

**UNIFORM LOCAL RULES OF THE
UNITED STATES BANKRUPTCY COURTS
FOR THE NORTHERN AND SOUTHERN
DISTRICTS OF MISSISSIPPI
(Effective July 1, 1989)**

**UNITED STATES BANKRUPTCY COURTS
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI**

ORDER ADOPTING UNIFORM LOCAL BANKRUPTCY RULES

The Bankruptcy Judges of the Northern and Southern Districts of Mississippi do hereby adopt the attached Uniform Local Bankruptcy Rules, effective July 1, 1989. This Order is entered pursuant to Rule 9029, Federal Rules of Bankruptcy Procedure; to the Order entered by the District Judges of the Northern District of Mississippi on July 26, 1988; and, to the Order entered by the District Judges of the Southern District of Mississippi on August 5, 1988.

The Clerks of each Court shall cause certified copies of this Order and the attached Uniform Local Bankruptcy Rules to be placed upon the records of each Court and shall forward certified copies to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Fifth Circuit.

This Order and the attached Uniform Local Bankruptcy Rules shall be printed and made available by the Clerks of each Bankruptcy Court to the members of the Bar and to the public.

ORDERED AND ADOPTED this the 4th day of May, 1989.

/S/ David W. Houston, III

DAVID W. HOUSTON, III
UNITED STATES BANKRUPTCY JUDGE

/S/ Edward Ellington

EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE

/S/ Edward R. Gaines

EDWARD R. GAINES
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF MISSISSIPPI

**IN RE: ADOPTION OF UNIFORM LOCAL BANKRUPTCY RULES FOR THE
 UNITED STATES BANKRUPTCY COURTS IN THE NORTHERN AND
 SOUTHERN DISTRICTS OF MISSISSIPPI**

ORDER

It is hereby ordered that pursuant to Rule 9029, Federal Rules of Bankruptcy Procedure, the bankruptcy judge of this district is hereby authorized, subject to the requirements of Rule 83, Federal Rules of Civil Procedure, to make local rules regarding bankruptcy practice and procedure, not inconsistent with the Federal Rules of Bankruptcy Procedure.

ORDERED and ADJUDGED this the 26th day of July, 1988.

/S/ L.T. Senter, Jr.

L.T. SENTER, JR., Chief Judge
UNITED STATES DISTRICT COURT

/S/ Neal B. Biggers

NEAL B. BIGGERS
UNITED STATES DISTRICT JUDGE

/S/ Glen H. Davidson

GLEN H. DAVIDSON
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

ORDER

It is hereby ordered that, pursuant to Bankruptcy Rule 9029, the bankruptcy judges of this district are authorized, subject to the requirements of 83 FR Civ P, to make rules of practice and procedure not inconsistent with the Bankruptcy Rules.

SO ORDERED this the 5th day of August, 1988.

/S/ William H. Barbour, Jr.
WILLIAM H. BARBOUR, JR.
UNITED STATES DISTRICT JUDGE

/S/ Tom S. Lee
TOM S. LEE
UNITED STATES DISTRICT JUDGE

/S/ Henry T. Wingate
HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE

/S/ Walter J. Gex, III
WALTER J. GEX, III
UNITED STATES DISTRICT JUDGE

**UNIFORM LOCAL RULES OF THE
UNITED STATES BANKRUPTCY COURTS
FOR THE NORTHERN AND SOUTHERN
DISTRICTS OF MISSISSIPPI**

Table of Rules

General Rules

		<u>Page</u>
Rule 1.	Scope of Local Rules	-1-
Rule 2.	Attorneys: Admission and Conduct	-2-
Rule 3.	Duties of Attorney for Debtor	-2-
Rule 4.	Attorney Fee Disclosure Statement	-4-
Rule 5.	Place of Filing Petition	-4-
Rule 6.	Commencement of Case - Copies, Filing Fees and Other Statutory Fees and Charges	-8-
Rule 7.	Master Address List.	-10-
Rule 8.	Procedure When the United States of America or an Agency Thereof is a Designated Creditor	-14-
Rule 9.	Fees for Paper Copies and Miscellaneous Fees	-14-
Rule 10.	Amendments to Schedule Additional Creditors	-16-
Rule 11.	Meeting of Creditors or Equity Security Holders	-17-
Rule 12.	Copy of § 341 Meeting Proceedings	-17-
Rule 13.	General Practice Rules	-18-
Rule 14.	Arrangements for Court Reporters	-24-
Rule 15.	Limit on Interrogatories	-24-
Rule 16.	Answers to Interrogatories and Filing of Discovery Materials	-24-
Rule 17.	Submitting of Order or Judgment After Hearing	-26-
Rule 18.	Motion for Summary Judgment	-27-
Rule 19.	Default Judgments	-29-

Supplemental Rules Applicable to Chapter 7 Cases

Rule S7-1.	Procedure For Abandonment of Property And For Relief From the Automatic Stay Provisions Of 11 U.S.C. § 362 in Chapter 7 Case	-30-
Rule S7-2.	Automobile Insurance in Chapter 7 Cases	-32-

Supplemental Rules Applicable to Chapter 11 and 12 Cases

Rule S11-1.	Employment of Professional Persons	-33-
Rule S11-2.	Order Pertaining to Post-Petition Operations in Chapter 11 and 12 Cases . . .	-33-

Supplemental Rules Applicable to Chapter 13 Cases

Rule S13-1.	Copies of Chapter 13 Plan	-33-
Rule S13-2.	Procedure for Modification of Chapter 13 Plan	-34-
Rule S13-3.	Vehicle Insurance In Chapter 13 Cases	-34-
Rule S13-4.	Chapter 13 Proofs of Claim	-36-
Rule S13-5.	Payments to Creditors in Chapter 13 Cases	-36-

GENERAL RULES

Rule 1. Scope of Local Rules

(a) Applicability. These Local Rules govern proceedings in the United States Bankruptcy Courts for the Northern and Southern Districts of Mississippi in accordance with 11 U.S.C. § 105(a) and Rules of Bankruptcy Procedure 9029.

These Local Rules are to apply generally to all bankruptcy matters. However, the Local Rules are not to be considered all encompassing in that certain special circumstances might necessarily arise that require the bankruptcy court to permit exceptions thereto. Internal operating procedures regulating the internal operation of the bankruptcy court or the clerk's office are not contained herein.

Rules 1-20 herein govern practice under any chapter of the Bankruptcy Code. Additionally, the following Local Rules govern practice under specific chapters of the Bankruptcy Code:

- (1) Chapter 7 - Rules S7-1 through S7-2.
- (2) Chapters 11 and 12 - Rules S11-1 through S11-2.
- (3) Chapter 13 - Rules S13-1 through S13-5.

(b) Repeal of Prior Local Rules. All prior Local Rules of the United States Bankruptcy Courts of the Northern and Southern Districts of Mississippi are hereby repealed. The repeal of any prior rule shall not affect any act done pursuant to or obviate any act required under any prior rule.

