

**FILED**

SEP-17 2018

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA**

STEPHANIE J. BUTLER, CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF NC

**IN RE:**

**FLOOD RELATED PROCEDURES**

**GENERAL ORDER**

Hurricane Florence struck the Eastern District of North Carolina on September 14, 2018, resulting in significant flooding throughout the Eastern District. The court has determined that it is necessary to make amendments to its normal procedures to accommodate those affected by the flooding. The following procedures shall be in effect for the remainder of 2018<sup>1</sup>:

1. Trustees (both in Chapter 7, 12 and 13 cases) will be given authority to continue 341 meetings without motion and order, simply by notating on the minutes that the meeting was continued to a date certain;

2. The limitation on number of waivers of payment to be given by Chapter 13 trustees without court approval will be suspended, and trustees may authorize whatever waivers appear reasonably necessary under the circumstances;

3. The limitation in Local Rule 4002-1(g)(5) that a Chapter 13 debtor may not purchase property or incur debt of more than \$7,500 without court approval is suspended. To the extent reasonably necessary to replace flood-damaged property, debtors may incur debt or purchase property. If the amount of debt or purchase exceeds \$7500, debtors must have the approval of the Chapter 13 trustee. If the trustee objects, court approval is necessary;

4. Under Local Rule 9014-1, orders will not be entered solely on the basis that no

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<sup>1</sup> Prior to the expiration of this period, the court will determine whether any of these emergency measures should be extended.

response was filed, unless the court is persuaded that actual notice was received by respondent or respondent's counsel. A movant may satisfy the court that service was made by sending the motion by certified mail, or by submitting a short affidavit that the movant's attorney or attorney's employee actually contacted the respondent or counsel for respondent, and receipt of the motion was acknowledged. If no mail receipt or affidavit is received, the court may, in its discretion, contact counsel for respondent to make certain that service was made, or in the alternative, set the matter for hearing;


5. The court recognizes many residents of the Eastern District are currently dislocated and difficult to contact. Accordingly, counsel for respondents will be permitted to file a response requesting a hearing solely on the basis of their inability to contact the respondent within the relevant period;

6. Given the widespread destruction of property and interruption or loss of employment, it is anticipated that many Chapter 13 debtors will modify their plans to reflect changed circumstances due to flood-related loss. The court will rule on these motions expeditiously; however, the movants must meet the filing and service requirements. Additionally, motions to modify plans shall detail the changed circumstances. The motion must recount not only any loss of property or employment, but any pending applications for or receipt of insurance proceeds and disaster relief funds from any source, public or private; and

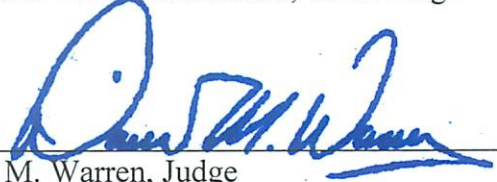
7. The court anticipates many Chapter 13 debtors will, because of flood-related loss, temporarily be unable to meet payment obligations under orders curing earlier defaults with secured creditors or trustees. If consensual extensions cannot be reached, counsel for debtors who have suffered flood-related loss may request the court to modify the default provisions of a particular order. If such a motion is filed, the default provisions of the order are suspended until

the court rules.

SO ORDERED, this 17<sup>th</sup> day of September, 2018.



Stephanie W. Humrickhouse, Chief Judge



David M. Warren, Judge



Joseph N. Callaway, Judge