

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

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**LOCAL RULES
OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
MIDDLE DISTRICT OF FLORIDA**

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**WITH AMENDMENTS
EFFECTIVE MARCH 15, 2012**

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Rule 1001-1

SCOPE OF RULES; SHORT TITLE

(a) These rules have been promulgated in accordance with Fed. R. Bankr. P. 9029. These rules shall apply to all cases under title 11 and in all civil proceedings arising under title 11, or arising in or related to cases under title 11 in the United States Bankruptcy Court for the Middle District of Florida ("Court").

(b) These rules are intended to supplement and complement the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. These rules shall be applied, construed and enforced to avoid technical delays, to permit the expeditious consideration and determination of all pending matters, and to allow the inexpensive administration of estates under the Bankruptcy Code.

(c) For good cause, the Court may suspend the requirements set forth in these rules and may order proceedings in accordance with its direction.

(d) The local rules governing civil and criminal proceedings in the United States District Court shall not apply to cases or proceedings in the Court unless otherwise ordered by the Court.

(e) These rules shall be cited as "Local Rules."

Notes of Advisory Committee

2004 Amendment

This rule is amended to reflect conformity in the citation of Fed. R. Bankr. P. and Local Rules.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997. Paragraphs (a) through (d) of this rule were formerly Local Rule 1.01(a) through (d). Paragraph (e) of this rule was formerly Local Rule 1.01(f). The Advisory

Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Notes of Advisory Committee¹

1995 Amendment

The amendments to subparagraphs (a) and (b) of Local Rule 1.01 are stylistic. No substantive change is intended.

A new subparagraph (e) is added to specify that the definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 also apply in the Local Rules.

Subparagraph (f) has been amended to expand the method of citation of the Local Rules to include the designation "(Bankr. M.D. Fla.)." References to the "Local Rules" as used herein shall mean the Local Rules (Bankr. M.D. Fla.).

These amendments were effective on February 15, 1995. The Court's Order Amending Local Rules of the United States Bankruptcy Court for the Middle District of Florida, No. 95-001-MIS-TPA, entered on February 2, 1995, adopting these amendments provides that "[t]hese amendments govern all cases and proceedings commenced on or after February 15, 1995, and, insofar as practicable, all cases and proceedings then pending."

¹Pursuant to the Order Reconstituting Local Rules Lawyers' Advisory Committee, No. 94-004-MIS-TPA, dated February 23, 1994, the Court reconstituted the membership of the Local Rules Lawyers' Advisory Committee (which shall be referred to herein as the "Advisory Committee") and requested the Advisory Committee to make such recommendations as appropriate generally concerning the Local Rules and specifically concerning the impact of the December 1, 1993, amendments to the Federal Rules of Civil Procedure. The Advisory Committee has drafted these notes with their proposed amendments to assist the Court, the bar, and the public in understanding the proposed amendments and in interpreting and following the rules if adopted by the Court.

Rule 1001-2

SCOPE OF ELECTRONIC FILING

(a) Only attorneys and other parties with log-ins and passwords ("Electronic Filing Users") issued by the Clerk may file documents electronically in the Court's Electronic Filing System ("CM/ECF") and shall adhere to all requirements as promulgated by the Clerk and posted on the Court's internet web site (www.flmb.uscourts.gov). The Clerk shall be responsible for maintaining and promulgating the requirements and guidelines as necessary.

(b) Electronic Filing Users must be attorneys admitted to the Bar of the United States District Court for the Middle District of Florida, United States trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become an Electronic Filing User, attorneys and other parties must first register with the Clerk. To register with the Clerk, an Electronic Filing User must complete training in CM/ECF. The Clerk shall establish registration and certification procedures, which shall include administering a CM/ECF training program. The Clerk shall promulgate registration, certification and training requirements, and shall create and keep a registry of authorized Electronic Filing Users.

(c) An Electronic Filing User, once properly registered with the Clerk, consents in writing to file all documents by electronic means with the Court solely using the Court's CM/ECF system or using email systems set up and monitored by the Clerk.

(d) Notwithstanding the foregoing, attorneys and other parties who are not Electronic Filing Users in CM/ECF are not required to electronically file pleadings and other papers in a case assigned to CM/ECF. Once registered, an Electronic Filing User may only withdraw from participation in CM/ECF with permission from the Court. Such withdrawal shall be filed in the form of a request to the Clerk.

(e) Any person or organization may access CM/ECF at the Court's internet web site by obtaining a PACER log-in and password. Those who have PACER access but who are not Electronic Filing Users may retrieve docket sheets and documents, but may not file documents electronically.

(f) Electronic Filing Users are permitted to file paper documents whenever CM/ECF is inaccessible or whenever the Electronic Filing User's computer system breaks down in order to meet filing deadlines or if the Court requires a paper document. In such instances, the Clerk shall insure that "After-hours Filing Procedures" are in place and operational. The Clerk may

also request that Electronic Filing Users file paper documents consistent with procedures posted on the Court's internet web site.