(c) Attorneys' Duty to Adhere to Rules. All attorneys practicing before the bankruptcy courts for the Northern and Southern Districts of Mississippi shall acquaint themselves with

these Local Rules, shall abide thereby, and shall be subject to disciplinary action for failure to abide by these Local Rules.

Rule 2. Attorneys: Admission and Conduct

The admission and conduct of attorneys is regulated by Rule 1, Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi.

Rule 3. Duties of Attorney for Debtor

(a) Duties Prior to Filing Petition and Schedules. Prior to filing the petition and schedules, the attorney for the debtor shall personally review them to determine and insure that:

- (1) The correct form has been used;
- (2) The petition has been completed and is accurate;
- (3) All state and federal exemptions available have been properly claimed with the correct statutory citations;
- (4) All of the debtor's assets and property have been accurately identified;
- (5) All lien creditors, their security interests and the collateral have been accurately described;
- (6) The debtor and the debtor's attorney have signed the petition at all appropriate places; and
- (7) A notice of alternative chapters under which an individual debtor(s) may proceed, has been properly executed by the debtor(s). It is to be filed with the bankruptcy petition in all individual cases. The official local form may be obtained from the clerk.
- (8) A schedule of current income and current expenditures has been included in the petition and schedules. 11 U.S.C. § 521(1).

(b) Duties After Filing Petition and Schedules.

(1) After filing the petition, the attorney shall fully cooperate with the trustee in the performance of the trustee's duties and shall keep the trustee advised of all matters pertinent to the Debtor and the administration of the estate.

(2) If the debtor operates a business, the attorney shall assist the trustee in obtaining all business records, ledgers, journals and cancelled checks of the debtor, all keys to the debtor's business, insurance policies, leases and contracts of the debtor. Such items shall be delivered to the trustee at his request.

(3) The attorney shall determine whether the debtor wishes to retain any assets subject to a security interest or lien, and shall contact the creditors to determine the fair value of the collateral and whether the creditors desire a lump-sum payment or will refinance for the debtor. The attorney shall determine whether such collateral is exempt property; whether there is any equity in the property for the debtor's estate; and whether the property is redeemable under 11 U.S.C. § 722.

(4) In determining the value of automobiles and trucks, the attorney should be aware that the bankruptcy court shall use as a rule of thumb the "average trade-in" value stated in the most recent issue of the "NADA Official Used Car Guide," Southeastern Edition, as the fair value of the vehicle for redemption purposes.

(5) The attorney shall use diligent effort to prevent the debtor from agreeing to a redemption of property for more than its present fair value and from reaffirming any indebtedness which is not in the best interest of the debtor. The attorney's duty to the debtor includes protecting the debtor from creditors' improper actions, as well as, imprudent acts of his own.

(6) The attorney shall appear at all meetings of creditors, prepared to inform the trustee and/or the presiding officer of any agreements to redeem personal property between the creditors and the debtor.

(7) At the time of the filing of the petition, the attorney shall notify the clerk and the trustee that the estate of the debtor contains assets that need to be preserved or protected.

Rule 4. Attorney Fee Disclosure Statement

If the attorney fee disclosure statement is not timely filed as required by Bankruptcy Rule 2016(b), the case shall be subject to dismissal. At the meeting of creditors, the officer presiding shall review the attorney fee disclosure statement to insure that the statement was filed within fifteen days after the order for relief and meets all requisites of Bankruptcy Rule 2016.

Rule 5. Place of Filing Petition

(a) General Rule. A petition commencing a case under Title 11 shall be filed in the following locations:

(1) for cases in the Northern District, in the Office of the Clerk of the United States Bankruptcy Court at Aberdeen, Mississippi, and

(2) for cases in the Southern District, in the Office of the Clerk of the United States Bankruptcy Court at Jackson for the Jackson, Eastern and Western Divisions and at Biloxi for the Southern and Hattiesburg Divisions. (See Order Amending entered June 14, 1995).

(b) Emergency Filings. Where circumstances require immediate filing so as to forestall a judicial sale or foreclosure sale of any of the debtor's property, or other like emergency, such emergency petitions are permitted to be tendered for filing in the following locations:

(1) for cases in the Northern District, the petition may be carried by hand to the

Office of the Clerk of the United States District Court at Greenville, Clarksdale or Oxford, Mississippi, and there tendered for filing, and

(2) for cases in the Southern District, the petition may be carried by hand to the Office of the Clerk of the United States District Court at Meridian for the Eastern Division or Hattiesburg for the Southern Division, and there tendered for filing.

In such emergency circumstances, the Clerk of the United States District Court and his deputies are authorized to note on such petition the time and date when the petition is received. The Clerk of the United States District Court shall forthwith transmit the petition so tendered, with any accompanying papers, and the filing fee, if paid, to the Clerk of the United States Bankruptcy Court. If the petition is eligible for filing under applicable law and rules, the Clerk of the United States Bankruptcy Court shall file said petition as of the time and date when the same was marked received by the Clerk of the United States District Court.

(c) Applicability of Rule. Part (b) of this Local Rule applies only to petitions commencing a bankruptcy case and not to other bankruptcy filings.

**UNITED STATES BANKRUPTCY COURTS NORTHERN AND
SOUTHERN DISTRICTS OF MISSISSIPPI**

ORDER AMENDING UNIFORM LOCAL BANKRUPTCY RULE 5

The Bankruptcy Judges of the Northern and Southern Districts of Mississippi do hereby amend Uniform Local Bankruptcy Rule 5, effective July 1, 1995, as follows:

RULE 5. PLACE OF FILING PETITION

(a) General Rule. A petition commencing a case under Title 11 shall be filed in the following locations:

(1) for cases in the Northern District, in the Office of the Clerk of the United States Bankruptcy Court at Aberdeen, Mississippi, and

(2) for cases in the Southern District, in the Office of the Clerk of the United States Bankruptcy Court at Jackson for the Jackson and Western Divisions and at Biloxi for the Southern, Hattiesburg and Eastern Divisions.

(b) Emergency Filings. Where circumstances require immediate filing so as to forestall a judicial sale or foreclosure of any of the debtor's property, or other like emergency, such emergency petitions are permitted to be tendered for filing in the following locations:

(1) for cases in the Northern District, the petition may be carried by hand to the Office of the Clerk of the United States District Court at Greenville or Oxford, Mississippi, and there tendered for filing, and

(2) for cases in the Southern District, the petition may be filed in either Office of the Clerk of the Bankruptcy Court or the petition may be carried by hand to the Office of the Clerk of the United States District Court at Hattiesburg, Mississippi, and there tendered for filing.

In such emergency circumstances, the Clerk of the United States District Court and his deputies are authorized to note on such petition the time and date when the petition is received. The Clerk of the United States District Court shall forthwith transmit the petition so tendered, with any accompanying papers, and the filing fee, if paid, to the Clerk of the United States Bankruptcy Court. If the petition is eligible for filing under applicable law and rules, the Clerk of the United States Bankruptcy Court shall file said petition as of the time and date when the same was marked received by the Clerk of the United States District Court.

