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2:56 PM

MAY 01 2018

CLERK
DEPUTY CLERK

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
ADMINISTRATION OF THE	)	**ADMINISTRATIVE ORDER NO. 28**
BANKRUPTCY SYSTEM:	)	
JURY TRIALS	)	

ORDER

The United States District Court for the Middle District of Tennessee specially designates Chief Judge Marian F. Harrison, Judge Randal S. Mashburn, and Judge Charles M. Walker, judges for the United States Bankruptcy Court for this district, to conduct jury trials pursuant to 28 U.S.C. 157(e).

It is so ORDERED.

Waverly D. Crenshaw, Jr.
Chief United States District Judge

Aleta A. Trauger
United States District Judge

William L. Campbell, Jr.
United States District Judge

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CLERK
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

ADMINISTRATION OF THE
BANKRUPTCY SYSTEM:
JURY TRIALS

ADMINISTRATIVE ORDER NO. 28

ORDER

The United States District Court for the Middle District of Tennessee specially designates Chief Judge Keith M. Lundin, Judge Marian F. Harrison and Judge Randal S. Mashburn, judges for the United States Bankruptcy Court of this district, to conduct jury trials pursuant to 28 U.S.C. § 157(e).

Kevin H. Sharp
Chief United States District Judge

Todd J. Campbell
United States District Judge

Aleta A. Trauger
United States District Judge

John T. Nixon
Senior United States District Judge

William J. Haynes, Jr.
Senior United States District Judge

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8:45 A M
7-13-84
JULIA B. CROSS
CLERK
BY Joyce Voorhees
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
ADMINISTRATION OF	)	ADM. ORDER NO. 28-11
BANKRUPTCY SYSTEM	)	

ORDER

The following rule is adopted by the United States District Court for the Middle District of Tennessee:

RULE

(a) Pursuant to § 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 and 28 U.S.C. § 157(a) as amended by that Act, all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the Bankruptcy Judges for this district.

(b) Administrative Order No. 28-1, originally entered December 24, 1982, and reinstated by Administrative Order No. 28-8 entered August 2, 1983 is hereby rescinded.

This order is entered effective July 10, 1984, nunc pro tunc.

IT IS SO ORDERED.

L. CLURE MORTON
CHIEF U.S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U.S. DISTRICT JUDGE

JOHN T. NIXON
U.S. DISTRICT JUDGE

RECEIVED FOR ENTRY
4:27 P. M
Jan 28, 1984
Julia B. Cross
Clerk
BY Jeanne K. Woodall
Deputy Clerk

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: APPOINTMENT OF	)	ADMINISTRATIVE ORDER
	)	
SECRETARIES AND LAW CLERKS	)	NO. 28-10
	)	
OF CONSULTANTS	)	

O R D E R

It is hereby **ORDERED** that Judy A. Sloan, Social Security # 412-80-8484, (temporary), and Carol L. Winkler, Social Security # 415-58-0493, are hereby appointed secretaries; and Michael Paslay, Social Security # 408-06-1087 is appointed law clerk, for George C. Paine, Consultant. It is further **ORDERED** that Cindy Odle, Social Security # 453-15-5970, is appointed secretary and P. Steven Kratsch, Social Security # 256-72-5195, is appointed law clerk, for Keith M. Lundin, Consultant. Said appointees shall serve for up to thirty (30) days at the same salary and grade as they have previously received while operating in said positions as secretaries and law clerks to the bankruptcy judges.

L. Clure Morton

L. CLURE MORTON
CHIEF JUDGE

UNITED STATES COURT OF APPEALS
SIXTH CIRCUIT

TO : All Chief District Judges, District Clerks and Bankruptcy Clerks in Sixth Circuit

DATE: April 2, 1984

RECEIVED FOR ENTRY
1:00 P M
4 April 1984
JULIA B. CROSS
CLERK
BY Marcia Harden
DEPUTY CLERK

FROM : James A. Higgins, Circuit Executive

SUBJECT : Rule for Operation of the Bankruptcy Court System

The Judicial Council of the Sixth Circuit has entered the enclosed Order amending the Model Rule for the Operation of the Bankruptcy Court System which previously was promulgated by an Order of the Council dated December 21, 1982.

encl.

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

ORDER

Acting pursuant to the authority vested in the Judicial Council by 28 U.S.C. 332(d), the Judicial Council of the Sixth Circuit concludes that the uniform effective and expeditious administration of justice within this Circuit requires that the model rule for the administration of the bankruptcy system in this Circuit which was promulgated by an order of this Council dated December 21, 1982 be amended in paragraph (a) thereof by striking out ", or until March 31, 1984, whichever first occurs".

It therefore is ORDERED that each District Court in this Circuit amend the model rule for the administration of the bankruptcy system which was promulgated by this Council's order of December 21, 1982 in accordance with the foregoing.

FOR THE COUNCIL

Pierce Lively
Chief Judge of the Sixth Circuit

April 2, 1984

RECEIVED FOR ENTRY
3:25 P.M.
3 April 1984
JULIA B. CROSS
CLERK
BY Marcia Hardin
DEPUTY CLERK

UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

IN RE: ADMINISTRATION OF)
) ADM. ORDER NO. 28-9
BANKRUPTCY SYSTEM)

O R D E R

Administrative Order 28-1, orginally entered December 24, 1982, and reinstated by Administrative Order 28-8 entered August 2, 1983, is hereby amended in paragraph (a) entitled "Emergency Resolution" by deleting from the first paragraph thereof the following words:

"or until March 31, 1984, whichever first occurs."

This order is entered effective March 31, 1984, nunc pro tunc.

L. CLURE MORTON
CHIEF U. S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U. S. DISTRICT JUDGE

JOHN T. NIXON
U. S. DISTRICT JUDGE

RECEIVED FOR ENTRY
4:30 P.M.
August 2, 1983
JULIA B. CROSS
CLERK
BY Doneka Wallace
DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: ADMINISTRATION OF)
) ADM. ORDER NO. 28-8
THE BANKRUPTCY SYSTEM)

O R D E R

Administrative Orders 28-2, 28-3, 28-4, 28-5, 28-6, and 28-7 are hereby vacated. Administrative Order 28-1 which was originally entered by the court on December 24, 1982, is hereby reinstated as interpreted by White Motor Corp. v City Bank, 704 F.2d 254 (6th Cir. 1983).

L. CLURE MORTON
CHIEF U. S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U. S. DISTRICT JUDGE

JOHN T. NIXON
U. S. DISTRICT JUDGE

(see general docket 3:83-X-44)

AUG 2 1983

RECEIVED FOR ENTRY
10:35 A. M
MAY 2 1983
JULIA B. CROSS
CLERK
BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
ADMINISTRATION OF THE BANKRUPTCY SYSTEM	)	ADMINISTRATIVE ORDER NO. 28-7
	)	

ORDER

The purpose of this order is to enhance the procedural efficiency of the administration of bankruptcy cases in this district as described in Administrative Orders Nos. 28-3 and 28-4 entered by this court on March 1, 1983 and March 9, 1983, respectively.

The following rule is hereby adopted by the United States District Court for the Middle District of Tennessee:

RULE

A. Docket Control. In all cases and proceedings referred to the United States Bankruptcy Judges for the Middle District of Tennessee appointed as standing masters for this district pursuant to Administrative Order No. 28-3, the bankruptcy judges are authorized to issue such notices, orders and directives as are necessary for the efficient docketing, management and control of matters pending before them. Specifically, but without limitation, the bankruptcy judges may issue notices and may require the filing of documents, the attendance of parties and counsels at hearings and other proceedings, may schedule and reschedule trials, hearings, conferences and appearances of all sorts as may be required or permitted by the Bankruptcy Code and may otherwise take such binding actions as are necessary to control the docketing of bankruptcy cases. Upon recommendation of a bankruptcy judge, the failure of any individual to comply with the procedural directives issued pursuant to this rule may be treated by the United States District Court as a matter of contempt of court.

MAY 2 1983

B. Extensions of time. Wherever permitted or required by the Bankruptcy Code, the Rules of Bankruptcy Procedure, the Interim Bankruptcy Rules or the local rules for the bankruptcy court, the setting, extension or modification of a time period within which a party can or must take action in a case or proceeding pending by reference before the United States Bankruptcy Judges for this district, shall be the prerogative and responsibility of the bankruptcy judge to whom the case has been referred. The setting, extension or modification of a time period shall be binding upon the parties unless an objection is filed with the United States District Court for the Middle District of Tennessee within 10 days of the action of the bankruptcy judge.

IT IS SO ORDERED.

Entered this _____ day of _____, 1983.

L. CLURE MORTON
CHIEF U.S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U.S. DISTRICT JUDGE

JOHN T. NIXON
U.S. DISTRICT JUDGE

MAY - 1983

RECEIVED FOR ENTRY
9:00 A. M
April 1, 1983
JULIA S. GRIGGS
CLERK
BY [signature]
DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
ADMINISTRATION OF THE	)	Adm. Order No. 28-6
	)	
BANKRUPTCY SYSTEM	)	

O R D E R

Administrative Orders 28-3 and 28-4 entered by this court on March 1, 1983, and March 9, 1983, respectively, affect only those cases commenced on or after October 1, 1979. The jurisdiction of bankruptcy judges to render all judgments, orders and other decisions relating to cases commenced before October 1, 1979, remains undisturbed by the orders of this court.

L. CLURE MORTON
CHIEF U. S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U. S. DISTRICT JUDGE

JOHN T. NIXON
U. S. DISTRICT JUDGE

DOCKETED FOR ENTRY
11:00 A.M.
March 16, 1983
JULIA C. CROW
CLERK
BY Julia C. Crow
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

ADMINISTRATION OF THE
BANKRUPTCY SYSTEM

Adm. Order No. 28.5

O R D E R

The United States District Court for the Middle District of Tennessee adopts the Local Rules of the United States Bankruptcy Court for the Middle District of Tennessee as rules of practice and procedure in all cases, matters and proceedings before the Standing Masters appointed pursuant to Administrative Order No. 28.

IT IS SO ORDERED.

Entered this 16th day of March, 1983.

L. CLURE MORTON
CHIEF U.S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U.S. DISTRICT JUDGE

JOHN T. NIXON
U.S. DISTRICT JUDGE

MAR 16 1983

RECEIVED FOR ENTRY
8:45 A. M
MAR 09 1983
CLERK
BY Calhoun
DEPUTY CLERK

UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

IN RE: ADMINISTRATION OF)
) ADM. ORDER NO. 28-4
BANKRUPTCY SYSTEM)

O R D E R

The purpose of this order is to supplement sections B(2) and C(2) of Administrative Order No. 28-3 entered by this court on March 1, 1983.

