 122C-1 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period
    (E) Form B 122C-2 Chapter 13 Calculation of Your Disposable Income (if applicable)
    (F) Form B 122B Chapter 11 Statement of Your Current Monthly Income

(5) Certification of attorney or bankruptcy petition preparer, if applicable, pursuant to 11 U.S.C. § 521(a)(1)(B)(iii)(I)

(6) Certificate of the Credit Counseling Agency (pursuant to 11 U.S.C. § 109(h)(1), or as otherwise allowed by statute; individual cases only)

(7) Part 5 of Form B 101, "Explain Your Efforts to Receive a Briefing About Credit Counseling"

(c) FAILURE TO FILE ITEMS REQUIRED AT COMMENCEMENT OR WITHIN FOURTEEN DAYS THEREAFTER IN ALL INDIVIDUAL CASES. In those cases where all of the preceding schedules and statements listed in section (c), with the exception of (c)(4)(F), are not filed by the 45th day after the date of the filing of the petition, the case will be automatically dismissed effective on the 46th day after the date of the filing of the petition pursuant to 11 U.S.C. § 521(i)(1), unless the time for filing is extended under 11 U.S.C. § 521(i)(3). A show cause hearing will be scheduled if required items other than those included in 11 U.S.C. § 521(a)(1) are not timely filed.

(d) A debtor is not required to file copies of payment advices or other evidence of payment with the court. A chapter 7 debtor(s) must provide copies of payment advices or other evidence of payment to the bankruptcy administrator within fourteen days after the date of the filing of the petition pursuant to Local Bankruptcy Rule 4002-1(b)(2).

(e) IDENTIFICATION OF VALUATION METHOD. If a value is stated for property listed in Schedule A/B of Official Form B 106, the method of valuation used must be identified.

NOTE

Bankruptcy Code § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E) requires a debtor to file copies of payment advices or other evidence of payment "unless the court orders otherwise." The court has determined that payment advices and other evidence of payment should not be filed with the court and, through the adoption of the local rule, orders otherwise. Local Bankruptcy Rule 4002-1(b)(2) addresses the duty of a chapter 7 debtor to provide payment advices to the bankruptcy administrator.

Rule 1007-2
MAILING - LIST OR MATRIX

(a) PETITION ACCOMPANIED BY MATRIX. A petition requesting relief under chapters 7, 11, 12, or 13 must be accompanied by a mailing matrix containing the complete mailing address, including zip code, for the following:

(1) all creditors listed in the petition, alphabetically arranged;

(2) Internal Revenue Service, except in chapters 7, 12 and 13 when the Internal Revenue Service is not listed as a creditor;

(3) North Carolina Department of Revenue, except in chapters 7, 12 and 13 when the North Carolina Department of Revenue is not listed as a creditor;

(4) Division of Employment Security, except in chapters 7, 12 and 13 when the Division of Employment Security is not listed as a creditor;

(5) United States Attorney, if the United States is a party, other than for taxes (EXAMPLE: Farm Service Agency, Federal Housing Administration, Veteran's Administration, Small Business Administration);

(6) managing agent or officer, if the debtor is a business entity other than a sole proprietorship or partnership; and

(7) each member of the partnership, if the debtor is a partnership.

Addresses for the governmental agencies listed above are contained in the Administrative Guide to Practice and Procedure and are listed on the court's website at www.nceb.uscourts.gov.

(b) PREPARATION OF MATRIX. The matrix must be prepared in the format approved by the clerk and its content must be certified as accurate by the filing attorney or party. The party is responsible for any errors in or omissions from the listing. The preparation of the matrix for paper or electronic filing must be in the format prescribed in the Administrative Guide to Practice and Procedure.

Rule 1007-3
STATEMENT OF INTENTION FOR INDIVIDUALS FILING UNDER CHAPTER 7

A chapter 7 debtor who is required to file a statement of intention pursuant to 11 U.S.C. § 521(a)(2)(A) must serve a copy of the statement on the creditor whose claim is secured by the property that is the subject of the statement. The debtor must file a certificate of service with the clerk of court within seven days of the filing of the statement.

Rule 1007-5
STATEMENT OF SOCIAL SECURITY NUMBER - SUBMISSION & PRIVACY

(a) VERIFICATION. If a debtor is represented by an attorney, each filing of a Statement About Your Social Security Number (Official Form 121) must be accompanied by a Statement, signed by the attorney, indicating that the attorney has verified the social security number of each debtor appearing on the Official Form 121, or alternatively indicating the attorney was unable to verify the social security number of the debtor(s) prior to filing and explaining why.

(b) AMENDMENTS/CORRECTIONS TO SOCIAL SECURITY NUMBER. If the petition was filed with an Official Form B 121 listing an incorrect social security number, another Official Form B 121 must be filed, by the debtor(s) or attorney for the debtor(s), with the corrected social security number using the event Statement of Social Security Number (Amended). The clerk will make the correction to the social security number in the Electronic Case Filing System. A copy of the corrected Official Form B 121 must be mailed to all creditors listed on the matrix by the debtor(s) or attorney for the debtor(s). A certificate of mailing stating that corrected Official Form B 121 was mailed to all creditors and the date it was mailed must be filed separately from the corrected Official Form by the debtor(s) or attorney for the debtor(s). An Amendment to the Petition listing the debtor's last four digits of the social security number is necessary only when the correction is being made to any of the last four listed digits.

(c) NOTICE TO NATIONAL CREDIT REPORTING AGENCIES. The debtor(s) or attorney for the debtor(s) must also file Local Form 1007-5, Notice of Correction of Debtor Social Security Number. The Notice must be mailed to the national credit reporting agencies. A certificate of mailing stating that the form was mailed to the three national credit reporting agencies at the addresses on their websites must be filed separately by the debtor(s) or attorney for the debtor(s).

Rule 1009-1
AMENDING A LIST OR SCHEDULE

Any amendment to a petition, list, schedule or statement must be accompanied by a certificate of service in the form of a statement of the date and manner of service and of the names and addresses of the persons served and must be certified as correct by the person making the service. An amended A Summary of Your Assets and Liabilities and Certain Statistical Information (Individuals) (Form B 106 Summary)/A Summary of Your Assets and Liabilities (Non-Individuals) (Form B 206 Summary) and Declaration About an Individual Debtor's Schedules (Individuals only) (Form B 106 Declaration) must be filed each time an amended schedule is filed. Service of any amendment must be as directed in the Administrative Guide to Practice and Procedure.

Rule 1016-1
DEATH OR INCOMPETENCY OF A DEBTOR

(a) NOTIFICATION. If a debtor dies or is adjudicated incompetent, the debtor's attorney, upon becoming aware of the death or adjudication, must file a statement of that fact.

(b) CHAPTER 13 DEBTOR'S CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS, DISCHARGES IN PRIOR CASES, AND § 522(q). In a chapter 13 case in which the debtor has died, the certification must be accompanied by verification that the individual signing is the executor or administrator of the debtor's estate. In the alternative, a motion for exemption from the requirement to file the certification may be filed. Unless otherwise ordered by the court, a copy of the debtor's death certificate must be attached to the verification or motion for exemption.

Rule 1017-2
DISMISSING A CASE; SUSPENDING PROCEEDINGS; CONVERTING A CASE TO ANOTHER CHAPTER

NOTICE TO TRUSTEE OF REQUEST FOR AUTOMATIC DISMISSAL. A party in interest requesting dismissal of a case pursuant to § 521(i)(2) of the Code must, on the day that the request for dismissal is made to the court, deliver, by electronic means, by facsimile transmission, or by hand, a copy of the request to the trustee and the bankruptcy administrator.

Rule 1019-1
CONVERTING A CASE - PROCEDURE FOLLOWING

(a) FILING OF SCHEDULES B 106I AND B 106J UPON CONVERSION OF CASE. Within fourteen days of the entry of the conversion order, an individual debtor converting to another chapter must file Official Bankruptcy Forms B 106 I and B 106 J that are applicable to the chapter to which the case is being converted, and the information in those Official Bankruptcy Forms must contain information that accurately sets out the debtor's income and expenses on the conversion date and responds to all questions as of that date.

(b) RESETTING OF FILING PERIODS UNDER § 704 UPON CONVERSION OF CASE TO CHAPTER 7. Upon the conversion of an individual debtor's case to chapter 7 from another chapter, the bankruptcy administrator will have fourteen days from the first meeting of creditors scheduled as a result of the conversion in which to file a statement as to whether the debtor's case should be presumed to be an abuse under § 707(b). If such a statement is filed, the bankruptcy administrator will have twenty-eight days after the date of filing the statement to comply with the requirements of § 704(b)(2). The filing periods detailed within Fed. R. Bankr. P. 1017(e) will also begin from the first meeting of creditors scheduled as a result of the conversion.

(c) REPRESENTATION OF DEBTOR IN POSSESSION. Upon conversion of a chapter 11 case, counsel for the debtor in possession is terminated.

(d) PAYMENT OF FEE REQUIRED. If a debtor files a request for conversion to another chapter, payment of the fee will be a condition of the conversion.

Rule 1020-1
CHAPTER 11 SMALL BUSINESS CASES – GENERAL

PROTECTION OF TAX INFORMATION. The federal income tax return to be appended to the petition or filed with the court pursuant to § 1116(1)(A) and § 1187 of the Code is subject to the restrictions and procedures for safeguarding the confidentiality of tax information established by the Director of the Administrative Office of the United States Courts pursuant to § 315(c)(1) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, except that the procedures for requesting and obtaining access to tax information contained in the procedures for safeguarding the confidentiality of tax information established by the Director of the Administrative Office of the United States Courts do not apply to the bankruptcy administrator or to a trustee serving in the case.

Rule 1071-1
BANKRUPTCY COURT DIVISIONS

There are five divisions of the court: Fayetteville, Greenville, New Bern, Raleigh and Wilmington. The counties comprising each division are contained in the Administrative Guide to Practice and Procedure.

Rule 1073-1
ASSIGNMENT OF CASES

(a) In accordance with Local Bankruptcy Rule 1071-1, the clerk will assign all cases and proceedings to a division when the action is filed or removed. The place of filing will be determined by the debtor's domicile, residence, principal place of business or location of the debtor's principal assets immediately preceding the filing of the bankruptcy case. In cases involving an affiliate, a general partner or partnership, related cases may be filed in the division where the original case was filed.

(b) In adversary proceedings in which there is no bankruptcy case pending in this district, the division will be assigned at the discretion of the clerk. The decision of the clerk to assign a case or proceeding to a particular division may be reviewed by the court upon written request.

PART II
OFFICERS AND ADMINISTRATION;
NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS AND APPOINTMENTS; FINAL REPORT; COMPENSATION

Rule 2002-1
NOTICES

(a) AMENDED OR SUPPLEMENTAL SCHEDULES. The § 341 meeting will be scheduled and the clerk of court, or such other person as the clerk of court may designate, will notify the creditors listed on the matrix filed with the petition. If additional creditors are added either through filed schedules or amendments to schedules filed after notice has been given, the debtor must serve the notice of commencement of case, meeting of creditors, and deadlines on the added creditors and file a certificate of service with the clerk of court within seven days after service.

(b) GUIDE TO SERVICE AND NOTICE REQUIREMENTS. The chart included in the Administrative Guide to Practice and Procedure serves as a guide for the giving of notice to creditors and other parties in interest.

(c) RETURNED AND UNDELIVERABLE MAIL. The procedure for returned and undeliverable mail is provided in the Administrative Guide to Practice and Procedure.

(d) NOTICE OF PREFERRED ADDRESS

(1) To file a notice of preferred address pursuant to 11 U.S.C. § 342(e), creditors may use the National Creditor Registration Service local forms found on the court's website, www.nceb.uscourts.gov.

(2) To file a notice of preferred address pursuant to 11 U.S.C. § 342(f), creditors may register with the National Creditor Registration Service offered through the Bankruptcy Noticing Center at bankruptcynotices.uscourts.gov.

Rule 2003-1
MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS

(a) The bankruptcy administrator must retain and preserve the recordings of the meeting of creditors required by 11 U.S.C. § 341(a) for a period of two years from the date of the meeting. After the expiration of two years from the date of the meeting, the bankruptcy administrator is authorized to destroy the recordings.

(b) Upon the request of any entity, the bankruptcy administrator may certify and provide a copy of the recording of the meeting of creditors at the entity's expense.

Rule 2004-1
EXAMINATIONS

A motion for an examination under Fed. R. Bankr. P. 2004 will be reviewed by the court and may be allowed ex parte. Upon filing of a motion to reconsider, the obligation to appear or produce documents is stayed pending a ruling on the motion to reconsider.

Rule 2014-1
EMPLOYING PROFESSIONALS

The debtor in a chapter 11 or chapter 12 case may not employ any professional person, including but not limited to any attorney, accountant, appraiser, business consultant, broker, agent, or auctioneer, without first obtaining approval of the court.

Rule 2014-2
APPLICATION FOR APPROVAL OF MENTAL HEALTH EVALUATION

The debtor may apply to the court for approval of a pro bono mental health evaluation. The application must be filed and a copy of the application must be transmitted by the debtor to the bankruptcy administrator and any other interested party. The application must substantially conform to the Application for Approval of Mental Health Evaluation local form located on the court's website at www.nceb.uscourts.gov. The application, orders approving or denying the application, orders appointing a mental health professional pursuant to the application, and the mental health professional's report(s) will be restricted from public access.

Rule 2015-2
DEBTOR IN POSSESSION DUTY TO GIVE NOTICES

In addition to the duties set forth in Local Bankruptcy Rule 4002-1(c), the debtor in possession in a chapter 11 case is responsible for serving the following notices and documents on creditors, after having their form and content approved by the court, and for filing a certificate of service with the clerk of court within seven days of the date of service:

(a) the notice of the hearing on disclosure statement, if required;

(b) the plan, the approved or conditionally approved disclosure statement, if required, and the notice regarding balloting and date for hearing on confirmation;

(c) the confirmation order; and

(d) any notices the court or clerk of court may direct.

Rule 2015-5
CHAPTER 13 TRUSTEES - SEARCH FEES

The standing chapter 13 trustees are authorized to charge a search fee when answering inquiries that require a search of the records for each name or item searched in the amount established under 28 U.S.C. § 1930(b), and to use the funds for as a part of operating expenses. The trustees must include in the chapter 13 trustee's annual report the amount of any search fees received.

Rule 2016-1
COMPENSATION FOR SERVICES RENDERED; REIMBURSING EXPENSES

(a) COMPENSATION OF ATTORNEY FOR DEBTOR IN CHAPTER 13 CASES.

(1) AMOUNT OF STANDARD BASE FEE. The standard base fee in a chapter 13 case is as provided in the statement of approved compensation published annually by the clerk and included in the Administrative Guide to Practice and Procedure. Although the standard base fee will typically be approved by the court without a hearing, the trustee may recommend, in appropriate cases, that a lower fee be allowed. In recommending a standard base fee in converted cases, the trustee should take into consideration the compensation already received.

(2) SERVICES INCLUDED IN THE BASE FEE. The standard base fee includes the basic services reasonably necessary to represent the debtor properly before the bankruptcy court. Those basic services should include, but not be limited to, the following:

(A) interview with the debtor;
(B) analysis and recommendation of appropriate chapter of Title 11;
(C) reasonable inquiry into the debtor's assets, including efforts to confirm or verify ownership through search of a tax office, register of deeds office, other public records search, or document review;
(D) obtaining credit report, pay advices (if no wages or self-employed during the applicable period, an appropriate affidavit), and tax returns;
(E) preparation of all documents required under § 521 of the Code, including, but not limited to, the schedules, Statement of Financial Affairs for Individuals Filing for Bankruptcy (Form B 107), Forms B 122C-1 and B 122C-2 (if applicable), and chapter 13 plan;
(F) representation at the creditors' meeting under § 341 of the Code, or filing a motion to use interrogatories and the subsequent filing of interrogatories;
(G) preparation of any amendments to schedules or statement of financial affairs or plan modifications;
(H) attendance at plan confirmation hearings;
(I) preparation of motion to extend or impose automatic stay for repeat filers, if appropriate;
(J) motion to substitute collateral;
(K) application to incur debt;
(L) handling of insurance inquiries;
(M) defense of motion to dismiss or motion to set aside dismissal;
(N) objection to claim;
(O) notice to abandon property;
(P) filing of proof of claim;
(Q) motion to deem mortgage current; and
(R) preparation of motions to dismiss.

(3) APPLYING FOR A HIGHER BASE FEE. Applications for approval of a base fee higher than the standard base fee must be filed by the debtor's attorney within 60 days after the conclusion of the creditors' meeting under § 341 of the Code.

(4) NON-BASE FEE SERVICES DEFINED. The following services are not covered by the standard base fee, and counsel may request additional compensation for these services be approved by the court:
   (A) motion for authority to sell real property;
   (B) motion for turnover;
   (C) prosecution or defense of adversary proceedings;
   (D) motion or adversary proceeding to value collateral and avoid mortgage;
   (E) motion to avoid lien with compensation limited to one motion to avoid lien per case;
   (F) motion for hardship discharge;
   (G) any other service that, in the discretion of the court, reasonably warrants additional compensation.

(5) APPROVAL OF NON-BASE FEES. Applications for fees for any non-base fee services provided to a chapter 13 debtor must be approved by the court. Notice of each application for fees and expenses in the amount of $1,000 or below must be sent to each debtor and the trustee. Notice of each application for fees and expenses in excess of $1,000 and above must be given to all parties in interest.