(c) **Applicability of Rule.** Part (b) of this Local Rule applies only to petitions commencing a bankruptcy case and not to other bankruptcy filings.

This Order is entered pursuant to Rule 9029, Federal Rules of Bankruptcy Procedure; to the Order entered by the District Judges of the Northern District of Mississippi on July 26, 1988; and, to the Order entered by the District Judges of the Southern District of Mississippi on August 5, 1988.

The Clerks of each Court shall cause certified copies of this Order and Amended Uniform Local Bankruptcy Rule 5 to be placed upon the records of each Court and shall forward certified copies to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Fifth Circuit.

This Order and the Amended Uniform Local Bankruptcy Rule 5 shall be printed and made available by the Clerks of each Bankruptcy Court to the members of the Bar and to the public.

ORDERED AND ADOPTED this the 14th day of June, 1995.

/S/ David W. Houston, III
DAVID W. HOUSTON, III
UNITED STATES BANKRUPTCY JUDGE

/S/ Edward Ellington
EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE

/S/ Edward R. Gaines
EDWARD R. GAINES
UNITED STATES BANKRUPTCY JUDGE

Rule 6. Commencement of Case - Copies, Filing Fees and Other Statutory Fees and Charges

(a) Copies of Petitions and Documents. The clerk shall be under no duty to file paperwork submitted to the clerk in disarray. The attorney filing any voluntary or involuntary petition shall personally review all petitions, schedules, statements and other supporting documents before delivery to the clerk and shall ensure that all carbon paper shall have been removed and that all such paperwork shall be arranged in logical order.

An original and four (4) copies of a petition, schedules, statements and other supporting documents under chapter 7, chapter 12 and chapter 13 of the code shall be filed.

An original and six (6) copies of a petition, schedules, statements and other supporting documents shall be filed in all chapter 9 and chapter 11 cases.

b) Filing Fees and Other Statutory Fees and Charges.

(1) General Requirements. Every petition shall be accompanied by the prescribed filing fee except as provided in subdivision (b)(2) of this rule. [See Rule 1006, Federal Rules of Bankruptcy Procedure and schedule of fees in 28 U.S.C. § 1930(a), as amended.] The clerk shall collect such filing fees as well as all other statutory fees and charges provided by Chapter 123 of Title 28, United States Code.

(2) Payment of Filing Fee in Installments.

(i) Application for Permission to Pay Filing Fee in Installments. A voluntary petition by an individual, if otherwise eligible for filing, shall be accepted for filing if accompanied by the debtor's signed application stating that the debtor is unable to pay the filing fee except in installments. The application shall state the proposed terms of the installment payments and that the applicant has neither paid any money nor transferred any property to an attorney for services

in connection with the case.

(ii) Action on Application. Prior to the meeting of creditors, the bankruptcy court may order the filing fee paid to the clerk or grant leave to pay in installments and fix the number, amount and dates of payment. The number of installments shall not exceed four, and the final installment shall be payable not later than 120 days after filing the petition. For cause shown, the bankruptcy court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition.

(iii) Postponement of Attorney's Fees. The filing fee must be paid in full before the debtor or chapter 13 trustee may pay an attorney or any other person who renders services to the debtor in connection with the case.

(3) Fees Earned Upon Receipt. Filing fees prescribed by 28 U.S.C. § 1930(a) are fully earned at the time the petition is received by the clerk. They may not be waived or refunded if it later appears that the petition was filed in error, or if the case is subsequently dismissed or converted.

(4) Conversion Fees. The fees due on cases converted from one chapter of title 11 to another chapter under title 11 shall be the difference between the amount paid when the petition was originally filed and the amount now required under the chapter to which the case is being converted. The only exception thereto is that the amount of the conversion fee to be collected when a chapter 7 or chapter 13 case converts at the request of the debtor to chapter 11 after November 26, 1986, shall be \$400.00 (28 U.S.C. § 1930(a)) or such other fee as may be required by law.

(5) Fees for Reopening Bankruptcy Code Cases. Filing fees prescribed by 28

U.S.C. § 1930(a)(1) through (5) for the chapter in which the case was closed shall be collected when a bankruptcy case is reopened, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. If a bankruptcy case is reopened for any other purpose, the appropriate fee to be charged is the same as the filing fee in effect for commencing a new case on the date of the reopening.

(6) Enforcement Provisions. If any installment of a filing fee or any other statutory fee or charge required in a case under Chapter 123 of Title 28, United States Code, shall not be timely paid, the court may, sua sponte, and after notice and a hearing, dismiss the subject case for cause, deny confirmation of any proposed plan or grant such other relief or take such other action as the court deems appropriate. Cumulative to the provisions of Rule 4004(c), Federal Rules of Bankruptcy Procedure, no discharge shall be granted to a debtor who shall not have fully paid the filing fees and/or conversion fees in the subject case.

Rule 7. Master Address List.

The debtor shall prepare and present a master address list on forms provided by the office of the clerk. The master address list shall include the correct mailing addresses of the debtor, the attorney for the debtor, all creditors listed on the bankruptcy schedules and the U. S. trustee. The responsibility for maintaining the accuracy of the master address list shall be that of the attorney for the debtor or the debtor filing pro se, and not the responsibility of either the bankruptcy court or the clerk.

In the Northern District of Mississippi, for reasons related to the computerized database, the debtor and the attorney for the debtor should not be named on the master address list because their names and addresses are retrieved from other paperwork.

In the Northern District, the matrix or master address list is read by an optical character reader. As such, the matrix must be prepared in the optical character reader - compatible manner described in the Northern District standing order, entered on November 4, 1988. A copy of the order is appended as an exhibit to this Rule 7.

EXHIBIT TO RULE 7

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**STANDING ORDER RE MASTER MAILING LIST (MATRIX) REQUIREMENTS FOR
FILING A BANKRUPTCY PETITION IN THIS COURT AND RELATED MATTERS**

WHEREAS, the Judicial Improvements Committee of the Judicial Conference of the United States, the Federal Judicial Center and the Administrative Office of the United States Courts have designated this Court, along with the U.S. Bankruptcy Court for the Southern District of West Virginia and the U.S. Bankruptcy Court for the Eastern District of Oklahoma, as a pilot project court for the innovation of a highly sophisticated bankruptcy case management computer software program called "BANCAP"; and

WHEREAS, said pilot project, called the "PC BANCAP Pilot Project", is a pioneering automation development in that heretofore only three metropolitan Bankruptcy Courts in the Western District of New York, the Western District of Texas and the Western District of Washington), plus a limited number of metropolitan expansion courts. necessarily using very expensive mainframe computers have served as BANCAP software courts; and

WHEREAS, the current PC BANCAP Pilot Project, which involves the transfer of such BANCAP software to much less expensive personal computers (PC), if successful, will make possible the economical rapid expansion of automated bankruptcy case management to all of the non-metropolitan Bankruptcy Courts across the nation; and

WHEREAS, one of the fundamental elements in the operation of the BANCAP Program is the optical scanning of debtors' master mailing lists (matrices) by means of an Optical Character Reader (OCR), the utilization of which requires a high degree of precision in the preparation of a debtor's matrix or master mailing list; and

