

# **BANKRUPTCY AT THE BEACH**

32<sup>nd</sup> ANNUAL SEMINAR  
of the Alabama State Bar  
Bankruptcy & Commercial Law Section

JUNE 7 - 8, 2019

## **COMPARISON OF A FEW CHAPTER 11 PROCEDURES IN ALABAMA BANKRUPTCY COURTS**

Tamara O. Mitchell  
United States Bankruptcy Judge  
Northern District of Alabama  
Birmingham, Alabama

# **ALABAMA BANKRUPTCY JUDGES**

## **SOUTHERN DISTRICT OF ALABAMA**

|                   |       |
|-------------------|-------|
| HENRY A. CALLAWAY | “HAC” |
| JERRY C. OLDSHUE  | “JCO” |

## **MIDDLE DISTRICT OF ALABAMA**

|                   |       |
|-------------------|-------|
| WILLIAM S. SAWYER | “WSS” |
| BESS P. CRISWELL  | “BPC” |

## **NORTHERN DISTRICT OF ALABAMA**

|  |       |
|--|-------|
| JAMES J. ROBINSON (Eastern Division)     | “JJR” |
| JENNIFER H. HENDERSON (Western Division) | “JHH” |
| CLIFTON R. JESSUP (Northern Division)    | “CRJ” |
| TAMARA O. MITCHELL (Southern Division)   | “TOM” |
| D. SIMS CRAWFORD (Southern Division)     | “DSC” |

| <b>JUDGE</b> | <b>ALLOW<br/>EXPEDITED<br/>HEARINGS</b> | <b>ATTORNEY<br/>EMPLOYMENT</b> | <b>SPECIAL<br/>PAYMENT OF<br/>ATTORNEY</b> | <b>MAINTAIN<br/>BANK<br/>ACCOUNTS</b> | <b>ALLOW<br/>TELEPHONIC<br/>APPEARANCES</b> | <b>STATUS<br/>HEARINGS</b> | <b>COMBINE<br/>D/S AND<br/>PLAN<br/>HEARINGS</b> | <b>PRACTICE<br/>POINTERS</b> |
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|     |                    |                 |  |  |  |  |  |  |
|-----|--------------------|-----------------|--|--|--|--|--|--|
| HAC | Yes                | Set for hearing | Not usually requested  | Have allowed on motion filed where no objections | Yes, but no witness examination by phone | Yes; about 60 days from filing date; DIP counsel files a case management summary form  | Rarely requested, generally think separate hearings better | Try to keep cases moving and not allow one to linger with no progress being made   |
| JCO | Yes                | Set for hearing | If requested may allow if BA approves; have allowed 80% of fees, and 100% of expenses on monthly basis subject to interim compensation applications being filed and approved | Yes, if requested, and no BA objection           | Yes, but no witness examination by phone | Generally do not set, and do not early on impose deadline for filing D/S and Plan; if case is inactive too long may set for status | Will allow if requested and appropriate                    | Recommend DIP counsel be realistic and candid about timeline in case, including filing D/S and Plan                      |
| WSS | Yes if appropriate | Set for hearing | Will consider in big cases; not inclined in smaller cases  | No   | Yes, but no witness examination by phone | Not as a rule, but if lingering or not moving, will set status hearing   | No   | Early on, give Judge an overview and summary of what actions plan to do differently from pre-petition to exit bankruptcy |

| <b>JUDGE</b> | <b>ALLOW<br/>EXPEDITED<br/>HEARINGS</b> | <b>ATTORNEY<br/>EMPLOYMENT</b> | <b>SPECIAL<br/>PAYMENT OF<br/>ATTORNEY</b> | <b>MAINTAIN<br/>BANK<br/>ACCOUNTS</b> | <b>ALLOW<br/>TELEPHONIC<br/>APPEARANCES</b> | <b>STATUS<br/>HEARINGS</b> | <b>COMBINE<br/>D/S AND<br/>PLAN<br/>HEARINGS</b> | <b>PRACTICE<br/>POINTERS</b> |
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| BPC | Yes, if appropriate basis provided                                  | Set for hearing | Most cases fee applications filed per Code and Rules                      | No   | Yes, but no witness examination by phone, and generally not for evidentiary hearings or trials | Yes, usually about 3 – 4 months after filing of case  | Not seen this requested                                       | No use of cash collateral by DIP unless and until motion filed and order entered; follow-up and be sure orders are submitted when requested and are entered                          |
| JJR | Yes, if additional notice is approved would enter conditional order | Set for hearing | If requested would allow, most file interim applications per Code & Rules | Generally, BA objects and prefers new accounts be opened | Yes, if hearing expected to be less than 30 minutes, but no witness examination                | Not generally   | Rarely requested, and generally think it is not good practice | Chapter 11 cases should move along to prevent costs becoming too high or allowing creditors to lose interest   |
| JHH | Yes   | Set for hearing | Generally, fee applications pursuant to Code and Rules                    | Yes, if requested and no BA objection                    | Yes, but no witness examination  | Yes, per Operating Order, a S/C set for 90 days from filing, and D/S and Plan to be filed within 120 days of filing, or file a report why not filed | Would if requested, no objections, and appropriate            | If have scheduling questions or issues, call the courtroom deputy; if have any filing issues re: first day matters, call the Clerk's Office if the courtroom deputy is not available |