(g) An Electronic Filing User's written consent through the registration process will be kept in a registry created and maintained by the Clerk.

(h) Registration as an Electronic Filing User constitutes: (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service, except with regard to summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9002.

Notes of Advisory Committee

2004 Amendment

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment sets out overall electronic filing guidance and requirements, yet allows the Clerk flexibility in managing the details of this system. It is contemplated that the Clerk will actively coordinate such activities with members of the Bankruptcy Bar in the District.

This amendment also establishes a presumption that once attorneys or others become an "Electronic Filing User," they will file all documents in cases assigned to CM/ECF by electronic means only. Consistent with Fed. R. Bankr. P. 5005, this rule strongly encourages attorney participation while not making electronic filing mandatory. (Fed. R. Bankr. P. 5005 in part states that a court "may permit" papers to be filed electronically, and provides that the Clerk "shall not refuse to accept for filing any paper presented...solely because it is not presented in proper form.")

Rule 1001-3

PRIVACY POLICY REGARDING PUBLIC ACCESS TO ELECTRONIC CASE FILES

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from documents and pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms. This rule does not apply to the petition, schedules, statement of financial affairs, or other documents which are part of the Official Bankruptcy Forms, as these documents have been amended to comply with the Judicial Conference Privacy Policy. This rule does apply to:

(1) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the Court as part of the record. The party shall also file a redacted copy for the electronic case file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review the document for compliance with this rule.

Notes of Advisory Committee

2004 Amendment

This amendment serves as guidance for implementing the Judicial Conference Privacy Policy and the E-Government Act of 2002.

PART I.

**COMMENCEMENT OF CASE;
PROCEEDINGS RELATING TO PETITION
AND ORDER FOR RELIEF**

Rule 1002-1

FILING OF THE PETITION

A petition commencing a case under the Bankruptcy Code filed either by an attorney or non-attorney must be filed with the Clerk in compliance with Local Rule 5005-2(a).

Notes of Advisory Committee

2004 Amendment

This is an enabling amendment, which permits the filing of bankruptcy cases by electronic means consistent with Fed. R. Bankr. P. 5005(a).

Rule 1007-1

LISTS, SCHEDULES, STATEMENTS, AND OTHER REQUIRED DOCUMENTS

(a) ***Requirements at Commencement of Case.*** The following shall be submitted at the commencement of a case for relief:

(1) ***Chapter 7, 9, 13, or 12.*** The petition, in accordance with Local Rule 5005-2, and a matrix, in accordance with Local Rule 1007-2.

(2) ***Chapter 11.*** The petition in accordance with Local Rule 5005-2, a matrix, a list of equity security holders, and a list of creditors holding the twenty largest unsecured claims, in accordance with Local Rule 1007-2.

(3) ***All Chapters.*** Individual debtors are required to file a Statement of Social Security Number (which sets out the debtor's full social security number, or states that the debtor does not have a social security number) signed under penalty of perjury by the individual debtor. In cases filed by Electronic Filing Users, the Electronic Filing User shall maintain the original Statement of Social Security Number for a period of four years after closing the case. Failure to submit the Statement of Social Security Number may lead to dismissal of the case.

(b) ***Payment Advices Not Filed with the Court unless Ordered.*** Copies of payment advices or other evidence of payment ("Payment Advices") shall not be filed with the Court unless otherwise ordered. Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E), unless the Court orders otherwise, the debtor is required to file with the Court copies of all Payment Advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor. The purpose of this requirement is accomplished by requiring that Payment Advices be provided to the United States Trustee, the trustee, or any creditor requesting copies. Additionally, privacy concerns are accommodated by not requiring the filing of the Payment Advices.

(c) ***Requirement to Provide Payment Advices to the Trustee.*** The debtor shall provide Payment Advices to the trustee and, if requested, to the United States Trustee, and to any creditor who timely requests copies of the Payment Advices, at least seven days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditor's request must be received at least 14 days before the first date set for the meeting of creditors.

Notes of Advisory Committee

2012 Amendment

This amendment incorporates archived Administrative Orders FLMB-2010-1 and JAX-2006-1 “Orders on Filing Payment Advices Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv).” The amendment exercises the Court’s discretion provided by Section 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E) to waive the requirement of filing Payment Advices with the Court. In doing so, the Court recognizes that the underlying purpose of these provisions is accomplished by requiring that Payment Advices be provided to the United States Trustee, the trustee, or any creditor requesting copies. Additionally, privacy concerns are addressed by avoiding filing Payment Advices in the public record. The addition of headings and subheadings is a stylistic rather than substantive change.

This amendment is effective March 15, 2012.