(1) All cases commenced under the Bankruptcy Act of 1978 and currently pending in this court, and all civil proceedings commenced under the 1978 Act or arising in or related to cases commenced under the 1978 Act and currently pending in this court, are hereby referred to the standing bankruptcy masters for this judicial district. The exceptional conditions which warrant such a referral to the standing masters of pending bankruptcy matters include:

(a) the unanticipated unconstitutionality of the grant of jurisdiction and power to United States bankruptcy judges contained in § 241(a) of the Bankruptcy Act of 1978;

(b) the clear intent of the Congress to refer bankruptcy matters to bankruptcy judges;

(c) the large number of bankruptcy cases now pending in this district;

MAR 9 1983

(d) the administrative difficulties involved in the district court's assumption of the existing bankruptcy caseload;

(e) the availability of specialized expertise necessary for the expeditious handling of these bankruptcy matters; and

(f) The familiarity that the standing bankruptcy masters have with these pending matters.

(2) The clerk of the bankruptcy court shall forthwith assign all pending bankruptcy cases, referred hereby and not previously referred, to a district judge on a random selection basis. Any civil proceeding commenced under the Bankruptcy Act of 1978 or arising in or related to a case commenced under the 1978 Act, and referred hereby, shall be assigned by the clerk of the bankruptcy court to the district judge to whom the related bankruptcy case is assigned.

(3) All pending bankruptcy cases and proceedings referred hereby are referred in accordance with the provisions of Rule 53 of the Federal Rules of Civil Procedure and Administrative Order No. 28-3 entered by this court on March 1, 1983. However, in all bankruptcy cases and related civil proceedings in which the United States bankruptcy judges for this district conducted hearings and/or entered judgments, dispositive orders, or other non-ministerial orders on or after December 25, 1982, the performance by the standing masters of the duties imposed under this order shall be nunc pro tunc. That is, in such cases and

MAR . 1983

proceedings the standing bankruptcy masters need not re-hear matters previously heard or receive additional evidence pertaining to issues previously adjudicated by the masters in their capacities as United States bankruptcy judges. In such cases and proceedings, the standing masters may submit as reports, any findings of facts, conclusions of law, memoranda of decisions, judgments, or dispositive orders previously made or entered in such causes.

(4) All reports submitted by the standing bankruptcy masters in referred cases and proceedings shall be filed with the clerk of the bankruptcy court who shall forthwith mail to all parties notice of the filing and transmit the report to the appropriate district judge. The district judge shall act upon the report of the master in accordance with the provisions of Rule 53 of the Federal Rules of Civil Procedure.

It is so ORDERED.

L. CLURE MORTON
CHIEF U. S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U. S. DISTRICT JUDGE

JOHN T. NIXON
U. S. DISTRICT JUDGE

MAR 1983

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1:00 PM
3-1-83
JULIA B. CROSS
CLERK
BY D.J. Calhoun
DEPUTY CLERK

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

IN RE: ADMINISTRATION OF THE BANKRUPTCY SYSTEM) ADM. ORDER NO. 28-3

O R D E R

The purpose of this order is to provide for the orderly administration of the bankruptcy matters in the United States District Court for the Middle District of Tennessee.

1. Prior Administrative Order. Administrative Order No. 28, entered by the court on December 24, 1982, is hereby vacated.

2. The following rule is hereby adopted by the United States District Court for the Middle District of Tennessee:

R U L E

A. Standing Masters. The United States Bankruptcy Judges for the Middle District of Tennessee are hereby appointed standing masters for this district to assist the district court in the administration of cases commenced under Title 11 of the United States Code, and in the disposition of civil proceedings arising under Title 11 or arising in or related to cases under Title 11. For the services they perform the standing masters will receive no compensation other than the compensation to which they are entitled by virtue of their employment with the United States Government.

MAR 1 1983

B. Prior Actions by bankruptcy judges.

(1) All bankruptcy cases or proceedings commenced in the Middle District of Tennessee on or after December 25, 1982 and dismissed by the bankruptcy judges for lack of subject matter jurisdiction are hereby deemed to be pending in the United States District Court for such district. All orders entered by the bankruptcy judges dismissing such cases or proceedings are hereby vacated.

(2) All orders entered by the United States bankruptcy judges after December 24, 1982, in bankruptcy cases and proceedings commenced before December 24, 1982, are hereby declared to be void and of no effect. The district judge to whom such cases and proceedings are assigned under paragraph C(2) of this rule shall review such action taken by the bankruptcy judges and shall make any and all orders necessary for the just disposition of such matters.

C. Filing of bankruptcy papers.

(1) The bankruptcy court constituted by § 404 of Public Law 95-598, 92 Stat., shall continue to be known as the United States Bankruptcy Court for this district. The Clerk of the Bankruptcy Court is hereby designated to maintain the files in all bankruptcy cases and proceedings now pending or hereafter commenced in this district. Unless otherwise provided by this rule, all petitions and papers to be submitted in such bankruptcy cases and proceedings shall be filed with the Clerk of the Bankruptcy Court.

MAR 1 1983

(2) All cases commenced under Title 11 of the United States Code shall be assigned by the Clerk of the Bankruptcy Court to a district judge on a random selection basis. Thereafter, any civil proceeding commenced under Title 11, or arising in or related to a bankruptcy case already commenced shall be assigned by the Clerk to the district judge to whom the related case under Title 11 is assigned.

D. Review by district court.

(1) Once a bankruptcy case or proceeding is commenced pursuant to the provisions of Title 11, and assigned in accordance with paragraph C(2) of this Rule, the Clerk of the Bankruptcy Court shall forthwith transmit the file to the district judge for review, and thereafter the Clerk shall forthwith transfer all reports and proposed orders from the special masters.

(2) After reviewing the file, the district judge may, if appropriate, refer any case brought under Title 11 of the United States Code, and any matter or proceeding arising therein or related thereto, to the standing masters in accordance with Rule 53 of the Federal Rules of Civil Procedure. The referred cases and proceedings may be assigned by the standing masters in accordance with the Bankruptcy Court's usual system for the assignment of cases.

(3) Unless otherwise provided by the order of reference, the standing masters shall have all powers and duties with respect to such referred matters as is provided by this rule.

MAR 1 1983

(4) The files and records in bankruptcy cases, proceedings, and matters not referred to standing bankruptcy masters by a district judge shall be maintained by the Clerk of the United States District Court for the Middle District of Tennessee, and any future papers to be submitted in such causes shall be filed with the Clerk of the district court.

E. Powers and duties of standing masters.

(1) If referred, bankruptcy cases shall be referred to the standing masters for the purpose of proper administration in accordance with the provisions of Title 11 of the United States Code. The standing masters shall have the power to do all acts and take all measures necessary or proper for the efficient administration of such bankruptcy cases. However, the exercise of such power and the performance of such duties shall be in accordance with the provisions and limitations of Rule 53, Federal Rules of Civil Procedure. Where the provisions of Title 11, U.S.C., call for action by the court in the administration of such bankruptcy cases, the standing master shall submit a report. The report shall consist of a proposed order, and if required, proposed findings of facts and conclusions of law. Such report shall be filed with the Clerk of the Bankruptcy Court who shall forthwith mail to all parties in interest notice of the filing. The Clerk of the Bankruptcy Court shall submit the report of the standing master to the district judge to whom the case is assigned. The district judge shall act thereupon in accordance with the provisions of Rule 53.

MAR 1 1983

(2) If referred, civil proceedings arising under Title 11 of the U.S.C., or arising in or related to cases under Title 11 shall be referred to the standing masters for the purpose of conducting such evidentiary hearings as are necessary and proper for the determination of the merits of claims involved in those actions. The special masters shall have the power to do all acts and take all measures necessary for the efficient performance of such duties. However, the exercise of such power and the performance of such duties shall be in accordance with the provisions and limitations of Rule 53, Federal Rules of Civil Procedure. At the end of such hearing or hearings, the special masters shall prepare a report to be filed with the Clerk of the Bankruptcy Court. The Clerk of the Bankruptcy Court shall mail to all parties in interest notice of the filing, and shall submit the report of the standing masters to the district judge to whom the proceeding is assigned. The district judge shall act thereupon in accordance with the provisions of Rule 53.

F. Miscellaneous provisions.

(1) Trustees. In all Chapter 7 cases in which the provisions of Title 11 mandate the appointment of a trustee, the district judge to whom the case is assigned shall forthwith enter an order providing for the appointment of an interim trustee.

(2) Orders Pursuant to 11 U.S.C. § 1325(b) in Chapter 13 Matters. In each bankruptcy case filed pursuant to Chapter 13 of Title 11, United States Code, the district judge to whom the case is assigned shall enter such orders appropriate under 11 U.S.C. § 1325(b).

MAR 1 1983

(3) Emergency matters. Notwithstanding any other provision of this order or any existing order of reference, a party in interest requiring immediate relief from this court in a particular bankruptcy matter, may present that request directly to the district judge to whom the case has been assigned or to any other judge of this court, in the event of absence or unavailability of the judge to whom the case is assigned.

(4) Automatic stay litigation. Because of the time constraints set forth in 11 U.S.C. § 362(e), in those referred proceedings in which relief from the automatic stay is at issue, the standing master shall hold the required hearings within five (5) days less than the time frame provided within 11 U.S.C. §§ 362(d) and (e). At the end of such hearings the standing master shall file with the Clerk of the Bankruptcy Court a proposed order and a report which shall be transmitted to the district judge instanter, in accordance with paragraph D(1) of this Rule.

(5) Discharge hearings. The district court shall from time to time schedule and conduct discharge hearings required by 11 U.S.C. § 524(d). Such hearings shall be conducted by a standing master under the supervision of a district judge.

G. Standing Trustee for Chapter 13 matters. Henry E. Hildebrand, III, is appointed Standing Trustee for Chapter 13 matters in this district in accordance with 11 U.S.C. § 1302.

MAR 1 1983

It is so ORDERED.

L. CLURE MORTON
CHIEF U. S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U. S. DISTRICT JUDGE

JOHN T. NIXON
U. S. DISTRICT JUDGE

MAR 1 1983

UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	NO. _____
Debtor	)	
	)	

ORDER OF REFERENCE

It appearing to the court that administration of this case/proceeding will involve complex questions of bankruptcy law and procedure, that exceptional circumstances exist in this district which warrant the referral of this case to a Standing Master under Rule 53(a) of the Federal Rules of Civil Procedure in accordance with and for the reasons stated in this court's Order No. 28, it is accordingly ORDERED as follows:

1. In accordance with Standing Order No. 28 and pursuant to Rule 53 of the Federal Rules of Civil Procedure, this bankruptcy case/proceeding is hereby referred to the Standing Masters of this district for the purpose of administration thereof in accordance with the provisions of Title 11 of the United States Code.

2. The provisions of Rule 53(d) (1) of the Federal Rules of Civil Procedure regarding the first meeting of the parties within 20 days of the date of this order and notice relating thereto is inapplicable in any matter arising in this case/proceeding.