| <b>JUDGE</b> | <b>ALLOW<br/>EXPEDITED<br/>HEARINGS</b> | <b>ATTORNEY<br/>EMPLOYMENT</b> | <b>SPECIAL<br/>PAYMENT OF<br/>ATTORNEY</b> | <b>MAINTAIN<br/>BANK<br/>ACCOUNTS</b> | <b>ALLOW<br/>TELEPHONIC<br/>APPEARANCES</b> | <b>STATUS<br/>HEARINGS</b> | <b>COMBINE<br/>D/S AND<br/>PLAN<br/>HEARINGS</b> | <b>PRACTICE<br/>POINTERS</b> |
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|-----|-------------------|---|--|---------------------------------------|---|--|---|---|
| CRJ | Yes, if requested | Set for hearing   | Allow if requested   | Yes, if requested and no objection    | Movant must appear in person; attorneys may listen or monitor on phone but no witness examination, and no arguments | Yes 30 days after the case filed, then set claims bar date and deadlines for filing D/S and Plan | Would consider if requested, and if appropriate circumstances | Pay attention to the exclusivity period (different from deadlines set for D/S and Plan); if creditor objects to extension of period, court will ask if going to file a plan, and if not, why not        |
| TOM | Yes               | Sometime done by negative notice, but sometimes set for hearing | Will consider in big cases, generally not allowed in others  | Yes, if agreed to with BA             | Yes, but no witness examination by phone  | Not generally unless requested   | Consider if requested   | Request expedited hearing only when necessary; file all pleadings before a hearing allowing ample time for Judge to review  |
| DSC | Yes               | Set for hearing   | Allow 80% fees and 100% expenses monthly if requested and subject to fee applications being filed pursuant to Code and Rules | Yes, if requested and no BA objection | Yes, on occasion prefer appearance in person  | Not been necessary thus far  | Would if requested  | File all first day motions timely and at the same time to allow for a minimum 24-hour notice on first day hearing; do not want cases to linger without reporting to Court or taking appropriate actions |

# **SOUTHERN DISTRICT OF ALABAMA**

## **SAMPLE CHAPTER 11 DOCUMENTS**

1. Chapter 11 Operating Order
2. Order Setting Status Conference
3. Order Setting Deadlines and Status Conference (HAC)
4. Chapter 11 Case Management Summary

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA

In re:

PETERSON PRODUCE, INC.,

CASE NO. 18-03976-HAC-11

Debtor

**CHAPTER 11 OPERATING ORDER**

To ensure the successful, orderly administration of this case, the Court assigns certain responsibilities to the debtor to comply with the provisions of Chapter 11 and the Rules of Bankruptcy Procedure.

On the effective date of this Order the debtor is **ORDERED** to comply with the following:

**A. MEETING WITH BANKRUPTCY ADMINISTRATOR:** At the place and time below, unless otherwise agreed upon by the Bankruptcy Administrator, the debtor and its attorney shall meet with the Bankruptcy Administrator, or his designee, for the debtor to verify that all provisions of this Order required to be done by that date have been done and that all mechanisms are in place to assure future compliance.

DATE: October 23, 2018  
TIME: 2:00 p.m.  
PLACE: 155 St. Joseph Street, Suite 205  
Mobile, Alabama 36602

**B. CHAPTER 11 CASE MANAGEMENT SUMMARY:** The trustee or debtor-in-possession in a Chapter 11 case may operate the business of the debtor pursuant to 11 U.S.C. §1108 and subject to any order of the Court specifying terms and conditions of the operation of the debtor's business. The Court and other parties must have prompt information about the debtor's operations. Accordingly, the debtor-in-possession is directed to file with the Court within fourteen (14) days a Chapter 11 Case Management Summary providing the following information:

1. Description of the debtor's business;
2. Locations of debtor's operations and whether leased or owned;
3. Reasons for filing Chapter 11;
4. List of officers and directors, if applicable, and their salaries and benefits at the time of the filing and during the 1 year prior to filing;
5. Debtor's annual gross revenues;

6. Amounts owed to various classes of creditors;
  - a. Obligations owed to priority creditors such as governmental
  - b. Identity, collateral, and amounts owed to secured creditors, and:
  - c. Amount of unsecured claims.
7. General description and approximate value of the debtor's current and fixed assets;
8. Number of employees and amounts of wages owed as of petition date;
9. Status of debtor's payroll and sales tax obligations, if applicable; and
10. Anticipated emergency relief to be requested within fourteen (14) days from the petition date.

**C. BOOKS AND RECORDS:** The debtor's prepetition books and records should have been closed and new post petition books and records should have been opened as of the date of filing the Chapter 11 petition. If this has not been done, it shall be done upon receipt of this Order; however, regardless of the time of actual closing and opening, the date of the filing of the Chapter 11 petition is the point of separation.

**D. (1) NEW BANK ACCOUNTS:** The debtor's prepetition bank accounts shall be closed and new post petition bank accounts shall be opened as of the date of filing of the Chapter 11 petition. A pre-petition account may remain open only for the purpose of allowing pre-petition checks for payments in the ordinary course of business or for bankruptcy-related professional fees to clear. New bank accounts must be opened and shall consist of one or more general accounts and, at the debtor's election, a payroll or tax account. All business conducted after the filing of the Chapter 11 petition will be handled through new bank accounts.

(a) The bank statement, new signature cards and checks for these accounts shall clearly state "Chapter 11 Debtor-In-Possession".

(b) New bank accounts should be opened with a statement period beginning on the first day of the month and ending on the last day of the month.