(6) PRESUMPTIVE NON-BASE FEES/APPROVAL/ NOTICE. The list of presumptively reasonable non-base fee services is contained in the statement of approved compensation published by the clerk and included in the Administrative Guide to Practice and Procedure. Applications for the presumptive non-base fee must be filed with a notice verifying completion of the services for which compensation is sought and a certificate of service evidencing service of the notice on each debtor and the trustee. After notice pursuant to subsection (5) above, the application for presumptive non-base fees will be deemed approved by the court but is subject to modification by the court upon a timely objection.

(7) TIME AND EXPENSE ALTERNATIVE. Alternatively, the debtor's attorney may apply to the court for approval of fees on a "time and expense" basis pursuant to Fed. R. Bankr. P. 2016 and 11 U.S.C. § 330.

(8) DISCLOSURE OF FEE PROCEDURES. Every attorney for a chapter 13 debtor must disclose to the debtor the procedures applicable in this district to awards of attorneys' fees in chapter 13 cases.

(9) INTERIM APPROVAL OF PARTIAL BASE FEE. An attorney fee incurred for services provided to the debtor in connection with the bankruptcy filing prior to the petition date is authorized and will be considered part of the base fee. Any amount in excess of the base fee collected by the attorney prior to filing the chapter 13 petition must be held in the attorney's client trust account pending further order of the court or approval of the fees in accordance with this rule.

(10) PAYMENT OF ATTORNEY FEES. The standard base fee, less any partial base fee paid prior to filing the chapter 13 petition, will be treated and paid as administrative expenses of the chapter 13 case. These fees will be paid by the trustee at the rate set in the Administrative Guide to Practice and Procedure unless the court directs otherwise. Any additional amounts awarded in excess of the standard base fee or for non-base fee services will be paid as the court directs.

(b) COMPENSATION OF PROFESSIONALS IN CHAPTER 7, 11, AND 12 CASES. The bankruptcy administrator's Procedures for Preparing and Submitting Applications for

Compensation by Professionals serves as a guide for applications for compensation to professionals. Absent an order to the contrary, professionals may apply for compensation once every sixty days. The Procedures for Preparing and Submitting Applications for Compensation by Professionals outline is available from the office of the bankruptcy administrator.

(c) REIMBURSEMENT OF FEES PAID TO THE COURT. Unless otherwise ordered, an attorney for the debtor is allowed, without application, to receive payment or reimbursement from or on behalf of the debtor for court fees paid by the attorney to the court on behalf of the debtor. In chapter 13 cases, the debtor's attorney must file a notice with the court stating the amount and purpose of the fee. The chapter 13 trustee must provide for payment of that fee through plan distribution.

(d) FLAT FEE COMPENSATION OF ATTORNEYS IN CHAPTER 11 CASES. Counsel for a chapter 11 debtor may apply to be employed on a flat-fee basis, with flat-fee compensation not to exceed $25,000, as follows:

(1) Notice of an application to employ counsel for the debtor on a flat-fee basis must be provided to all creditors and the bankruptcy administrator.

(2) All retainer funds must be held in trust by counsel and may be withdrawn only according to the following schedule:

(A) One-fifth (1/5) for prepetition services (full and complete petition including schedules and statements) to be withdrawn only after filing complete schedules and statements with the court;

(B) One-fifth (1/5) after the completed 341 meeting of creditors;

(C) One-fifth (1/5) after the filing of the plan and disclosure statement;

(D) One-fifth (1/5) after the hearing on confirmation of the plan and disclosure statement or, if the plan is not confirmed, upon conversion or dismissal of the case; and

(E) One-fifth (1/5) upon entry of the final decree.

(3) Upon proper application, the court will consider the award of reasonable fees for services performed after confirmation if a final decree is not obtained, or the case is converted or dismissed.

(4) Upon each withdrawal, counsel must file a Rule 2016 Disclosure Statement that includes a detailed list of the services rendered, time expended (if available), expenses incurred, and amount paid from trust.

(5) Any party in interest, including the bankruptcy administrator, may review the fees upon completion of services or after the conclusion of such employment to determine whether the flat fee is reasonable in light of unanticipated developments at the time of the approval of the terms and conditions of employment pursuant to 11 U.S.C. § 328(a). If the flat fee exceeds the reasonable value of services, the court may require the attorney to return the fee to the extent that it is excessive pursuant to § 329(b). If the attorney does not properly represent the debtor after approval of the flat fee, the approved fee would not be deemed reasonable under § 330(a)(3) and is subject to adjustment.

(6) This rule does not preclude application for a flat fee higher than $25,000 under appropriate circumstances.

(7) The reimbursement of expenses may be addressed in the original application or by separate application.

(e) DISCLOSURE OF COMPENSATION.

(1) If an attorney commences representation of a debtor in a case, or in connection with a case, after the filing of a voluntary petition or the order for relief, the attorney must file a Fed. R. Bank. P. 2016(b) disclosure within fourteen days from the date representation begins.

(2) Within fourteen days after modification of or amendment to any compensation agreement or payment not previously disclosed, an attorney representing a debtor must file a supplemental disclosure.

Rule 2016-2
PROCEDURE FOR OBTAINING REIMBURSEMENT OF ATTORNEY FEES BY CREDITOR

A creditor seeking reimbursement of postpetition attorney fees in excess of $5,000.00 must file an application for fees. The application must be served pursuant to the Administrative Guide to Practice and Procedure, and must substantially comply with the requirements of Fed. R. Bank. P. 2016 and the Bankruptcy Administrator's Procedures for Preparing and Submitting Applications for Compensation by Professionals.

Rule 2090-1
ATTORNEYS - ADMISSION TO PRACTICE

(a) LOCAL CIVIL RULE 83.1, EDNC APPLICABLE. Except as otherwise provided in this rule, Local Civil Rule 83.1 of the Local Rules of Practice and Procedure for the United States District Court, Eastern District of North Carolina, entitled, "Attorneys," is applicable in this court with the following exceptions:

(1) An individual may represent himself;

(2) A corporate entity may be represented at a meeting of creditors by its officers and agents;

(3) The following documents may be filed by a corporate entity or an attorney not admitted to practice before this court on behalf of a client: (i) a proof of claim, (ii) an assignment/transfer of claim, and (iii) a request for notices. Corporate entities not represented by an attorney and attorneys not admitted to practice before this court may obtain a limited password for access to the court's CM/ECF system for the purpose of filing the above documents.

(b) ADMISSION. Only those persons who are admitted to the bar of the United States District Court for the Eastern District of North Carolina are admitted to practice before this court. Except as permitted herein, all courtroom appearances, pretrial conferences, discovery procedures, pleadings, motions, objections, and other documents filed with this court, aside from certificates of service, must be by an attorney admitted to practice before this court.

(c) PRO HAC VICE APPEARANCE. 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, addresses attorneys appearing pro hac vice; however, the required client disclosure statement must be submitted consistent with Fed. R. Bank. P. 7007.1 or as directed by the court.

(d) LOCAL CIVIL RULE 83.2, EDNC APPLICABLE. Local Civil Rule 83.2 of the Local Rules of Practice and Procedure of the United States District Court, Eastern District of North Carolina, entitled "Student Practice Rule," is applicable in this court.

Rule 2090-2
ATTORNEYS - DISCIPLINE AND DISBARMENT

(a) STANDARDS OF CONDUCT. The Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct of the North Carolina State Bar adopted by the Supreme Court of North Carolina, as amended from time to time by that state court, except as otherwise provided by a specific rule of this court. Acts or omissions by an attorney practicing before this court violating the Rules of Professional Conduct as adopted by this court constitute misconduct and are grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

(b) DISCIPLINARY ENFORCEMENT. For misconduct as defined in these local rules, and after notice and an opportunity to be heard, any attorney practicing before this court may be disbarred, suspended from practice, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant.

(c) DUTY TO INFORM THE CLERK. Any attorney practicing before this court must, upon being subjected to public discipline by any court or by the state bar of any state, inform the clerk of such action within fourteen days of notification.

(d) REFERRAL OF COMPLAINTS TO REFEREE ATTORNEY OR TO A STATE BAR. When allegations of misconduct by an attorney practicing before this court come to the attention of a judge of this court, whether by complaint or otherwise, the judge may refer the matter to a referee attorney for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate. Alternatively, the judge may refer the matter to the appropriate state bar. The court is not restricted from taking such other disciplinary action as is within the inherent authority of the court.

(e) REFERRAL TO REFEREE ATTORNEY. Should the judge decide to refer a disciplinary matter to a referee attorney for investigation and the prosecution of a formal disciplinary proceeding, the proceeding will be referred and will proceed and be conducted as set forth in Rule 83.7e of the Local Rules of the United States District Court for this judicial district.

(f) ATTORNEYS SPECIALLY APPEARING. An attorney appearing in this court for purposes of a particular proceeding is deemed to have conferred disciplinary jurisdiction upon this court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(g) JURISDICTION. Nothing contained in these local rules may be construed to deny to this court such powers as are necessary for the court to maintain control over proceedings conducted before it, such as proceedings for contempt or other sanctions under the Fed. R. Civ P., the Fed. R. Bankr. P., these Local Rules or other applicable law.

PART III
CLAIMS; PLANS; DISTRIBUTIONS
TO CREDITORS AND EQUITY SECURITY HOLDERS

Rule 3001-1
PROOF OF CLAIM - PLACE OF FILING

All claims must be filed with the clerk of court in accordance with Fed. R. Bankr. P. 5005. All creditors not represented by an attorney who file more than ten proofs of claim in any 12-month period must file the proofs of claim, including all transfers, assignments, amendments and withdrawals of proofs of claim, electronically according to the procedures established by the court.

Rule 3002-1
CHAPTER 11 DEBTOR'S NOTICE OF
DISPUTED, CONTINGENT OR UNLIQUIDATED CLAIMS

In addition to the duties set forth in Local Bankruptcy Rule 4002-1(c), a chapter 11 debtor must notify each creditor whose claim is scheduled as contingent, disputed, or unliquidated of that fact within fourteen days after filing the schedule of assets and liabilities or within fourteen days after addition of any creditors to the petition. Failure to notify a creditor that its claim is listed as disputed, contingent, or unliquidated will result in the creditor's claim being deemed filed in the amount listed as disputed, contingent, or unliquidated, as though a proof of claim had been filed by the creditor. The debtor must file a certificate of service with the clerk of court within seven days after service has been made.

Rule 3003-1
CHAPTER 11 FILING A PROOF OF CLAIM OR EQUITY INTEREST

In a chapter 11 case, a proof of claim or interest must be filed within ninety days after the date first set for the meeting of creditors pursuant to 11 U.S.C. § 341(a), except as otherwise ordered by the court.

Rule 3004-1
PROOF OF CLAIM FILED BY THE DEBTOR OR TRUSTEE FOR A CREDITOR

If the debtor or trustee files a proof of claim on behalf of a creditor pursuant to Fed. R. Bankr. P. 3004, the creditor holding that claim may file an amended proof of claim pursuant to Fed. R. Bankr. P. 3002 or 3003(c).

Rule 3010-1
SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13 – LIMITS ON SMALL DIVIDENDS AND PAYMENTS

Fed. R. Bankr. P. 3010(b) is amended to the extent that standing subchapter V, chapter 12, and chapter 13 trustees are authorized to make payments to creditors in amounts smaller than $15 without waiting until that creditor's dividends accumulate to $15. The decision as to whether to make smaller payments is solely in the discretion of the trustee as to what is in the best interest of the individual estate.

Rule 3011-1
DISBURSEMENT OF UNCLAIMED FUNDS

(a) DEPOSIT OF UNCLAIMED FUNDS INTO THE COURT. Funds deposited into the court as unclaimed funds pursuant to 11 U.S.C. § 347(a) must be deposited via ACH through pay.gov.

(b) PROCEDURE FOR COLLECTING UNCLAIMED FUNDS. The following apply to the deposit and release of unclaimed funds:

(1) DEPOSIT OF UNCLAIMED FUNDS INTO UNITED STATES TREASURY. All unclaimed funds collected by the court will be deposited into the United States Treasury.

(2) APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS. An Application for Payment of Unclaimed Funds (Director's Form B 1340) must be filed with the clerk. The form can be found on the Forms page of the court's website, www.nceb.uscourts.gov.

(3) PROOF OF IDENTITY AND RIGHT TO FUNDS. In addition to the Application for Payment of Unclaimed Funds, the claimant's identity and right to funds must be shown through at least one of the following methods:

(A) All claimants must provide with the application:

(i) a copy of an unexpired passport or valid driver's license or other legally sufficient documentation to establish identity of an individual claimant;

(ii) the last four digits of the social security number or tax identification number of the claimant; and

(iii) any additional documentation that establishes the claimant's right to the unclaimed funds and evidences its identity (e.g., a copy of a proof of claim or a copy of a utility bill from an old address).

(B) Successor claimants (those other than the owner of record of the claim who have become legally entitled to the funds) must specifically provide with the application the following additional information:

(i) PROOF OF IDENTITY.

a. Proof of identity of the owner of record, proof of identity of the successor claimant, and documentation evidencing the transfer of claim and the successor's entitlement to collect the funds; or

b. Representatives of estates must provide proof of identity of the owner of record, proof of identity of the estate's representative and certified copies of documents establishing the representative's right to act on behalf of the estate.

(ii) SERVICE. When an application for payment of unclaimed funds is based on succession, the successor claimant is required to:

a. provide proof of service showing that the application for payment of unclaimed funds was sent to the previous owner(s) of the claim at their current address; or

b. include a statement of why service on the previous owner(s) is not possible or necessary.

(C) The clerk at its discretion may require additional evidence to support the identity of an Applicant. This may include, but is not limited to, a recorded video conference meeting, at which the bankruptcy administrator may participate, wherein the Applicant may be required to further substantiate their identity or authorization to file the Application.

(c) CLAIMANT REPRESENTATIVES.

(1) The Application for Payment of Unclaimed Funds must be filed on behalf of claimant representatives by an attorney who is a member in good standing of the North Carolina State Bar and who has been admitted to practice before the United States District Court for the Eastern District of North Carolina.

(2) In addition to compliance with subparagraph (b)(2) and (3) above, claimant representatives must provide to their attorney who must file as a separate entry with the court:

(A) proof of the identity of the owner of record and any successor claimant;

(B) a notarized original power of attorney signed by the claimant on whose behalf the representative is acting, acknowledging the representative's authorization to seek funds on behalf of the claimant and acknowledging that the claimant is aware of the right to seek collection of the funds without the assistance of the representative;

(C) proof of identity of the representative; and

(D) a copy of the letter of engagement with the claimant, or other documentation of the agreement between the claimant and the claimant representative, disclosing the fee to be collected by the claimant representative and/or the attorney for the claimant representative.

(3) Unclaimed funds requested by claimant representatives will be paid by check made payable jointly to the claimant and the attorney for the claimant representative.

(d) AO-213P or W-9 REQUIRED. Pursuant to the Vendor Administration and 1099 Issuance Procedures, the court requires the claimant to complete either an AO-213P or a W-9 form that includes the claimant's social security or tax identification number and signature. These forms may be found on the court's website and must be provided to the court at the time of the filing of the Application for Payment of Unclaimed Funds. If the application is being electronically filed, the AO-213P or W-9 must be filed as "Unclaimed Funds Supporting Documents." Failure to complete, sign, and return this form may result in non-payment.

Rule 3014-1
ELECTION UNDER § 1111(b) BY
SECURED CREDITOR IN SUBCHAPTER V CASE

In a case under subchapter V of chapter 11 in which § 1125 of the Code does not apply, an election of application of § 1111(b)(2) of the Code by a class of secured creditors may be made at any time within the time fixed by the court for filing written acceptances or rejections of the debtor's plan or within such later time as the court may fix prior to expiration of the period provided herein.

Rule 3015-1
CHAPTER 13 - PLAN

Definitions for many of the terms used in the local form plan (E.D.N.C. Local Form 113A) have been published by the clerk and appear under the heading "Chapter 13 Plan" on the court's Local Forms Page (https://www.nceb.uscourts.gov/local-forms). These definitions also are published in the court's online Administrative Guide to Practice and Procedure.

Rule 3015-3
CHAPTER 13 - CONFIRMATION

(a) INITIAL PLAN.
- (1) Unless extended by the court for cause, the debtor must file a plan within fourteen days of the filing of the petition and must serve the plan upon the trustee and all creditors at the time of filing.
- (2) The clerk will set a date for a confirmation hearing and a deadline for objections to confirmation of the plan. Those dates will be included in the Notice of Chapter 13 Case (Official Form B 309I) ("Notice") that the clerk will serve on all parties.
- (3) Any party seeking a continuance of a confirmation hearing must serve that request upon all parties, unless otherwise ordered by the court.
- (4) The court may confirm the plan at the scheduled confirmation hearing if no party files an objection to the plan within the time established in the Notice.

(b) AMENDED PLANS.
- (1) If the debtor files an amended plan while a prior plan and objection to the plan is pending, and the objecting party maintains an objection to the amended plan, that party must timely file an objection to the amended plan.
- (2) Upon the filing of an amended plan more than twenty-one days prior to the date set for the confirmation hearing, the debtor must serve the amended plan on all parties entitled to notice under Fed. R. Bankr. P. 2002, unless otherwise ordered by the court. The court will hear timely objections to the amended plan at the scheduled confirmation hearing.
- (3) If the amended plan is filed within twenty-one days of the scheduled confirmation hearing, the debtor must, prior to filing the amended plan, obtain from the clerk, a date, time, and location for a rescheduled confirmation hearing. Upon filing, the debtor must serve the amended plan and a notice of the rescheduled confirmation

hearing upon all parties entitled to notice under Fed. R. Bankr. P. 2002. The notice of the rescheduled confirmation hearing must state that objections to the amended plan must be filed within seven days prior to the date of the continued confirmation hearing.