2004 Amendment

This amendment deletes the requirement to submit additional paper copies of petitions, schedules, or creditor lists. Those copies, which were distributed to case trustees, Internal Revenue Service, Securities and Exchange, or to the United States Trustee, will now be accessible on the Court’s Electronic Filing System. It also deletes the requirement for an individual debtor not represented by an attorney to file a statement of assistance received in connection with the filing of the case. Fed. R. Bankr. P. 2016(c) requires every bankruptcy petition preparer to file a declaration under penalty of perjury disclosing any fee received from or on behalf of the debtor in compliance with Section 110(h)(1). Further, in compliance with the Judicial Conference’s policy on privacy, the rule requires the debtor’s social security number be “submitted” to the court, rather than “filed.” An Electronic Filing User is responsible for submitting the Statement of Social Security Number containing an image of the debtor’s original signature as a separate non-viewable entry in CM/ECF and for submitting the debtor’s full social security number during the case filing or case upload process.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference’s Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 2.04(g). Paragraph (b) of this rule was formerly Local Rule 2.04(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

New subparagraph (c) to Local Rule 2.04 adds a requirement that individuals in bankruptcy cases who are not represented by an attorney are required to file with the petition an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk's Office.

These amendments were effective on February 15, 1995.

Rule 1007-2

MAILING -- LIST OR MATRIX

(a) ***Master Mailing Matrix.***

(1) A master mailing matrix must accompany each petition for all non-electronically filed cases. The master mailing matrix shall be provided in a computer readable format designated and published by the Clerk. In the event an attorney, bankruptcy petition preparer, or *pro se* debtor is unable to provide the matrix in computer readable format, the attorney or debtor shall follow such directions as the Clerk may reasonably give to facilitate the conversion of the matrix into computer readable format.

(2) The matrix shall not include the names and addresses of the debtor, any joint debtor, the attorney for the debtor or debtors, and the United States Trustee. The matrix shall include, in alphabetical order, the names and complete mailing addresses of all creditors and any general partners of the debtor.

(b) ***Chapter 11 Local Rule 1007-2 Parties in Interest List.***

In Chapter 11 cases, the debtor shall file a formal list of creditors holding the twenty (20) largest unsecured claims required pursuant to Fed. R. Bankr. P. 1007(d). The Clerk shall designate these creditors as the "Local Rule 1007-2 Parties in Interest List" in CM/ECF. Upon appointment of a committee, the Clerk shall add to this list required by this subsection the names and addresses of the committee members, counsel for the committee, if any, authorized agents of the committee, if any, and shall delete the names and addresses of the creditors holding the twenty (20) largest unsecured claims. The Clerk shall also add parties to this list pursuant to Rule 2002-1(c) of these rules.

(c) ***Equity Security Holders Mailing Matrix.***

In addition, in cases where there are equity security holders (except publicly traded equity securities), a formal list, titled "Equity Security Holders Matrix," shall be filed in conformance with paragraph (a) above.

Notes of Advisory Committee

2004 Amendment

This amendment removes the requirement for Electronic Filing Users to file matrices in paper or on computer diskettes because Electronic Filing Users are able to file matrices directly into CM/ECF.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraphs (a) and (b) of this rule were formerly paragraphs (e) and (f) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.04(e) (1) has been amended to require that in any case in which the number of creditors exceeds fifty (50), the master mailing matrix shall be provided in a computer readable format designated and published from time to time by the Clerk. In all other cases, the master mailing matrix may be provided in either the computer readable format or on an Avery Label 5351, 33 block, or similar product as may be from time to time designated and published by the Clerk.

Local Rule 2.04 (e) (3) has been amended to provide, consistent with current practice, that upon appointment of a committee, the Clerk shall add to the mailing matrix the names and addresses of the committee members, counsel for the committee, and any authorized agents of the committee, and shall delete therefrom the names and addresses of the creditors holding the twenty (20) largest unsecured claims.

These amendments were effective on February 15, 1995.

Rule 1009-1

AMENDMENTS TO LISTS & SCHEDULES

(a) This rule applies to amendments to schedules, petitions, lists, matrices, statement of social security numbers, and statements of financial affairs,

(b) Amendments must contain a caption including the case number and the title, and should only contain additional, or indicate deleted information.

(c) The amendment must be executed and verified under penalty of perjury by the debtor and attorney of record in the same manner that the item being amended was originally executed.

(d) Amendments that add ten or more creditors shall comply with the provisions of Local Rule 1007-2(a) applicable to the submission of the master mailing matrix with the original petition.

(e) The debtor shall give notice of the amendment to any entity or entities affected thereby along with a copy of the original 341 notice and, where applicable, the trustee, and file a proof of service with the Clerk.

(f) In compliance with the policy of the Judicial Conference to protect personal data identifiers, an amendment to the debtor's Statement of Social Security number shall be "submitted" not "filed" by a non-electronic filer. Electronic Filing Users shall electronically submit the amendment to the debtor's Statement of Social Security Number containing an image of the debtor's original signature as a separate non-viewable entry in CM/ECF. The Electronic Filing User shall maintain an originally signed and verified amended statement setting out the debtor's full social security number for a period of four (4) years after the closing the case.

(g) Amendments to the debtor's schedules of creditors, lists of creditors, matrix, or mailing list, require the prescribed filing fee unless the nature of the amendment is to change the address of a creditor or an attorney listed for a creditor.

