

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI
THAD COCHRAN U. S. BANKRUPTCY COURTHOUSE
703 HIGHWAY 145 NORTH
ABERDEEN, MISSISSIPPI 39730



SHALLANDA J. CLAY
CLERK OF COURT

TELEPHONE
(662) 369-2596

MEMORANDUM

TO: Members of the Bar
FROM: Shallanda “Che” Clay, Clerk of Court
DATE: January 17, 2017
RE: Notice of Procedural Changes Effective January 23, 2017

This memo provides an overview of procedural changes that will become effective in the United States Bankruptcy Court for Northern District of Mississippi on January 23, 2017.

Notice of Mortgage Payment Change

Pursuant to Fed. R. Bankr. P. 3002.1(b), a Notice of Payment Change must be filed 21 days before the new payment amount is due on a claim secured by the debtor’s principal residence in a chapter 13 case. It has been the procedure of the Clerk’s office to require three filings in order for a hearing to be held regarding the Notice of Payment Change: (1) the *Notice of Mortgage Payment Change*; (2) an *Objection to Mortgage Payment Change*; and (3) a *Response to the Objection to Mortgage Payment Change*. Effective January 23, 2017, step three will be eliminated, and a response will no longer be required for a hearing to be held.

As a reminder, the proper filing to dispute a Notice of Mortgage Payment Change is an *Objection to Mortgage Payment Change* (“Objection”). To select the appropriate event in CM/ECF, click the Bankruptcy tab at the top of the screen and select the “Other” link.

Beginning January 23, 2017, once an Objection is filed, the Court will issue a hearing notice without a response deadline. No response to the Objection will be necessary for a hearing to be held. However, it is important to note that once a hearing notice is issued, a court appearance will be required unless a settlement is timely reported to the Court. Parties should closely review any hearing notice regarding an *Objection to Mortgage Payment Change*. The new procedure will be applicable to hearing notices issued on, or after, January 23, 2017.

Service Time Extended from Three to Five Days

The moving party or plan proponent is required to perform certain noticing responsibilities pursuant to the Standing Order Delegating Certain Noticing Responsibilities (a copy of which is available on the court's website). The Standing Order provides the minimum number of days that notice must be given for certain filings. The moving party or plan proponent is currently allowed a minimum of three calendar days to serve the appropriate party(ies). This means the Clerk's office adds at least three days to the notice requirements outlined in the Standing Order when scheduling deadlines and/or hearings. We recognize the current procedure may create challenges, especially when a Notice is issued late on a Friday afternoon, resulting in a service deadline of the following Monday. Based upon recommendations from several members of the bar, we are extending the service time to allow at least five days. This will allow a party at least five days, after issuance of the Notice from the Court, to serve the appropriate party(ies). Be advised that this change may result in issuance of a hearing date that is later than it otherwise would be under our current procedure.

Deadline to Cure Delinquent Fees Owed by Debtor

If certain filing fees are not paid timely, the Clerk's office will issue a notice setting a deadline to cure the delinquent fees before certain action will be taken for the failure to pay. Fees that fall into this category are those typically paid by the debtor(s) and often received by mail (e.g., installment payments for the filing fee in a chapter 13 case, complaint filing fee, conversion fee, etc.). Effective, January 23, 2017, the deadline to cure delinquent filing fees will be changed to six (6) days.

Be advised that this does not include fees due and associated with an attorney's CM/ECF account. The requirement under the *Administrative Procedures for the CM/ECF System* that users settle fees due on their on-line account by midnight on the date of filing remains unchanged.

Should you have any questions regarding any of the procedural changes above, feel free to contact the Clerk's office at (662) 369-2596.