(c) OBJECTIONS TO PLANS.

(1) Objections governed by Fed. R. Bankr. P. 3015(f) must be filed at least seven days prior to the scheduled confirmation hearing. Untimely objections must be accompanied by a separate request to extend the deadline pursuant to Fed. R. Bankr. P. 3015(f) setting forth the reason the objection is not timely and why the court should, in its discretion, consider the late filed objection. The court retains its discretion to hear untimely filed objections.

(2) Except as provided in subsection (5), below, if an objection to confirmation is resolved by agreement or consent order prior to the date of the confirmation hearing, the debtor must file and serve an amended plan incorporating the modified provisions in accordance with paragraph (b) above.

(3) If the court overrules an objection to confirmation, the amended plan may be confirmed at the confirmation hearing.

(4) If the court sustains an objection to confirmation, unless otherwise ordered, the debtor will have thirty days to file and serve an amended plan in accordance with paragraph (b) above.

(5) If the parties announce at the confirmation hearing that an objection to confirmation has been resolved, the court may conditionally confirm a proposed amended plan without further hearing if (a) the settlement terms of all objecting parties are approved; (b) the settlement terms will not have an adverse effect on any other party in the case; (c) no other objections to confirmation exist; and (d) the debtor files an amended plan incorporating the settlement terms and serves it on the trustee and objecting party (if any) within fourteen days of the confirmation hearing. The parties may also file a consent order evidencing the settlement terms prior to the filing and service of the amended plan. If the amended plan properly incorporates the settlement terms, the trustee must promptly file a text entry on the docket indicating the amended plan resolves the objection, and the court may confirm the amended plan without a hearing. If the amended plan does not contain the settlement terms or was not properly served, the trustee must promptly file an objection on the docket indicating the amended plan is deficient, and the court may schedule a hearing for further adjudication.

Rule 3070-1
CHAPTER 13 - PAYMENTS

(a) RETURN OF PLAN PAYMENTS TO DEBTOR. Subject to subsections (b) and (d) below, upon conversion or dismissal of a chapter 13 case prior to confirmation, and unless the court orders otherwise, the standing trustee must return to the debtor any payments made by the debtor under the proposed plan.

(b) ATTORNEYS FEES IN A DISMISSED UNCONFIRMED CHAPTER 13 CASE.

(1) Upon the entry of an order of dismissal in a chapter 13 case prior to a plan being confirmed, and unless other arrangements are made with the debtor for compensation, counsel for the debtor has fourteen days from the entry of the order of dismissal within which to file an application for attorney fees ("Application"). The Application must be served upon the debtor and the chapter 13 trustee, and those parties-in-interest have fourteen days, including any days for mailing, to respond.

(2) The chapter 13 trustee may not make any disbursement until the fourteen-day period for filing the Application has expired. If an Application is timely filed, the trustee must continue to hold the funds in trust and may not make final disbursement until the court rules on the Application.

(c) ADEQUATE PROTECTION PAYMENTS TO SECURED CREDITORS AND DIRECT PAYMENTS TO LESSORS.

(1) The debtor must pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the order for relief.

(2) Unless the chapter 13 plan provides that the entire secured claim is to be paid directly by the debtor to the creditor, the debtor must pay to a creditor, that holds an allowed claim secured by personal property to the extent that the claim is attributable to the purchase of the property by the debtor, pre-confirmation adequate protection payments through the chapter 13 trustee; however, the court may order payments to be made by any other method.

(3) The presumptive adequate protection payment to be paid pursuant to § 1326(a)(1) is at least one percent (1%) of the value of the subject collateral at the discretion of the chapter 13 trustee as of the petition date. The valuation of the collateral will be made solely by the chapter 13 trustee, subject to further court consideration.

(4) All adequate protection payments paid through the chapter 13 trustee are subject to an administrative fee in favor of the trustee equal to the trustee's statutory percentage commission then in effect, and the trustee will collect the fee at the time of the distribution of the adequate protection payment to the claimant.

(5) The chapter 13 trustee will make adequate protection payments to the creditor at the address duly noted on the proof of claim. The use of the address is deemed proper notice of the creditors for purpose of the adequate protection payments.

(6) The chapter 13 trustee is not required to make pre-confirmation adequate protection payments on account of any claim for which the secured value of the claim is less than $2,000.00.

(7) All adequate protection payments made through the chapter 13 trustee will be disbursed in the ordinary course of the trustee's business, according to the trustee's standard monthly distribution schedule, from funds in the case as they become available for distribution to claimants prior to or after entry of the Order Confirming Plan.

(8) Subsections (c)(2) and (c)(3) of this rule do not apply if the adequate protection is provided by means other than by direct payments to the holder of the secured claim.

(d) CHAPTER 13 TRUSTEE'S ADMINISTRATIVE FEE IN CHAPTER 13 CASES DISMISSED PRIOR TO CONFIRMATION.

(1) An administrative fee is authorized for the chapter 13 trustee in cases dismissed prior to confirmation in the amount set forth in the Administrative Guide to Practice and Procedure.

(2) The fee is payable from payments made by the debtor(s) and held by the trustee at the time of case dismissal.

(3) The trustee who has incurred actual costs and expenses in excess of the standard administrative fee may apply under 11 U.S.C. § 503(a) for reimbursement of these additional costs and expenses from funds paid by the debtor to the trustee.

RULE 3070-2
CHAPTER 13 – RESIDENTIAL MORTGAGE PAYMENTS

(a) DEFINITIONS. As used in this local rule, the following definitions apply:

(1) "Conduit Payment" means a postpetition Mortgage Payment paid by a debtor through the chapter 13 trustee, other than a Gap Payment.

(2) "Debtor" includes both debtors in a joint case.

(3) "Gap Payments" are the total amount of the first two full postpetition Mortgage Payments that become contractually due following the petition date, or unless specified otherwise in a confirmed chapter 13 plan.

(4) "Mortgage Loan" is a mortgage, deed of trust, promissory note, or other consensual lien on real property of the debtor that serves as the principal residence of the debtor.

(5) "Mortgage Payment" means the amount of the contractual monthly payment owed by a Debtor on a Mortgage Loan.

(6) "Plan Payment" means the total amount the debtor is required to pay to the chapter 13 trustee each month under the chapter 13 plan, which may include an amount sufficient to pay in full a Conduit Payment.

(7) "Prepetition Arrearage" is the total arrearage amount identified in a Real Property Creditor's proof of claim, filed in accordance with the Official Form for mortgage claims, its required attachments, and instructions.

(8) "Real Property Creditor" is any entity holding or owning a claim based on a Mortgage Loan and includes, but is not limited to, any assignees, agents, servicers ("Servicer"), or successor as to such creditor.

(b) DISBURSEMENT OF MORTGAGE PAYMENTS.

(1) Chapter 13 debtors shall remit all Mortgage Payments owed by them to the chapter 13 trustee for disbursement to Real Property Creditors.

(2) A debtor may be excused from the requirement of subparagraph (b)(1) in the discretion of the chapter 13 trustee or by order of the court. Confirmation of a plan providing for Mortgage Payments to be made directly by a debtor to a Real Property Creditor, or which provides other treatment inconsistent with this Rule, excuses the debtor from the requirements of subparagraph (b)(1).

(c) DUTIES OF THE REAL PROPERTY CREDITOR, GENERALLY

(1) A proof of claim must be filed on behalf of a Real Property Creditor, in accordance with the Fed. R. Bankr. P., for it to receive disbursements from the trustee on any Mortgage Loan it holds, owns, or services.

(2) At least twenty-one days prior to the effective date of any change in the name or identity of the Real Property Creditor or the Servicer must file with the court a notice setting forth the requested changes with a copy served on the trustee, debtor, and attorney for the debtor.

(3) All payments received by a Real Property Creditor or Servicer shall be applied as provided under the plan and are subject to the provisions of 11 U.S.C. § 524(i).

(d) DUTIES OF THE DEBTOR AND OF THE CHAPTER 13 TRUSTEE IN CASES WITH CONDUIT PAYMENTS

(1) The chapter 13 trustee may not disburse any amounts to a Real Property Creditor until such time as a proof of claim has been filed on behalf of the Real Property Creditor in accordance with the Fed. R. Bankr. P., and the chapter 13 plan has been confirmed, except as may otherwise be provided by order of the court.

(2) A claim for Gap Payments may be allowed and paid by the chapter 13 trustee for each Mortgage Loan, unless provided for otherwise in a confirmed chapter 13 plan. This amount will be paid on a pro-rata basis with other allowed secured claims being paid through the trustee, subject to the provisions of paragraph (c)(4) below.

(3) If the amount of a Mortgage Payment changes and results in the need for a modification of the Plan Payment, the chapter 13 trustee must notify the debtor and attorney for the debtor. Such plan modification may be accomplished by consent order between counsel for the debtor and the trustee, provided no other creditor or party in interest is adversely affected by such modification.[1]

(4) Unless otherwise ordered by the court, if during the term of a confirmed chapter 13 plan the debtor remits payments to the chapter 13 trustee in an amount insufficient to permit the trustee to make all required disbursements to claimants in any given month, the trustee may disburse all available funds received from the debtor first toward payment of the Conduit Payment(s) due and unpaid for the current month and any prior month(s) before making disbursements to any other claimants. Such actions by the trustee shall not impair the rights of the other claimants to take any lawful action based on the failure to receive disbursements on their claims.

(5) Postpetition mortgage fees, expenses, and charges set forth in a Notice will not be paid by the trustee unless expressly provided for in a confirmed plan, or court order.

(e) EFFECT OF AND PROCEDURE UPON PLAN COMPLETION.

---

[1] EXPLANATORY NOTE:

With regard to DECREASES in Mortgage Payments amounts:
A decrease in Mortgage Payment amount may not necessitate modification of a plan. In such a case, Plan Payments as set forth in the confirmed plan would remain the same and funds not allocated for Mortgage Payments may be disbursed by the chapter 13 trustee to other creditors, including general unsecured creditors. The trustee is not required to send the notice under Local Bankruptcy Rule 3070-2(d)(3) in this scenario.

With regard to INCREASES in Mortgage Payment amounts: An increase in Mortgage Payment amount may not necessitate an increase in Plan Payments, provided there is no minimum § 1325(a)(4) ("liquidation test") disbursement requirement, and the chapter 13 trustee projects the plan will still otherwise satisfy all other secured/priority/arrearage/administrative claims to be paid through trustee disbursements. Plan payments would remain unchanged and fewer funds would be disbursed to allowed general unsecured claims. The trustee is not required to send the notice under Local Bankruptcy Rule 3070-2(d)(3) in this scenario.

(1) Following completion of payments due the chapter 13 trustee under a confirmed plan, the trustee must file and serve as appropriate the notice described in Fed. R. Bankr. P. 3002.1(g)(1) with respect to each Real Property Creditor in that case.

(2) The chapter 13 trustee is not required to file the notice under Fed. R. Bankr. P. 3002.1(g)(1) for any Real Property Creditor for which the trustee has good cause to believe such creditor's Mortgage Loan has previously been satisfied, the collateral securing the Mortgage Loan is no longer property of the debtor or of the bankruptcy estate, or the court has previously terminated or annulled the automatic stay.

(3) FOR PLANS WITH CONDUIT PAYMENTS. If (a) all postpetition Mortgage Payments have been disbursed by the chapter 13 trustee as Conduit Payments, and (b) allowed Prepetition Arrearages and Gap Payments have been paid through trustee disbursements, the trustee must file and serve a motion in accordance with Fed. R. Bankr. P. 3002.1(g)(4)(A), and set forth therein the total unpaid principal balance due on the Mortgage Loan as of a specific date identified in the motion.

(4) FOR PLANS WITH DIRECT MORTGAGE PAYMENTS. If a confirmed chapter 13 plan provides for postpetition Mortgage Payments to be made directly to a Real Property Creditor by the Debtor, the chapter 13 trustee is not required to file a motion under Fed. R. Bankr. P. 3002.1(g)(4)(A).

(f) OTHER APPLICABLE LAWS. Nothing in this rule relieves any party from complying with any obligation under the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules of Practice and Procedure of the District and Bankruptcy Courts of the Eastern District of North Carolina, the Real Estate Settlement Procedures Act, the Fair Debt Collection Practices Act, the North Carolina Mortgage Servicing Act, any other applicable standing or administrative orders of the court, or any other applicable non-bankruptcy law or rule.

PART IV
THE DEBTOR'S DUTIES AND BENEFITS

Rule 4001-1
RELIEF FROM THE AUTOMATIC STAY

(a) STANDING MODIFICATION. The automatic stay provided in 11 U.S.C. § 362(a) is modified as follows:

(1) Chapter 7.

(A) Internal Revenue Service. The Internal Revenue Service is authorized to:

(i) make income tax refunds, in the ordinary course of business, directly to the debtor unless otherwise ordered by the court or otherwise instructed by the chapter 7 trustee;

(ii) offset against any refund due a debtor any taxes due the United States government pursuant to 11 U.S.C. § 553;

(iii) assess any tax liability satisfied by offsetting any refunds, when such liability has not been assessed previously; and

(iv) assess tax liabilities shown on voluntarily filed returns and other agreed-to liabilities.

(2) Chapter 11.

(A) Internal Revenue Service.

(i) The Internal Revenue Service may contact the debtor or the trustee and the debtor's depository to verify that all required tax deposits are being made and reported and that all tax returns are being filed and remittances paid in the manner prescribed by law.

(ii) The debtor or trustee and the debtor's designated depository must assist the Internal Revenue Service with the monitoring and verification of the provisions of this rule.

(B) North Carolina Department of Revenue.

(i) The North Carolina Department of Revenue may contact the debtor or the trustee and the debtor's depository to verify that all required tax deposits are being made and reported and that all tax returns are being filed and remittances paid in the manner prescribed by law.

(ii) The debtor or trustee and the debtor's designated depository must assist the North Carolina Department of Revenue with the monitoring and verification of the provisions of this rule.

(3) Chapter 12.

(A) Internal Revenue Service.

(i) The Internal Revenue Service may contact the debtor or the trustee and the debtor's depository to verify that all required tax deposits are being made and reported and that all tax returns are being filed and remittances paid in the manner prescribed by law.

(ii) The debtor or trustee and the debtor's designated depository must assist the Internal Revenue Service with the monitoring and verification of the provisions of this rule.

(B) North Carolina Department of Revenue.

(i) The North Carolina Department of Revenue may contact the debtor or the trustee and the debtor's depository to verify that all required tax deposits are being made and reported and that all tax returns are being filed and remittances paid in the manner prescribed by law.

(ii) The debtor or trustee and the debtor's designated depository must assist the North Carolina Department of Revenue with the monitoring and verification of the provisions of this rule.

(4) Chapter 13.

(A) Secured Creditors. Secured creditors may:

(i) contact the debtor about the status of insurance coverage or taxes on property securing a claim; and

(ii) contact the debtor about any postpetition payment in default if a plan provides for direct payments by the debtor to creditors.

(B) Internal Revenue Service. The Internal Revenue Service is authorized to:

(i) make income tax refunds, in the ordinary course of business, directly to the debtor unless otherwise ordered by the court;

(ii) offset against any refund due a debtor any taxes due the United States government pursuant to 11 U.S.C. § 553;

(iii) assess any tax liability satisfied by offsetting any refunds, when such liability has not been assessed previously; and

(iv) assess tax liabilities shown on voluntarily filed returns and other agreed-to liabilities.

(b) EXCEPTIONS IN CHAPTER 13. The automatic stay will be modified as provided in Local Bankruptcy Rule 4001-2(a).

(c) MOTION FOR RELIEF FROM AUTOMATIC STAY.

(1) Secured creditors seeking relief from the automatic stay on grounds of postpetition default by the debtor must specify in a motion that they seek relief on grounds of the debtor's default and must itemize, with specificity, all amounts alleged to be past due.

(2) If no response is filed, the motion may be granted without a hearing. If a response is filed, a debtor must comply with the requirements of Local Bankruptcy Rule 9014-1(f). Upon the debtor's request, the creditor must immediately transmit the debtor's payment history to counsel for the debtor (or to the pro se debtor) by electronic or facsimile transmission or other expedited means.

(3) APPLICATION OF 11 U.S.C. § 362(e)(1). The movant and any respondent must state in the body of their filing whether the party consents to the extension of the thirty day period specified in 11 U.S.C. § 362(e)(1) without hearing.

(d) MOTION FOR CONTINUANCE OR IMPOSITION OF AUTOMATIC STAY. The court may, in its discretion, rule on a motion for continuation or imposition of the automatic stay under 11 U.S.C. § 362(c)(3)(B) and § 362(c)(4)(B) without hearing if:

(1) the debtor files a motion for continuation of the automatic stay within five days of the petition date;

(2) no objection is filed by a party in interest;

(3) the motion is accompanied by a notice of motion and the debtor's affidavit or unsworn declaration under 28 U.S.C. § 1746 with sufficient facts to support the motion;

(4) the motion and accompanying documents are timely served on all creditors and the trustee, if one has been appointed, contemporaneously with the filing of the motion; and
(5) the movant must contact the clerk's office by the email address designated for the courtroom staff of the appropriate judge to inform that the motion has been filed so that the motion may be immediately referred to the judge.