3. Unless ordered otherwise by this court upon timely motion filed by a party in interest, as part of his report, the Standing Master need not file the transcript of the proceedings, evidence, or original exhibits referred to in Rule 53(e) (1).

It is so ORDERED.

UNITED STATES DISTRICT JUDGE

RECEIVED FOR ENTRY
4:30 P M
DEC 24 1982
CLERK
BY L. Tipton
DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: ADMINISTRATION OF THE BANKRUPTCY SYSTEM) ADM. ORDER NO. 28-2 283
Nashville Gen. Docket
Northeastern Gen. Doc. 59
Columbia Gen. Doc. 58

O R D E R

The following rule is hereby adopted by the United States District Court for the Middle District of Tennessee:

R U L E

(a) Emergency Resolution

The purpose of this rule is to convey to the bankruptcy judges of this district authority to act in bankruptcy cases and proceedings until the Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line, Co., _____ U.S. _____, 102 S. Ct. 2858 (1982), or until March 31, 1984, whichever first occurs.

DEC 24 1982

he judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of Public Law 95-598; (2) the clear intent of Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Filing of bankruptcy papers

The bankruptcy court constituted by § 404 of the Public Law 95-598 shall continue to be known as the United States Bankrupty Court of this district. The Clerk of the Bankruptcy Court is hereby designated to maintain all files in bankruptcy cases and adversary proceedings. All papers in cases or proceedings arising under or related to Title 11 shall be filed with the Clerk of the Bankruptcy Court regardless of whether the case or proceeding is before a bankruptcy judge or a judge of the

DEC 24 1982

district court, except that a judgment by the district judge shall be filed in accordance with Rule 921 of the Bankruptcy Rules.

c. Reference to Bankrupcy Judges

(1) All cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court at any time on its own motion or on timely motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer part of the matter back to the bankruptcy judge or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

DEC 24 1982

(3) Referred cases and proceedings may be transferred in whole or in part between bankruptcy judges within the district without approval of a district judge.

d. Powers of Bankruptcy Judges

(1) The bankruptcy judges may perform in referred bankruptcy cases and proceedings all acts and duties necessary for the handling of those cases and proceedings except that the bankruptcy judges may not conduct:

(A) a proceeding to enjoin a court;

(B) a proceeding to punish a criminal contempt--

(i) not committed in the bankruptcy judge's actual presence; or

(ii) warranting a punishment of imprisonment;

(C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or

(D) jury trials.

Those matters which may not be performed by a bankruptcy judge shall be transferred to a district judge.

(2) Except as provided in (d)(3), orders and judgments of bankruptcy judges shall be effective upon entry by the Clerk of the Bankruptcy Court, unless stayed by the bankruptcy judge or a district judge.

DEC 24 1982

(3) (A) Related proceedings are those civil proceedings that, in the absence of a petition in bankruptcy, could have been brought in a district court or a state court. Related proceedings include, but are not limited to, claims brought by the estate against parties who have not filed claims against the estate. Related proceedings do not include: contested and uncontested matters concerning the administration of the estate; allowance of and objection to claims against the estate; counterclaims by the estate in whatever amount against persons filing claims against the estate; orders in respect to obtaining credit; orders to turn over property of the estate; proceedings to set aside preferences and fraudulent conveyance; proceedings in respect to lifting of the automatic stay; proceedings to determine dischargeability of particular debts; proceedings to object to the discharge; proceedings in respect to the confirmation of plans; orders approving the sale of property where not arising from proceedings resulting from claims brought by the estate against parties who have not filed claims against the estate; and similar matters. A proceeding is not a related proceeding merely because the outcome will be affected by state law.

DEC 24 1982

(B) In related proceedings the bankruptcy judge may not enter a judgment or dispositive order, but shall submit findings, conclusions, and a proposed judgment or order to the district judge, unless the parties to the proceeding consent to entry of the judgment or order by the bankruptcy judge.

(e) District Court Review

(1) A notice of appeal from a final order or judgment or proposed order or judgment of a bankruptcy judge or an application for leave to appeal an interlocutory order of a bankruptcy judge, shall be filed within 10 days of the date of entry of the judgment or order or of the lodgment of the proposed judgment or oder. As modified by sections (e) 2A and B of this rule, the procedures set forth in Part VIII of the Bankruptcy Rules apply to appeals of bankruptcy judges' judgments and orders and the procedures set forth in Bankruptcy Interim Rule 8004 apply to applications for leave to appeal interlocutory orders of bankruptcy judges. Modification by the district judge or the bankruptcy judge of time for appeal is governed by Rule 802 of the Bankruptcy Rules.

DEC 24 1982

(2) (A) A district judge shall review:

(i) an order or judgment entered under paragraph (d)(2) if a timely notice of appeal has been filed or if a timely application for leave to appeal has been granted;

(ii) an order or judgment entered under paragraph (d)(2) if the bankruptcy judge certifies that circumstances require that the order or judgment be approved by a district judge, whether or not the matter was controverted before the bankruptcy judge or any notice of appeal or application for leave to appeal was filed; and

(iii) a proposed order or judgment lodged under paragraph (d)(3), whether or not any notice of appeal or application for leave to appeal has been filed.

(B) In conducting review, the district judge may hold a hearing and may receive such evidence as appropriate and may accept, reject, or modify, in whole or in part, the order or judgment of the bankruptcy judge, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district judge shall enter an appropriate order or judgment.

DEC 24 1982

(3) When the bankruptcy judge certifies that circumstances require immediate review by a district judge of any matter subject to review under paragraph (d)(2), the district judge shall review the matter and enter an order or judgment as soon as possible.

(4) It shall be the burden of the parties to raise the issue of whether any proceeding is a related proceeding prior to the time of the entry of the order of judgment of the district judge after review.

(f) Local Rules

In proceedings before a bankruptcy judge, the local rules of the bankruptcy court shall apply. In proceedings before a judge of the district court, the local rules of the district court shall apply.

(g) Bankruptcy Rules and Title IV of Public Law 95-598

Courts of bankruptcy and procedure in bankruptcy shall continue to be governed by Title IV of Public Law 95-598 as amended and by the bankruptcy rules prescribed by the Supreme Court of the United States pursuant to 28 U.S.C. § 2075 and limited by SEC. 405(d) of the Act, to the extent that such Title and Rules are not inconsistent with the holding of Northern

DEC 24 1982

Pipeline Construction Co. v. Marathon Pipe Line Co., ____ U.S. _____, 102 S. Ct. 2858 (1982).

(h) Effective Date and Pending Cases

This rule shall become effective December 25, 1982, and shall apply to all bankruptcy cases and proceedings not governed by the Bankruptcy Act of 1898 as amended, and filed on or after October 1, 1979. Any bankruptcy matters pending before a bankruptcy judge on December 25, 1982, shall be deemed referred to that judge.

It is so ORDERED.

L. CLURE MORTON
CHIEF U. S. DISTRICT JUDGE

THOMAS A. WISEMAN, JR.
U. S. DISTRICT JUDGE

JOHN T. NIXON
U. S. DISTRICT JUDGE

DEC 24 1982

JAMES A. HIGGINS
CIRCUIT EXECUTIVE

OFFICE OF THE CIRCUIT EXECUTIVE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
303 U. S. COURTHOUSE
CINCINNATI, OHIO 45202

FTS 684-3161
(513) 684-3161

December 21, 1982

22-1

MEMORANDUM

TO: All Chief District Judges
All District Court Clerks
All Bankruptcy Court Clerks
in the Sixth Circuit

Re: Rule for Operation of Bankruptcy Court System

The Judicial Council of the Sixth Circuit has entered the enclosed Order approving the proposed Rule for the Operation of the Bankruptcy Court System which was tranmitted to you by Mr. Foley's memorandum dated December 3, 1982.

encl.

DEC 1962
IN CLERKS OFFICE
U.S. DISTRICT COURT
MID. DIST. TENN.

FILED

DEC 27 1982

CLERK

BY J. Dipton

DEPUTY CLERK

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

ORDER

Acting pursuant to the authority vested in the Judicial Council by 28 U.S.C. §332(d), the Judicial Council of the Sixth Circuit concludes that the uniform effective and expeditious administration of justice within this Circuit requires that the attached rule for the administration of the bankruptcy system in this Circuit be adopted by the District Courts of this Circuit pursuant to 11 U.S.C. §105.

It therefore is ordered that each District Court of this Circuit adopt the attached rule to become effective December 25, 1982 if the Congress fails to enact remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. vs. Marathon Pipe Line Co., ____ U.S. ____, 102 S. Ct. 2858 (1982), and if the Supreme Court fails to extend the stay of its mandate in that case.

For the Council:

George Edwards, Chief Judge
Sixth Circuit

Date: December 21, 1982

DEC 27 1982

DEC 1982
RECEIVED
IN CLERKS OFFICE
U.S. DISTRICT COURT
MID. DIST. TENN

R U L E

(a) Emergency Resolution

The purpose of this rule is to supplement existing law and rules in respect to the authority of the bankruptcy judges of this district to act in bankruptcy cases and proceedings until Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., _____ U.S. _____, 102 S. Ct. 2858 (1982), or until March 31, 1984, whichever first occurs.

The judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of Public Law 95-598; (2) the clear intent of Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Filing of bankruptcy papers

The bankruptcy court constituted by §404 of Public Law 95-598 shall continue to be known as the United States Bankruptcy Court of this district. The Clerk of the Bankruptcy Court is hereby designated to maintain all files in bankruptcy cases and adversary proceedings. All papers in cases or proceedings arising under or related to Title 11 shall be filed with the Clerk of the Bankruptcy Court regardless of whether the case or proceeding is before a bankruptcy judge or a judge of the district court, except that a judgment by the district judge shall be filed in accordance with Rule 921 of the Bankruptcy Rules.

(c) Reference to Bankruptcy Judges

(1) All cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court at any time on its own motion or on timely

DEC 27 1982

motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer part of the matter back to the bankruptcy judge, or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

(3) Referred cases and proceedings may be transferred in whole or in part between bankruptcy judges within the district without approval of a district judge.

(d) Powers of Bankruptcy Judges

(1) The bankruptcy judges may perform in referred bankruptcy cases and proceedings all acts and duties necessary for the handling of those cases and proceedings except that the bankruptcy judges may not conduct:

(A) a proceeding to enjoin a court;

(B) a proceeding to punish a criminal contempt --

(i) not committed in the bankruptcy judge's actual presence; or

(ii) warranting a punishment of imprisonment;

(C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or

(D) jury trials.

Those matters which may not be performed by a bankruptcy judge shall be transferred to a district judge.

(2) Except as provided in (d)(3), orders and judgments of bankruptcy judges shall be effective upon entry by the Clerk of the Bankruptcy Court, unless stayed by the bankruptcy judge or a district judge.

