

United States Bankruptcy Court Southern District of Georgia

Appropriate Use of Negative Notice

Effective: January 10, 2005

Revised: April 29, 2011

This table reflects appropriate use of negative notice by practitioners in the Southern District of Georgia.

Motion for Co-debtor Relief (Chapter 13)
Objection to Claim (Chapters 7, 11 and 13)
Motion to Avoid Lien (Chapters 7 and 13)
Motion to Redeem Property (Chapters 7 and 13)
Modification of Plan After Confirmation (Chapter 13)
Motion to Approve Compromise or Settlement (Chapter 7)

Negative Notice - Practice and Procedure

Motion for Relief from Co-Debtor Stay:

When a Motion for Relief from Co-debtor Stay is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing fourteen (14) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 20 days from the filing of the motion. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

Objection to Claim:

When an Objection to Claim is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing fourteen (14) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 30 days from the date stated in the certificate of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

Motion to Avoid Lien:

When a Motion to Avoid Lien is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing fourteen (14) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 30 days from the date stated in the certificate of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

Motion to Redeem Property:

When a Motion to Redeem Property is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. If parties were not properly served, the Clerk's Office will issue a Deficiency Notice, requesting an Amended Certificate of Service and allowing fourteen (14) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 21 days from the date of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

Modification of Plan After Confirmation:

When a Modified Plan After Confirmation is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing fourteen (14) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 21 days from the date of service or amended service. If no timely objection is filed the order will be entered approving the modification. If a timely objection is filed, the modification and objection will be set for hearing on the first available confirmation hearing day. The modified plan and the notice and opportunity for hearing must be served to all creditors on the matrix.

Motion to Approve Compromise or Settlement:

When a Motion to Approve Compromise or Settlement is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing fourteen (14) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 21 days from the date of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day. The Motion to Approve Compromise or Settlement and the Notice and Opportunity for hearing must be served on the matrix.