(e) STAY OF EVICTION, UNLAWFUL DETAINER OR SIMILAR ACTION
(1) INITIAL CERTIFICATION. The certification required by 11 U.S.C. § 362(l)(1)(A) must be made and designated on Form B 101A, Initial Statement About an Eviction Judgment Against You, and filed with the clerk of court.
(2) FILING OF JUDGMENT. The debtor must file a copy of the prepetition judgment for possession of the debtor's residence together with Form B 101A.
(3) CERTIFICATION. The certification required by 11 U.S.C. § 362(l)(1)(B)(2) must be made and designated on Form B 101B, Statement About Payment of an Eviction Judgment Against You, and filed with the clerk of court if, within the thirty day period after filing of the petition, the debtor has complied with the requirements of 11 U.S.C. § 362 (l)(1)(A).
(4) DEPOSIT. Any deposit of rent made by or on behalf of a debtor, pursuant to 11 U.S.C. § 362(l)(1)(B), must be made in the form of a certified check or money order payable to the order of the lessor, and delivered to the clerk of court upon filing of a petition.
(5) TRANSMISSION TO LESSOR. Upon the clerk's receipt of the deposit and certification tendered pursuant to 11 U.S.C. § 362(l)(1), the clerk will transmit the certified check or money order promptly to the lessor, by certified mail, return receipt requested, to the address listed on the petition.

Rule 4001-2
SECURED CREDITOR DUTIES

(a) A secured creditor may send all payment coupons or statements of account and allow online access that the creditor provides to its non-bankruptcy customers, without violating the automatic stay, as follows:
(1) To a chapter 7 debtor who has indicated, in their statement of intention, the intent to retain the secured creditor's collateral by complying with the terms of the contract;
(2) To a chapter 13 debtor who has indicated in their proposed chapter 13 plan the intent to retain the secured creditor's collateral by complying with the terms of the contract; and
(3) To a chapter 11 or chapter 12 debtor.

(b) If a secured creditor, in its ordinary course of business, does not provide payment coupons and statements of account, then upon request by the debtor, that secured creditor must provide the debtor with a telephone number, valid and responsive email address, or other means to access account information that would normally be provided by the payment coupons or statements of account.

(c) A secured creditor must respond promptly to a trustee or debtor's reasonable requests for account information.

Rule 4002-1
DEBTOR'S DUTIES

(a) The following apply to an individual debtor in all cases.

(1) FINANCIAL INFORMATION. No later than fourteen days after the date of the filing of the petition, an individual debtor must provide in electronic format to the trustee evidence of current income, including copies of all payment advices or other evidence of payment, if any, received by the debtor from an employer within sixty days before the filing of the petition, with all but the last four digits of the debtor's social security number redacted.

(2) TAX RETURN. No later than fourteen days after the date of the filing of the petition, and unless the trustee consents to receiving them at a later time, the debtor must provide to the trustee a copy of the debtor's Federal income tax return in electronic format, redacted in accordance with Fed. R. Bankr. P. 9037, for the most recent tax year ending immediately before the commencement of the case and for which a return was filed, including any attachments, or a transcript of the tax return.

(3) The debtor's obligation to provide tax returns under Fed. R. Bankr. P. 4002(b)(3) and 4002(b)(4), and Local Bankruptcy Rule 4002-1(a)(2) and (b)(2) is subject to procedures for safeguarding the confidentiality of tax information established by the Director of the Administrative Office of the United States Courts, except that with respect to tax returns provided by the debtor under Local Bankruptcy Rule 4002-1(a)(2) and (b)(2), the trustee and bankruptcy administrator are not subject to the procedures for requesting and obtaining access to tax information established by the Director of the Administrative Office of the United States Courts.

(4) If a debtor is proceeding without the assistance of counsel and is unable to provide in electronic format the documents required in (1) and (2) of this subsection, the debtor may provide the documents to the trustee by other means.

(5) If the debtor is unable to comply with any of these required disclosures because a document does not exist, the debtor must provide a statement under penalty of perjury evidencing the same prior to the expiration of the deadline.

(b) CHAPTER 7 DEBTOR - DUTIES. The following apply in chapter 7 cases.

(1) The chapter 7 debtor must comply with the requirements of Local Bankruptcy Rules 1007-1 and 1007-3 regarding statements of intention.

(2) TAX RETURNS AND PAYMENT ADVICES PROVIDED TO BANKRUPTCY ADMINISTRATOR.

(A) No later than fourteen days after the date of the filing of the petition, an individual debtor in a case under chapter 7 must provide in electronic format to the bankruptcy administrator:

(i) the debtor's federal income tax return for the most recent tax year ending immediately before the commencement of the case and for which a return was filed, including any attachments, or a transcript of the tax return; and

(ii) evidence of current income including copies of all payment advices or other evidence of payment, if any, received by the debtor from an employer within sixty days before filing of the petition with all but the last four digits of the debtor's social security number redacted.

(B) If a debtor is proceeding without the assistance of counsel and is unable to provide in electronic format the documents required in (A) of this subsection, the debtor may provide the documents to the bankruptcy administrator by other means.

(C) If the debtor is unable to comply with any of these required disclosures because a document does not exist, the debtor must provide a statement under penalty of perjury evidencing the same prior to the expiration of the deadline.

(c) CHAPTER 11 DEBTOR - DUTIES. The following apply in chapter 11 cases.

(1) MONTHLY REPORT.

(A) Except as provided in [Fed. R. Bankr. P. 2015(a)(6)](), governing small business cases, the debtor must file with the court monthly operating reports, the first report being due on or before the last day of the month following the month in which the petition was filed or date of conversion from another chapter, and subsequent reports being due on or before the last day of the following month.

(B) The debtor must transmit a copy of all monthly operating reports to the bankruptcy administrator, the chair for the unsecured creditors committee, any attorney representing the unsecured creditors committee, and, if applicable, the subchapter V trustee. The monthly operating report must be in a format prescribed by the bankruptcy administrator.

(C) Monthly bank statements must be transmitted to the bankruptcy administrator at the time the monthly report is filed with the court. However, the monthly bank statements may not be filed with the court.

(2) BOOKS OF ACCOUNT.

(A) The debtor must close the present books of account as of the close of business on the date on which the petition is filed and open new books of account.

(B) In the new books of account, the debtor must keep proper records of earnings, expenses, receipts and disbursements, and all obligations incurred and business transactions. The debtor must preserve proper records for all payments made on account of disbursements.

(3) BANK ACCOUNTS

(A) Upon the filing of a petition or conversion from another chapter, the debtor must immediately close all bank accounts owned by the debtor and provide evidence of closure to the bankruptcy administrator. The debtor must provide evidence of closure no later than ten days following the filing of a petition or conversion from another chapter.

(B) The debtor must advise the bankruptcy administrator of the name of the bank to be used as the debtor's depository no later than ten days after the filing of the petition or date of conversion from another chapter. The debtor must provide to the bankruptcy administrator a completed notice of deposit form for each new debtor-in-possession bank account ("DIP account") opened and copies of all signature cards associated with the DIP accounts. DIP accounts must be established as follows:

(i) A corporate debtor must open no fewer than three DIP accounts in a depository acceptable to the bankruptcy administrator and meeting the requirements of 11 U.S.C. § 345(b) with respect to amounts on deposit exceeding $250,000.00. The required DIP accounts must be titled as General Operating, Payroll, and Tax.

(ii) An individual debtor or joint debtors must open at least one DIP account in a depository acceptable to the bankruptcy administrator that meets the requirements of 11 U.S.C. § 345(b) with respect to amounts on deposit exceeding $250,000.00.

(C) TAX ACCOUNTS: If applicable, the debtor must segregate and hold separate from all other funds, all monies withheld from employees or collected from others for taxes, including social security taxes, under any law of the United States or any state or subdivision thereof. The debtor must deposit the funds withheld or collected, together with the debtor's share of social security taxes, in a separate "Tax" DIP account simultaneously with the collection or withholding. The debtor must pay from the "Tax" DIP account to the appropriate taxing authority the amounts due at the times and in the manner prescribed by law.

(D) PAYROLL ACCOUNT: If applicable, unless a debtor utilizes a payroll service, the debtor must segregate and hold separate from all other funds, all monies being distributed to employees for postpetition services to the debtor. Prior to distribution of these payments, the debtor must deposit these funds into a separate "Payroll" DIP account and must issue payroll distributions from that account.

(E) Upon the opening of DIP accounts, the debtor must deposit all receipts, revenues, income, and any other sources of funds into its DIP account. Absent court approval, the debtor is prohibited from depositing estate funds into an account other than the DIP account.

(F) If the debtor is authorized to use cash collateral, the debtor must separate estate funds that are subject to cash collateral liens from funds that are not by maintaining separate cash collateral DIP accounts pursuant to 11 U.S.C. § 363(c)(4).

(G) If the debtor is authorized to use other financial accounts by waiver or court order, the debtor must maintain accurate accounting of those funds and report on those funds in the same manner as DIP accounts.

(4) PROOF OF INSURANCE COVERAGE.

(A) The debtor must keep the property of the debtor and the bankruptcy estate insured in a manner and to the extent as may be deemed necessary and prudent.

(B) In the case of pledged or mortgaged property, the debtor must maintain casualty insurance with loss payable clauses in favor of the appropriate secured creditors as their interests may appear.

(C) In addition to casualty insurance, business debtors and individual debtors engaged in business must maintain insurance coverages consistent with the industry standard used in the debtor's area of business. These include, but are not limited to, the following: workers' compensation, general liability, fire, theft, motor vehicle, and equipment.

(D) Within ten days of the filing of the petition, or date of conversion from another chapter, the debtor must provide to the bankruptcy administrator all insurance policies maintained by the debtor. The debtor must keep all required insurance in full force and effect during the pendency of the case.

(E) The debtor must immediately notify the bankruptcy administrator if it receives notification that current insurance coverage has been or will be cancelled, not renewed, or if any other situation occurs that will result in a lapse in insurance coverage.

(5) BOOKS AND RECORDS.

The debtor must provide to the bankruptcy administrator the following books and records no later than ten days following the filing of the petition or the date of conversion from another chapter:

(A) Copies of bank records and cancelled checks for all bank accounts held/maintained/controlled/used by the debtor for the one-year period prior to the filing of a petition or conversion from another chapter.

(B) Copies of all federal and state income tax returns for the three tax years prior to the filing of a petition or conversion from another chapter.

(C) Copies of any and all financial documents produced by the debtor for the three-year period prior to the filing of a petition or conversion from another chapter; including, but not limited to, profit and loss statements, balance sheets, statement of cash flows, and general ledgers.

(6) PHYSICAL INVENTORY. The debtor must procure a physical inventory, if applicable, upon the filing of the petition and provide the inventory to the bankruptcy administrator within ten days of the filing of the petition, date of conversion from another chapter, or such other time as the court may direct.

(7) PROJECTED OPERATING STATEMENT. The debtor must provide to the bankruptcy administrator a projected operating statement for the first thirty days of operation under chapter 11 within ten days of the filing of the petition commencing the case or date of conversion from another chapter. The statement must contain:

(A) the estimated costs of operation for the next succeeding thirty days;

(B) the estimated profit or loss for the period;

(C) the amount of cash available for the operation;

(D) how the debtor intends to fund the cost of operation for the next thirty days; and

(E) any additional information that is pertinent to determine the desirability of continuing the debtor's business.

(8) WAIVER. If the debtor wishes to seek court approval for waiver, modification or delay of any of the requirements of paragraphs 1 through 7, the debtor must file a motion with the court within ten days from the petition date, unless the deficiency or need arises later in the case.

(9) FILING OF PLAN AND DISCLOSURE STATEMENT. The debtor must file a plan of reorganization and a disclosure statement within one hundred twenty days of the date of the filing of the petition commencing the case or the date of conversion from another chapter, unless another deadline is set by the court.

(10) RELATIONSHIP WITH SECURED CREDITORS AND UNSECURED CREDITORS' COMMITTEE. The debtor, or its counsel, must promptly respond to reasonable inquiries of secured creditors, the unsecured creditors' committee, and any court appointed consultant.

(11) PAYMENT OF JUDICIAL CONFERENCE QUARTERLY FEE. In all cases, other than those electing to proceed under subchapter V of Title 11, the debtor must promptly remit quarterly fees to the clerk, which fee is calculated on the graduated scale as prescribed by 28 U.S.C. §1930(a)(7), based upon the total sum of all disbursements made during a calendar quarter until the case is either converted to a case under another chapter or closed. In cases in which the debtor is represented by counsel, the payment of quarterly fees must be pursuant to General Order dated August 28, 2013 and effective September 3, 2013, entitled "Payment of Quarterly Fees via Electronic Means," which states that "attorneys representing chapter 11 debtors are required to remit quarterly fees to the clerk through pay.gov upon receipt of certified funds from the chapter 11 debtor for the purpose of paying quarterly fees."

(12) FILING OF AMENDED PLANS OR MODIFICATIONS TO PLANS. The filing of an amended plan or modification to plan must be accompanied by either a red-lined copy of the plan, illustrating changes made to the last submitted plan, or by a summary or description of changes that the amended plan or modification to plan makes to the last submitted plan. The proponent of the amended or modified plan must contact the clerk to indicate whether the amended or modified plan must be re-balloted.

(13) FILING OF FINAL INTEGRATED PLAN UPON CONFIRMATION. Upon confirmation, the debtor must submit with the order confirming plan a final, integrated copy of the confirmed plan, including all amendments or modifications adopted at the time of confirmation.

(d) CHAPTER 11 - DEBTOR PROHIBITIONS.

(1) PAYMENT TO PRINCIPALS. The chapter 11 debtor may not compensate or remunerate any of its partners, officers, directors or shareholders in any manner, prior to confirmation of a plan of reorganization or prior to approval of the court, except as provided in the interim exception under subparagraph (d)(1)(B) herein.

(A) An application for approval of compensation must be signed under oath by an officer of the debtor and must set forth the following:

(i) the name and proposed position of the individual sought to be employed along with a detailed description of the duties the individual is to perform, the number of hours the individual will devote to those duties each week, and the reasons why the employment of the individual is necessary to the successful reorganization of the debtor;

(ii) the amount of compensation sought on a weekly or monthly basis and details of all perquisites, benefits and consideration of any kind the individual is to receive. Examples include use of company vehicles, payment of life or health insurance premiums, reimbursement of expenses; and

(iii) the salary history of the individual to be employed for the year immediately preceding the filing of the petition. Supporting documentary evidence thereof must be provided directly to the bankruptcy administrator.

(B) If the debtor has filed an application for interim payment of officer compensation for postpetition services that substantially conforms to the requirements of subsection (d)(1)(A) above, the debtor may make an interim payment in an amount not to exceed the ordinary prepetition salary or wages for a thirty day period to those individuals who were employed on the date of the filing of the bankruptcy petition, or date of conversion from another chapter, and for whom approval is being sought.

(C) The court may reconsider orders to compensate principals *sua sponte* or at the request of the bankruptcy administrator, any creditor, or other party in interest.

(2) PAYMENT OF PREPETITION DEBT. The debtor may not pay prepetition unsecured debt including prepetition wages without prior approval of the court.

(e) CHAPTER 12 - DEBTOR DUTIES. The following apply in chapter 12 cases:

(1) SCHEDULES AND STATEMENTS REQUIRED. The debtor must comply with the requirements of Local Bankruptcy Rule 1007-1.

(2) MONTHLY REPORTS. The debtor must provide monthly reports to the chapter 12 trustee. The first report is due within thirty days following the end of the month in which the petition is filed or conversion from another chapter. Subsequent reports are due no later than the fourteenth day of each month. The reports must be submitted in a format acceptable to the bankruptcy administrator and must contain the following:

(A) monthly receipts from every source;
(B) monthly disbursements by accounting classification;
(C) expenses charged and not paid;
(D) crop inventory (if applicable);
(E) livestock inventory (if applicable);
(F) tax deposit statement (if applicable); and
(G) bank statements.

(3) BOOKS OF ACCOUNT.

(A) The debtor must close the present books of account as of the close of business on the date on which the petition is filed, or date of conversion from another chapter, and open new books of account and a bank account as of the opening of business on the next business day.

(B) In the new books of account, the debtor must keep proper records of earnings, expenses, receipts, disbursements, and all obligations incurred and transactions had in the operation of the business. The debtor must preserve proper vouchers for all payments made on account of disbursements.

(4) INSURANCE COVERAGE. The debtor must maintain adequate insurance coverage on property of the debtor and the bankruptcy estate. The debtor must have

loss payable clauses in favor of the appropriate secured creditors for any pledged or mortgaged property. The debtor must provide proof of insurance to the trustee within fourteen days of the filing of the case.

(5) TAX ACCOUNTS.

(A) If the debtor has more than five employees, the debtor must segregate from all other funds, all monies withheld from employees or collected from others for taxes, including social security taxes, under any law of the United States or any state or subdivision thereof.

(B) The debtor must simultaneously deposit the withheld or collected funds, together with the debtor's share of social security taxes, in a separate bank account with the collection or withholding. The debtor must pay from the bank account to the appropriate taxing authorities the amounts due at the times and in the manner prescribed by law.

(6) BANKING INSTITUTION. The debtor must advise the trustee of the name of the bank and the account number to be used as the debtor's depository within fourteen days of the filing of the petition commencing the case under chapter 12 or date of conversion from another chapter.