(3) (A) Related proceedings are those civil proceedings that, in the absence of a petition in bankruptcy, could have been brought in a district court or a state court. Related proceedings include, but are not limited to, claims brought by the estate against parties who have not filed claims against the estate. Related proceedings do not include: contested and uncontested matters concerning the administration of the estate;

DEC 27 1999

allowance of and objection to claims against the estate; counterclaims by the estate in whatever amount against persons filing claims against the estate; orders in respect to obtaining credit; orders to turn over property of the estate; proceedings to set aside preferences and fraudulent conveyances; proceedings in respect to lifting of the automatic stay; proceedings to determine dischargeability of particular debts; proceedings to object to the discharge; proceedings in respect to the confirmation of plans; orders approving the sale of property where not arising from proceedings resulting from claims brought by the estate against parties who have not filed claims against the estate; and similar matters. A proceeding is not a related proceeding merely because the outcome will be affected by state law.

(B) In related proceedings the bankruptcy judge may not enter a judgment or dispositive order, but shall submit findings, conclusions, and a proposed judgment or order to the district judge, unless the parties to the proceeding consent to entry of the judgment or order by the bankruptcy judge.

(e) District Court Review

(1) A notice of appeal from a final order or judgment or proposed order or judgment of a bankruptcy judge or an application for leave to appeal an interlocutory order of a bankruptcy judge, shall be filed within 10 days of the date of entry of the judgment or order or of the lodgment of the proposed judgment or order. As modified by sections (e) 2A and B of this rule, the procedures set forth in Part VIII of the Bankruptcy Rules apply to appeals of bankruptcy judges' judgments and orders and the procedures set forth in Bankruptcy Interim Rule 8004 apply to applications for leave to appeal interlocutory orders of bankruptcy judges. Modification by the district judge or the bankruptcy judge of time for appeal is governed by Rule 802 of the Bankruptcy Rules.

(2) (A) A district judge shall review:

(i) an order or judgment entered under paragraph (d)(2) if a timely notice of appeal has been filed or if a timely application for leave to appeal has been granted;

DEC 27 1982

(ii) an order or judgment entered under paragraph (d)(2) if the bankruptcy judge certifies that circumstances require that the order or judgment be approved by a district judge, whether or not the matter was controverted before the bankruptcy judge or any notice of appeal or application for leave to appeal was filed; and

(iii) a proposed order or judgment lodged under paragraph (d)(3), whether or not any notice of appeal or application for leave to appeal has been filed.

(B) In conducting review, the district judge may hold a hearing and may receive such evidence as appropriate and may accept, reject, or modify, in whole or in part, the order or judgment of the bankruptcy judge, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district judge shall enter an appropriate order or judgment.

(3) When the bankruptcy judge certifies that circumstances require immediate review by a district judge of any matter subject to review under paragraph (e)(2), the district judge shall review the matter and enter an order or judgment as soon as possible.

(4) It shall be the burden of the parties to raise the issue of whether any proceeding is a related proceeding prior to the time of the entry of the order or judgment of the district judge after review.

(f) Local Rules

In proceedings before a bankruptcy judge, the local rules of the bankruptcy court shall apply. In proceedings before a judge of the district court, the local rules of the district court shall apply.

(g) Bankruptcy Rules and Title IV of Public Law 95-598

Courts of bankruptcy and procedure in bankruptcy shall continue to be governed by Title IV of Public Law 95-598 as amended and by the bankruptcy rules prescribed by the Supreme Court of the United States pursuant to 28 U.S.C. §2075 and limited by SEC. 405(d) of the Act, to the extent

DEC 27 1982

that such Title and Rules are not inconsistent with the holding of Northern Pipeline Construction Co. v. Marathon Pipe Line Co., _____ U.S. _____, 102 S. Ct. 2858 (1982).

(h) Effective Date and Pending Cases

This rule shall become effective December 25, 1982, and shall apply to all bankruptcy cases and proceedings not governed by the Bankruptcy Act of 1898 as amended, and filed on or after October 1, 1979. Any bankruptcy matters pending before a bankruptcy judge on December 25, 1982 shall be deemed referred to that judge.

DEC 27 1982

DEC 1982
U.S. DEPOSITORY COPY

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE, NASHVILLE

NED. GENERAL DKT. P-12
NASH. GENERAL DKT. P-76
COL. GENERAL DKT. P-15

RECEIVED FOR ENTRY
11:30 A.M.
OCT 29 1974
BRANDON LEWIS, Clerk
Frank Williams

IN THE MATTER OF:

BANKRUPTCY FILING REQUIREMENTS

ORDER

IT IS HEREBY ORDERED that all Bankruptcy Petitioners will file bankruptcy petitions with the Clerk of the District Court for reference to the Bankruptcy Judges and submit with the petition on an 8 1/2 x 11 inch form, available from the office of the Bankruptcy Judges, a list of the names and mailing addresses of all creditors listed on Schedules A-1, A-2, A-3, A-4, and A-5; the petitioner will also include his name and address and that of his attorney on the list. This rule is applicable to petitions filed under any Chapter of the Bankruptcy Act except Chapter XIII.

IT IS FURTHER ORDERED that in Proceedings For an Arrangement Under Chapter XI of the Bankruptcy Act the original documents shall be filed with five copies, and all papers listed in §394 of the Bankruptcy Act shall be filed with four copies. The Debtor is also required by the court to furnish a sufficient number of copies of the plan and copies of the assets and liabilities summary to enable the court to transmit them as provided by Rule 11-36 of the Bankruptcy Act.

IT IS FURTHER ORDERED that this order become effective the 2nd day of December, 1974, and remain in full force and effect pending further orders of the Court.

Dated:

Frank Gray Jr.
Chief Judge

L. Clure Morton
District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

NASHVILLE GENERAL DKT.P-76
NED GENERAL Docket P-12
COLUMBIA GENERAL DKT. P-15

RECEIVED FOR ENTRY
11:30 A.M.
OCT 29 1974
BRANDON LEWIS, Clerk
Frank Williams

IN THE MATTER OF:

REPORTING AND REPORTER'S FEES
IN BANKRUPTCY COURT

O R D E R

Pursuant to the authority of this court as set forth in Rule 927, Bankruptcy Rules, there is promulgated the following Local Rule of Bankruptcy practice:

REPORTING AND REPORTER'S FEES

(a) The Bankruptcy Judges of the District shall be authorized to designate official court reporters and all proceedings before them shall be recorded either by shorthand, stenotype or mechanically.

The bankrupt or debtor in any proceeding before the Bankruptcy Court shall pay a fee to the reporter in such amount and at such time as the Bankruptcy Judges shall fix. This fee shall constitute and be deemed to be a cost of such proceeding within the meaning of Section 2a(18) and 59g of the Bankruptcy Act. Money advanced for the purpose by the bankrupt or debtor shall be repaid to him out of the estate, when available, as part of the cost of administering the estate.

(b) In cases in which funds become available, the trustee, receiver, debtor-in-possession, or other officer of the court, shall upon order of the court, pay as an expense of administration any reporter's fee as the court shall fix.

(c) In all matters the court may order the fees for reporting services taxed as costs in accordance with Section

2a(18) of the Bankruptcy Act. The court may require the plaintiff, or applicant for relief in any matter, to pay an appearance fee for the reporter which may later, in the discretion of the court, be taxed against a party as costs in the proceeding or be ordered paid as an expense of administration.

(d) Any person in interest shall be entitled to a transcript of reported meetings, hearings, and proceedings upon payment of the charges to the reporter. The charges shall be as provided in the order of this court entered October 21, 1974, fixing the fees for the Official Reporters of the Court, these charges being as follows:

For ordinary transcripts -

For the original, one dollar and twenty-five cents ($1.25) per page.

For each copy, fifty cents (.50) per page.

For daily transcripts -

For the original, two dollars and fifty cents ($2.50) per page.

For each copy, fifty cents (.50) per page.

The term "daily transcript" is defined as that in which a transcript of each day's proceedings is delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually be a court day.

The effective date of this Order is December 2, 1974.

Frank Gray Jr.
Chief Judge

L. Clure Morton
District Judge

NED Gen Dkt.
Col " "
Nash " "

RECEIVED FOR ENTRY
3:30 P.M.

MAR 20 1974

BRANDON LEWIS, Clerk
By A C Beech D.C

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

Re: Adoption of Rule of Court Regarding Oral Argument on Appeals from Bankruptcy Court.

O R D E R

It is ORDERED by rule of Court as authorized by Rule 809 of the Bankruptcy Rules that, absent a specific request by the Court, the parties in bankruptcy appeals shall not be heard on oral argument.

Dated: March 20, 1974.

Frank Gray, Jr.
CHIEF JUDGE

L. Clure Morton
DISTRICT JUDGE

Columbia Gen Dkt P. 13
N & D Gen Dkt P. 11

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

RECEIVED FOR ENTRY
10:25 A.
OCT 1 1973
BRANDON LEWIS, Clerk
Marsha Green D.C.

ORDER

The Bankruptcy Rules promulgated by the Supreme Court of the United States having become effective on October 1, 1973, it is hereby ORDERED that all local rules pertaining to Bankruptcy are abrogated.

This October 1, 1973.

CHIEF JUDGE

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

RECEIVED FOR ENTRY
1:15 P. M.
OCT 19 1972
BRANDON LEWIS, Clerk
Frank Williams D.C.

ORDER AMENDING THE BANKRUPTCY RULES OF THE COURT

It is ORDERED that the rules of this Court are amended to provide as follows:

"A voluntary petition not accompanied by the filing fee shall be accepted for filing by the Clerk of the District Court if accompanied by an application signed by the petitioner for permission to delay payment of the filing fee. The application shall state the facts showing the necessity for late payment of the fees, when fees can reasonably be expected to be paid, and that the applicant has paid no more than twenty-five dollars to his attorney for services in connection with the case. The application shall be filed in duplicate, one copy for the Clerk and one for the Referee in Bankruptcy.

"For good cause shown a Referee may extend the time for payment of the filing fee to a date not later than six months after the date of filing of the petition.

"Filing fees must be paid in full before the bankrupt may pay his attorney, or before the attorney may accept, more than twenty-five dollars for services in connection with the case."

This amendment shall become effective on and after October 24, 1972.

Frank Gray, Jr.
CHIEF JUDGE

L. Clure Morton
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISIRICI OF IENNESSEE

RECEIVED FOR ENTRY
2:45 P. M
JAN 9 1967
BRANDON LEWIS, CLERK

ORDER AMENDING THE BANKRUPTCY RULES

OF THE COURI

It appearing that due to certain regulations of the United States Post Office Department, John M. Bates, Referee in Bankruptcy, has proposed an amendment to the "Bankruptcy Rules" heretofore promulgated by this Court, as additional rule Numbered 43, as follows:

"Rule 43 - To the address of each creditor and/or any other person to whom a written notice is required under the provisions of the Bankruptcy Act, listed in the schedules of each bankruptcy petition presented to the Clerk of the U. S. District Court for filing, shall be affixed the "Zip Code" number as established by the U. S. Post Office Department for that address.