(c) When new bank accounts are opened, the Depository Notification Form shall be executed by the debtor and financial institution and filed with the Bankruptcy Administrator no later than the scheduled meeting as set out in paragraph A.

(d) If the debtor has one or more accounts in any single institution where the total amount on deposit exceeds \$250,000, the debtor must either open another account in a separate bank or require from the institution holding these funds a deposit of securities equal to the difference in the amount on deposit and \$250,000.

**(2) Tax and Payroll Accounts or Entries; Deposits:** If a tax or payroll account is established, or if the debtor uses only a general account with entries for payroll and taxes, deposits to it, together with any necessary federal and state depository receipts, shall be administered as follows:



(a) Within three business days after each regular payroll period, the debtor is required to pay to the Internal Revenue Service and State Department of Revenue withheld or collected taxes in the form of a Federal and State Tax Deposit.

(b) Within three business days after each regular quarterly period, the debtor is required to pay to the Internal Revenue Service and State Department of Revenue the respective unemployment taxes.

(c) Within five business days after the end of each month, on the forms furnished by the Internal Revenue Service and State Department of Revenue, the debtor shall give notice of the Federal Tax Deposit for Excise taxes to the Internal Revenue Service and if applicable, to the State Department of Revenue.

(d) If the debtor is an individual required to make quarterly tax estimate payments, those payments should be made when due.

(e) State and local sales taxes will be paid to the taxing authorities per their existing regulations in a timely manner.

(f) The debtor shall keep current all business licenses and permits.

**E. SALARIES, COMPENSATION AND FRINGE BENEFITS:** By the date set out in paragraph A, the debtor shall file with the Clerk of Court, a list of salaries, compensation, and fringe benefits paid to the debtor or its officers. The list of salaries, compensation, and fringe benefits should include a cover pleading with the style of the case.

**F. TAX RETURNS:** The debtor shall mail all federal tax returns and remittances to the Internal Revenue Service and state tax returns and remittances to the State Department of Revenue. By the date set out in paragraph A above, the debtor shall provide to the U.S. Bankruptcy Administrator electronic or paper copies of the Federal and State Income Tax Returns for the year preceding the filing of the Chapter 11 petition. Within five (5) business days of the filing of the Federal and State Income Tax Returns which become due subsequent to the filing of the Chapter 11 petition, the debtor shall send copies of the said returns to the Bankruptcy Administrator.

**G. PROOF OF INSURANCE:** By the date set out in paragraph A above, the debtor shall file with the Clerk of Court, Declaration Pages for all insurance policies (including property damage, liability and workmen's compensation insurance) showing a general description of the property insured, the name of the insurer, name and address of the issuing agent, the amount of coverage, type of insurance, date of expiration, policy number, and amount of premium. Proof of insurance shall include a cover pleading with the style of the case.

(a) If worker's compensation insurance is required by law, the debtor shall maintain

said insurance in full force and effect.

(b) Should any of the insurance policies listed be cancelled or not renewed before their expiration dates, the debtor shall notify the Bankruptcy Clerk's Office and the Bankruptcy Administrator, in writing no later than three (3) days after receipt of the notice of cancellation or failure to renew.

**H. INVENTORY:** Before the date set out in paragraph A above, the debtor must procure a physical inventory and provide evidence of same by the date set out in paragraph A by filing a statement or written evidence with the Bankruptcy Clerk's Office. If the debtor has filed a completed Schedule "B" as a part of its Chapter 11 petition, a separate inventory is not required.

**I. CASH COLLATERAL:** The debtor is cautioned to comply with 11 U.S.C. §552, concerning motions for use of cash collateral.

**J. OBTAINING CREDIT:** The debtor is cautioned to comply with 11 U.S.C. §364, concerning motions for post-petition financing for which court approval is required.

**K. USE, SALE, OR LEASE OF PROPERTY; LABOR CONTRACTS:** The debtor is cautioned to comply with 11 U.S.C. §363, concerning the use, sale, or lease of property; 11 U.S.C. §365 regarding assuming or rejecting leases or executory agreements; and 11 U.S.C. §1113 concerning collective bargaining agreements.

**L. INSPECTION OF PROPERTY AND RECORDS:** The debtor shall permit the Bankruptcy Administrator or his designee reasonable inspection of its business premises, properties, books and records.

**M. REPORTS TO THE BANKRUPTCY ADMINISTRATOR:** The debtor shall file with the Clerk of Court and with the members of the Creditors' Committee, monthly and quarterly reports as determined at the meeting referred to herein above in paragraph A. The reports may include a balance sheet, a profit and loss statement and a source and use of funds statement which shall hereinafter be determined at the meeting.

(a) The attorney for the debtor shall file with the Clerk of Court a statement consisting of (1) a certification that the attorney for the debtor has informed the debtor of the legal services rendered, including the date, a brief description of the services rendered, the number of hours expended by the attorney and the amount of the fees and expenses requested by the attorney and (2) a summary of the hours expended by each attorney for the debtor, together with the hourly rate and expenses incurred; such statement shall be filed quarterly (regardless of the date of the filing of the petition) by April 15th; July 15th; October 15th and January 15th.

**N. QUARTERLY FEES:** All Chapter 11 cases are subject to a quarterly fee. The fee helps fund the operation and maintenance of the courts of the United States.

(a) The fee must be paid to the Clerk, U. S. Bankruptcy Court for every quarter (including any fraction thereof), from the time the petition is filed until the date of entry of an order dismissing, converting, or closing the case. The fee is applicable to each and every case commenced under chapter 11 regardless of whether the case has been administratively consolidated with any other case.

