

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
OFFICE OF THE CLERK
P.O. BOX 26100
GREENSBORO, NORTH CAROLINA 27420-6100

January 10, 2020

To: Bankruptcy Attorneys

From: U.S. Bankruptcy Court Clerks Office - Middle District of North Carolina

Re: Proposed Local Rules 2007.1-1, 3003-1, and 3014-1

The Local Rules Committee is seeking public comment on the attached proposed revisions to the Local Rules, including edits to Local Rules 2007.1-1 and 3003-1 and the addition of new Local Rule 3014-1. The comment period shall run for 30 days from the date of this notice. Further announcement on this proposed change shall be made after the conclusion of the 30 days and only after all comments are taken into consideration. Comments should be addressed to:

Local Rules Committee
U.S. Bankruptcy Court
P.O. Box 26100
Greensboro, NC 27420-6100

or

ncmbml_localrules@ncmb.uscourts.gov

LOCAL RULE 2007.1-1

TRUSTEES AND EXAMINERS (CH. 11)

(a) Election of Trustee in a Chapter 11 Case other than under Subchapter V

(1) Request for an Election

A request to convene a meeting of creditors for the purpose of electing a trustee in a chapter 11 case shall be filed and transmitted to the bankruptcy administrator in accordance with Rule 5005 of the Federal Rules of Bankruptcy Procedure within the time prescribed by 11 U.S.C. § 1104(b). Pending approval of the person elected, a person appointed trustee under 11 U.S.C. § 1104(d) shall serve as trustee.

(2) Manner of Election and Notice

- (A) An election of a trustee under 11 U.S.C. § 1104(b) shall be conducted in the manner provided in Rules 2003(b)(3) and 2006 of the Federal Rules of Bankruptcy Procedure.
- (B) Notice of the meeting of creditors convened under 11 U.S.C. § 1104(b) shall be given in the manner and within the time provided for notices under Rule 2002(a) of the Federal Rules of Bankruptcy Procedure.
- (C) A proxy for the purposes of voting in the election may be solicited by a committee appointed under 11 U.S.C. § 1102 and by any other party entitled to solicit a proxy under Rule 2006 of the Federal Rules of Bankruptcy Procedure.

(3) Resolution of Disputes

If it is necessary to resolve a dispute regarding the election, the bankruptcy administrator shall promptly file a report informing the court of the dispute. If no motion for the resolution of the dispute is filed within 14 days after such report is filed, the bankruptcy administrator will file a motion to approve the appointment of a trustee.

(b) Appointment of Trustee in a Subchapter V Case

If the court has not appointed a standing trustee for cases under subchapter V, the bankruptcy administrator shall promptly file a notice identifying the disinterested person who shall serve as trustee, including the trustee's name and address.

LOCAL RULE 3003-1

CHAPTER 11 CLAIMS

(a) Period for Filing Chapter 11 Claims in a Case other than under Subchapter V

In a chapter 11 case other than under subchapter V, non-governmental units shall file proofs of claim (if required to be filed) within 90 days after the date first set for the meeting of creditors called pursuant to 11 U.S.C. § 341(a), except as otherwise specified by order of the court.

(b) Period for Filing Chapter 11 Claims in a Subchapter V Case

In a chapter 11 case under subchapter V, non-governmental units shall file proofs of claim (if required to be filed) within 70 days after the order for relief, except as otherwise specified by order of the court entered prior to expiration of the period provided herein.

(c) Debtor Notification of Chapter 11 Creditor of Disputed, Contingent or Unliquidated Claim

In chapter 11 cases, the debtor shall notify each creditor whose claim is listed on the schedules as contingent, disputed, or unliquidated of that fact on or before: (i) 14 days after filing the schedules; (ii) 14 days after the addition of such creditor to the schedules; or (iii) 14 days after an amendment to the schedules which designates the affected creditor's claim as contingent, disputed, or unliquidated for the first time. Within 3 business days after service has been made, the debtor shall file a certificate of service with the clerk's office. Failure to timely notify a creditor that its claim is listed as disputed, contingent, or unliquidated shall 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.

LOCAL 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 Bankruptcy Code does not apply, an election of application of § 1111(b)(2) of the Bankruptcy Code by a class of secured creditors may be made at any time within 70 days after the order for relief or within such later time as the court may fix prior to expiration of the period provided herein.