"Any petition presented without compliance with this rule shall be returned to the attorney presenting the petition by the clerk."

And it appearing to the Court that the proposed amendment will insure compliance of the administration of Bankruptcy proceedings with the regulations of the Post Office Department

It is therefore ordered that the above proposed rule Number 43 be and it is hereby made a part of the "Bankruptcy Rules" of this Court.

Entered at Nashville, Tennessee, this the 9th of January, 1967.

William E. Miller
Chief Judge
U. S. District Court

January 9, 1967

Vol. 63, Page 48 Nash.
Vol. 2, Page 176 NED
Vol. 3, Page 140 Col.

RECEIVED FOR ENTRY
3:00 P.M
AUG 5 1964
ANDREW H. MIZELL CLERK
By Hannah Brasowell

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION

ORDER AMENDING THE BANKRUPTCY RULES OF THIS COURT

IT APPEARING TO THE COURT THAT ON THE 3RD DAY OF JUNE, 1964, AN ORDER WAS ENTERED AMENDING THE BANKRUPTCY RULES BY THE ADDITION OF RULES 41 AND 42, AND THAT IN RULE 41 IN THE FIRST PHRASE THEREOF THE WORD "DEBTOR" WAS INADVERTENTALLY INSERTED INSTEAD OF "OBJECTING CREDITOR" AND THAT SAID RULE 41 SHOULD BE AMENDED AS FOLLOWS:

"RULE 41 - FOR EACH SET OF OBJECTIONS TO A DISCHARGE THE OBJECTING CREDITOR SHALL PAY, AT THE TIME OF FILING, THE SUM OF $10.00, PROVIDED THAT THIE RULE SHALL HAVE NO APPLICATION TO OBJECTIONS FILED BY THE UNITED STATES ATTORNEY, OR BY THE TRUSTEE IN BANKRUPTCY, WHEN THE CHARGE SHALL BE PAID FROM THE BANKRUPT ESTATE, OR WAIVED BY THE COURT."

IT IS, THEREFORE, SO ORDERED THAT RULE 41 BE AND THE SAME IS HEREBY SO AMENDED.

ENTERED AT NASHVILLE, TENNESSEE THIS 5TH DAY OF AUGUST, 1964.

Wm E Miller
JUDGE

RECEIVED FOR ENTRY
9:45 A.M
JUN 3 1964
ANDREW H. MIZELL, CLERK
By Hannah Maxwell D.C.

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION

ORDER AMENDING THE BANKRUPTCY RULES OF THIS COURT

IT APPEARING THAT JOHN M. BATES, REFEREE IN BANKRUPT, HAS PROPOSED CERTAIN AMENDMENTS TO THE "BANKRUPTCY RULES" HERETOFORE PROMULGATED BY THIS COURT, AS RULES 41 AND 42, AS FOLLOWS:

"RULE 41 - FOR EACH SET OF OBJECTIONS TO A DISCHARGE THE DEBTOR SHALL PAY, AT THE TIME OF FILING, THE SUM OF $10.00, PROVIDED THAT THIS RULE SHALL HAVE NO APPLICATION TO OBJECTIONS FILED BY THE UNITED STATES ATTORNEY, OR BY THE TRUSTEE IN BANKRUPTCY, WHEN THE CHARGE SHALL BE PAID FROM THE BANKRUPT ESTATE, OR WAIVED BY THE COURT."

"RULE 42 - FROM AND AFTER JULY 1, 1964, THE STATEMENT OF AFFAIRS OF EACH INDIVIDUAL BANKRUPTCY PETITION FILED, SHALL CONTAIN IN NUMBERED PARAGRAPH 1 THEREOF, THE SOCIAL SECURITY NUMBER OF THE BANKRUPT OR DEBTOR, AS THE CASE MAY BE, PROVIDED THAT THIS RULE SHALL HAVE NO APPLICATION TO PERSONS HAVING NO NUMBER BY REASON OF EXCLUSION UNDER THE PROVISIONS OF THE SOCIAL SECURITY ACT."

AND IT APPEARING TO THE COURT THAT SAID PROPOSED AMENDMENTS WILL AID IN THE PROMOTION OF THE EFFICIENT

ADMINISTRATION OF BANKRUPTCY PROCEEDINGS.

IT IS, THEREFORE, ORDERED THAT THE ABOVE QUOTED PROPOSED RULES 41 AND 42 BE, AND THE SAME ARE HEREBY MADE A PART OF THE "BANKRUPTCY RULES" OF THIS COURT.

ENTERED AT NASHVILLE, TENNESSEE THIS THE 3rd DAY OF JUNE, 1964.

Wm Miller
JUDGE

June 3, 1964 Vol. 61, Page 441
June 3, 1964 Vol. 3 Page 81
June 3, 1964 Vol. 2 Page 153

IN THE DISTRICT COURT OF THE UNITED STATES

MIDDLE DISTRICT OF TENNESSEE

IN THE MATTER OF:

DESIGNATION OF DEPOSITORIES FOR THE MONEY OF BANKRUPT ESTATES UNDER THE PROVISIONS OF CHAPTER 575, SECTION 61, ACT OF JUNE 22, 1938, 52 STATUTES AT LARGE 872, AND SECTION 101, U.S.C.A. TITLE II . . . . . .

RECEIVED FOR ENTRY
3:00 P.M.
SEP 30 1960
JOHN O. ANDERSON, CLERK
BY D. Hawkins D. C.

PRESENT:
HONORABLE WILLIAM E. MILLER
DISTRICT JUDGE

ORDERED, THAT THE FOLLOWING NAMED BANKING CORPORATIONS, WITH PRINCIPAL OFFICES AS INDICATED HEREIN, ARE HEREBY APPOINTED AND DESIGNATED AS DEPOSITORIES FOR THE MONEYS OF BANKRUPT ESTATES, PURSUANT TO THE STATUTES OF THE UNITED STATES ENTITLED "AN ACT TO ESTABLISH A UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES" AND ESPECIALLY SECTION 61, CHAPTER 575 OF THE ACT AS AMENDED JUNE 22, 1938, II, U.S.C.A., SECTION 101:

FIRST AMERICAN NATIONAL BANK
NASHVILLE, TENNESSEE

COMMERCE UNION BANK
NASHVILLE, TENNESSEE

THIRD NATIONAL BANK
NASHVILLE, TENNESSEE

FIRST NATIONAL BANK
LEWISBURG, TENNESSEE

MIDDLE TENNESSEE BANK
COLUMBIA, TENNESSEE

COMMERCE UNION BANK
MURFREESBORO, TENNESSEE

NORTHERN BANK OF TENNESSEE
CLARKSVILLE, TENNESSEE

COMMERCE UNION BANK
SPRINGFIELD, TENNESSEE

COMMERCE UNION BANK
GALLATIN, TENNESSEE

September 30, 1960

Vol. 2, Page 444 Col.
Vol. 57, Page 183 Nash.
Vol. 2, Page 101 NED

CITIZENS BANK
COOKEVILLE, TENNESSEE

HARPETH NATIONAL BANK
FRANKLIN, TENNESSEE

COMMERCE UNION BANK
LEBANON, TENNESSEE

UNION BANK
PULASKI, TENNESSEE

BANK OF COMMERCE
WOODBURY, TENNESSEE

FURTHER ORDERED, THAT EACH OF THE ABOVE BANKING CORPORATIONS EXECUTE GOOD AND SUFFICIENT BOND WITH TWO OR MORE SECURITIES, TO BE APPROVED BY THE COURT, ACCORDING TO LAW, IN A SUM EQUIVALENT TO THE AMOUNT OF ANY DEPOSIT, IN ANY ONE ESTATE, IN EXCESS OF THE DEPOSIT INSURED UNDER TITLE 12, UNITED STATES CODE, SECTION 1821; OR IN LIEU THEREOF TO DEPOSIT WITH THE NASHVILLE BRANCH OF THE FEDERAL RESERVE BANK OF ATLANTA, FROM TIME TO TIME AS OCCASION MAY REQUIRE, BONDS ISSUED BY OR GUARANTEED BY THE UNITED STATES OF AMERICA, OR ANY AGENCY OF THE UNITED STATES OF AMERICA: PROVIDED, THAT NO SECURITY IN THE FORM OF A BOND OR OTHERWISE SHALL BE REQUIRED IN THE CASE OF SUCH PART OF THE DEPOSITS AS ARE INSURED UNDER TITLE 12, UNITED STATES CODE, SECTION 1821.

FURTHER ORDERED, THAT A DEPOSIT BY SAID BANKS WITH THE NASHVILLE BRANCH OF THE FEDERAL RESERVE BANK OF ATLANTA OF BONDS OF THE KIND HEREINABOVE PROVIDED, TO BE HELD AS SECURITY FOR MONEY OF ESTATES IN BANKRUPTCY DEPOSITED IN THE ABOVE NAMED BANKS AND SUBJECT TO THE ORDERS OF THIS COURT SHALL BE A COMPLIANCE WITH THIS ORDER.

THE AMOUNT OF BONDS ON DEPOSIT MAY BY LIKE ORDER OF THIS COURT BE INCREASED OR DECREASED AS OCCASION REQUIRES,

EITHER ON APPLICATION OF SAID DEPOSITORY, OR ON APPLICATION OF THE CLERK OF THIS COURT, OR BY ORDER OF THIS COURT MADE FOR ANY OTHER REASON. SAID DEPOSITORY MAY EXCHANGE BONDS SO DEPOSITED FOR OTHER BONDS OF LIKE KIND AND AMOUNT AT ANY TIME ON PRESENTATION OF THE BONDS TO BE SUBSTITUTED, AND SHALL BE ENTITLED TO ALL MATURED COUPONS AS THE SAME BECOME DUE WITHOUT ANY FURTHER ORDER OF THIS COURT.

FURTHER ORDERED, THAT EACH OFFICIAL DEPOSITORY SHALL PREPARE, IN EACH CALENDAR MONTH, A SEPARATE STATEMENT FOR EACH ESTATE IN THE USUAL FORM USED BY THE DEPOSITORY, WHICH STATEMENT SHALL CONTAIN THE FOLLOWING INFORMATION:

1. THE NAME OF THE BANKRUPT OR DEBTOR, THE NUMBER OF THE CASE AND THE NAME AND ADDRESS OF THE RECEIVER OR TRUSTEE;

2. THE BALANCE ON THE DATE OF THE LAST REPORT, OR, IF THE ACCOUNT HAS BEEN OPENED WITHIN THE MONTH, THE DATE AND AMOUNT OF THE INITIAL DEPOSIT, AND THE DATES AND AMOUNTS OF SUBSEQUENT DEPOSITS;

3. THE DATE WHEN EACH CHECK WAS PAID AND THE AMOUNT OF EACH CHECK;

4. THE BALANCE REMAINING ON HAND AS OF THE DATE OF THE STATEMENT. ONE OF SAID STATEMENTS SHALL BE MAILED OR DELIVERED TO THE REFEREE, TOGETHER WITH ALL VOUCHERS PAID.