(b) The obligation to pay quarterly fees begins on the day the case is filed and ceases when the case is no longer pending in chapter 11, i.e., when a final decree is entered closing the case or when the case is either converted or dismissed. **Cases pending even one day during a quarter will be required to pay the fee applicable to that entire quarter.**

(c) The debtor is responsible for the prompt and full payment of this fee. The amount varies depending upon the dollar value of **all disbursements** made during the portion of the calendar quarter the case is pending in chapter 11; however, a minimum fee of \$325 is due each quarter even if no disbursements are made during the quarter.

(d) All quarterly fees must be paid before a chapter 11 plan can be confirmed. Section 1129(a)(12) of the Code states: "The Court shall confirm a plan only if all of the following requirements are met. All fees payable under Section 1930, as determined by the court at the hearing on the confirmation of the plan, have been paid or the plan provides for the payment of all such fees on the effective date of the plan".

(e) Please make all checks payable to "Clerk, U. S. Bankruptcy Court." Payments are to be made by **certified check, cashier's check or money order**. No personal checks will be accepted. The debtor's case number should be written on the face of the check and the check should be attached to the Quarterly Fee Statement and filed with the clerk. Direct all correspondence and questions regarding your account to the Office of the Bankruptcy Administrator.

(f) If any check is returned marked "Insufficient Funds", all future quarterly fee payments must be made by cashier's check, certified check or money order.

### Quarterly Fee Schedule

| Disbursements per quarter | Quarterly Fee                      |
|---------------------------|------------------------------------|
| \$0 to \$14,999.99        | \$325                              |
| \$15,000 - \$74,999.99    | \$650                              |
| \$75,000 - \$149,999.99   | \$975                              |
| \$150,000 - \$224,999.99  | \$1,625                            |
| \$225,000 - \$299,999.99  | \$1,950                            |
| \$300,000 - \$999,999.99  | \$4,875                            |
| \$1,000,000 or more       | 1% or \$250,000, whichever is less |

### Quarterly Fee Due Dates

| Quarter                    | Quarter Ending | Due Date for Payment |
|----------------------------|----------------|----------------------|
| 1st Quarter - Jan-Feb-Mar  | March 31       | April 15             |
| 2nd Quarter - Apr-May-Jun  | June 30        | July 15              |
| 3rd Quarter - Jul-Aug-Sept | September 30   | October 15           |
| 4th Quarter - Oct-Nov-Dec  | December 31    | January 15           |

**PENALTIES: FAILURE TO PAY THE QUARTERLY FEE IS CAUSE FOR CONVERSION OR DISMISSAL OF THE CASE UNDER 11 U.S.C. SECTION 1112(b)(10). FILING A FALSE REPORT MAY SUBJECT YOU TO CIVIL LIABILITY UNDER 31 U.S.C. SECTION 3729(a)(7) AND TO CRIMINAL PENALTIES UNDER 18 U.S.C. SECTION 1621.**

**O. PROFESSIONAL PERSONS:** The debtor shall file applications in accordance with 11 U.S.C. §327 for authority to employ any professional persons including, but not limited to attorneys, accountants and appraisers.

**P. BANKRUPTCY ADMINISTRATOR'S DESIGNEE:** Any reference in this Order to the "Bankruptcy Administrator" includes such designee as the Administrator may select.

**Q. DEBTORS OTHER THAN INDIVIDUALS:** Though the debtor has been referred to herein in the neuter gender, such reference shall be construed in the appropriate gender. If the debtor is not an individual, the responsible party executing forms shall be designated the "debtor" within the meaning of Bankruptcy Rule 9001(5).

**R. AMENDMENT OF THIS ORDER:** After this Order becomes effective, it may be amended upon proper motion for good cause shown, with a copy of said motion being served upon the Bankruptcy Administrator.

Dated: October 2, 2018

/s/ Henry A. Callaway  
Chief U.S. Bankruptcy Judge

(Rev. 1/18)

# United States Bankruptcy Court

Southern District of Alabama

**Case No. 18-03976**

**Chapter 11**

In re:

Peterson Produce, Inc.  
P.O. Box 159  
Summerdale, AL 36580

Employer Tax ID / Other nos.:  
63-0579573

## **ORDER SETTING STATUS CONFERENCE IN CHAPTER 11 CASE**

**Date:** 12/4/18

**Time:** 08:30 AM

**Location:** Courtroom Two, 201 St. Louis Street, Mobile, AL 36602

This Chapter 11 case is hereby set for a status conference at the time and place listed above to discuss the progress of the case and a timeline for reorganization.

Dated: 10/2/18

  
HENRY A. CALLAWAY  
CHIEF U.S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

IN RE: )  
 )  
PETERSON PRODUCE INC., ) Case No. 18-3976  
 )  
Debtor. )

ORDER SETTING DEADLINES AND STATUS CONFERENCE

This Chapter 11 case came before the Court on a status hearing. The debtor is hereby ordered to file a disclosure statement and plan of reorganization by May 3, 2019. Failure to do so may result in dismissal or conversion of the case pursuant to Bankruptcy Code § 1112(b)(4)(J). This case is set for a further status conference at 8:30 a.m. on May 7, 2019 in Courtroom 2, 201 St. Louis Street, Mobile, Alabama 36602.