WHEREAS, the Clerk of this Court will mail or otherwise make available to all bankruptcy practitioners who practice in this court the specifications for and exemplars of a debtor's matrix in the form absolutely necessary for the operation of the Optical Character Reader (OCR) being installed in the Clerk's office as one component of the bankruptcy case management automation system made available to this Court by reason of this Court's having been selected as one of said PC BANCAP Pilot Project Courts; and

WHEREAS, under the authority of this Court, the Clerk of this Court will provide to such bankruptcy practitioners other information needful in the operation of said BANCAP Program; it is

ORDERED that, commencing with petitions filed on and after December 1, 1988, which

is the anticipated startup date for the PC BANCAP Project, each debtor's original matrix or amended matrix submitted to the office of the Clerk of this Court shall comply strictly with the said specifications therefor provided by or obtained from the Clerk of this Court for such BANCAP Program; and it is further

ORDERED that all bankruptcy practitioners, trustees, debtors, creditors and all other parties in interest in bankruptcy cases included at any future time in the BANCAP Program database in this Court shall cooperate fully with all guidelines promulgated as to such automation program from time to time as circumstances may require.

DATED: November 3, 1988

/S/ David W. Houston, III
DAVID W. HOUSTON, III
CHIEF JUDGE, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

Rule 8. Procedure When the United States of America or an Agency Thereof is a Designated Creditor

(a) General Requirement. In the event that the United States of America or an agency thereof is listed as a creditor, the debtor or debtor in possession shall include on his master mailing list or matrix, the name of the agency in care of the office of the United States Attorney for the district in which the case is filed; and also the name of the agency at its local field office address.

(b) Effect of Rule. This Local Rule supplements, and in no way modifies, the notice requirements of Rule 2002(j), Rules of Bankruptcy Procedure.

Rule 9. Fees for Paper Copies and Miscellaneous Fees

Northern District

Because the clerk is not required by law or rule to maintain an imprest or change-making fund, anyone remitting or delivering payments of fees shall tender the exact amount of such fee to the clerk.

Anyone seeking paper copies of materials on file in the office of the clerk shall submit a written request therefor or shall request such copies at the intake counter in the clerk's office and shall remit or deliver payment to the clerk before such copies shall be made. If payment is made by a negotiable instrument, such negotiable instrument shall be made payable to "Clerk, U.S. Bankruptcy Court." The fee for such copywork shall be Fifty Cents (\$.50) per page or such other amount as shall be prescribed by the Judicial Conference of the United States.

For every search (including, but not limited to, a search to determine whether or not an entity has filed voluntarily or been named involuntarily as a bankrupt or debtor in a bankruptcy

case) of the records of the bankruptcy court conducted by the clerk's office, advance payment of Fifteen Dollars (\$15.00) per name or item searched or such other fee as shall be prescribed by the Judicial Conference of the United States shall be paid to the clerk by the requestor. If time does not permit the delivery of such advance payment because of the imminence of a foreclosure sale or like emergency, the clerk may exercise discretion in permitting the inquirer to mail such search fee on the day of the inquiry. If such a search is required in order to locate paperwork which is to be copied, both the search fee and the copywork fee along with any certification fees shall be paid to the clerk.

The clerk shall also collect all other miscellaneous fees prescribed by the Judicial Conference of the United States.

The Judicial Conference Schedule of Fees authorized by 28 U.S.C. § 1930(b), as amended from time to time, is annotated to and may be found appended to the printing of said federal statute in 28 U.S.C. § 1930, as amended. Practitioners are referred both to said federal statute and to the Judicial Conference Schedule of Fees appended thereto for a determination of appropriate miscellaneous fees.

Southern District

Any party seeking copies of materials on file with the office of the clerk shall submit a written request and shall include a firm's check, money order or cashier's check in the proper amount. Such check or money order shall be made payable to "Clerk, U. S. Bankruptcy Court." The copy fee is Fifty Cents (\$.50) per page, each record search is Fifteen Dollars (\$15.00) and each certification of a judgment or order is Five Dollars (\$5.00).

Rule 10. Amendments to Schedule Additional Creditors

If a schedule is amended to include an additional creditor, the debtor and/or the debtor's attorney shall send a copy of the amended schedule to the affected creditor, to the trustee and to the U. S. trustee. In addition, the debtor and/or the debtor's attorney shall give notice by mail to the affected creditor that the said creditor has twenty (20) days within which to request of the U. S. trustee an adjourned § 341(a) meeting if he wishes to examine the debtor under oath, and that the affected creditor has sixty (60) days within which to file a complaint objecting to discharge under § 727(a) and § 1141 of the Code or to the dischargeability of any debt under § 523(c) of the Code or to file a motion to seek an extension of time for filing a complaint, unless a longer period of time is provided by Rules 4004, 4007 and 9006, Rules of Bankruptcy Procedure. The debtor shall also file the amended schedule, amended master address list (matrix) and a copy of the aforesaid notice with the clerk, including an attorney's certificate of mailing, as well as any filing fee required under the following excerpt from the Judicial Conference Schedule of Fees:

"For amendments to a debtor's schedules of creditors or lists of creditors after notice to creditors, \$20.00 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case."

In the event that an affected creditor files a written request with the U. S. trustee to examine the debtor under oath, an adjourned § 341(a) meeting may be scheduled. In the event that an affected creditor requests an extension of time to file a complaint as denoted hereinabove, such motion will be considered by the court.

To ascertain the details for filing the aforesaid complaints objecting to discharge or the discharge ability of a debt, see Rules 4004, 4007 and 9006, Rules of Bankruptcy Procedure.

Rule 11. Meeting of Creditors or Equity Security Holders

The appearance of the debtor and the debtor's attorney at the § 341(a) meeting is mandatory, unless waived for cause by the bankruptcy court. Failure of the debtor and the debtor's attorney to attend said meeting may result in the dismissal of the bankruptcy case or sanctions, including assessment of the expenses and attorney's fees of creditors attending the meeting as noticed.

Any request by the debtor made prior to the scheduled § 341(a) meeting to reschedule the § 341(a) meeting shall be submitted to the U.S. trustee. The debtor and the debtor's attorney shall be responsible for notifying all creditors of any rescheduling or waiver of a § 341(a) meeting, and failure to so notify creditors may result in the imposition of appropriate sanctions, including assessment of the expenses and attorney's fees of creditors attending said meeting.

Rule 12. Copy of § 341 Meeting Proceedings

(a) Obtaining Transcript. Any party seeking a transcription of the § 341 meeting of creditors may obtain a copy of the recorded proceeding:

(1) From the U.S. trustee; or

(2) By hiring a licensed court reporter to transcribe such tape under the supervision of the U.S. trustee.