FURTHER ORDERED, THAT RULE 28 OF THE BANKRUPTCY RULES OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE HERETOFORE PROMULGATED BE AND SAID RULE IS HEREBY RESCINDED.

ENTERED: NASHVILLE, TENNESSEE.

THIS 30 DAY OF SEPTEMBER, 1960.

W. E. Miller

JUDGE, UNITED STATES DISTRICT COURT

Vol. 2, Page 446 Col.
Vol. 57, Page 185 Nash.
Vol. 2, Page 103 NED

BANKRUPTCY RULES

OF THE

UNITED STATES DISTRICT COURT

FOR THE

MIDDLE DISTRICT OF TENNESSEE

I.

PETITIONS-SCHEDULES-OTHER PAPERS

RULE 1. ALL PETITIONS, SCHEDULES AND OTHER DOCUMENTS REQUIRED BY THE ACT TO BE FILED IN INITIATING PROCEEDINGS THEREUNDER SHALL BE FILED WITH THE CLERK OF THE COURT AT HIS OFFICE IN NASHVILLE AND SHALL BE SIGNED BY AN ATTORNEY REGULARLY ADMITTED TO PRACTISE IN THIS COURT. IF THE PETITIONER IS AN INDIVIDUAL HE MAY REPRESENT HIMSELF.

RULE 2. BANKRUPTCY AND OTHER INITIATORY PETITIONS UNDER THE ACT AND SCHEDULES IN ALL CASES SHALL BE FILED IN TRIPLICATE. IN CASE AN INVOLUNTARY PETITION SHALL BE FILED AGAINST MORE THAN ONE ALLEGED BANKRUPT OR DEBTOR, THERE SHALL ALSO BE FILED ONE ORIGINAL PETITION FOR EACH ADDITIONAL BANKRUPT OR DEBTOR NAMED THEREIN.

RULE 3. BANKRUPTCY BY ONE OR MORE OF SEVERAL CO-PARTNERS SHALL STATE, IN CASE A DISCHARGE FROM PARTNERSHIP DEBTS IS SOUGHT, WHETHER THERE ARE PARTNERSHIP ASSETS. THE PETITION SHALL FURTHER STATE WHICH PARTNERS ARE SOUGHT TO BE ADJUDICATED AND WHETHER THE PARTNERSHIP OR ANY OTHER PARTNERS NOT JOINING IN THE PETITION ARE SOLVENT OR INSOLVENT, AND THE PLACE OF RESIDENCE OR WHEREABOUTS OF SUCH OTHER PARTNERS.

RULE 4. BANKRUPTCY PETITIONS IN VOLUNTARY CASES AND SCHEDULES IN BOTH VOLUNTARY AND INVOLUNTARY CASES SHALL BE MADE ON UNIFORM BLANKS. THE LIST OF CREDITORS REQUIRED BY PARAGRAPH 8 OF SUBDIVISION A OF SECTION 7 OF THE BANKRUPTCY ACT TO BE SET FORTH IN THE SCHEDULES SHALL SHOW THEIR ADDRESSES BY STREET AND NUMBER, IF KNOWN, AND IF UNKNOWN, THAT FACT SHALL BE STATED. INVOLUNTARY PETITIONS SHALL STATE EACH PETITIONER'S CORRECT NAME AND ADDRESS, AND, IF A CORPORATION, UNDER THE LAWS OF WHAT STATE IT IS INCORPORATED AND THE LOCATION OF ITS PRINCIPAL PLACE OF BUSINESS. INVOLUNTARY PETITIONS BY CREDITORS

RESIDING WITHIN THE DISTRICT SHALL BE SIGNED AND VERIFIED BY SUCH PETITIONING CREDITORS IN PERSON AND NOT BY THEIR ATTORNEYS. INVOLUNTARY PETITIONS BY CREDITORS RESIDING OUTSIDE THE JURISDICTION MAY BE SIGNED BY THE ATTORNEYS AUTHORIZED TO DO SO BY PROPER POWERS OF ATTORNEY.

RULE 5. PETITIONS, SCHEDULES AND OTHER PAPERS FILED SHALL BE WRITTEN, TYPEWRITTEN OR PRINTED UPON WHITE PAPER OF THE SIZE OF LAW CAP, APPROXIMATELY FOURTEEN INCHES LONG AND EIGHT AND ONE-HALF INCHES WIDE. PLEADINGS SETTING UP MATTERS OF FACT SHALL BE VERIFIED UNDER OATH AS PROVIDED BY LAW, AND ALL PLEADINGS SHALL BE PROPERLY ENDORSED WITH THE NAME OF THE COURT, THE TITLE OF THE CAUSE, AND, IF THE PARTIES APPEAR BY AN ATTORNEY, HIS NAME, OFFICE ADDRESS AND TELEPHONE NUMBER.

RULE 6. ALL PROPERTY SCHEDULED BY THE BANKRUPT OR DEBTOR SHALL BE LISTED, SO FAR AS POSSIBLE, UNDER APPROPRIATE SCHEDULES PROVIDED IN THE OFFICIAL FORMS, AND IN CASE REAL ESTATE OR ANY INTEREST THEREIN IS SCHEDULED AS AN ASSET A SUFFICIENT DESCRIPTION SHALL BE SHOWN IN THE SCHEDULES AS TO LOCATION, OWNERSHIP AND RECORD TITLE. PROPERTY CLAIMED AS EXEMPT BY BANKRUPT OR DEBTOR SHALL BE LISTED IN DETAIL AS REQUIRED IN SCHEDULE B-5 OF THE OFFICIAL FORMS AND FAILURE TO COMPLY WITH THIS PROVISION SHALL CONSTITUTE A WAIVER OF ANY CLAIM OF EXEMPTIONS.

II.

DUTIES OF REFEREES

RULE 7. IT SHALL BE THE DUTY OF THE REFEREES TO MAINTAIN A SEPARATE FILE FOR EACH CASE REFERRED TO HIM AND ALL PAPERS BELONGING TO EACH CASE SHALL BE PLACED IN SUCH FILE. ALL CLAIMS IN EACH CASE SHALL BE NUMBERED IN THE ORDER IN WHICH FILED, AND A LIST THEREOF, OPEN TO INSPECTION SHALL BE KEPT AS PROVIDED IN GENERAL ORDER 24, WHICH SHALL SHOW THE DATE FILED, THE NUMBER OF THE CLAIM, THE NAME AND ADDRESS OF THE CLAIMANT, THE AMOUNT OF THE CLAIM, THE NAME AND ADDRESS OF THE ATTORNEYS FILING THE SAME, THE NOTATION SHOWING SECURITY OR PRIORITY, IF CLAIMED, AND IF DEFECTS ARE APPARENT, ENTRIES RELATIVE THERETO.

RULE 8. THE REFEREES SHALL TRANSMIT TO THE CLERK FORTHWITH ALL ORDERS OF ADJUDICATION MADE BY THEM ON REFERENCES BY THE CLERK, ALL COPIES OF PETITIONS FOR AMENDMENTS TO SCHEDULES AND THE ORDERS ALLOWING THEM, COPIES OF ALL ORDERS DISMISSING PETITIONS IN BANKRUPTCY OR IN

PROCEEDINGS FOR ARRANGEMENTS AND WAGE EARNER PLANS, ALL BONDS OF RECEIVERS AND TRUSTEES, AND ALL DISCHARGES GRANTED BY THE COURT WITHIN SEVEN DAYS OF THE ENTRY OF SUCH ORDER.

RULE 9. UPON THE CLOSING OF A CASE, THE REFEREES SHALL PROMPTLY TRANSMIT TO THE CLERK OF THE COURT THE FILE THEREIN, TOGETHER WITH A CERTIFICATE SHOWING THAT SUCH CASE IS CLOSED, AND THAT SUCH FILE CONSTITUTES A TRUE RECORD OF THE PROCEEDINGS THEREIN.

III.

APPOINTMENT AND DUTIES OF RECEIVERS

RULE 10. IN VOLUNTARY CASES RECEIVERS MAY BE APPOINTED UPON SWORN PETITION WITHOUT NOTICE, UPON THE APPLICATION OF THE BANKRUPT OR ANY CREDITOR WHOSE INTEREST WOULD BE PREJUDICED BY FAILURE TO APPOINT SUCH RECEIVER.

RULE 11. ALL RECEIVERS, IMMEDIATELY UPON APPOINTMENT, SHALL QUALIFY BY FILING BOND IN THE AMOUNT NAMED IN THE ORDER APPOINTING HIM, WHICH BOND SHALL BE FILED WITH THE REFEREE, WHO SHALL MAKE A RECORD OF SUCH FILING ON HIS DOCKET AND FORTHWITH FORWARD THE BOND TO THE CLERK. THE BOND OF A RECEIVER MAY PROVIDE THAT IT SHALL ALSO COVER THE ACTIONS OF THE TRUSTEE IF THE SAME RECEIVER IS SUBSEQUENTLY APPOINTED TRUSTEE.

RULE 12. THE RECEIVER SHALL IMMEDIATELY TAKE CHARGE OF ALL ASSETS, TANGIBLE AND/OR INTANGIBLE OF THE BANKRUPT; AND, IF TANGIBLE, PLACE, WHEN NECESSARY, NEW LOCKS ON THE PREMISES OR EMPLOY A WATCHMAN, OR BOTH; SECURE INSURANCE; STOP PAYMENT OF ALL CHECKS AT BANKS IN WHICH HE HAS REASON TO BELIEVE THE BANKRUPT HAS FUNDS ON DEPOSIT; AND, UNLESS OTHERWISE ORDERED, REMOVE ALL BOOKS AND RECORDS AND PRESERVE THEM IN HIS OWN CUSTODY FOR FUTURE REFERENCE. HE SHALL MAKE, IN DUPLICATE, A LIST OF ALL SUCH BOOKS AND RECORDS, PRESERVE ONE COPY OF THE LIST IN HIS FILES, AND DELIVER, WITH HIS RECEIPT ATTACHED, THE OTHER COPY OF THE LIST TO THE BANKRUPT.

RULE 13. A RECEIVER UPON HIS APPOINTMENT AND QUALIFICATION SHALL PROCEED WITHOUT DELAY TO HAVE MADE AN INVENTORY AND APPRAISAL OF THE PROPERTY COMING INTO HIS POSSESSION AND SHALL, IMMEDIATELY UPON ITS COMPLETION, FILE THE SAME WITH THE REFEREE.