Dated: December 6, 2018

  
HENRY A. CALLAWAY  
CHIEF U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

IN RE:

PETERSON PRODUCE, INC.,

Debtor.

CASE NO.: 18-03976

**CHAPTER 11 CASE MANAGEMENT SUMMARY**

Comes now the Debtor, **PETERSON PRODUCE, INC.**, by and through the undersigned counsel, and files this Case Management Summary, setting forth as follows:

1. **Description of debtor's business:** The Debtor operates a trucking business which transports potatoes across the United States.
2. **Locations of debtor's operations and whether leased or owned:** The Debtor primarily operates out of 404 West Shriver Street, Summerdale, Alabama 36580, which is the business office for the Debtor. This property is owned by the principals of the Debtor individually. Additionally, the Debtor has a commercial property located at West 6790 East, Oxford, Wisconsin 53952, which it owns.
3. **Reasons for filing Chapter 11:** The Debtor was facing the possible repossession of a number of trucks comprising its fleet prior to the filing of the Chapter 11.
4. **List of officers and directors, if applicable, and their salaries and benefits at the time of the filing and during the 1 year prior to filing:** Paul A. Peterson is the President of the Debtor and has received the following salary and fringe benefits during the year prior to filing: \$1,600.00 per week salary, payment of monthly



note on his personal vehicle (\$861.46), unlimited gasoline allowance and \$160.00 telephone reimbursement.

5. Debtor's annual gross revenues: The Debtor's gross revenue for the 2017 fiscal year (June 1, 2017 through May 31, 2018) was \$6,095,994.00.

6. Amounts owed to various classes of creditors:

a. Obligations owed to priority creditors such as governmental: The Debtor is unaware of the extent to which he may owe a priority tax debt, however, the Internal Revenue Service has filed a Proof of Claim in the amount of \$142,990.43 based upon estimated taxes. As this debt is estimated, it is subject to change.

b. Identity, collateral and amounts owed to secured creditors: The Debtor owes a secured debt to BMO Harris Bank, N.A. of approximately \$77,000.00, secured by six (6) utility refrigerated vans. Additionally, the Debtor owes secured debts to TCF Equipment Finance, one in the approximate amount of \$254,000.00 secured by two (2) utility vans, and one in the approximate amount of \$151,000.00 secured by three (3) freightliner trucks.

c. Amount of unsecured claims: The Debtor owes unsecured debts of approximately \$1,370,000.00 as listed in its Schedules. However, this amount may be subject to fluctuate depending upon whether the Debtor's Secured Creditors are deemed to have an unsecured portion of their claim.

7. General description and approximate value of debtor's current and fixed assets:

| <u>Description of Asset</u>                    | <u>Approximate Value</u>     |
|--|------------------------------|
| West 6790 East<br>Oxford, Wisconsin            | \$125,000.00                 |
| 1999 Freightliner                              | \$10,000.00                  |
| Three (3) 2013 Freightliner<br>Tractors        | \$150,000.00 (\$50,000 each) |
| Six (6) 2014 Semi-Trailers                     | \$240,000.00 (\$40,000 each) |
| Five (5) 2000 Utility Semi-<br>Trailers        | \$40,000.00 (\$8,000 each)   |
| Two (2) 1997 Utility Semi-<br>Trailers         | \$13,000.00 (\$6,500 each)   |
| 2000 Freightliner                              | \$11,000.00                  |
| Four (4) 2002 Freightliners                    | \$60,000.00 (\$15,000 each)  |
| Four (4) 2004 Freightliners                    | \$72,000.00 (\$18,000 each)  |
| Two (2) 2010 Utility Semi-<br>Trailers         | \$30,000.00 (\$15,000 each)  |
| 2013 Freightliner Extra-Heavy<br>Truck Tractor | \$50,000.00                  |

8. **Number of employees and amounts of wages owed as of petition date:**

The Debtor had eighteen (18) employees as of the Petition date and no wages were overdue.

9. **Status of debtor's payroll and sales tax obligations, if applicable:** The

Debtor believes its payroll and sales tax obligations are current.

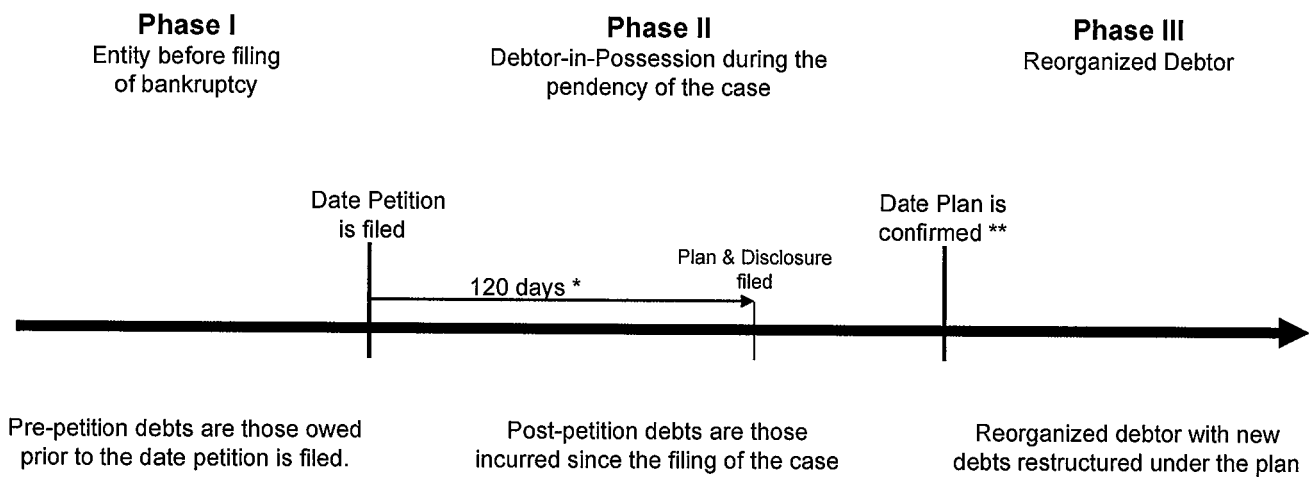
10. Anticipated emergency relief to be requested within fourteen (14) days from the petition date: There is no anticipated emergency relief to be requested in this matter.