(7) FILING OF PLAN. The debtor must file a plan of reorganization within ninety days of the order for relief pursuant to 11 U.S.C. § 1221.

(8) RELATIONSHIP WITH CREDITORS. The debtor must promptly respond to reasonable inquiries of creditors.

(9) FILING OF AMENDED PLANS OR MODIFICATIONS TO PLANS. The filing of an amended plan or modification to plan must be accompanied by either a red-lined copy of the plan, illustrating changes made to the last submitted plan, or by a summary or description of changes to the last submitted plan made by the amended plan or modification to the plan.

(10) FILING OF FINAL INTEGRATED PLAN UPON CONFIRMATION. Upon confirmation, the debtor must submit with the order confirming plan a final, integrated copy of the confirmed plan, including all amendments or modifications adopted at the time of confirmation.

(f) CHAPTER 12 - DEBTOR PROHIBITIONS.

(1) PAYMENTS TO PRINCIPALS. If the debtor is a partnership, corporation or limited liability corporation, the debtor may not compensate any of its partners, officers, directors, shareholders or members in any manner, prior to confirmation of a plan of reorganization or without prior approval of the court, except as provided in the interim exception under subparagraph (f)(1)(B) herein.

(A) An application for approval of compensation must be signed under oath by an officer of the debtor and must set forth the following:

(i) the name and proposed position of the individual sought to be employed along with a detailed description of the duties the individual is to perform, the number of hours the individual will devote to those duties each week, and the reasons why the employment of the individual is necessary to the successful reorganization of the debtor;

(ii) the amount of compensation sought on a weekly or monthly basis and details of all perquisites, benefits and consideration of any kind the individual is to receive, examples include use of company vehicles, payment of life or health insurance premiums, and reimbursement of expenses; and

(iii) the salary history of the individual to be employed for the year immediately preceding the filing of the petition. Supporting documentary evidence thereof must be provided directly to the bankruptcy administrator and the trustee.

(B) If the debtor has filed an application for interim payment of officer compensation for postpetition services that substantially conforms to the requirements of subsection (f)(1)(A), the debtor may make an interim payment in an amount not to exceed the ordinary prepetition salary or wages for a fourteen day period to those individuals who were employed on the date of the filing of the bankruptcy petition, or date of conversion from another chapter, and for whom approval is being sought.

(C) The court may reconsider orders to compensate principals *sua sponte* or at the request of the trustee, any creditor or other party in interest.

(2) PAYMENT OF PREPETITION DEBT. The debtor may not pay prepetition unsecured debt, including prepetition wages, without approval of the court.

(g) CHAPTER 13 - DEBTOR DUTIES. The following apply in chapter 13 cases.

(1) SCHEDULES AND STATEMENTS REQUIRED. A debtor in a case under chapter 13 must comply with the requirements of Local Bankruptcy Rule 1007-1.

(2) PAYMENTS UNDER PLAN. The debtor must begin making the payments called for in the proposed plan on the first day of the first month following the month in which the chapter 13 case is filed. The payments must be made as directed by the standing chapter 13 trustee.

(3) DIRECT PAYMENTS TO CREDITORS. If secured claims are to be paid outside the plan, the debtor must continue to make the regular scheduled payments to the secured creditor starting on the petition date and continuing during the pendency of the case, unless ordered otherwise.

(4) DISPOSITION OF PROPERTY. After the filing of the petition and until the plan is completed, the debtor may not dispose of any property (whether vested or not) with non-exempt equity in excess of $15,000 by sale or otherwise without an order of the court. "Non-exempt equity" is calculated using the fair market value of the property as of the date of sale or transfer after subtracting the amount of any claimed, allowed exemption and the petition date amount of any non-avoidable lien.

(5) POSTPETITION DEBT. After the filing of the petition and until the plan is completed, a debtor may not incur additional debt of $15,000 or more, in a single or a series of related transactions, without prior approval from the court. The debtor must file an application to incur the debt with notice pursuant to the service chart in the Administrative Guide to Practice and Procedure. If no objection is filed, the court may approve the application without a hearing.

(6) POSTPETITION PURCHASES. After the filing of the petition and until the plan is completed, a debtor may not purchase any item of property of $15,000 or more with non-exempt assets without prior approval from the court. The debtor must file an application to purchase property with notice to the chapter 13 trustee pursuant

to the service chart in the Administrative Guide to Practice and Procedure. If no objection is filed, the court may approve the application without a hearing.

(7) ADEQUATE PROTECTION. During the course of the case, the court may require the debtor to provide adequate protection to one or more secured creditors by directing that the chapter 13 trustee make adequate protection payments from funds received under paragraph (g)(2) (Payments Under Plan) of this rule. If this situation occurs in a case that is dismissed prior to confirmation, the funds returned to the debtor will be reduced by these payments.

(8) INSURANCE COVERAGE.

(A) The debtor must keep the property of the debtor and the bankruptcy estate insured in a manner and to the extent as may be deemed necessary, with loss payable clauses, in the case of pledged or mortgaged property, in favor of the appropriate secured creditors as their interests may appear.

(B) The debtor must ensure that any vehicle, if it is property of the debtor or property of the estate and is required by a security agreement, lease or other similar agreement to be covered by collision insurance, is not driven, unless the vehicle is so covered.

Rule 4003-1
EXEMPTIONS

(a) FORM. If the debtor is an individual and desires to claim exemptions, the debtor must file a claim for exempt property pursuant to 11 U.S.C. § 522(b)(1). If the debtor is entitled to claim exemptions under North Carolina law the debtor must use the local form, Schedule C-1, Property Claimed as Exempt. If the debtor is entitled to claim exemptions under Federal bankruptcy law or the law of a State other than North Carolina, the debtor must use the local form, Schedule C-2, Property Claimed as Exempt.

(b) EXTENSION OF TIME FOR OBJECTIONS TO EXEMPTIONS. The court may grant any party in interest an extension of time to object to the debtor's claim of exempt property. The request for extension must be by motion and must contain the reasons for requesting the extension. The motion must be filed before the time to object expires.

(c) CLAIMING EXEMPTIONS UNDER LAW OTHER THAN THAT OF NORTH CAROLINA. As required by local form Schedule C-2, the debtor must include the specific constitutional, statutory, or case law citation supporting each claim of exemption and must specify the exact dates and addresses of the debtor's domicile(s) during the seven hundred thirty days preceding the date of the filing of the bankruptcy petition.

RULE 4008-1
REAFFIRMATION AGREEMENTS

(a) OBLIGATIONS OF COUNSEL.

(1) Counsel of record for the debtor is required to provide the following services to the debtor with respect to a reaffirmation agreement:

(A) counseling the debtor with regard to 11 U.S.C. §§ 521(a)(2) and 524(c); and

(B) working with the debtor to complete the reaffirmation agreement.

(2) Counsel of record for the debtor should exercise professional judgment with respect to:

(A) which Part IV/C certifications counsel will make, including not making any certifications[2]; and

(B) whether to appear at any hearing on the reaffirmation agreement.

(b) CERTIFICATIONS SET FORTH IN PART IV/C OF THE REAFFIRMATION AGREEMENT. Counsel may cross out or alter any of the other certifications set forth in Part IV/C consistent with counsel's professional judgment.

(c) HEARINGS ON REAFFIRMATION AGREEMENTS.

(1) If the debtor is not represented by counsel, a hearing on the reaffirmation agreement will be held.

(2) If the debtor is represented by counsel, the following apply:

(A) If the creditor is a credit union, and counsel for the debtor executes Part IV/C of the reaffirmation agreement and certifies that the agreement represents a fully informed and voluntary agreement by the debtor, the court will not hold a hearing.

(B) If the creditor is not a credit union, and counsel for the debtor executes Part IV/C of the reaffirmation agreement with all of the certifications set forth in 11 U.S.C. § 524(c)(3), the court will review the agreement pursuant to 11 U.S.C. § 524(m) and will hold a hearing if the court determines that a hearing is appropriate.

(C) If the creditor is not a credit union, and counsel for the debtor executes Part IV/C of the reaffirmation agreement but does not make all of the certifications set forth in 11 U.S.C. § 524(c)(3), the court will hold a hearing if the court determines that a hearing is appropriate.

(d) OTHER DEFICIENCIES. If the reaffirmation agreement is not signed by both the creditor and the debtor, the reaffirmation agreement is entered into after the discharge, or material information is omitted from any section other than Part IV/C of the reaffirmation agreement, the court may enter an order denying approval of the reaffirmation agreement without notice or a hearing.

(e) For purposes of this local rule and for this court's interpretation of reaffirmation agreements, the following Parts of Director's Procedural Form B 2400A are determined to correspond with Parts A, B, C, and D as set forth in 11 U.S.C. § 524(k) and Director's Procedural Form B 2400A/B Alt as follows:

Part I	Part A
Part II	Part D
Part III	Part B
Part IV	Part C
Part V	Part A

Director's Procedural Form B 2400B directly corresponds with Part E as set forth in 11 U.S.C. § 524(k) and Director's Procedural Form B 2400A/B Alt.

[2] Director's Procedural Form B 2400A references Part IV, while Form B 2400A/B Alt references Part C, with regard to the attorney certification.

PART V
COURTS AND CLERKS

Rule 5001-2
CLERK - OFFICE LOCATION AND HOURS

The office of the clerk of court, with the clerk of court or a deputy clerk in attendance, is open to the public from 8:30 a.m. until 4:00 p.m. on all days except Saturdays, Sundays and the legal holidays listed in Fed. R. Civ. P. 6(a), or as otherwise ordered.

Rule 5003-1
CLERK - GENERAL AUTHORITY

The clerk of court is authorized to enter the orders and judgments listed below without further direction of the court. However, the action may be suspended, altered or rescinded by the court for cause shown:

(a) consent orders for the substitution of attorneys;
(b) orders setting status conferences and preliminary conferences;
(c) orders extending for a reasonable amount of time the period within which to file a response or an answer to a complaint (first request only);
(d) orders continuing trial with consent of all parties;
(e) stipulations of dismissal or consent orders dismissing a proceeding;
(f) judgments by default as provided for in Fed. R. Civ. P. 55(a) and (b)(1); and
(g) orders canceling liability on bonds.

Rule 5003-4
REGISTER OF MAILING ADDRESSES OF
FEDERAL AND STATE GOVERNMENTAL UNITS AND CERTAIN TAXING AUTHORITIES

The Register of Mailing Addresses of Federal and State Governmental Units required by the Fed. R. Bankr. P. 5003, is contained in the Administrative Guide to Practice and Procedure and is posted on the court's website at http://www.nceb.uscourts.gov.

Rule 5005-1
FILING PAPERS - REQUIREMENTS

(a) PAPER DOCUMENTS FILED WITH THE CLERK.
    (1) All paper documents filed by pro se individuals and attorneys who have been granted an exemption from electronic filing via the Electronic Case Filing System, including proofs of claim, pleadings, and proposed orders must be tendered to the clerk of court rather than directly to the judge, unless otherwise specifically directed.

(2) The clerk may require filing by authorized electronic means pursuant to Local Bankruptcy Rule 5005-1(b) in lieu of paper filing if the clerk deems it appropriate for the safety or security of the court. The clerk will maintain a record of any attempted paper filings and, if the electronically transmitted filing is received within 24 hours of the attempted paper filing, the filing will be effective as of the date and time of the attempted paper filing.

(b) FILING BY OTHER AUTHORIZED ELECTRONIC MEANS.

(1) FILING. Pro se individuals and attorneys who have been granted an exemption from electronic filing may file the following paper documents by authorized electronic means to the clerk:

(A) motions for a continuance stipulated to by all parties;

(B) withdrawal of motions that are scheduled for hearing; and

(C) any other filings allowed by the court.

(2) ELECTRONICALLY TRANSMITTED DOCUMENT SERVES AS ORIGINAL. A paper document filed by authorized electronic means serves as an original, and subjects the signer to the same penalties as an original document, including penalties of Fed. R. Bankr. P. 9011.

(c) PAPER EXHIBITS OR ATTACHMENTS CONTAINING EXCERPTED MATERIAL. Any exhibit or attachment to any paper document filed under these rules must contain only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of documents as exhibits or attachments under this rule may supplement the excerpt without prejudice to timely file additional excerpts or the complete document. Responding parties likewise may timely file excerpts or the complete document to the extent that the excerpts or document are directly germane to the matter under consideration. Upon request by any party in interest or the court, the complete document containing any such excerpt must be made available to both the party making the request and the court, unless otherwise ordered.

Rule 5005-2
FILING PAPER DOCUMENTS - NUMBER OF COPIES

Any person requesting file stamped copies of paper documents filed in accordance with Local Bankruptcy Rule 5005-1 above must submit a copy, together with a stamped, self-addressed envelope.

Rule 5005-3
FILING PAPER DOCUMENTS - SIZE OF PAPERS, TWO-SIDED DOCUMENTS

(a) PAPER SIZE. The Judicial Conference of the United States has adopted 8½ x 11 inch letter size paper as the standard for use throughout the federal judiciary. All documents and other papers submitted to this court must conform to this standard.

(b) ATTACHMENTS. Any attachments to a document that are necessary to an understanding of the matters set forth in the document must conform to the standard paper size unless advance permission is sought to submit oversized materials.

(c) TWO-SIDED DOCUMENTS. No document submitted to the court may have text on both sides of the paper.

Rule 5005-4
ELECTRONIC CASE FILING

Local Bankruptcy Rules 5005-4(1) – 5005-4(12) are to be read in conjunction with the Administrative Guide to Practice and Procedure. The guide is available from the Office of the Clerk of the United States Bankruptcy Court for the Eastern District of North Carolina and is maintained on the court's web site at: http://www.nceb.uscourts.gov. In the event of a conflict between the Local Bankruptcy Rules and the Administrative Guide to Practice and Procedure, the Local Bankruptcy Rules control.

Rule 5005-4(1)
ASSIGNMENT TO SYSTEM AND FILING REQUIREMENTS

(a) ASSIGNMENT. All cases are assigned to the Electronic Case Filing System ("ECF System").

(b) APPLICATION FOR EXCEPTION/EXEMPTION. Any document required to be filed electronically, but presented in paper form, must be accompanied by an application for an exception or exemption from this rule and a proposed order granting the relief sought. The application must state the reason(s) why electronic filing would impose an extreme hardship on the applicant.

(c) EXEMPTION FROM ELECTRONIC FILING REQUIREMENT. Notwithstanding the foregoing, pro se individuals and other parties who have been granted an exception or exemption from electronic filing are not required to electronically file pleadings and other documents in cases assigned to the ECF System, but are required to comply with Local Bankruptcy Rules 5005-2 and 5005-3 above.

Rule 5005-4(2)
ELIGIBILITY, REGISTRATION AND PASSWORDS

(a) ELIGIBILITY AND REGISTRATION. Attorneys admitted to the bar of this court, the bankruptcy administrator, private trustees, and others as the court deems appropriate, may register as Filing Users or Filing Agents of the court's Electronic Case Filing System. Registration is through the PACER Service Center at https://pacer.uscourts.gov/.

(b) FILING AGENT. All references within these rules to filings made by the Filing User will likewise refer to filings made by a Filing Agent on behalf of the Filing User.

(c) ELECTRONIC NOTICE AND SERVICE; WAIVERS. As to all documents properly filed and served electronically, registration as a Filing User constitutes (1) a waiver of the right to receive notice or service by first class mail or personal delivery; and (2) consent to electronic service pursuant to Local Bankruptcy Rule 5005-4(9), except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004, a motion initiating a contested matter under Fed. R. Bankr. P. 9014, and any other applicable rule or statute pursuant to which service by mail is not permitted. Waiver and consent pursuant to this subsection (c) applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(d) NOTICE OF APPEARANCE; FILING UNDER USER LOGIN. The filing of any document under a Filing User's login credentials constitutes that Filing User's notice of appearance on behalf of the party for whom the document is filed, subject to the following:

(1) EFFECT. A Filing User who submits a document on behalf of a party is deemed to have entered an appearance in the case or proceeding on behalf of that party as of the date of filing and will be subject to all obligations arising from such appearance, including receipt of notices and service of documents through the court's Electronic Case Filing System.

(2) EXCEPTIONS. The foregoing will not apply where the nature of the filing makes clear that the Filing User is not appearing as counsel of record for the party on whose behalf the document is submitted. Such exceptions include, but are not limited to:

(A) An application for compensation or reimbursement of expenses of a professional employed by the estate, filed by the debtor's attorney or another Filing User on behalf of that professional; and

(B) Any other filing by the bankruptcy administrator or trustee that, by its nature or by express statement therein, is submitted solely in an administrative or ministerial capacity and does not constitute a substantive appearance on behalf of a party.

(3) WITHDRAWAL. A Filing User who has entered an appearance by virtue of this subsection (d) may not withdraw from the case or proceeding except as provided by these Rules and upon order of the court.

Rule 5005-4(3)
CONSEQUENCES OF ELECTRONIC FILING; DEADLINES

(a) FILING. Electronic transmission of a document to the Electronic Case Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the clerk, constitutes filing of the document for all purposes of the Fed. R. Bankr. P. and the Local Bankruptcy Rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

(b) OFFICIAL RECORD. When a document has been filed electronically or imaged by the court, the official record is the electronic recording of the document as stored by the clerk, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing.

(c) DEADLINES UNCHANGED BY ELECTRONIC FILING. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before 12:00 midnight, Eastern Time, to be considered timely filed that day, unless otherwise ordered by the court.