(b) Custody and Preservation of Audio Tape Recordings. All audio tape recordings of § 341 creditors' meetings shall be delivered to and maintained by the U.S. trustee for a period of one year from the date of the § 341 meeting, but the bankruptcy court may extend the time period for maintaining such tapes upon motion of the debtor, the debtor-in-possession, the U.S. trustee, the trustee, a creditor or other party in interest, provided such request is made within one year of

the initial § 341 meeting. The U.S. trustee shall make or cause to be made an audio tape recording of each § 341 creditors' meeting and shall preserve the same as provided herein.

Rule 13. General Practice Rules

The following Local Rule governs certain motion, adversary proceeding, contested matter and other practice before the bankruptcy judges of the Northern and Southern Districts.

JUDGE HOUSTON

(a) Contested Proceedings. Contested matters shall be initiated by motion practice as provided in Rule 9014, Rules of Bankruptcy Procedure. This applies to such actions as modifications of the automatic stay, use of cash collateral, approval of post-petition financing, objection to confirmation, etc. The following procedures apply:

(1) A certificate of service shall be attached to the motion, indicating that the motion has been served on the opposing party, the opposing party's attorney, or otherwise, any necessary party to the proceeding as contemplated by the Bankruptcy Code, the Rules of Bankruptcy Procedure, or these Local Rules.

(2) In conformity with Rules 4 and 5, Federal Rules of Civil Procedure, the original and one (1) copy of the motion, as well as, the certificate of service on the opposite party or counsel, shall be filed.

(3) Upon receipt of the motion and certificate of service, the clerk of the court will notice all parties to the contested proceeding of the date, time and place of the hearing, or alternatively, will advise the moving party of the noticing procedures which will thereafter be carried out by the moving party. Each hearing will be noticed only once. The clerk will further

advise whether a responsive pleading is required by the court.

In the event that the court orders that notice be given wider distribution, then, upon receipt of the motion and certificate of service, the court will enter the appropriate order which may direct the moving party to serve a copy of the motion and give notice of the hearing on certain parties in interest to be specified in the order. In this event, the bankruptcy clerk shall mail a copy of the order and prescribed notice to the moving party who will distribute the notice pursuant to the order and file a certificate of service evidencing compliance. In the event that the moving party fails to comply with the terms of the order for notice and service of the motion or fails to file the required certificate of service, then the motion may be denied and the court may impose any other appropriate sanctions.

(4) Should no responsive pleading, if required by the court, be filed within the time designated by the court, the relief requested in the motion may be granted without hearing, and the moving attorney shall submit an appropriate order for entry by the court within five (5) days of the scheduled hearing date.

(b) Adversary Proceedings. All adversary proceedings designated in Rule 7001, Rules of Bankruptcy Procedure, shall be initiated by the filing of a complaint, as well as, the payment of the designated filing fee. A bankruptcy cover sheet shall accompany the complaint.

A summons shall be issued by the court and served by the plaintiff pursuant to Rule 7004. The summons, according to Rule 7012, shall designate the time within which to answer or responsively plead to the complaint. Should no answer or responsive pleading be filed within such time, the relief requested in the complaint may be granted by default without further hearing, pretrial conference, or trial. (Rule 55, Federal Rules of Civil Procedure). After an answer or

responsive pleading has been filed, an Order on Discovery will be mailed by the clerk to all counsel involved in the proceeding requesting a stipulation as to a deadline for the completion of discovery. The stipulation, which also includes a request and/or waiver of a pre-trial conference, shall be returned to the clerk within 14 days of the date of the initial Order on a form provided by the clerk. Thereafter, a Scheduling Order (Rule 16, Federal Rules of Civil Procedure) shall be entered by the court setting the discovery deadline, the deadline for the filing of motions to amend and/or to join additional parties, as well as, the deadline for filing other pre-trial motions.

If a pre-trial conference is necessary, it will be scheduled within 30 days of the deadline for the filing of other pre-trial motions. The pre-trial conference is regarded by this court as an essential mechanism for the prompt and efficient administration of justice through defining the issues, obtaining stipulations and admissions of fact, and exchanging exhibits and lists of witnesses. To the end that the court's business may be facilitated, delay avoided and the expense of litigation held to a minimum, it shall be the absolute duty of counsel for all parties:

- (1) To resolve by stipulations, to be included in the pre-trial order or equivalent document in each case, all relevant facts which are not in good faith controverted.
- (2) To exchange with counsel for all other parties true copies of all exhibits proposed to be offered in evidence, other than those to be used for impeachment purposes only, and to stipulate the authenticity of each exhibit proposed to be offered in evidence by any other party unless the authenticity of any such exhibit is in good faith controverted. In the event counsel shall refuse to stipulate the authenticity of a proposed exhibit, counsel shall state the precise ground of objection to the authenticity of the exhibit, to be included in the pre-trial order. Unless

admissibility of any exhibit is stipulated, its receipt in evidence shall be governed by Federal Rules of Evidence.

(3) To exchange with counsel for all other parties lists of witnesses, whether the testimony of such witnesses will be given in person or by deposition. Such witness lists shall include the name and address of each witness, and shall indicate whether the witness will give fact or expert testimony, or both.

The failure of counsel to fulfill the above obligations will be regarded as a serious violation of this rule, and may result in the imposition of appropriate sanctions against the responsible attorney, or his client, or both.

Each party shall be represented at the pre-trial conference by an attorney who will actually participate in the trial and who has a familiarity with the case. Such attorney must have full authority to speak for the client and enter into binding agreements and stipulations on behalf of the client.

It shall be the obligation of counsel for all parties to confer in advance of a pre-trial conference for the purposes of (1) reaching agreement upon those relevant facts which are not in good faith controverted and can be stipulated or taken as admitted, and (2) exchanging true copies of all exhibits proposed to be offered in evidence at the trial, other than those to be used for impeachment purposes only.

After the pre-trial conference has been concluded, a pre-trial order setting out the stipulations and agreements of the parties and the other proceedings had at the pre-trial conference shall be prepared by counsel and submitted to the bankruptcy judge for his approval. The individual to be responsible for the preparation of the pre-trial order and the deadline for its

submission to the court shall be fixed by the court at the pre-trial conference. The clerk of the court shall transmit to all counsel with the notice of the pre-trial conference one or more copies of the pre-trial order form currently in use.

Notwithstanding the value of a meaningful pre-trial conference, this court recognizes that in certain cases the procedure may not be necessary only because of the simple or uncomplicated nature of the case. Therefore, the court may dispense with the necessity of a pre-trial conference in a proper case where the parties jointly agree in writing and the court consents thereto after examining the file. Provided, however, that in any case where a pre-trial conference is deemed unnecessary, counsel must file with the court a statement of the uncontradicted facts, and a list of exhibits and witnesses; such statement shall also indicate a timely exchange of exhibits to be offered at the trial and the exchange of this list of witnesses. The court may order the holding of a pre-trial conference and the adoption of a pre-trial order, notwithstanding the opinion of counsel that in their judgment such will not materially facilitate the trial or disposition of the case.

The trial of the adversary proceeding shall be scheduled when convenient after the conclusion of the pre-trial conference, or if such pre-trial conference is deemed unnecessary, after the filing with the court of the statement of uncontradicted facts, etc.