s/J. Willis Garrett, III  
J. WILLIS GARRETT, III (GARRJ7452)  
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Post Office Box 16629  
Mobile, Alabama 36616-0629  
PH: 251/476-4493 - FX: 251/479-5566  
*Attorneys for Debtor, Peterson Produce, Inc.*

# **MIDDLE DISTRICT OF ALABAMA**

## **CHAPTER 11 TIMELINE**

## Chapter 11 Timeline



\* Court may for cause reduce or increase 120 day "exclusive" period in which only debtor may file plan.

\*\* If debtor has not filed a plan that has been accepted by each class of claims impaired under plan within 180 days from the date of the filing of the petition, any party in interest may file a plan. Court may for cause reduce or increase 180 day period.

# **NORTHERN DISTRICT OF ALABAMA**

## **SAMPLE CHAPTER 11 DOCUMENTS**

1. Chapter 11 Operating Order (Eastern Division)
2. Chapter 11 Operating Order (Western Division)
3. Chapter 11 Operating Order (Northern Division)
4. Order on Chapter 11 Operating Procedures (Northern Division)
5. Order Setting Deadline to File Chapter 11 Plan and Disclosure Statement and Setting Bar Date for filing Claims (Northern Division)
6. Chapter 11 Operating Order (Southern Division)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

|                     |   |                     |
|---------------------|---|---------------------|
| IN RE:              | ) | BANKRUPTCY CASE NO. |
|                     | ) |                     |
| S & G MACHINE, LLC, | ) | 19-40526            |
|                     | ) |                     |
| DEBTOR.             | ) | CHAPTER 11          |

**CHAPTER 11 OPERATING ORDER**

This Order affects your legal rights. You may object to it. If you choose to object, you must do so in writing within eight days of the date this Order was entered. All objections must be filed with the Bankruptcy Clerk's Office. All requirements in the Order not objected to will become effective on the ninth day following the date this Order was entered.

If you do file an objection, a hearing on your objection will be scheduled for:

Date: April 18, 2019  
Time: 9:30 a.m.  
Location: U. S. Courthouse, Room 113  
1129 Noble Street  
Anniston, Alabama 36201

On the effective day of this Order, the debtor is **ORDERED** to comply with the following:

**A. MEETING WITH THE BANKRUPTCY ADMINISTRATOR**

The debtor shall meet with the Bankruptcy Administrator *at a Date and Time established by the Bankruptcy Administrator*.

**B. BOOKS AND RECORDS**

1. New books and records must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The debtor must then close all of its old books and records, reconciled as of the day preceding the filing of the bankruptcy petition.

2. A schedule of all depreciable assets shall be provided to the Bankruptcy Administrator *no later than the date of the scheduled meeting with the Bankruptcy Administrator*. The schedule should include:
  - a. A description of the asset;
  - b. Method of depreciation;
  - c. Serial number;
  - d. Date purchased;
  - e. Useful life;
  - f. Purchase price;
  - g. Accumulated depreciation; and
  - h. Scrap value.

#### **C. NEW BANK ACCOUNTS**

Necessary new bank accounts must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The debtor must then close all old bank accounts, reconciled as of the day preceding the filing of the bankruptcy petition.

When new accounts are set up:

The words "Chapter 11 Debtor-In-Possession - Bankruptcy Case No. 19-40526" must be written on all account signature cards.

#### **D. PROOF OF NEW BANK ACCOUNTS**

When the debtor opens a new account, the debtor must file the following items with the Bankruptcy Clerk's Office *no later than the date of the scheduled meeting with the Bankruptcy Administrator*:

1. The first check from the new account;
2. A copy of a signature card for every account in use after the date of filing the bankruptcy petition bearing the words "Chapter 11 Debtor-In-Possession - Bankruptcy Case No. 19-40526"; and
3. A reconciled bank statement for every account in use before the filing of the bankruptcy petition.



#### **E. BANK ACCOUNT INSURANCE OR COLLATERAL**

The Federal Deposit Insurance Corporation (FDIC) insures its depositors (here debtor-in-possession) for \$250,000.00. This maximum amount is applied to each depositor by each insured institution. It does not apply to each account. Therefore, insurance is not increased merely by dividing funds among different accounts in the same institution.

If the debtor-in-possession has one or more accounts in any single institution where the total amount on deposit exceeds \$250,000.00, the debtor-in-possession must either open another account in a separate bank or require from the institution holding these funds a deposit of securities equal to the difference in the amount on deposit and \$250,000.00. This should be done by the debtor immediately. Form No. BA-40(11), attached to this Order, should be used to complete this process. Said form must be filed with the Bankruptcy Clerk's Office.