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

(a) FILING OF COURT ORDERS; EFFECT OF ELECTRONIC FILING ON COURT ORDERS. All orders or other documents generated by the court and filed electronically, with the electronic signature of a judge, have the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order.

(b) SUBMISSION OF DOCUMENTS FOR JUDGE'S SIGNATURE. Any document submitted for a judge's signature in a case assigned to the ECF System must be submitted electronically to the clerk's office in the format specified by the Administrative Guide to Practice and Procedure.

(c) ISSUANCE OF ELECTRONIC SUMMONS. The clerk may sign, seal, and issue a summons electronically, although a summons may not be served electronically.

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

(a) All documents filed electronically within the ECF System are subject to the same rules pertaining to format as documents filed in paper form, including but not limited to Local Bankruptcy Rule 5005-3, and as set forth in the Administrative Guide to Practice and Procedure.

(b) Filing Users must submit, in electronic form, all documents referenced as exhibits or attachments as provided in Local Bankruptcy Rule 5005-1(c), unless the court permits paper filing pursuant to Local Bankruptcy Rules 5005-1, 5005-2 and 5005-3. Excerpted material must be clearly and prominently identified as such.

Rule 5005-4(6)
SEALED DOCUMENTS

(a) Prior to the filing of any document in an action assigned to the ECF system, any person may apply by motion for an order allowing the filing of such document under seal, or limiting the electronic access to, any specifically-identified document, as provided by 11 U.S.C. § 107 or as authorized by law. For a highly sensitive document to be filed under seal, the motion requesting that relief must identify the document as being a highly sensitive document, as defined by the Regarding Procedures for the Filing, Service, and Management of Highly Sensitive Documents, entered by the court on May 8, 2024.

(b) A motion to file a document under seal or subject to restricted access may be filed electronically. Contemporaneously with the filing of such a motion, a proposed order authorizing the filing of a document under seal or subject to restricted access must also be uploaded electronically.

(1) If the document requested to be filed under seal or subject to restricted access is not a highly sensitive document, a copy of the document requested to be filed under seal or subject to restricted access must be attached to the uploaded order unless the document was previously filed with the court.

(2) If the document requested to be filed under seal is a highly sensitive document, it must be provided to the clerk's office in paper form or via email rather than attached to the uploaded order, and the uploaded order must identify the document as a highly sensitive document.

(c) After entry of an order authorizing the filing of the document under seal or subject to restricted access, the person requesting the document to be filed under seal or subject to restricted access must coordinate with the clerk's office the process to be followed to electronically file the document in question as a private event.

Rule 5005-4(7)
ORIGINAL SIGNATURES AND RETENTION REQUIREMENTS

(a) A Filing User must obtain original signatures prior to filing on all electronically filed documents that require original signatures from any person other than the Filing User (e.g., petitions, lists, schedules, statements, amendments, affidavits, verifications, and other documents that require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746), which documents 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.

(b) Except as provided above when original signatures are required on a document, a Filing User may electronically file documents (including the submission of proposed consent orders) signed by persons other than the Filing User without obtaining the original signature of such persons on the document, provided that the Filing User first has confirmed that the content of the document is acceptable to all persons required to sign the document and has obtained in writing proof that the document has been signed, or that each signature is authorized, by all persons (e.g., a faxed signature, scanned signature, or e-mail authorized signature). The Filing User must retain the writing evidencing or authorizing each signature on the document 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 writing(s) evidencing or authorizing the signature(s) on the document for review.

Rule 5005-4(8)
SIGNATURES AND CERTIFICATION

(a) ELECTRONIC FILING CONSTITUTES SIGNATURE AND CERTIFICATION. The use of the login and password of the Filing User, or of a Filing Agent registered to file on behalf of the Filing User, together with that person's name on a signature block, to electronically file any petition, pleading, motion, claim, or other document constitutes the signature of that Filing User on the electronically filed document for purposes of the Fed. R. Bankr. P., including Fed. R. Bankr. P. 9011, the Local Bankruptcy Rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court. Use of the login and password of the Filing User, or of a Filing Agent registered to file on behalf of the Filing User, also constitutes certification by the Filing User that: (1) all persons indicated to have signed the document have actually executed the original or a copy of the original, or have approved the content of and authorized their signature on the document, prior to electronic filing; and (2) the Filing User has authorized the electronic filing of the executed document.

(b) USE OF LOGIN/PASSWORD. No Filing User or other person may knowingly permit or cause to permit a Filing User's or a Filing Agent's password to be used by any other person.

Rule 5005-4(9)
SERVICE OF DOCUMENTS BY ELECTRONIC OR CONVENTIONAL MEANS; CALCULATION OF RESPONSE TIME

(a) CERTIFICATE OF SERVICE REQUIRED. A Filing User who electronically files a pleading or other document in a case assigned to the ECF System must include a certificate of service indicating how service was made.

(b) SERVICE OF NOTICE OF ELECTRONIC FILING TO FILING USERS. Service of an electronically filed document on other Filing Users may be made by transmitting or causing transmission of a "Notice of Electronic Filing" to those other Filing Users. Electronic service of process is not effective for purposes of obtaining service of process under Fed. R. Bankr. P. 7001 or 9014.

(c) CONVENTIONAL SERVICE OF DOCUMENTS AND NOTICE TO NON-CONSENTING PARTIES. Parties who are entitled to service of a document but who have not consented to electronic service must be served with a paper copy of the document in compliance with the Fed. R. Bankr. P. and the Local Bankruptcy Rules.

(d) CALCULATION OF RESPONSE TIME. Fed. R. Bankr. P. 9006(f) applies to the calculation of deadlines for responses to electronically filed pleadings and other documents.

Rule 5005-4(10)
TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

Rule 5005-4(11)
LIMITATION ON PUBLIC ACCESS

Material filed on the ECF System may not be accessed or downloaded for any purpose inconsistent with the privacy concerns of any person.

Rule 5005-4(12)
FILING PAPERS AFTER HOURS

(a) AFTER HOURS FILINGS. Except as otherwise authorized by the court, non-ECF filers may file petitions and other papers outside of normal business hours by authorized electronic means pursuant to the provisions of this local rule.

(b) TIME AND MANNER OF FILING. Entire petitions may be submitted by use of electronic Self-Representation ("eSR") and other entire papers may be filed by use of Electronic Document Submission System ("EDSS") at any time.

(c) FILING OF ORIGINAL DOCUMENT. For papers submitted through eSR, the declaration regarding electronic filing, the Statement of Social Security Number, and the bankruptcy filing fee or application for waiver or payment of fees in installment, must be mailed or hand delivered to the clerk's office within fourteen days of submitting those papers electronically prior to a petition being deemed filed.

(d) CLERK'S OFFICE PROCEDURES CONCERNING ELECTRONICALLY TRANSMITTED DOCUMENTS. The clerk's office will email an acknowledgment of the filing once it has been docketed in the case, assigned a case number or adversary proceeding number as applicable to a document.

PART VI
COLLECTING AND LIQUIDATING THE ESTATE

Rule 6004-1
SALE OF ESTATE PROPERTY

Following a public sale, the trustee must file a report of sale and serve the report on the debtor and the bankruptcy administrator. The report must include an itemized statement of the property sold, list of bidders, the name of each purchaser, and the price received for each item or lot or for the property as a whole, if sold in bulk, and must state the date, time, and place of the sale. The report must include a calculation of compensation allowable under the order of employment and copies of the sale advertisement along with a summary listing of all advertising expenses, sign expenses, shipping costs and postage expenses.

Rule 6005-1
EMPLOYING AN AUCTIONEER

(a) COMPENSATION OF AUCTIONEER. Unless otherwise ordered by the court, an auctioneer will be paid pursuant to the scale provided in the Administrative Guide to Practice and Procedure. Ordinary expenses of the sale must be included in the commission scale, and other expenses may be reimbursed as allowed by the court.

(b) CONDITIONS PRECEDENT TO EMPLOYMENT. The trustee may employ and compensate an auctioneer without application to the court on the basis set forth in subsection (a) above only if the following conditions are satisfied in advance:

   (1) the auctioneer to be employed must have been employed as an auctioneer in a chapter 7 case in this district, by order of this court, within the prior 12 months;
   (2) the auctioneer must be licensed and in good standing with the North Carolina Auctioneer's Commission consistent with North Carolina General Statute §§ 85B-3 and 4;
   (3) the auctioneer must execute and deliver to the trustee the same affidavit that would be required in support of an application for employment of auctioneer otherwise filed with the court;
   (4) the auctioneer must not have been censured or suspended;
   (5) the auctioneer must be adequately bonded before taking possession of estate property, and the bond must cover 100% of the estimated sale receipts;
   (6) the auctioneer must maintain adequate insurance for loss to the estate; and
   (7) the affidavit executed by the auctioneer must affirmatively set forth compliance with the conditions of subsections (2), (4), (5) and (6) above. The trustee is entitled to rely on the truth and accuracy of the affidavit submitted by the auctioneer.

(c) REPORT BY TRUSTEE. The trustee must prepare a report of sale that discloses fees paid to the auctioneer, and the report must be accompanied by the auctioneer's affidavit. The trustee must file the report of sale with the clerk and serve copies on the bankruptcy administrator.

(d) REPORT BY AUCTIONEER. An auctioneer employed to conduct a sale on behalf of the bankruptcy estate must file a report of sale following the conclusion of any sale within the time and in the format as prescribed by the bankruptcy administrator.

Rule 6070-1
TAX RETURNS AND TAX REFUNDS

Tax returns and tax refunds, and their treatment in the context of the automatic stay provided in 11 U.S.C. § 362(a), are addressed in Local Bankruptcy Rule 4001-1(a).

PART VII
ADVERSARY PROCEEDINGS

Rule 7005-1
SERVING AND FILING PLEADINGS AND OTHER PAPERS

Electronic service through the court's transmission facilities is allowed as provided in Local Bankruptcy Rule 5005-4 or as the party served may otherwise consent in writing. If the party making service learns that the attempted electronic service did not reach the person to be served, the party making service must cause the pleading to be re-served by electronic means or served by other acceptable means of service as provided in Fed. R. Bankr. P. 7005(b).

Rule 7007-1
MOTION PRACTICE IN ADVERSARY PROCEEDINGS

(a) GENERAL REQUIREMENTS. All motions must state with particularity the facts supporting the motion and must state the relief requested. All motions, except those seeking a shortening or extension of any time period, must be filed with an accompanying memorandum. The response time for motions included in pleadings will be calculated from the date a separate memorandum is filed.

(b) RESPONSES TO MOTIONS. Any party may file a written response to any motion within twenty-one days after service of the motion in question unless otherwise ordered by the court or prescribed by the applicable rules of bankruptcy procedure. The response may be a memorandum and may be accompanied by affidavits or other supporting documents. When the response is not a memorandum, the written response must be accompanied by a supporting memorandum. In the event no response is filed, the court may proceed to rule on the motion.

(c) REPLIES. Any party desiring to reply to matters initially raised in a response to a motion must file the reply within fourteen days after service of the response, unless otherwise ordered by the court.

(d) DISCOVERY MOTIONS.

    (1) A discovery motion is any motion or other request to the court that seeks to enforce, use, regulate, extend, modify, nullify, or limit any of the procedures described in any of Fed. R. Civ. P. 26 through 37, and any request to enforce, use, regulate, extend, modify, quash, or limit any pretrial civil subpoena under Fed. R. Civ. P. 45.

    (2) No discovery motion will be considered by the court unless it sets forth or has attached thereto, by item, the specific question, interrogatory, request, or other discovery matter in dispute, about which the motion is filed and any objection made along with the grounds supporting or in opposition to the objection.

    (3) The movant must also certify that there has been a good faith effort to resolve the underlying discovery dispute prior to the filing of any discovery motion.

(e) HEARINGS ON MOTIONS. Hearings on motions, including dispositive motions, may be ordered by the court in its discretion.

Rule 7016-1
PRE-TRIAL PROCEDURES

(a) PRELIMINARY PRETRIAL CONFERENCE.
  (1) SCHEDULING AND NOTICE. A preliminary pretrial conference may be scheduled at the discretion of the court. The clerk of court must give at least twenty-one days' notice of the conference.
  (2) PREPARATION BY COUNSEL FOR PRELIMINARY PRETRIAL CONFERENCE. Counsel must be prepared to discuss at the conference the following:
    (A) the issues raised by the pleadings;
    (B) issues concerning jurisdiction, venue, or the authority of the bankruptcy court;
    (C) if the proceeding is not a core proceeding or is a core proceeding that the court may only hear and determine with the consent of the parties, whether the parties consent to the bankruptcy judge hearing and determining the proceeding pursuant to 28 U.S.C. § 157(c)(2);
    (D) the disposition of pending motions;
    (E) the necessity, desirability, and timing of amendments to pleadings, joinder of additional parties, the filing of additional motions, and the amount of time needed for discovery;
    (F) the timing and form of disclosures under Fed. R. Civ. P. 26(a)(1), including a statement of when disclosures under (a)(1) were made or should be made;
    (G) changes that should be made in the limitations on discovery imposed by Fed. R. Civ. P.;
    (H) whether use of expert witnesses is contemplated, and if so, whether and when the disclosure of expert information as required by Fed. R. Civ. P. 26(a)(2) should be required;
    (I) if a jury demand has been made, whether the parties consent to a jury trial in the bankruptcy court;
    (J) whether the parties have engaged in settlement discussions;
    (K) whether the parties have considered voluntary or court ordered mediation and/or arbitration;
    (L) the need for additional pretrial conferences;
    (M) whether there are witnesses whose testimony could be accommodated at deposition or trial by video conferencing, and if so, what stipulations can be made regarding the appearance of witnesses by video conferencing.
  (3) PRELIMINARY PRETRIAL CONFERENCE REPORT. At least seven days prior to the preliminary pretrial conference, counsel must file with the clerk of court a joint report containing information concerning all the items to be discussed at the preliminary pretrial conference.
  (4) DISCLOSURES. Unless counsel agree to disclosures at an earlier date, disclosures required to be made by Fed. R. Civ. P. 26(a) and (b) must be made at the time and under the circumstances directed by the court in its initial scheduling order.

(b) FINAL PRETRIAL CONFERENCE

(1) SCHEDULING AND NOTICE. A final pretrial conference may be scheduled at the discretion of the court. The clerk of court must give at least thirty days' notice of the conference.

(2) PREPARATION BY COUNSEL FOR FINAL PRETRIAL CONFERENCE.

(A) At least twenty-eight days before the pretrial conference, all parties must provide to all other parties the pretrial disclosures required under Fed. R. Civ. P. 26(a)(3).

(B) At least fourteen days prior to the final pretrial conference, trial counsel for each of the parties must confer and prepare a proposed final pretrial order. In the event no pretrial conference is scheduled, counsel must confer, prepare and submit a proposed final pretrial order to the court no later than fourteen days prior to the scheduled trial unless a different date is set by the court. It is the duty of counsel for the plaintiff to arrange this conference. The conference of attorneys may be held in a mutually agreeable location or may be conducted by telephone conference or video conference. Each counsel must bring to the conference or be responsible for the exchange of copies of exhibits to be introduced into evidence, lists of witnesses to be called and designations of discovery material to be used at the trial. The disclosure of witnesses and exhibits under this section supersedes the requirements of timing and format otherwise required by Fed. R. Civ. P. 26(a)(3).

(c) FORM OF PRETRIAL ORDER. The pretrial order must be prepared in one sequential document without reference to attached exhibits or schedules and must contain the following five separate sections, numbered by Roman numerals, as indicated:

(1) I. STIPULATIONS. This section should include stipulations covering jurisdiction, joinder, capacity of the parties, all relevant and material facts, legal issues and factual issues.

(2) II. CONTENTIONS. This section should include contentions covering matters on which the parties have been unable to stipulate, including jurisdiction, misjoinder, capacity of the parties, relevant and material facts, legal issues and factual issues. Claims and defenses as to which no contentions are listed in the pretrial order are deemed abandoned.

(3) III. EXHIBITS. This section should include a list of exhibits that each party may offer at trial, including any map or diagram, numbered sequentially. The exhibit numbers must remain the same throughout all further proceedings. Copies of all exhibits must be provided to opposing counsel before the attorney conference required by Local Bankruptcy Rule 7016-1(b)(2). The court may excuse the copying of large maps or other exhibits. Except as otherwise indicated in the pretrial order, all parties will be deemed to stipulate that all exhibits are authentic and may be admitted into evidence without further identification or proof of authenticity. Grounds for objection as to authenticity or admissibility, except for proper foundation, must be set forth in the pretrial order.

(4) IV. DESIGNATION OF PLEADINGS AND DISCOVERY MATERIALS. This section should include the designation of all portions of pleadings and discovery materials, including depositions, interrogatories and requests for admissions that each party may offer at trial by reference to document, volume, page, and line.

Objections by opposing counsel must be noted by document, volume, page and line, and reasons for objections must be stated.

(5) V. WITNESSES. This section should include a list of the names and addresses of all witnesses each party may offer at trial, together with a brief statement of what counsel proposes to establish by their testimony.

A pretrial order should be submitted in detail sufficient to comply with these rules. A sample pretrial order is in the Administrative Guide to Practice and Procedure.

(d) PENALTY FOR NONCOMPLIANCE. A person's failure to comply with the provisions of this local rule may result in the imposition against that person of a monetary fine not to exceed $250.00, any other sanction allowable by the Fed. R. Civ. P., or both.

