

Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file a plan with the court to repay your creditors all or part of the money that you owe them, using future earnings. Usually the period allowed by the court to repay debts is three years, but not more than five years. Your plan must be approved by the court before it can take effect. Under chapter 13, unlike chapter 7, you may keep your property, both exempt and nonexempt, as long as you continue to make payments according to the plan.

After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

ACKNOWLEDGMENT

CASE NO

I hereby certify that I
have read this notice.

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Date:

Debtor

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Joint Debtor (if applicable)

INSTRUCTIONS: If the debtor is an individual, a copy of this notice personally signed by the debtor must accompany any bankruptcy petition filed with the clerk. If filed by joint debtors, the notice must be personally signed by each.

LOCAL RULE 1006-1

REQUIREMENT FOR PAYMENT OF FILING FEE, ADMINISTRATIVE FEE, AND TRUSTEE SURCHARGE FEE IN INSTALLMENTS

(a) Requirements. As required by 28 U.S.C. § 1930(b) and Bankruptcy Rule 1006, the filing fee, the administrative fee, and the trustee surcharge fee (fees)(if applicable) must be paid in full at the time the petition is filed, except for an individual filing a voluntary petition. No petition on behalf of an individual shall be accepted for filing by the clerk unless it is accompanied either by full payment of the prescribed fees or by a minimum payment as set forth below in a properly completed application to pay the balance of the fees in

	1 Month	2 Months	3 Months
Chapter 7	\$ 35	\$ 35	\$ 30
Chapter 11	\$200	\$200	\$100
Chapter 12	\$ 50	\$ 50	\$ 25
Chapter 13 ¹	\$ 35	\$ 35	\$ 30

(3) must include a statement that the debtor has not paid any money or transferred any property to the attorney for the debtor or any other person for services in connection with the bankruptcy, and that no such payment be made until the fees are paid in full;

(4) must include a statement that the debtor understands that the case will be dismissed without further notice if any installment payment is not received by the date due unless a request for a hearing on dismissal is filed prior to the due date;

(5) must include a statement as to why the debtor is unable to pay the fee in full; and

installments. This application to make installment payments must substantially conform to Exhibit 1 to this Local Bankruptcy Rule and:

(1) must be accompanied by the following minimum payments:

- (a) Chapter 7 — \$75*
- (b) Chapter 11 — \$330
- (c) Chapter 12 — \$105
- (d) Chapter 13 — \$60*;

* \$30 of the minimum payment will be applied toward the administrative fee which is due in all cases.

(2) must propose a payment plan of the balance of the fee in accordance with the following schedule:

(6) must be signed by both the debtor and the attorney for the debtor (if any).

(b) Action on Application. Following the filing of a petition and application, each application will be reviewed by the court and an order entered granting or denying the debtor’s application.

(1) Should the application be denied, the debtor shall have ten {10} days from the entry of the order to pay the full fees to the clerk. If the full fees are not paid within ten (10) days from the entry of the order, the debtor’s bankruptcy petition may be dismissed by the court without further notice.

(2) Should the application be granted in a chapter 7, 11 or 12 case, the order will

¹ Chapter 13 debtors make payments to the trustee who, in turn, makes the payment to the court. See paragraph B.3. below.

provide notice of the dismissal of the case in the event of a missed payment without further notice or hearing, unless the debtor files a request for a hearing on dismissal prior to the date on which the next installment is due. The clerk shall give notice of this Local Bankruptcy Rule to the debtor or attorney for the debtor who file applications to pay the fees in installments. The clerk shall also give notice of this Local Bankruptcy Rule in the notice of meeting of creditors.

(3) Should the application be granted in a chapter 13 case, the order will provide that installment payments will be made by the chapter 13 trustee from the first monies received by the trustee. Any application by the debtor to convert the case to another chapter, prior to the fees being paid in full, must be accompanied either by the balance of the fees or an application to pay the fees in installments in the new chapter.

(4) All orders granting the application will provide that until the fees are paid in full, the debtor shall not pay, and no person shall accept, any money for services in connection with the case, and the debtor shall not relinquish, and no person shall accept, any property as payment for services in connection with the case.

(c) Action Upon Failure to Make Payment. The debtor and the attorney for the debtor are responsible for knowing the due dates of installment payments of fees. The clerk's office will not send a reminder or notice. Upon the failure of the debtor to make any payment as ordered or to file a request for a hearing on dismissal prior to the date on which the

next installment is due, the debtor's bankruptcy petition is subject to dismissal as provided in the order granting the application and this Local Bankruptcy Rule.

(d) Action for Payment Upon Case Dismissal. Should a case be dismissed for any reason prior to the fees being paid in full, the debtor shall remit the balance of the fees to the clerk within ten (10) days after entry of the order of dismissal.

LOCAL RULE 1007-1 LIST OF CREDITORS*

As part of the filing requirements set forth by Bankruptcy Rules 1002, 1003 and 1007, the debtor shall file with the petition a mailing matrix listing the name and address of each creditor shown on the debtor's schedules (Official Bankruptcy Form B6A-J). In a chapter 7, chapter 11, chapter 12, or chapter 13 case the mailing matrix shall be submitted on a computer disk as set forth in the "Clerk's Instructions for Submission of the List of Creditors on Computer Disk."¹ In a chapter 13 case, the mailing matrix shall be submitted in the format set forth in the "Clerk's Instructions for Submission of the Lists of Creditors on Hard Copy in a Scannable Format."²

The mailing matrix shall suffice for the list of creditors referred to in Bankruptcy Rule 1007(a)(1). Any amendment to the matrix shall be governed by SC LBR 1009-1.