Rule 14. In cases where it may appear to the best interest of the estate to sell the business of the bankrupt as a "going concern", or for any other good reason, the receiver upon proper showing and upon presentation to the Referee of his petition may be authorized to conduct said business for a limited period, making report to the Referee at least once a week, or more frequently if directed.

Rule 15. All funds coming into the possession of the receiver shall be deposited by him immediately in one of the official depositories named by the Judge, in a checking account, and all rules governing the depository and handling of funds by trustees, and reports and accounts required, shall be applicable to receivers.

Rule 16. The receiver shall prepare and file at such time as the Court may direct in the order of appointment, and as hereinafter provided, at the first meeting of creditors detailed reports of his ~~xxxx~~ acts as such receiver, together with an itemized list of all receipts and disbursements, if any, showing in connection with each check the date, number, payee, amount, purpose of expenditure and the balance remaining in the official depository to be turned over to the trustee. Such final report and account shall be duly verified and shall be filed for consideration at the first meeting of creditors, unless the time shall be extended by order of the Court.

Rule 17. Immediately upon the appointment and qualification of a trustee, the receiver shall deliver to such trustee all the monies and property and all books of accounts, records and papers of the bankrupt in the receiver's possession, together with a copy of his final report and account, taking the trustee's receipt therefor. Upon such surrender of the assets and records to the trustee and the approval of his report by the Court, the duties of the receiver shall cease and he shall be discharged and his bond cancelled as to any subsequent liability as receiver.

IV.

Appointment and Duties of Trustees

Rule 18. In cases where it may appear advantageous to the estate to dispose of the business of the bankrupt as a "going concern", or for

ANY OTHER GOOD REASON, THE TRUSTEE, UPON PROPER SHOWING AND UPON PRESENTATION TO THE REFEREE OF A PETITION MAY BE AUTHORIZED TO CONDUCT THE BUSINESS FOR A LIMITED PERIOD, MAKING REPORT TO THE REFEREE BY WEEKLY PERIODS, OR MORE FREQUENTLY IF REQUIRED.

RULE 19. THE TRUSTEE SHALL, AS REQUIRED BY GENERAL ORDER 17, PROCEED IMMEDIATELY TO HAVE AN INVENTORY AND APPRAISAL MADE OF ALL OF THE PROPERTY OF THE BANKRUPT COMING INTO HIS POSSESSION, UNLESS SUCH INVENTORY AND APPRAISAL HAVE ALREADY BEEN MADE BY A RECEIVER, IN WHICH LATTER EVENT THE TRUSTEE SHALL EXAMINE SUCH INVENTORY, MAKE ANY CHANGES THEREIN THAT MAY BE NECESSARY AND ADOPT IT, AS THE INVENTORY REQUIRED BY THE GENERAL ORDER. IF THERE ARE ANY MODIFICATIONS TO BE MADE OF THE INVENTORY AND APPRAISAL ALREADY ON FILE, HE SHALL FILE A REPORT WITH THE REFEREE, SHOWING SUCH MODIFICATIONS IN DETAIL, AND A SUMMARY SHOWING SUCH VALUE OF THE ASSETS AS INCREASED OR DECREASED. IN THE EVENT THAT SUCH REPORT IS NOT FILED WITHIN TEN DAYS AFTER THE TRUSTEE HAS QUALIFIED HE SHALL BE DEEMED TO HAVE ACCEPTED THE INVENTORY AND APPRAISAL AS OF RECORD.

RULE 20. ALL FUNDS COMING INTO THE POSSESSION OF THE TRUSTEE SHALL BE DEPOSITED IMMEDIATELY IN ONE OF THE OFFICIAL DEPOSITORIES OF BANKRUPTCY FUNDS IN A CHECKING ACCOUNT, AND DISBURSEMENTS FROM SAID ACCOUNT BY THE TRUSTEE SHALL BE MADE ONLY UPON ORDER OF THE COURT AS PROVIDED IN GENERAL ORDER 29 AND RULE 29 INFRA.

RULE 21. PRIOR TO THE PAYMENT OF ANY DIVIDEND, IT SHALL BE THE DUTY OF THE TRUSTEE CAREFULLY TO SCRUTINIZE EACH AND EVERY CLAIM FILED AGAINST AN ESTATE AND TO FILE OBJECTIONS TO ANY CLAIMS IN WHOLE OR IN PART, WHICH DO NOT APPEAR TO BE VALID, INCLUDING AN EXTRA COPY THEREOF, WHICH COPY SHALL BE SENT TO THE CLAIMANT OR THE CLAIMANT'S ATTORNEY WITH THE REFEREE'S ORDER FOR A HEARING UPON SUCH OBJECTIONS. THE PAYMENT OF DIVIDENDS ON ANY CLAIMS SO OBJECTED TO, SHALL BE WITHHELD PENDING THE HEARING AND DETERMINATION OF SUCH OBJECTIONS.

RULE 22. IT SHALL BE THE DUTY OF THE TRUSTEE TO EXAMINE, OR CAUSE TO BE EXAMINED, THE BOOKS AND RECORDS OF THE BANKRUPT TO DETERMINE AS FAR AS POSSIBLE THE CORRECTNESS OF THE SCHEDULES FILED BY THE BANKRUPT

AND WHETHER OR NOT HE HAS CONCEALED ASSETS OR MADE PREFERENTIAL PAYMENTS. BEFORE INCURRING ANY UNUSUAL EXPENSE IN CONNECTION WITH SUCH INVESTIGATION, THE TRUSTEE SHALL FIRST SECURE THE WRITTEN APPROVAL OF THE REFEREE.

RULE 23L. THE TRUSTEE, AT LEAST FIFTEEN DAYS PRIOR TO THE FINAL MEETING OF CREDITORS, SHALL FILE WITH THE REFEREE A FINAL REPORT DULY VERIFIED BY AFFIDAVIT, STATING WHETHER THE ASSETS HAVE BEEN ENTIRELY LIQUIDATED, AND, IF NOT, A DESCRIPTION OF ANY ASSETS NOT REDUCED TO CASH WITH HIS RECOMMENDATION FOR THEIR DISPOSITION, WHETHER BY SALE AT THE FINAL MEETING OF CREDITORS, ABANDONMENT, OR OTHERWISE. SUCH REPORT SHALL ALSO SET FORTH A SUMMARY OF THE HISTORY OF THE ADMINISTRATION AND INCLUDE A FINANCIAL STATEMENT SHOWING-

(1) AN ITEMIZED ACCOUNT OF MONEY RECEIVED BY THE TRUSTEE FROM ALL SOURCES, SEPARATELY ACCOUNTING FOR ANY MONEY RECEIVED IN THE CONDUCT OF THE BUSINESS;

(2) AN ITEMIZED ACCOUNT OF ALL DISBURSEMENTS MADE TO DATE, SEPARATELY ACCOUNTING FOR ANY FUNDS DISBURSED IN THE CONDUCT OF THE BUSINESS;

(3) THE BALANCE ON HAND IN THE OFFICIAL DEPOSITORY;

(4) A DETAILED REPORT OF HIS ACTION IN CONNECTION WITH THE EXAMINATION AND ALLOWANCE OF ALL CLAIMS FILED IN THE CASE;

(5) THE AMOUNT OF ALL SECURED DEBTS;

(6) THE AMOUNT OF DEBTS HAVING PRIORITY; AND

(7) A LIST OF UNPAID ADMINISTRATION EXPENSES.

RULE 24. THE TRUSTEE SHALL ATTEND BEFORE THE REFEREE AT THE TIME AND PLACE FIXED FOR THE FINAL MEETING OF CREDITORS, AND IF CALLED UPON TO DO SO, SHALL OFFER ANY EVIDENCE OF EXPLANATION REQUIRED OF HIM, REGARDING HIS CONDUCT OF THE ADMINISTRATION OF THE ESTATE. AT THE TIME AND PLACE FIXED FOR SUCH MEETING, THE REFEREE SHALL EXAMINE SAID FINAL ACCOUNT, AND, IF IT APPEARS THAT THE TRUSTEE HAS FAIRLY AND HONESTLY ADMINISTERED SUCH ESTATE AND DULY ACCOUNTED FOR ALL PROPERTY OR MONEY COMING INTO HIS HANDS, IN ACCORDANCE WITH LAW, SHALL APPROVE SUCH ACCOUNT, AND SHALL, WITHOUT DELAY, ISSUE HIS CHECKS DISBURSING THE FUNDS REMAINING IN THE ESTATE IN ACCORDANCE WITH THE FINAL

ORDER OF DISTRIBUTION.

RULE 25. UPON THE ENTRY OF THE REFEREE'S CERTIFICATE OF PAYMENT ATTACHED TO THE FINAL ORDER OF DISTRIBUTION, THE DUTIES OF THE TRUSTEE SHALL CEASE AND, IN THE ORDER CLOSING THE ESTATE, HE SHALL BE DISCHARGED AND HIS BOND BE CANCELLED INSOFAR AS ANY SUBSEQUENT LIABILITY IS CONCERNED.

RULE 26. UPON THE CLOSING OF AN ESTATE ALL RECORDS, BOOKS AND PAPERS COMING INTO THE POSSESSION OF THE TRUSTEE MAY, UNLESS OTHERWISE ORDERED BY THE REFEREE, BE RETURNED TO THE BANKRUPT UPON REQUEST, OR IN THE ABSENCE OF SUCH A REQUEST, MAY BE DESTROYED UPON THE ORDER OF THE REFEREE.

V.

DESIGNATION OF NEWSPAPERS

RULE 27. THE FOLLOWING NAMED NEWSPAPERS ARE HEREBY DESIGNATED FOR THE PUBLICATION OF OFFICIAL NOTICES AND ORDERS PURSUANT TO SECTION 28 OF THE BANKRUPTCY ACT.

COUNTY	NAME OF PUBLICATION	ADDRESS
1. DAVIDSON	THE NASHVILLE BANNER	NASHVILLE, TENN.
2. CHEATHAM	ASHLAND CITY TIMES	ASHLAND CITY,
3. ROBERTSON	ROBERTSON COUNTY TIMES	SPRINGFIELD
4. MONTGOMERY	LEAF-CHRONICLE	CLARKSVILLE
5. MAURY	THE DAILY HERALD (MAURY COUNTY DEMOCRAT)	COLUMBIA
6. HOUSTON	HOUSTON COUNTY TIMES	ERIN,
7. WILSON	LEBANON DEMOCRAT	LEBANON
8. GILES	GILES COUNTY RECORD	PULASKI,
9. TROUSDALE	THE VIDETTE	HARSHVILLE
10. SUMNER	SUMNER COUNTY NEWS	GALLATIN
11/HUMPHREYS	DEMOCRAT SENTINEL	WAVERLY,
12. RUTHERFORD	RUTHERFORD COURIER	MURFREESBORO
13. WILLIAMSON	REVIEW APPEAL	FRANKLIN
14. WAYNE	WAYNE COUNTIAN	WAYNESBORO
15. LAWRENCE	LAWRENCE UNION DEMOCRAT	LAWRENCEBURG

County	Name of Publication	Address
16. Dickson	Dickson County Herald	Dickson
17. Stewart	Stewart County Times	Dover
18. Cannon	Cannon Courier	Woodbury
19. Hickman	Hickman County Chronicle	Centerville
20. Lewis	Lewis County Herald	Hohenwald
21. Marshall	The Marshall Gazette (The Lewisburg Tribune)	Lewisburg

VI.