(e) PRETRIAL CONFERENCE. The purpose of the pretrial conference is to resolve any disputes concerning the contents of the pretrial order. At the pretrial conference, counsel should be prepared to present to the court all information and documentation necessary for completion of the pretrial order.

Rule 7016-2
TRIALS

(a) OPENING STATEMENTS. At the beginning of the trial, each party (beginning with the party having the burden of proof on the first issue) may, without argument and in such reasonable time as the court allows, state to the court the following:

(1) the substance of the claim, counterclaim, cross claim or defense; and

(2) what counsel contends the evidence will show.

Parties not having the burden of proof on the first issue may elect to make an opening statement immediately prior to presenting evidence, rather than at the beginning of the trial.

(b) WITNESSES. Counsel may not release a person from a subpoena without notice to opposing counsel and leave of court. A party objecting to the release of a person will bear all costs incident to the person the arise subsequent to the request for release. The court, in its discretion and in the interest of justice, may permit a party to call and examine a witness not listed in the final pretrial order.

(c) EXHIBITS.

(1) All exhibits must be pre-marked with stickers with sequential numbers as listed in the pretrial order.

(2) Copies of all exhibits, properly bound, must be provided to the court at the beginning of the trial.

(3) The original exhibit must bear a sticker. After receipt into evidence, it will remain in the custody of the courtroom deputy except when being used by a witness.

(4) Copies of all exhibits must bear the photocopy of the sticker or a typed or printed reproduction thereof.

(5) Upon presentation of an exhibit to a witness, counsel must announce to the court the exhibit number.

(d) CLOSING ARGUMENT. The court will set the times for closing argument after consultation with parties. Unless otherwise ordered by the court, the party with the burden of proof will open and close the arguments.

Rule 7026-1
DISCOVERY - GENERAL

Transcripts of depositions, interrogatories, requests for production of documents, requests for admissions, answers and responses thereto, notices of deposition (unless filing is needed to obtain a subpoena in another district), and any subpoena or subpoena duces tecum, are not to be filed unless by order of the court or for use in the proceeding. All such papers must be served on other counsel or parties entitled to service of papers filed with the clerk of court. The party taking a deposition or obtaining any material through discovery is responsible for its preservation and delivery to the court if needed or so ordered.

Rule 7055-1
DISMISSAL OF ACTIONS FOR LACK OF PROSECUTION

(a) Except where a complaint objecting to a discharge has been filed, an adversary proceeding may be dismissed by the court for lack of prosecution as follows:
   (1) where no service of process has been made and certified to the court within thirty days after the filing of the complaint; or
   (2) where no responsive pleadings have been filed and plaintiff has not moved for entry of default within thirty days after the time for filing responsive pleadings has expired.

(b) Dismissal under this local bankruptcy rule will be without prejudice unless the delay has resulted in prejudice to an opposing party.

Rule 7056-1
SUMMARY JUDGMENT

(a) DEADLINE FOR FILING MOTION FOR SUMMARY JUDGMENT. A motion for summary judgment must be filed in accordance with the deadlines set forth in the scheduling order.

(b) BRIEF OR MEMORANDUM OF LAW IN SUPPORT AND STATEMENT OF MATERIAL FACTS. Each motion for summary judgment must be accompanied by the following: (1) a brief or memorandum of law in support of the motion for summary judgment; and (2) a separate and concise statement of material facts setting forth the material facts in separately numbered paragraphs and supported with reference to the particular portions of the record relied upon to establish that fact.

(c) BRIEF OR MEMORANDUM OF LAW IN OPPOSITION AND STATEMENT OF DISPUTED MATERIAL FACTS. Within twenty-one days after service of a motion for summary judgment, a party opposing such motion must file and serve the following: (1) a brief or memorandum of law in opposition to the motion for summary judgment; and (2) a separate and concise statement responding to each numbered paragraph in the movant's statement of material facts in correspondingly numbered paragraphs and, if necessary, additional paragraphs containing a statement of additional material facts as to which the opposing party contends there is a genuine dispute. The court may deem a fact as undisputed for purposes of the motion for summary judgment unless it is specifically controverted by a correspondingly numbered paragraph in the opposing statement.

(d) REPLY STATEMENT OF MATERIAL FACTS. When a party opposing summary submits a statement of additional material facts as to which it contends there is a genuine dispute, the movant may submit a correspondingly numbered reply to those additional facts within fourteen days after service thereof.

(e) CITATIONS; APPENDIX.

(1) Statements of material facts, by either the movant or opponent under subsections (b) and (c) of this rule, must be followed by citation to evidence that would be admissible, as required by Fed. R. Civ. P. 56(c). Citations must identify with specificity the relevant page and paragraph or line number of the evidence cited.

(2) All evidence cited in moving or opposing statements, such as affidavits, relevant deposition testimony, responses to discovery requests, or other documents, must be filed as an appendix to the statement of material facts prescribed by subsections (b) and (c) of this rule.

(3) Briefs or memoranda of law in support of, or in opposition to, motions for summary judgment may cross-reference or cite to the statement of material facts and appendix prescribed by subsections (b), (c), and (d) without repeating the contents thereof.

(f) EVIDENTIARY OBJECTIONS. A party opposing a motion for summary judgment must file and serve any written objections to evidence cited therein no later than the date specified in subsection (c) of this rule. A movant must file and serve separate written objections to evidence cited in a response to the movant's motion no later than the date specified in subsection (d) of this rule. Objections must (1) state with particularity the evidence to which objection is made, including citation to the record, and (2) describe the legal basis for the objection. Failure to timely object to evidence cited may be deemed a waiver of objection for purposes of summary judgment.

(g) EXCEPTIONAL CASES. Where a party believes that compliance with the requirements of this rule will be exceptionally burdensome or is otherwise inappropriate, the party may include a request for modification of or exemption from its requirements as part of the Rule 26(f) report to the court or by separate motion.

RULE 7065-1
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

(a) Prior to submitting a motion for a temporary restraining order or for a preliminary injunction, an adversary proceeding must be filed seeking such relief.

(b) A motion for a temporary restraining order or for a preliminary injunction must be made in a document separate from the complaint and must be accompanied by:

(1) a proposed temporary restraining order or preliminary injunction; and

(2) a declaration or affidavit by the moving party or counsel for the moving party showing compliance with Fed. R. Bankr. P. 7065 regarding notice to opposing parties.

PART VIII
APPEAL TO DISTRICT COURT
[RESERVED]

Appeals from the bankruptcy court to the United States District Court for the Eastern District of North Carolina are subject to District Court Local Civil Rule 83.8.

PART IX
GENERAL PROVISIONS

Rule 9004-2
GENERAL REQUIREMENTS OF FORM - CAPTION

Pursuant to Local Bankruptcy Rule 1071-1, all documents filed with the clerk or the court must state in the caption the court and division in which the action is pending and the chapter under which the case is being administered.

RULE 9006-1
EXTENDING TIME; MOTIONS

MOTIONS FOR AN EXTENSION OF TIME TO PERFORM ACT. All motions for an extension of time to perform an act required or allowed to be done within a specified time must show cause for the relief requested. The movant must seek the position of all other affected parties to the motion, including the bankruptcy administrator in chapter 11 matters, and indicate whether those parties consent, object, or do not oppose the relief requested in the motion.

Rule 9006-1(1)
MOTION FOR EXTENSION OF TIME - 11 U.S.C. § 1121

A motion for extension of time pursuant to § 1121(d) will be reviewed by the court and may be allowed ex parte. Upon the filing of a motion to reconsider and proper notice, the matter will be set for hearing, at which the court may for cause increase the 120-day period or the 180-day period referred to in § 1121(d)(2). The debtor bears the burden of proof. This provision is applicable only to § 1121(d) and does not apply to § 1121(e).

Rule 9007-1
DESIGNATION OF PARTIES TO PROVIDE NOTICE

The clerk of court is authorized to designate the parties who must provide the notice to creditors and parties in interest as required under Fed. R. Bankr. P. or Local Bankruptcy Rules.

RULE 9009-1
FORMS

Local forms are available on the court's website at http://www.nceb.uscourts.gov.

Rule 9011-1
ATTORNEYS - DUTIES

Any attorney who files a bankruptcy petition for or on behalf of a debtor, or who makes a notice of appearance in the case as counsel for the debtor, must comply with Fed. R. Bankr. P. 2016 and Local Bankruptcy Rule 2016-1. The attorney must remain the attorney of record for all purposes, including the representation of the debtor in all matters that arise in conjunction with the bankruptcy proceeding, until the case is closed or the attorney is relieved upon application and court order. Those duties do not include representation in any related adversary proceedings without a separate appearance in that matter.

Rule 9011-3
SANCTIONS

(a) FAILURE TO COMPLY WITH LOCAL BANKRUPTCY RULES. If any attorney or party willfully fails to comply with any Local Bankruptcy Rule of this court, the court, in its discretion, may impose sanctions.

(b) SANCTIONS UNDER § 362(k). When determining sanctions under 11 U.S.C. § 362(k), the court will consider whether the moving party notified the offending party and gave the party an opportunity to cure the alleged violation.

(c) This local rule is intended to supplement and not waive or limit the court's inherent authority or the powers under the Fed. R. Bankr. P. and the Bankruptcy Code.

Rule 9011-4
SIGNATURES

All documents signed by an attorney pursuant to Fed. R. Bankr. P. 9011 and filed with the court must contain the individual name, firm name, address, telephone number, email and State Bar identification number. All documents signed by unrepresented parties and filed with the court must contain the name of the person that authored the document, their address, telephone number, and email address, if available.

Rule 9013-1
SERVICE OF MOTIONS

(a) SERVICE ON TRUSTEE AND ATTORNEY FOR DEBTOR IN POSSESSION. In addition to the parties affected by a filing, all filings (except claims), including proposed orders (in chapter 11 and 12 cases), in all proceedings and cases must be served on the trustee whether or not the trustee is a party to the proceeding. In chapter 11 cases, the attorney for the debtor in possession must be served in like manner.

(b) SERVICE ON BANKRUPTCY ADMINISTRATOR. In chapter 11 and 12 cases, all filings (except claims), including proposed orders, must be served on the bankruptcy administrator. In chapter 7 cases, all documents filed by the chapter 7 trustee, or filed in response to a document filed by the trustee, must be served on the bankruptcy administrator.

RULE 9013-2
BRIEFS AND MEMORANDA OF LAW

Except as provided in Local Bankruptcy Rules 7007-1 and 7056-1, supporting briefs or memoranda of law are optional and are not required unless ordered by the court.

RULE 9013-3
CERTIFICATE OF SERVICE

Each pleading or document to be served on any party must have attached a certificate reflecting that service has been made on the required parties and identifying the method of service, including identifying those parties to be served electronically.

Rule 9014-1
CONTESTED MATTERS – GENERAL

(a) REQUIREMENTS OF MOTION. A motion must be accompanied by all exhibits and attachments referred to in the motion, together with a notice of motion and certificate of service, and filed with a proposed order pursuant to Local Bankruptcy Rule 9072-1. The notice of motion must give notice of the filing of the motion, allow for a specific response time to the motion and must conform substantially to the notice of motion in the local forms. A response to a motion does not require a notice of motion or an accompanying proposed order.

(b) CONTENT OF MOTIONS. Motions seeking relief other than as to the debtor or the trustee must recite the name and address of the party against whom relief is sought.

(c) TIME FOR RESPONSE. A response and accompanying affidavits, if any, to any motion must be filed within fourteen days from the date of the service of the motion, unless otherwise ordered or provided in Fed. R. Bankr. P. or Local Bankruptcy Rules.

(d) SERVICE OF MOTION. The moving party must serve the notice of the motion together with the motion and all exhibits and attachments in the manner prescribed in Fed. R. Bankr. P. 9014 and Local Bankruptcy Rule 9013-1.

(e) RESPONSE. Any party against whom relief is sought may file a written response to the motion. The response may be accompanied by affidavits and other supporting documents and must be served on all interested parties.

(f) CONTENT OF RESPONSE. All responses must contain sufficient information to reasonably disclose the basis for the party's position and what specific issues are contested. If a response is not in compliance with this provision, the court in its discretion may resolve the matter without a hearing.

(g) HEARING ON MOTION. Unless a hearing is requested in the motion or in the response, motions may be determined without a hearing. A hearing on a motion may be ordered by the court in its discretion.

(h) SCHEDULING ORDER. If requested by a party, the court may enter a scheduling order.

(i) EVIDENTIARY HEARINGS. Evidentiary hearings, at which witnesses may testify, will be held in contested matters at the first appearance before the court, unless otherwise ordered.

(j) FRIVOLOUS OR DELAYING MOTIONS. Where the court finds that a motion is frivolous or filed for delay, costs may be assessed against the party or counsel filing the motion. Any party filing a request for a hearing must appear at the hearing set by the court in support of the request or costs may be assessed.

Rule 9014-2
CONTESTED MATTERS – EXPEDITED

(a) APPLICABILITY. This rule is applicable to any motion in which a hearing or the entry of an order is requested with fewer than fourteen days' notice. Except as otherwise directed by the court, this rule is not applicable to first day motions, scheduled by the court *sua sponte* on an expedited basis.

(b) PROCEDURE.

(1) Any request for a shortened notice time and expedited hearing must be filed as a separate *ex parte* motion.

(2) The motion for which shortened notice time is requested must be filed contemporaneously with the filing of the motion for shortened notice.

(3) Prior to filing the motion, the movant must contact the clerk's office by the email address designated for the courtroom staff of the appropriate judge to request a hearing date for the motion for which shortened notice time is requested.

(c) SERVICE OF MOTION AND NOTICE OF HEARING.

(1) MOTION. The moving party must immediately serve a copy of the motion to shorten time and the motion upon which expedited relief is requested by hand delivery, overnight delivery, facsimile or electronic transmission or other expedited means.

(2) NOTICE OF MOTION. Immediately upon receipt of the order on the motion to shorten time, the movant must file a notice of motion consistent with the order indicating the response due date, and notice of hearing, if applicable, and must serve the notice upon the parties in the manner prescribed in subparagraph (c)(1) above.

(3) In instances where service of the notice of motion may not provide sufficient time for parties in interest to respond or appear, counsel must telephonically provide notice.

(4) Upon completion of service, the moving party must immediately file a certificate of service indicating the manner of service in detail.

Rule 9019-1
SETTLEMENTS AND AGREED ORDERS

(a) Where a settlement is reached and the outcome affects creditors or the estate, the parties must file a motion for authority to resolve the matter pursuant to the proposed settlement terms. A notice of the motion containing a summary of the proposed settlement terms must be served on the applicable creditor matrix. Service of the filed motion and any exhibits on the applicable creditor matrix is not required.

(b) Unless the court directs a different time or additional time is granted, parties to a settlement must submit a motion to approve settlement or an appropriate consent order within twenty-one days of the notification to the court that the settlement has been reached.

Rule 9019-2
MEDIATED SETTLEMENT CONFERENCE

The court may require parties and their representatives to attend a pretrial mediated settlement conference in any adversary proceeding or contested matter pending in the court.

Rule 9019-2(1)
MEDIATED SETTLEMENT ORDER AND MOTIONS

(a) TIMING OF THE ORDER. The court may issue the order at any time.

(b) CONTENT OF ORDER. The court's order will:
    (1) require that a mediated settlement conference be held in the case;
    (2) establish a deadline for the completion of the conference;
    (3) state clearly that the parties have the right to select their own mediator as provided by Local Bankruptcy Rule 9019-2(2);
    (4) state the rate of compensation of a court appointed mediator in the event that the parties do not exercise their right to select a mediator pursuant to Local Bankruptcy Rule 9019-2(2); and
    (5) state that the parties are required to pay the mediator's fee at the conclusion of the settlement conference unless otherwise ordered by the court.

(c) MOTION TO DISPENSE WITH MEDIATED SETTLEMENT CONFERENCE. A party may move the court, within fourteen days after entry of the court's order, to dispense with the conference. The motion must state the reasons the relief is sought. Any party may file a written objection specifically stating the reasons for opposing the motion.

(d) MOTION FOR COURT ORDERED MEDIATED SETTLEMENT CONFERENCE. In cases not ordered to mediated settlement conference, any party may move the court to order such a conference. The motion must state the reasons why the order should be allowed. Objections may be filed in writing with the court within fourteen days after the date of the service of the motion.

(e) MEDIATED SETTLEMENT CONFERENCE IS NOT TO DELAY OTHER PROCEEDINGS. The mediated settlement conference will not delay other proceedings in the case, including the completion of discovery, the filing or hearing of motions, or the trial of the case, except by order of the court.

Rule 9019-2(2)
SELECTION OF MEDIATOR

(a) SELECTION OF MEDIATOR BY AGREEMENT OF PARTIES. The parties appearing of record may select a mediator of their choosing. The plaintiff (or movant in a contested matter) must file with the court a notice indicating the selection of a mediator by agreement within fourteen days of the court's order requiring mediation. This notice must state the name, address and telephone number of the mediator selected; state the rate of compensation of the mediator; and state that the mediator and the parties have agreed upon the selection and rate of compensation. Mediators must, prior to service, agree to be bound by all provisions of these rules, including submission to the jurisdiction of this court for disciplinary purposes, and, if not certified by the North Carolina Dispute Resolution Commission, to be bound by the North Carolina Standards of Professional Conduct for Mediators. Mediators will be deemed to have given the required agreement by undertaking any action as mediator in the case to which he or she has been assigned.