#### **F. BANK STATEMENTS**

The debtor-in-possession must file with the Bankruptcy Clerk's Office a copy of its monthly bank statement, or statements if it has more than one account. The statement must be filed along with the Chapter 11 operating reports described in Paragraph K on a monthly basis and must be the statement for the month covered by the monthly operating reports. If the debtor does not receive its statement from its bank by the 15<sup>th</sup> day of the month so that the debtor is able to file it with the operating reports, the statement must be filed by the last working day of that month.

#### **G. POST-PETITION TAXES, PAYROLL ACCOUNTS, AND LICENSES**

1. Within three work days after each regular payroll period, the debtor is required to pay to the Internal Revenue Service withheld or collected taxes in the form of a Federal Tax Deposit.
2. Within three work days after each regular quarterly period, the debtor is required to pay to the Internal Revenue Service the federal unemployment tax in the form of a Federal Tax Deposit.
3. If the debtor is an individual required to make quarterly tax estimate payments, those payments should be made when due.
4. State and local sales taxes will be paid to the taxing authorities per their existing regulations in a timely manner.
5. The debtor shall keep current all business licenses and permits and shall

furnish the Bankruptcy Administrator with copies of the current licenses and provide copies of all renewed licenses as they are renewed.

#### H. INSURANCE

1. The debtor shall insure all business-related property of the estate which would customarily be insured in the business engaged in by the debtor or non-business property which would customarily be insured by the debtor or persons in circumstances similar to those of the debtor in the area where the property is kept or utilized. If insurance is not maintained on property of a substantial value, the debtor must file a verified statement explaining why the asset is uninsured and serve a copy of the statement on each creditor who has a security interest in the uninsured property, if any. If workers' compensation insurance is required by law, the debtor shall maintain said insurance in full force and effect.
2. *By the date of the scheduled meeting with the Bankruptcy Administrator*, the debtor shall file with the Bankruptcy Clerk's Office copies of all of its insurance policies or a list of all of its insurance policies. If a list is filed, each policy should be described to include:
  - a. Policy number;
  - b. Name of the insured;
  - c. A general description of the property insured;
  - d. The beneficiary;
  - e. Name and address of the insuring agent;
  - f. Amount of coverage;
  - g. Type of insurance;
  - h. Date of expiration;
  - i. Amount of premium;
  - j. Insurance carrier; and
  - k. Premium due date.
3. If a notice of cancellation or of non-renewal is given on any of the debtor's insurance policies, or the debtor chooses not to renew any policy, the debtor shall notify the Bankruptcy Administrator in writing no later than three days after receipt of the notice or after deciding not to renew.

### **I. COPIES TO THE BANKRUPTCY ADMINISTRATOR**

The debtor shall provide the Bankruptcy Administrator with copies of motions to employ professionals, applications for compensation and expenses, and all plans and disclosure statements.

### **J. INSPECTION OF PROPERTY AND RECORDS**

The debtor shall permit the Bankruptcy Administrator reasonable inspection of its premises, properties, books, and records.

### **K. FINANCIAL REPORTS**

A debtor-in-possession shall file with the Clerk, an original and one copy, not later than the 15<sup>th</sup> day of the next succeeding month, an operating report for each month or part of a month after the entry of an order for relief under Chapter 11, Title 11, United States Code, which accurately reflects, in reasonable detail, the business transacted by the debtor and the results thereof and the condition of the bankruptcy estate and its assets.

A debtor-in-possession shall file with the Clerk, an original and one copy, not later than the 15<sup>th</sup> day of the month following each calendar quarter, a similar report for the immediately preceding quarter or part of a quarter after entry of such order for relief.

By the 15<sup>th</sup> day of each month following entry of an order confirming a Chapter 11 plan, the debtor shall file with the Clerk a report for the preceding calendar month showing the steps taken toward consummation of the plan and any failure(s) by the debtor to comply with the terms of the plan, and as soon as is reasonably practicable and appropriate the debtor shall file with the Clerk a motion for a final decree, as provided for in Bankruptcy Rule 3022.

The Bankruptcy Administrator may prescribe suitable forms for obtaining this information, giving consideration to clarity and simplicity.

### **L. 120 DAY REPORT ON PLAN**

If a plan of reorganization has not been filed, the debtor-in-possession shall file on the 120<sup>th</sup> day after the order for relief in a Chapter 11 case, a report to the Court explaining why a plan and disclosure statement have not been filed, and shall describe what preparations are being undertaken to file those documents, and shall specify a date when they will be filed.

### **M. STATUS CONFERENCE**

Status conferences may be set by the Bankruptcy Administrator with the debtor in the Bankruptcy Administrator's office for reviews and clarifications of financial reports, bank statements, tax payments, licenses, permits, and insurance coverage of the debtor.

### **N. MISCELLANEOUS PROVISIONS**

1. References in this Order to "Bankruptcy Administrator" include persons the Bankruptcy Administrator may designate.
2. All documents to be filed with or served on the Bankruptcy Administrator shall be delivered to the Bankruptcy Administrator divisional office where the case is pending.
3. All documents to be filed with or served on the Bankruptcy Clerk shall be delivered to the divisional office of the Clerk where the case is pending.
4. The debtor shall provide the chairperson of any committee appointed by the Court in this case copies of all documents required to be filed with or served on the Bankruptcy Administrator or the Bankruptcy Clerk.

This Order does not relieve the debtor of any requirements of the bankruptcy statutes or Bankruptcy Rules.