Depositories and Withdrawal of Funds

Rule 28. All banks in the District whose deposits are insured under Title 12 U.S.C. Section 1821 shall be deemed qualified as depositories of bankruptcy funds up to the sum of $10,000.00 in any one estate. Any depository whose deposits are not so insured shall qualify as directed in Section 61 of the Act. If any depository desires to qualify as a depository for sums in excess of $10,000.00 in any one estate, such depository shall furnish additional security as is required in said Section 61; provided, however, that where deposits in any depository shall exceed $10,000.00 and the depository elects to give a bond in order to qualify as a depository instead of depositing securities in lieu of such bond, any such bond shall run to the United States of America and shall be made in such amount and in such form as the District Judge may require. All such bonds shall be approved by the District Judge and shall be filed with the Clerk of the Court.

Rule 29. Each official depository shall prepare, in each calendar month, a separate statement for each estate in the usual form used by the depository, which statement shall contain the following information:

1. The name of the bankrupt or debtor, the number of the case and the name and address of the receiver or trustee:

2. The balance on the date of the last report or, if the account has been opened within the month, the date and amount of the initial deposit, and the dates and amounts of subsequent deposits:

3. THE DATE WHEN EACH CHECK WAS PAID AND THE AMOUNT OF EACH CHECK:

4. THE BALANCE REMAINING ON HAND AS OF THE DATE OF THE STATEMENT. ONE OF SAID STATEMENTS SHALL BE MAILED OR DELIVERED TO THE REFEREE, TOGETHER WITH ALL VOU CHERS PAID.

VII.

INVENTORY AND APPRAISALS

RULE 30. AN ITEMIZED INVENTORY AND APPRAISAL, GIVING QUANTITY, BRIEF DESCRIPTION AND PRESENT FAIR MARKET VALUE OF ALL ASSETS IN ANY ESTATE, SHALL BE MADE AND FILED IN DUPLICATE WITH THE COURT WITHIN ONE WEEK AFTER THE APPOINTMENT OF A TRUSTEE, UNLESS FURTHER TIME BE GRANTED BY THE COURT. IN CASE SUCH INVENTORY AND APPRAISAL HAVE BEEN FILED BY THE RECEIVER, THE TRUSTEE SHALL MAKE AND FILE WITHIN A REASONABLE TIME AFTER HIS QUALIFICATION, A DULY VERIFIED STATEMENT OF ANY MODIFICATIONS THAT HE MAY DEEM NECESSARY. IN THE EVENT NO SUCH STATEMENT IS FILED, THE TRUSTEE SHALL BE DEEMED TO HAVE ADOPTED SUCH INVENTORY AND APPRAISAL AS HIS OWN.

RULE 31. ALL APPRAISALS SHALL BE MADE UNDER THE DIRECTION OF A RECEIVER OR SUCH TRUSTEE ACTING UNDER THE ORDER OF THE COURT, AND SHALL BE MADE ONLY BY PERSONS DULY APPOINTED FOR THAT PURPOSE, AND SUCH APPRAISER SHALL MAKE OATH THAT ALL OF THE PROPERTY OF THE BANKRUPT WHICH HE HAS BEEN ASKED TO APPRAISE HAS BEEN FULLY INVENTORIED AND APPRAISED.

RULE 32. WHEN A RECEIVER OR TRUSTEE DESIRES AN ORDER FOR THE SALE OF ANY PROPERTY OF THE BANKRUPT, HE SHALL FILE WITH THE REFEREE A PETITION THEREFOR, SPECIFYING THE PROPERTY TO BE SOLD AND THE RECOMMENDED MANNER AND TIME OF SALE, AND PRESENT A PROPOSED ORDER BASED ON SAID PETITION. UPON THE FILING OF SUCH PETITION UNLESS IT SHALL APPEAR UPON CAUSE SHOWN, THAT THE PROPERTY SHOULD BE SOLD IMMEDIATELY WITHOUT ADVERTISEMENT AND WITHOUT NOTICE TO CREDITORS, THE REFEREE MAY ENTER AN ORDER DIRECTING SUCH SALE TO BE MADE AT SUCH TIME AS WILL PERMIT OF GIVING NOTICE TO CREDITORS.

RULE 33. THE RECEIVER OR TRUSTEE SHALL ATTEND AT THE TIME AND PLACE FIXED FOR SUCH SALE, AND HE OR THE AUCTIONEER EMPLOYED, SHALL CONDUCT THE SALE IN ACCORDANCE WITH THE ORDER OF THE COURT MAKING PROMPT

REPORT THEREOF TO THE REFEREE. THE REFEREE MAY CONFIRM OR REFUSE TO CONFIRM THE SALE AND MAY ORDER A RESALE OF THE PROPERTY IN SUCH MANNER AND AT SUCH TIME AS HE MAY DETERMINE TO BE FOR THE BEST INTEREST OF THE ESTATE.

VIII.

RE-OPENING CASES

RULE 34. CASES WHICH HAVE BEEN ADMINISTERED AND CLOSED MAY BE RE-OPENED FOR FURTHER ADMINISTRATION, SUBJECT TO THE LIMITATIONS OF THIS RULE, UPON THE PAYMENT OF THE FILING FEES AS REQUIRED BY RULE OF THE JUDICIAL CONFERENCE, AND UPON THE PRESENTATION TO THE JUDGE OF A PETITION DULY VERIFIED, SETTING FORTH THE REASONS THEREFOR;, PROVIDED, HOWEVER, THAT NO CASE SHALL BE REOPENED OR THE CAUSE FOR REOPENING CONSIDERED GOOD UNLESS IT BE (1) TO CORRECT TITLES FOR REAL ESTATE; OR (2) TO BRING ASSETS INTO THE ESTATE FOR THE BENEFIT OF CREDITORS, WHICH ASSETS WILL ON REALIZATION PRODUCE NET FOR CREDITORS, SUFFICIENT MONEY WHEN DISTRIBUTED PURSUANT TO LAW TO WARRANT A DISTRIBUTION.

RULE 35. ON THE ENTRY OF AN ORDER PERMITTING THE REOPENING OF THE CASE, THE MATTER MAY BE RE-REFERRED TO THE REFEREE FOR APPROPRIATE ACTION AND PROCEEDINGS MAY BE HAD THEREON AS IN OTHER CASES. THE CASE SHALL BE GIVEN THE SAME NUMBER, AND THE RECORD SHALL BE CONTINUED AS THOUGH THE CASE HAD NOT BEEN CLOSED.

RULE 36. UPON THE CONCLUSION OF THE PROCEEDINGS THE CASE SHALL AGAIN BE CLOSED AND THE RECORD CERTIFIED TO THE CLERK BY THE REFEREE. NO ADDITIONAL CHMPENSATION TO THE TRUSTEE SHALL BE ALLOWED EXCEPT SUCH LAWFUL COMMISSIONS AS MAY BE ACCRUED ON THE PROCEEDS OF NEW ASSETS OR OLD ASSETS FURTHER ADMINISTERED UNDER THE RE-REFERENCE.

IX.

IN GENERAL

RULE 37. THE FOREGOING RULES, INSOFAR AS THEY MAY BE APPLICABLE SHALL APPLY TO PROCEEDINGS UNDER CHAPTERS 11, 12 AND 13 OF THE ACT, BUT THEY SHALL NOT APPLY TO PROCEEDINGS UNDER CHAPTER 10.

RULE 38. ALL OBJECTIONS TO THE SUMMARY JURISDICTION OF THE REFEREE SHALL BE MADE BY WRITTEN MOTION, PLEA OR ANSWER PRIOR TO THE TME OF THE

BEGINNING OF THE HEARING UNLESS THE REFEREE SHALL HAVE PREVIOUSLY FIXED A DIFFERENT TIME FOR THE ENTERING OF SUCH OBJECTION, AND IF SUCH OBJECTION TO THE SUMMARY JURISDICTION OF THE REFEREE IS NOT MADE WITHIN THE TIME HEREIN PRESCRIBED SUCH PARTY SHALL BE DEEMED TO HAVE CONSENTED TO SUCH JURISDICTION AS PRESCRIBED BY SECTION 2A(7) OF THE ACT AS AMENDED.

RULE 39. THE FOREGOING RULES AT ALL TIMES SHALL BE INTERPRETED AND ENFORCED IN SUCH MANNER AS WILL AVOID TECHNICAL DELAYS, PERMIT PROMPT AND SPEEDY CONSIDERATION AND DETERMINATION OF ALL PENDING MATTER AND PROMOTE EFFICIENT ADMINISTRATION IN ALL PROCEEDINGS IN THIS COURT UNDER THE NATIONAL BANKRUPTCY ACT.

RULE 40. IN MATTERS NOT PROVIDED FOR BY THE BANKRUPTCY ACT, THE GENERAL ORDERS, THESE RULES, OR THE RULES OF CIVIL PROCEDURE FOR THE DISTRICT COURTS OF THE UNITED STATES INSOFAR AS APPLICABLE, THE PRACTICE OF THE COURT SHALL BE SUBJECT ALWAYS TO THE SPECIAL ORDERS OF THE JUDGE.

Nash. G. D.
Page 53
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Col. G. D.
Page 10
W. Calhoun

RECEIVED FOR ENTRY
3:00 P. M
AUG 14 1953
L. B. ORMES, Clerk
By W. Calhoun D. C.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF TENNESSEE

ORDER ESTABLISHING RULES FOR PROCEEDINGS IN BANKRUPTCY
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

ORDERED, effective September 1, 1953, that the following local rules for proceedings in bankruptcy in the United States District Court for the Middle District of Tennessee are hereby adopted and the Clerk is directed to transmit copies of the same to the Clerk of the Supreme Court of the United States and to the Administrative Office of the United States Courts as required by General Order 56 of the General Orders in Bankruptcy adopted by the Supreme Court of the United States.

S/Elmer D. Davies

Attest: A True Copy
L. B. Ormes, Clerk
U. S. District Court
Middle District of Tennessee.
By W. Calhoun D.C.