(b) APPOINTMENT OF MEDIATOR BY THE COURT. If the parties cannot agree upon the selection of a mediator, the plaintiff (or movant in a contested matter) must submit a motion for court appointment of mediator. The motion must state that the parties and their attorneys discussed the selection of a mediator and are unable to agree.

(c) DISQUALIFICATION OF MEDIATOR. Any party may move for an order disqualifying the mediator. If the mediator is disqualified, a replacement mediator will be selected or appointed pursuant to this rule. Nothing in this provision precludes mediators from disqualifying themselves upon written notice to the court and the parties.

Rule 9019-2(3)
MEDIATED SETTLEMENT CONFERENCE LOCATION AND TIME

(a) LOCATION OF CONFERENCE. If the parties and the mediator fail to agree, the mediated settlement conference will be held in the United States Bankruptcy Courthouse or other public or community building in the Eastern District. The mediator is responsible for reserving a place and making arrangements for the conference and for giving timely notice of the conference to all attorneys, unrepresented parties and other persons and entities required to attend.

(b) TIME OF CONFERENCE. The court's order issued pursuant to Local Bankruptcy Rule 9019-2(1) will state a date of completion for the conference. As a guiding principle, the conference should be held after the parties have had a reasonable time to conduct discovery but well in advance of the trial date. If the parties and the mediator fail to agree, the time and date of the mediated settlement conference will be set by the mediator and noticed to the parties.

(c) VIRTUAL CONFERENCE. Unless all the parties and the mediator agree to a virtual conference, the conference will be held in person.

(d) REQUEST TO EXTEND DATE OF COMPLETION. A party, or the mediator, may request the judge to extend the deadline for completion of the conference. The request must state the reasons the continuance is sought and must be served by the movant upon the other parties and the mediator. If any party does not consent to the request, that party must promptly communicate its objection to the judge. The judge may grant the request and enter an order setting a new date for the completion of the conference, at any time prior to trial. The order must be served on all parties and on the mediator by the person who sought the extension.

(e) RECESSES. The mediator may recess the conference at any time and may set times for reconvening. No further notification is required for persons present at the recessed conference.

Rule 9019-2(4)
DUTIES OF PARTIES, REPRESENTATIVES, AND ATTORNEYS

(a) ATTENDANCE. The parties listed in subparagraphs (1) - (3) below must physically attend the entire mediated settlement conference until an agreement is reduced to writing and signed as provided by subsection (c) of this rule or the mediator has declared an impasse, unless excused by the court or by the mediator with approval of all parties and attorneys. Once the conference has begun, the parties must remain until excused by the mediator. A party may appear remotely if (1) the mediator and the parties have agreed to conduct a virtual conference pursuant to Local Bankruptcy Rule 9019-2(3)(c), (2) all other parties and the mediator have agreed to that party appearing remotely, or, (3) the party has moved the court for waiver of appearance and the court has so ordered.

  (1) PARTIES.

    (A) all individual parties;

    (B) any party that is not a natural person or a governmental entity, represented at the conference by an officer, employee or agent who is not such party's outside counsel and who has been authorized to decide on behalf of such party whether and on what terms to settle the action; and

    (C) any party that is a governmental entity, represented at the conference by an employee or agent who is not such party's outside counsel and who has authority to decide on behalf of such party whether and on what terms to settle the action; provided, if by law proposed settlement terms may be approved only by a board, the representative must have authority to negotiate on behalf of the party and to make a recommendation to that board.

  (2) INSURANCE COMPANY REPRESENTATIVES. A representative of each insurance carrier that may be obligated to pay all or part of any claim presented in the action. Each carrier must be represented at the conference by an officer, employee, or agent, other than the carrier's outside counsel, who has the authority to make a decision on behalf of the carrier or who has been authorized to negotiate on behalf of the carrier and can promptly communicate during the conference with persons who have decision-making authority.

  (3) ATTORNEYS. At least one counsel of record for each party or other participant whose counsel has appeared in the action.

(b) NOTIFYING LIEN HOLDERS. Any party or attorney who has received notice of a lien or other claim upon proceeds recovered in the action must notify the lien holder or claimant of the date, time, and location of the mediated settlement conference and must request the lien holder or claimant to attend the conference or make a representative available with whom to communicate during the conference.

(c) FINALIZING AGREEMENT. Upon reaching agreement, either before or during the mediation conference, the settlement must be immediately reduced to writing and signed by the parties, their counsel, and others with settlement authority.

(d) PAYMENT OF COMPENSATION BY PARTIES. Unless otherwise agreed to by the parties or ordered by the court, costs of the mediated settlement conference must be paid in equal shares by the parties. Multiple parties are considered one party when they are represented by the same counsel. Parties obligated to pay a share of the costs must pay them equally unless the court orders otherwise.

(e) PARTY UNABLE TO AFFORD.

(1) MOTION. Prior to the conference, any party may move the court for a finding that it is unable to pay the costs of the mediation. If the court determines that the party to a matter referred for mediation is unable to pay its share of the costs of the mediation, the court may waive those fees for a particular party or reallocate the waived fees to the other parties.

(2) DEFERRAL. The court may defer ruling on such a motion until the mediation is completed or, if the mediation is unsuccessful, until after the matter is tried, at which time the court may consider the outcome of the action, including whether a judgment was rendered in the movant's favor and whether the movant can pay fees in installments or through a bankruptcy plan.

Rule 9019-2(5)
SANCTIONS FOR FAILURE TO ATTEND

(a) If any person required to attend the conference pursuant to Local Bankruptcy Rule 9019-2(4) fails to attend without good cause, the court may impose an appropriate monetary sanction, including but not limited to, the payment of fines, attorneys fees, mediator fees, expenses and losses of earnings incurred by persons attending the conference.

(b) A party seeking sanctions against another party or person must do so in a written motion stating the grounds for the motion and the relief sought.

Rule 9019-2(6)
AUTHORITY AND DUTIES OF MEDIATOR

(a) AUTHORITY OF MEDIATOR.

(1) CONTROL OF CONFERENCE. The mediator is in control of the conference and the procedures to be followed.

(2) PRIVATE CONSULTATION. The mediator may meet and consult privately with any participant or counsel during the conference.

(3) SCHEDULING THE CONFERENCE. The mediator must make a good faith effort to schedule the conference at a time that is convenient to the participants, attorneys, and mediator. In the absence of agreement, the mediator will select the time, date, and location for the conference.

(b) DUTIES OF MEDIATOR.

(1) GENERALLY. The mediator must define and describe the following to the parties at the beginning of the conference:

(A) the process of mediation;

(B) the differences between mediation and other forms of conflict resolution;

(C) the costs of the mediated settlement conference;

(D) that the mediated settlement conference is not a trial, the mediator is not a court, and the parties retain their right to trial if they do not reach settlement;

(E) the circumstances under which the mediator may meet and communicate privately with any of the parties or with any other person;

(F) whether and under what conditions communications with the mediator will be held in confidence during the conference;

(G) the inadmissibility of conduct and settlements as provided by applicable Rules of Evidence.

(H) the duties and responsibilities of the mediator and the participants; and

(I) the fact that any agreement reached will be reached by mutual consent.

(2) DISCLOSURE. The mediator has a duty to be impartial and to advise all participants of any circumstances bearing on possible bias, prejudice or partiality.

(3) DECLARING IMPASSE. It is the duty of the mediator to timely determine that an impasse exists and that the conference should end.

(4) LOCATION OF CONFERENCE. Unless all parties agree, the mediated settlement conference will be held at a place selected by the mediator. The mediator is responsible for reserving a place and making arrangements for the conference and for giving timely notice of the conference to all attorneys, unrepresented parties and other persons and entities required to attend.

(5) REPORTING RESULTS OF CONFERENCE. The mediator must submit a Report of Mediator to the court that indicates the results of the conference. This report must be filed within two weeks of the conclusion of the conference or upon the receipt of a copy of a written settlement agreement, whichever comes first. The mediator’s report must list the names of all persons attending the conference.

(A) If an agreement was reached, the report must state whether the action will be concluded by consent judgment, voluntary dismissal, or otherwise and must identify the persons designated to file the appropriate document.

(B) If the mediation is suspended without impasse or agreement, the mediator must submit an interim report within two weeks of the suspension of the conference, advising that the conference took place, that discussions are continuing, and whether or not the mediation is to be formally reconvened.

RULE 9019-2(7)
INADMISSIBILITY OF NEGOTIATIONS

(a) Evidence of statements made and conduct occurring in a mediated settlement conference conducted under these local rules, whether attributable to a party, the mediator, other neutral, or a neutral observer present at the settlement proceeding, is not subject to discovery and is inadmissible in any proceeding in the bankruptcy case or adversary proceeding or other related cases or proceedings, except:
   (1) In proceedings for sanctions under these local rules;
   (2) In proceedings to enforce or rescind a settlement of the action;
   (3) In disciplinary proceedings before the State Bar or any agency established to enforce standards of conduct for mediators or other neutrals; or
   (4) In proceedings to enforce laws concerning juvenile or elder abuse.

   As used in this section, the term "neutral observer" includes persons seeking mediator certification, persons studying dispute resolution processes, and persons acting as interpreters.

(b) No settlement agreement to resolve any or all issues reached at the proceeding conducted under these local rules or during its recesses is enforceable unless it has been reduced to writing and signed by the parties.

(c) No evidence otherwise discoverable is inadmissible merely because it was discovered, presented, or discussed in a mediated settlement conference or other settlement proceeding.

(d) No party, mediator, other neutral, or neutral observer present at a settlement proceeding may be compelled to testify or produce evidence concerning statements made and conduct occurring in anticipation of, during, or as a follow-up to a mediated settlement conference in any civil proceeding for any purpose, including proceedings to enforce or rescind a settlement of the action, except:
   (1) to attest to the signing of any agreements;
   (2) proceedings for sanctions under this section;
   (3) disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators or other neutrals; and
   (4) proceedings to enforce laws concerning juvenile or elder abuse.

RULE 9022-1
JUDGMENTS AND ORDERS – NOTICE OF

SERVICE OF ORDERS. Upon entry of an order submitted by a party, the submitting party must serve a copy of the order upon all parties who are required to be served and who have not consented to receiving service electronically pursuant to Local Bankruptcy Rule 5005-4(9)(b). Upon service of the order, the submitting party must file a certificate of service with the court within 3 days of serving the order, or as otherwise directed by the court.

Rule 9027-1
REMOVAL AND REMAND PROCEDURES

(a) NOTICE OF REMOVAL. A notice of removal filed under Fed. R. Bankr. P. 9027(a)(1) must be promptly served on:
   (1) All other parties to the removed action;
   (2) Any trustee appointed in the bankruptcy case; and
   (3) The Office of the Bankruptcy Administrator.

(b) FILING REQUIREMENTS. Unless otherwise ordered by the court, the removing party must file with the clerk:
   (1) ADVERSARY PROCEEDING COVER SHEET. An Adversary Proceeding Cover Sheet unless filed by a CM/ECF Filer.
   (2) LIST OF PARTIES AND COUNSEL. A list containing the name of each party to the removed case, and the names, addresses and telephone numbers of their counsel, or the party, if *pro se*, must be filed with the notice of removal.
   (3) DOCKET SHEET. The removing party must file, if available, a complete docket sheet and chronological listing of all filings and activity in the prior court from which the subject action was removed.
   (4) COMPILATION OF PROCESS, PLEADINGS, AND ORDERS. Within fourteen days of filing the notice of removal, the removing party must file with the clerk, in chronological order, copies of all process, pleadings, orders, and minute entries issued, filed, entered, or made prior to removal, along with an index in the form prescribed in the Administrative Guide to Practice and Procedure.
   (5) CONSENT IN CORE PROCEEDING. Each party who files a pleading in connection with a removed cause of action, including the notice of removal, must include in their initial post-removal filing a statement pursuant to Fed. R. Bankr. P. 9027(e)(3) asserting whether, with respect to each claim or counterclaim:
      (A) The proceeding is core or non-core; and
      (B) The party consents to the entry of a final order or judgment by the bankruptcy court.

      If no such statement is included, unless otherwise ordered by the court, the party filing the notice of removal or initial post-removal filing is deemed to have waived the right to contest the authority of the court to enter final orders or judgments.
   (6) CORPORATE OWNERSHIP STATEMENT as defined by Fed. R. Bankr. P. 7007.1.
   (7) JURY DEMAND. Within fourteen days of service of the notice of removal, a party must comply with Fed. R. Bankr. P. 9015 to preserve any right to a jury trial.
   (8) CERTIFICATE OF SERVICE. Not later than seven days after service, the party filing the notice must file a certificate of service.

(c) TIMING. The removing party must file all of the required documents within thirty days of filing a notice of removal.

(d) REMAND. A motion for remand must be filed with the court within thirty days after the date of filing the notice of removal, and served on all parties listed in subparagraph (a) of this rule.

(1) If the court remands the case, a certified copy of the order of remand must be mailed by the clerk to the clerk of the court from which the civil action or proceeding was removed, and that court may thereupon proceed with the case.

(2) If, at any time before final judgment, it appears that the civil action or proceeding was removed improvidently or that the court lacks jurisdiction to adjudicate the matter, this court will remand the case to the court from which it was removed and may order the payment of reasonable and justified costs.

(e) FEES. Unless otherwise ordered by this court or by applicable rule, the adversary proceeding fee is due upon the filing of the notice of removal.

(f) PENDING MOTIONS. When an action or proceeding is removed with pending motions on which briefs have not been submitted, the moving party must serve a memorandum in support of the motion within fourteen days after removal. Each party opposing the motion must respond in compliance with these Local Rules.

Rule 9036-1(1)
DEBTOR'S ELECTRONIC NOTICING REQUEST

(a) DeBN REQUEST FORM. Each debtor who files a voluntary petition in bankruptcy on or after December 1, 2016, must file, contemporaneous with the petition, a completed Debtor's Electronic Noticing Request (DeBN Request) on the form provided by the clerk. Each DeBN Request must indicate whether the debtor:

(1) requests creation of a new DeBN account to begin receiving court notices and orders via email pursuant to Fed. R. Bankr. P. 9036;

(2) declines participation in the DeBN program;

(3) requests an update to or reactivation of an existing DeBN account; or

(4) requests deactivation of an existing DeBN account.

(b) EMAIL ADDRESS. Requests to create a new DeBN account and requests to update or reactivate an existing DeBN account must list a valid and active email address for the debtor. A debtor may list the same email address that was listed on a joint debtor's DeBN Request; however, each debtor and each joint debtor must sign and file a separate DeBN Request regardless of whether they share the same email address.

(c) PROOF OF IDENTITY. All DeBN Requests must be filed with sufficient evidence of the debtor's identity. The debtor provides sufficient evidence of identity when:

(1) the debtor's attorney files the DeBN Request electronically in CM/ECF;

(2) the debtor files the DeBN Request in person at the clerk's office and displays a photo identification or other information that would satisfy 11 U.S.C. § 521(h); or

(3) the debtor files the DeBN Request by mail and provides a copy of a photo identification or other information that would satisfy 11 U.S.C. § 521(h).

(d) CLERK DUTIES. The clerk will act upon the DeBN Request promptly after it is filed. While the debtor's DeBN account is active, the clerk is directed to send court-issued notices and orders via email pursuant to Fed. R. Bankr. P. 9036 whenever the clerk would otherwise be required to send the notice or order by regular mail.

(e) UNDELIVERABLE EMAIL NOTICES. If an attempt to deliver a notice or order via email fails, the debtor's DeBN account may be immediately deactivated. A debtor may reactivate the debtor's DeBN account by submitting a DeBN Request to reactivate an existing account and supplying a valid and active email address.

(f) SCOPE OF DeBN. The existence of an active DeBN account does not authorize any person other than the court to provide notice of service solely by email if notice or service would otherwise be required by regular mail or other means.

Rule 9070-1
EXHIBITS

Exhibits filed in this district, in either paper or electronic form, and in the context of an adversary proceeding, contested matter, or any other proceeding, must conform to the requirements of the Local Bankruptcy Rules, including Local Bankruptcy Rules 5005-1, 5005-4(5), 7016-1, 7016-2, and 9014-1, as they may apply.

Rule 9072-1
PROPOSED ORDERS

A proposed order must be submitted contemporaneously with the filing of any document requesting relief in accordance with the procedures established in the Administrative Guide to Practice and Procedure. In chapter 11 and 12 cases, a copy of the submitted proposed order must also be attached as an exhibit to the filings requesting such relief.

RULE 9074-1
TELEPHONE OR VIDEO CONFERENCES AND HEARINGS

(a) CONFERENCES AND HEARINGS. The court may schedule any matter in a bankruptcy case, contested matter, or adversary proceeding to be heard by video or telephone conference. Any party in interest affected by or involved in a case, matter or proceeding may request the court to hear the matter by telephone or video conference.

(b) EXCHANGE OF EXHIBIT AND WITNESS LISTS. The parties involved in video conferences and hearings must exchange proposed witness and exhibit lists and copies of all proposed exhibits, and file such lists and exhibits with the court, at least three business days prior to a hearing or trial unless otherwise ordered by the court. The moving party in a contested matter must identify exhibits in numerical sequence. The responding party in a contested matter must identify exhibits in alphabetical sequence. If multiple parties are involved, the parties must determine an identification sequence that eliminates any duplicative sequence prior to hearing or trial. Failure to exchange timely and file proposed witness and exhibit lists and copies of proposed exhibits in accordance with this rule may result in the court barring any undisclosed witness testimony and denying the admission of any unexchanged exhibits.