(c) Briefs and Memoranda of Law

(1) Trial Briefs. Unless otherwise directed by the court in a particular cause, the submission of a trial brief on the merits of a case is within the discretion of the parties; provided, however, a copy of any such brief so submitted to the court shall be simultaneously served upon counsel for the opposing party. Briefs shall not exceed 35 pages without prior approval of the court.

(2) Citation of Authorities. If any brief or other paper submitted in support of a legal argument in any case cites or relies upon any authority other than a Mississippi statute, Federal statute, Federal rule, United States Supreme Court case, or a case reported in the Southern Reporter, Southern Reporter Second, Federal Supplement, Federal Reporter, Federal Reporter Second, Federal Rules Decisions, West's Bankruptcy Reporter, Bankruptcy Court Decisions published by Corporate Reorganization Reporter, Inc., or Bankruptcy Law Reporter published by Commerce Clearing House, a copy of such authority must accompany the brief or other paper citing it.

(d) Procedure for Obtaining Approval of Agreements or Agreed Orders in Conformity with Rule 4001(d), Rules of Bankruptcy Procedure

To comply with Rule 4001(d), Federal Rules of Bankruptcy Procedure, all agreed orders or motions to approve agreements applicable to the granting of adequate protection, relief from the automatic stay, the use of cash collateral, and obtaining credit where an entity consents to the granting of a senior or equal lien to the entity's lien or interest in property should be disseminated, when appropriate, to those persons or entities designated in Rule 4001(d)(1). A pattern notice form setting forth an objection period will be furnished by the clerk of the court. The pattern notice, as well as, the proposed agreed order and/or the motion to approve the agreement with the agreement attached should be disseminated as indicated. A certificate of service should thereafter be filed with the clerk acknowledging the dissemination.

JUDGE ELLINGTON

Consult with the courtroom deputy clerk or law clerk as to particular procedures.

JUDGE GAINES

Consult with the courtroom deputy clerk or law clerk as to particular procedures.

Rule 14. Arrangements for Court Reporters

Should any party desire a transcription of a contested or adversary proceeding by a court reporter, the said party must contact the clerk at least five (5) days prior to the scheduled hearing requesting the services of a court reporter, and the court reporter will then be provided by the bankruptcy court. Should a request not be made by a party to the proceeding, the court reporter may not be available, and the transcription of the proceeding will be deemed waived.

Rule 15. Limit on Interrogatories

Interrogatories propounded by any party to another party shall be limited to one (1) set of questions, not to exceed thirty (30) in number, except by order of the bankruptcy court for good cause shown. In computation of the number of questions propounded, each subpart of a question shall be counted as a question.

Rule 16. Answers to Interrogatories and Filing of Discovery Materials

(a) Responses to Discovery Requests. When answering interrogatories, requests for production, and requests for admission, the replying party shall, as part of his answer, set forth immediately preceding the answer the question or request to which such answer is given. Failure to comply with this subdivision may result in the imposition of sanctions upon motion by the party propounding the discovery.

(b) Non-filing of Discovery. Interrogatories under Rule 7033 of the Bankruptcy Rules, and the answers thereto, Requests for Production or Inspection under Rule 7034 of the Bankruptcy Rules, Requests for Admissions under Rule 7036 of the Bankruptcy Rules, and responses thereto, and depositions under Rules 7030 and 7031 of the Bankruptcy Rules, shall be

served upon other counsel or parties, but shall not be filed with the court. However, the court, on its own motion or for good cause shown, may direct that any deposition, discovery request or discovery response be filed with the clerk. The party responsible for service of the discovery material shall retain the original and become the custodian thereof.

(c) Motions to Compel.

(1) Prior to service of a motion to compel discovery for whatever reason, all counsel shall be under a duty to confer in good faith to determine to what extent discovery disputes can be resolved before presenting the issue to the bankruptcy judge. No such motion shall be heard by the bankruptcy judge unless counsel for the moving party shall incorporate in his motion a certificate that he has conferred in good faith with opposing counsel in an effort to resolve the dispute and has been unable to do so.

(2) Motions to compel discovery, in accordance with Rules 33, 34, 36, and 37, Federal Rules of Civil Procedure, as adopted by the Bankruptcy Rules, shall quote verbatim each interrogatory, request for production, or request for admission to which the motion is addressed, and shall state (i) the specific objection, (ii) the grounds assigned for the objection (if not apparent from the objection itself), and (iii) the reasons assigned as supporting the motion, and shall be written in immediate succession to one another. Such objections and grounds shall be addressed to the specific interrogatory, request for production, or request for admission and may not be general in nature.

(d) Additional Requirement Concerning Relief Under F.R.C.P. 26(c) and 37. If relief is sought under Rules 26(c) or 37, Federal Rules of Civil Procedure, as adopted by the Bankruptcy Rules, concerning any interrogatories, requests for production or inspection, requests for

admissions, answers to interrogatories or responses to requests for admissions, copies of the portions of the interrogatories, requests, answers or responses in dispute shall be filed with the bankruptcy court contemporaneously with any motion filed under said Rules.

(e) Filing of Discovery Needed for Trial or Dispositive Motion. If discovery requests, discovery responses or depositions are to be used at trial or are necessary to a pre-trial motion which might result in a final order on any issue, the portions to be used shall be considered an exhibit and filed with the clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

(f) Filing of Discovery Needed for Appeal. When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the bankruptcy court, or by stipulation of counsel, the necessary discovery papers shall be filed with the clerk.

Rule 17. Submitting of Order or Judgment After Hearing

After hearings held in the bankruptcy court, the prevailing party shall submit an order or judgment, consistent with the bankruptcy court's ruling, within ten (10) days of the hearing, or such other time as the bankruptcy court may direct, for the bankruptcy court's approval and entry.

Except as otherwise directed by the bankruptcy court, prior to submitting the order or judgment to the bankruptcy court, the prevailing party shall submit the order to all parties appearing at the hearing for signature indicating approval as to form. Parties to whom the order or judgment has been submitted shall promptly sign it or promptly contact the party who drafted it to express any criticism.

The court may impose disciplinary sanctions against any attorney failing to abide by this

rule.

Rule 18. Motion for Summary Judgment

Any motion for summary judgment must comply with the following substance and form requirements. Any motion that does not may be denied immediately without requiring a response from the non-moving party.

I.

If Movant Has The Burden of Proof On The Issue Upon Which
Summary Judgment Is Sought

A. Movant

1. List and separately number each material fact in the prima facie claim or affirmative defense upon which summary judgment is sought, with the understanding that if the court finds a genuine issue as to any one of the facts listed, summary judgment will be denied.

2. For each material fact listed, cite the factual authority. (E.g., "Paragraph 3 of Complaint, admitted in Defendant's Answer," "page 12 of John Doe's Deposition," "Defendant's Request for Admission No. 4, admitted," "Paragraph 5 of Affidavit of John Doe.")

3. Attach as exhibits to the motion the factual authorities relied upon for establishment of the material facts. (E.g., Supporting Affidavit, extracts of depositions or Requests for Admission, etc. Do not attach entire depositions or pleadings, just the pertinent portions relied upon.)

