

**FILED**

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

**OCT 12 2016**

**STEPHANIE J. BUTLER, CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF NC**

**IN RE:**

**FLOOD RELATED PROCEDURES**

**GENERAL ORDER**

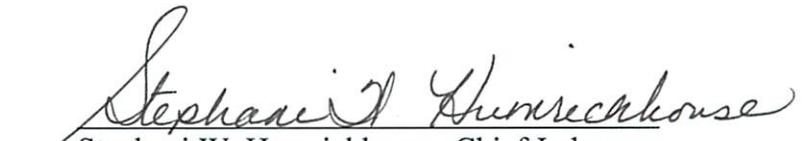
The Eastern District of North Carolina was struck by Hurricane Matthew on October 8, 2016, resulting in significant flooding throughout the Eastern District. The Court has determined that it is necessary to make amendments to its normal procedures in order to accommodate those affected by the flooding. Therefore, unless extended or otherwise modified by the court, the following procedures shall be in effect for the remainder of 2016:

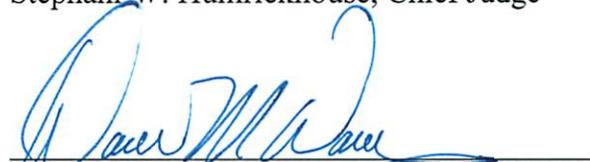
1. Trustees (both in Chapter 7 and 13 cases) are given authority to continue 341 meetings without motion and order, simply by notating in the minutes that the meeting was continued to a date certain;
2. The limitation on number of waivers of payment to be given by Chapter 13 trustees without court approval is suspended. Trustees may authorize whatever waivers appear reasonably necessary under the circumstances;
3. The limitation in Local Rule 4002-1(g)54) that a Chapter 13 debtor may not purchase property or incur debt of more than \$7,500 without court approval is suspended. To the extent reasonably necessary to replace flood-damaged property, debtors may incur debt or purchase property. If the amount of debt or purchase exceeds \$7,500, debtors must have the approval of the Chapter 13 trustee. If the trustee objects, court approval is necessary;

4. Under Local Rule 9014-1, orders will not be entered solely on the basis that no response was filed, unless the court is persuaded that actual notice was received by respondent or respondent's counsel. A movant may satisfy the court that service was made by sending the motion by certified mail, or by submitting a short affidavit that the attorney or an employee of the attorney for movant actually contacted the respondent or counsel for respondent, and receipt of the motion was acknowledged. If no mail receipt or affidavit is received, the court may, in its discretion, contact counsel for respondent to make certain that service was made, or in the alternative, set the matter for hearing;
5. It is understood that many residents of eastern North Carolina are currently dislocated and difficult to contact. Accordingly, counsel for respondents are permitted to file a response requesting a hearing solely on the basis of their inability to contact the respondent within the relevant period;
6. Given the widespread destruction of property and interruption or loss of employment, it is anticipated that a large number of Chapter 13 debtors will modify their plans to reflect changed circumstances due to flood-related loss. The court will rule on these motions expeditiously; however, the filing and service requirements must be met. Additionally, it is critical that motions to modify detail the changed circumstances. The motion must recount not only any loss of property or employment, but also any application for insurance proceeds or disaster relief funds (from any source, public or private) and the receipt of any such proceeds or funds;

7. Similarly, it is anticipated that large numbers of debtors in Chapter 13 cases will, because of flood-related loss, temporarily be unable to meet payment obligations under orders curing earlier defaults with secured creditors or trustees. If the parties cannot reach consensual extensions, counsel for debtors who have suffered flood-related loss may request the court to modify the default provisions of a particular order. In the event that such a motion is filed, the default provisions of the order are suspended until the court rules. It is critical that such motions to modify detail all of the changed circumstances requiring the modification, including both the nature and extent of loss, and the application for or receipt of insurance proceeds or disaster relief funds.

**SO ORDERED**, this 12<sup>th</sup> day of October, 2016.

  
Stephani W. Humrickhouse, Chief Judge

  
David M. Warren, Judge

  
Joseph N. Callaway, Judge