An exception to the requirement of submission of the list of creditors on computer diskette will be considered by the court only upon submission of a waiver filed with the petition which shall conform to Exhibit 1 to this Local

* [Editors' Note: Please refer to Clerk's Instructions (CI-1, and CI-2) below for additional information.]

¹ Clerk's Instructions are available on the court's electronic bulletin board and at the Intake Division of the clerk's office.

² Ibid.

Bankruptcy Rule. If the court obtains information which indicates the criteria set forth in the waiver does not exist, the debtor or attorney for the debtor shall be required to submit the matrix on a computer diskette within forty-eight (48) hours of the filing of the petition.

The petition must be accompanied by an (sic)Certification Verifying Creditor Matrix which shall conform to Exhibit 2 to this Local Bankruptcy Rule attesting that:

The computer diskette, submitted in the format set forth in the “Clerk’s Instructions for Submission of the List of Creditors on Computer Diskette,” and the schedules, statements, and lists have been compared and contain identical information.

or in the case, of a petition submitted with waiver, that:

The printed matrix, submitted in the format set forth in the “Clerk’s Instructions for Submission of the List of Creditors on Hard Copy in a Scannable Format,” and the schedules, statements, and lists have been compared and contain identical information.

LOCAL RULE 1007-2

FILING* OF LISTS, SCHEDULES, STATEMENTS OR CHAPTER 13 PLAN¹

(a) *Dismissal of Case.* In any voluntary case where lists, schedules, statements and, in a chapter 13 case, a plan, are not filed at the time of the filing of the petition or within fifteen (15) days after the filing of the petition, upon certification of such failure by the clerk, the court will enter an order of dismissal unless a motion to extend the time for filing such lists, schedules, statements or plan has

been filed prior to the expiration of the 15-day period, or a request for a hearing on dismissal has been filed prior to the expiration of the 15-day period. If the motion for extension is denied, the case will be dismissed upon the expiration of the initial fifteen (15) day period unless otherwise ordered by the court.

(b) *Chapter 13 Case.* In a case converted to chapter 13, a plan shall be filed within fifteen (15) days of the conversion and, upon certification of the failure to do so by the clerk, the court will enter an order of dismissal unless a motion to extend the time for filing such plan has been filed prior to the expiration of the 15-day period. If the motion for extension is denied, the case will be dismissed upon the expiration of the initial fifteen (15) day period unless otherwise ordered by the court.

If the lists, schedules, statements and/or plan are not filed at the time of the filing of the petition or upon conversion of the case, then the debtor or attorney for the debtor shall serve by first class mail, a copy of the notice of filing conforming to Exhibit 1 to this Local Bankruptcy Rule on the trustee and all parties listed on the mailing matrix. Within five (5) business days of the filing of the petition, the debtor or attorney for the debtor shall file the original notice of filing and a certificate of service of the notice with this court. Upon failure to do so, the court may impose an appropriate sanction including, but not limited to, the dismissal of the case.

If the debtor or attorney for the debtor requests an extension of time to file the lists, schedules, statements and/or plan beyond fifteen (15) days after the filing of the petition

* [Editors’ Note: Please refer to Clerk’s Instructions (CI-4) below for additional information.]

¹ An individual debtor may list any property claimed as exempt under 11 U.S.C. § 522(b)(2) using Exhibit 1 to “Clerk’s Instructions re: Debtor’s Claim for Property Exemption”, which, if used, shall be attached as an exhibit to Official Bankruptcy Form B6C. Clerk’s Instructions are available on the courts electronic bulletin board and at the Intake Division of the clerk’s office.

[EXHIBIT 1 TO CI-3, Dated 12/1/96]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:
Debtor(s)
.....

CHAPTER:
CASE NO:
NOTICE

TO: DEBTOR(S), DEBTOR(S)' COUNSEL, TRUSTEE AND CO-DEBTOR NAMED BELOW:

PLEASE TAKE NOTICE THAT the creditor noted below has moved for a modification of the 11 U.S.C. § 1301 stay against the co-debtor (who has not filed for relief under the Bankruptcy Code) named below.

The creditor will pass up a proposed order granting such relief twenty (20) days after the date the creditor serves this notice and the creditor's motion upon the parties named above unless a timely written objection, made in accordance with Local Bankruptcy Rule 9014-1, is served upon creditor's counsel and filed with the court. If such an objection is made, a hearing will be set on the issue.

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199. .
Date of Issuance
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Creditor
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.....
.....
Co-debtor's name(s)
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Attorney for the creditor
.....
.....
.....
.....
Typed or printed name and address
.....

TO: PARTY FILING MOTION FOR STAY OF ACTION AGAINST CO-DEBTOR (11 USC § 1301)

(1) You are responsible for serving this notice and motion on the parties noted above. You must provide this office with proof of such service of the notice and motion within five (5) days of the date of issuance of this notice.

(2) Please refer to Bankruptcy Code 11 U.S.C. § 1301 Federal Rules of Bankruptcy Procedure 4001 and Local Bankruptcy Rules 9013-1 and 9014-1 for specifics of your responsibilities for service and filing of documents related to your motion for stay of action against co-debtor.

(3) Please note that Local Bankruptcy Rule 9014-1 provides for any party failing to comply with the procedures specified in the rule to be denied the opportunity to appear and be heard before the court and may be subject to sanctions pursuant to Local Bankruptcy Rule 9011-1.