B. Respondent

1. List any material facts recited by the movant about which the respondent contends there is a genuine issue of fact and cite and attach the factual authorities that create the issue

of fact.

2. Cite any additional material facts (a) that the respondent contends are part of movant's prima facie case, but were not included in movant's list of the facts constituting the prima facie case, and (b) which the respondent contends established. For each such fact either (a) cite and attach any factual authorities which the respondent contends creates a genuine issue as to that fact or (b) assert that the movant has the burden of persuasion on that fact and has no evidence to support the fact.

3. If the respondent relies on any affirmative matter upon which the respondent has the burden of persuasion to counter the motion for summary judgment, follow the procedures set forth in Paragraphs 1 - 3 of Part A above.

II.

If Movant Does Not Have The Burden of Persuasion on The Issue Upon Which Summary Judgment Is Sought

A. Movant

1. List the material facts that the movant contends constitute the non-moving party's prima facie case.

2. Designate which facts in the non-moving party's prima facie case the movant contends do not exist and (a) cite and attach the factual authorities the movant contends establish the non-existence of each designated fact and/or (b) assert that there is no evidence to support the existence of the designated fact.¹

¹See Celotex Corp. v. Catrett, 477 U.S. 317, 91 L.Ed.2d 265, 106 S.Ct 2548 (1986); Fontenot v. Upjohn Co., 780 F.2d 1190, 1195 (5th Cir. 1986); International Ass'n of Machinists and Aerospace Workers v. Intercontinental Mfg. Co., 812 F.2d 819, 222 (5th Cir. 1987); Slaughter v. Allstate Ins. Co., 803 F.2d 857, 860 (5th Cir. 1986).

B. Respondent

For each material fact designated by the movant as being part of the respondent's prima facie case and claimed by the movant that there is evidence of its non-existence and/or no evidence of its existence, the respondent should either (a) cite and attach any factual authorities supporting the existence of the fact or (b) deny that the respondent has the burden of persuasion to establish this fact as part of the respondent's prima facie case.

III.

Briefs

1. Each motion for summary judgment must be accompanied by a memorandum brief.
2. The respondent shall file its response and memorandum brief within 20 days of service of the motion for summary judgment and supporting memorandum.

Rule 19. Default Judgments

(a) Procedure. Pursuant to Bankruptcy Rule 7055, Rule 55 of the Federal Rules of Civil Procedure applies to default judgments in all adversary proceedings. Should a party be entitled to a default judgment, the party must file with the clerk the following: an Application To Clerk For Entry Of Default and Supporting Affidavit (including proof of service of process), an Entry of Default, a Request For Court's Entry Of Default Judgment, and a proposed Default Judgment to be entered by the court.

(b) Forms. Upon appropriate request to the clerk, pattern forms shall be provided to a party seeking a default judgment.

SUPPLEMENTAL RULES APPLICABLE TO CHAPTER 7 CASES

Rule S7-1. Procedure For Abandonment of Property And For Relief From the Automatic Stay Provisions Of 11 U.S.C. § 362 in Chapter 7 Case.

(a) Abandonment by Trustee Pursuant to 11 U.S.C. § 554 (a)

Pursuant to 11 U.S.C. § 554(a), a trustee in a chapter 7 case may abandon any property of the estate on the trustee's own initiative. Prior to abandoning any property, the trustee shall first determine that the property is burdensome to the estate or that the property is of inconsequential value or benefit to the estate.

Any time a trustee abandons property, the notice of abandonment shall be in writing, and shall be filed with the clerk of the court. A copy of the notice shall be served on the U.S. trustee, the debtor(s) and the attorney for debtor(s). Pursuant to Rule 6007, Federal Rules of Bankruptcy Procedure, the notice shall be limited to these parties unless otherwise ordered by the court. The trustee shall file a certificate of service attached to the notice of abandonment with the clerk of the court naming the parties served and the date of service.

Pursuant to Rule 6007, Federal Rules of Bankruptcy Procedure, a notice of abandonment shall inform the parties that any objection to the abandonment must be filed in the office of the clerk within fifteen days from the date of the notice, and such objection must be served on the parties entitled to notice of the abandonment. If an objection is filed, the matter will be scheduled for hearing. If no objection is filed, the abandonment will be deemed to have been made by the trustee with the court's approval.

(b) Relief from the automatic stay provisions of 11 U.S.C. § 362(a), coupled with a request for abandonment pursuant to 11 U.S.C. § 554(b)

Abandonment does not correspondingly provide relief from or modification of the automatic stay provisions of 11 U.S.C. § 362(a). Relief from the automatic stay must be obtained pursuant to 11 U.S.C. § 362(d) prior to any action being instituted against any property protected by the automatic stay. If relief from the automatic stay is to be obtained in a chapter 7 case, a creditor or party in interest must file a motion with the clerk of the court. If the trustee has not previously abandoned the property from the estate voluntarily, the motion seeking relief from the automatic stay should also request that the court order the trustee to abandon the property pursuant to 11 U.S.C. § 554(b). The debtor(s) and the trustee should be named as respondents. A copy of the motion must be served on each respondent along with the attorney for the debtor(s) and the U.S. trustee. A certificate of service shall be attached to the motion specifying the parties served and the date of service. A hearing will then be scheduled by the clerk of the court for consideration of the motion.

When a motion seeking relief from the automatic stay is filed, coupled with a request to have the trustee abandon the property from the estate pursuant to 11 U.S.C. § 554(b), the moving party shall include in the motion and/or attach to the motion the following:

- (1) A description of the subject property;
- (2) A complete and legible copy of the movant's security agreements and security instruments which establish a valid lien encumbering the subject property;
- (3) The value of the subject property and the basis of the valuation; and
- (4) The amount of the outstanding indebtedness secured by each lien encumbering the subject property as reflected by the schedules of the debtor(s) or such other amount as may be known by the movant.

(c) Agreed Orders. If the moving creditor, the debtor(s) and the trustee agree as to the relief to be granted, i.e., relief from the automatic stay as well as abandonment, then an agreed order signed by the debtor(s) or the attorney for the debtor(s), the trustee and the moving creditor may be submitted to the court for consideration.

(d) Dissemination of Order After Entry. If an order is entered by the court lifting the automatic stay as to real property and/or abandoning real property from the bankruptcy estate, the moving creditor shall mail copies of said order, within ten days of the date of its entry by the court, to any other creditors having a lien on said real property as reflected in the schedules filed by the debtor(s).

Rule S7-2. Automobile Insurance in Chapter 7 Cases

If the original schedules reflect that the debtor owns an automobile(s), then the schedules shall reflect with particularity as to each automobile whether physical damage insurance is in effect, including listing the name, address and telephone number of the agent or company which has the coverage and the date of expiration of the said insurance coverage.

SUPPLEMENTAL RULES APPLICABLE TO CHAPTER 11 AND 12 CASES

Rule S11-1. Employment of Professional Persons

In chapter 11 and chapter 12 cases, the order approving the employment of attorneys and other professional persons pursuant to Bankruptcy Rule 2014 shall conform substantially to the

form for counsel appended as an exhibit.

Rule S11-2. Order Pertaining to Post-Petition Operations in Chapter 11 and 12 Cases

Standardized orders or standing orders, pertaining to post-petition operations by the debtor or reporting requirements imposed on the debtor, may be entered by the court. Copies of these orders may be obtained from the clerk of the court.

SUPPLEMENTAL RULES APPLICABLE TO CHAPTER 13 CASES

Rule S13-1. Copies of Chapter 13 Plan

Northern District

The attorney for debtor (or the debtor) shall serve on all creditors the trustee, the U.S. trustee, and all other parties in interest a copy of the chapter 13 plan within the time period ordered by the bankruptcy court.

Southern District

The debtor shall furnish to the clerk a sufficient number of copies of the summarized chapter 13 plan to enable the clerk to furnish a copy to the trustee, the U.S. trustee, or any creditor or other party in interest upon request. These copies shall be furnished with the filing of the schedules.

Rule S13-2. Procedure for Modification of Chapter 13 Plan

(a) Prior to Confirmation. The debtor may file a modification of the chapter 13 Plan with the clerk of the court at any time before the plan is confirmed, in accordance with § 1323(a). The attorney for the debtor shall send notice of such modification to the trustee, the U.S. trustee and

to all creditors affected by the modification. A copy of the notice, including a certificate of mailing, shall be filed with the modification.

(b) After Confirmation. The debtor shall send notice of such modification, accompanied by a copy or summary of the proposed modification, to the trustee, the U.S. trustee and to all creditors affected by the modification. The notice shall advise that any objections to the proposed modification shall be filed by written pleading with the bankruptcy court and the trustee within twenty (20) days of mailing of the notice. A copy of the notice, including a certificate of mailing, shall be filed with the proposed modification. If no objection is timely filed, the bankruptcy court may approve the plan as modified.

Rule S13-3. Vehicle Insurance In Chapter 13 Cases

Northern District

Issues concerning car insurance in chapter 13 cases will be considered by the bankruptcy court on a case-by-case basis.

Southern District

If the debtor(s) plan provides for payments in the plan on a vehicle or vehicles and the debtor(s) has physical damage insurance in effect on the date of filing, the debtor(s) shall list on the plan the name, address and telephone number of the agent or company which has the coverage and the date of expiration of the insurance coverage, or, in the event no coverage is in effect, the debtor shall so state on the plan.

The debtor(s) is required to carry physical damage insurance on the each financed vehicle, if the value of the vehicle is more than \$1,500.00 at the time of filing and if the contract between the creditor and the borrower on the vehicle requires such insurance. Such insurance shall contain

a loss payable endorsement naming the lienholder as "loss payee".

The debtor's attorney shall be responsible for furnishing proof of insurance to the lienholder prior to or at the time the § 341 meeting of creditors.

If such proof is not furnished, the creditor may:

(1) Obtain such insurance to protect the creditors interest and may have the insurance premium added to debtor's plan by filing a proof of claim therefor. The trustee may pay said claim for the premium, including administrative costs, in as many months as the policy period if sufficient funds are available and if the proof of claim is identified as a Rule 23 claim. The trustee without notice may raise the debtor's plan payment to the extent required to pay such insurance premium; or,

(2) Obtain possession of the vehicle at the § 341 meeting of creditors. If the vehicle cannot be obtained at the meeting of creditors, on request of the creditor, the debtor shall make the vehicle available to the creditor as soon as possible. The debtor(s) shall have 14 days after the meeting of creditors in which to furnish the lienholder with satisfactory proof of insurance. Should the debtor(s) fail to furnish proof of insurance within said 14 day period, the automatic stay of § 362 shall be terminated as to said lienholder upon submission of an appropriate order. Prior to the termination of the automatic stay, the lienholder shall release the vehicle to the debtor(s) upon receipt of adequate proof of insurance.

If during the pendency of the plan the debtor ceases to maintain insurance on vehicles as required by this rule, then the creditor may obtain such insurance to protect the creditor(s) interest in the manner and to the effect as set out in paragraph 1 above.

Rule S13-4. Chapter 13 Proofs of Claim

Northern District

The original and one copy of each chapter 13 proof of claim shall be filed in the office of the clerk.

Southern District

All original chapter 13 proofs of claim shall be filed in the office of the standing trustee to whom the case is assigned. The trustee shall note its date of receipt thereon and the proof of claim shall be deemed filed as of the date of its original date of delivery to the trustee. The trustee shall transmit the proof of claim to the clerk of the bankruptcy court together with a motion to allow or disallow the claim together with an appropriate order and notice to the debtor(s) and the debtor's attorney.

Rule S13-5. Payments to Creditors in Chapter 13 Cases

The minimum payment by the trustee to a chapter 13 creditor shall be \$5.00. Funds not distributed because of this Local Rule shall accumulate and shall be paid whenever the accumulation aggregates \$5.00. All funds in the hands of the trustee for distribution at the time of the final payment shall be distributed with the final payment.

ORDER LIFTING AUTOMATIC STAY AND APPROVING ABANDONMENT

AFTER CONSIDERING the written motion of the debtor(s) and creditor to lift the automatic stay,

IT IS ORDERED that the above described property is hereby abandoned and the automatic stay is hereby lifted as to the described property and the named creditor as to said property.

SO ORDERED on this the _____ day of _____.

UNITED STATES BANKRUPTCY JUDGE

LOCAL RULE S11- 1

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CASE NO. _____

**ORDER AUTHORIZING
DEBTOR-IN-POSSESSION TO EMPLOY COUNSEL**

THIS CAUSE having come on for consideration of the Application of the Debtor-in-Possession to employ counsel, and the Court, having considered said application and otherwise being fully advised, is of the opinion that the application is well taken and should be approved.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the employment of _____, a s c o u n s e l f o r _____, Debtor-in-Possession, be and it is hereby approved.

IT IS FURTHER ORDERED AND ADJUDGED that said counsel shall, within ten days of the entry hereof, file with the Court the statement of compensation required by 11 U.S.C. § 329 and Rule 2016(b), Federal Rules of Bankruptcy Procedure, if the said reports have not been filed.

IT IS FURTHER ORDERED AND ADJUDGED that said counsel shall be entitled to receive reasonable compensation and to receive reimbursement of actual, necessary expenses only after notice and a hearing as contemplated by 11 U.S.C. § 330, Rule 2016, Federal Rules of Bankruptcy Procedure, and any other applicable or related statutes and rules.

IT IS FURTHER ORDERED AND ADJUDGED that this order applies to any funds that might have been received by said counsel as a retainer or of a similar nature.

IT IS FURTHER ORDERED AND ADJUDGED that any application for compensation and reimbursement for expenses shall set forth the date of entry of all previous orders allowing compensation and expenses and the amounts so allowed.

ORDERED AND ADJUDGED this the _____ day of _____, 19____.

UNITED STATES BANKRUPTCY JUDGE