**Dated: April 2, 2019**

**/s/ James J. Robinson**  
**JAMES J. ROBINSON**  
**Chief United States Bankruptcy Judge**

cc: Debtor, Debtor's attorney  
Internal Revenue Service  
Bankruptcy Administrator

CHAPTER 11 OPERATING ORDER FORM

FORM NO. BA-40(11)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

IN RE:

BANKRUPTCY CASE NO.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

)  
)  
)  
)  
)  
)  
)

\_\_\_\_\_

DEBTOR(S).

**AGREEMENT OF DEPOSITORY**

\_\_\_\_\_, a \_\_\_\_\_ of \_\_\_\_\_, hereby binds itself, its successors, and assigns unto the United States of America for the payment of \$ \_\_\_\_\_ further agrees to secure this obligation by deposit of securities of a kind specified in 31 U.S.C. Section 9303, namely:

\_\_\_\_\_, with a value of \$ \_\_\_\_\_, to the account of:

**J. THOMAS CORBETT  
U. S. BANKRUPTCY ADMINISTRATOR  
Northern District of Alabama**

at the Federal Reserve Bank of Atlanta, Nashville Branch. This obligation and the proposed deposit of securities are undertaken solely pursuant to 11 U.S.C. Section 345 and are conditioned on proper accounting for all money of the estate in the above-styled bankruptcy case that is deposited or invested with \_\_\_\_\_, and for any return on any such money, prompt repayment of such money and return thereon, and faithful performance by \_\_\_\_\_ of its duties as a depository or entity with whom a deposit or investment is made. Securities subject to this agreement are subject to the order of the United States Bankruptcy Court for the Northern District of Alabama, Eastern Division.

Date: \_\_\_\_\_

By: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

|                             |   |                 |
|-----------------------------|---|-----------------|
| IN RE:                      | ) |                 |
|                             | ) |                 |
| SOUTHFRESH AQUACULTURE, LLC | ) | 19-70152-JHH-11 |
|                             | ) |                 |
| DEBTOR.                     | ) |                 |

**CHAPTER 11 OPERATING ORDER**

This Order affects your legal rights. You may object to it. If you choose to object, you must do so in writing within seven (7) days of the date this Order was signed. All objections must be filed with the Bankruptcy Clerk's Office. All requirements in the Order not objected to will become effective on the eighth day following the date this Order was signed.

If you do file an objection, a hearing on your objection will be scheduled for:

|           |  |
|-----------|--|
| Date:     | Clerk will schedule upon the filing of objections.   |
| Time:     | Clerk will schedule upon the filing of objections.   |
| Location: | Bankruptcy Courtroom - Room 2600<br>Federal Building, 2005 University Boulevard<br>Tuscaloosa, Alabama |

On the effective date of this Order, the Debtor is **ORDERED** to comply with the following:

**A. MEETING WITH THE BANKRUPTCY ADMINISTRATOR**

The Debtor and the Debtor's attorney shall meet with the Bankruptcy Administrator:

|           |  |
|-----------|--|
| Date:     | February 8, 2019   |
| Time:     | 10:00 a.m.   |
| Location: | Office of the Bankruptcy Administrator<br>Federal Building<br>2005 University Boulevard, Suite 1300<br>Tuscaloosa, Alabama 35401 |

**B. BOOKS AND RECORDS**

New books and records must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The Debtor must then close all of its old books and records, reconciled as of the day preceding the filing of the bankruptcy.

**C. NEW BANK ACCOUNTS**

When new accounts are set up, the words "*Chapter 11, Debtor in Possession - Bankruptcy Case No. 19-70152-JHH-11*" must be written on all account signature cards.

#### **D. PROOF OF NEW BANK ACCOUNTS**

When the Debtor opens new accounts, it must file with the Bankruptcy Clerk's Office:

1. The first check from the new checking accounts;
2. A copy of a signature card for every account in use after the date of filing the bankruptcy petition bearing the words "*Chapter 11, Debtor in Possession - Bankruptcy Case No. 19-70152-JHH-11*"; and
3. A copy of the "revised" signature card for all previously opened savings accounts, certificates of deposits, etc. that the Debtor will continue to use after the date of the filing of the bankruptcy petition bearing the words "*Chapter 11, Debtor in Possession - Bankruptcy Case No. 19-70152-JHH-11*".

#### **E. BANK ACCOUNT BALANCES \***

*\*Provision not applicable after abrogation of Bankruptcy Rule 5008 (1991).*

#### **F. BANK COLLATERALIZATION**

The Federal Deposit Insurance Corporation (FDIC) insures its depositors (here Debtors in Possession) for \$250,000.00. This maximum amount is applied to each depositor by each insured institution. It does not apply to each account. Therefore, insurance is not increased merely by dividing funds among different accounts in the same institution.

If the Debtor has one or more accounts in any single institution where the total amount on deposit exceeds \$250,000.00, the Debtor must either open another account in a separate bank or require from the institution holding these funds a deposit of securities equal to the difference in the amount on deposit and \$250,000.00. This should be done by the Debtor within seven (7) days of the date of the Order on *Debtor's Motion for Entry of Order (I) Authorizing the Debtor to (A) Continue to Operate its Cash Management System, (B) Honor Certain Pre-Petition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (II) Granting Related Relief (court document #9)*. Form No. BA-40(11) should be used to complete this process. This form is to be completed with the name of the pledged treasury certificate or certificates, the identification number of each certificate, and the value thereof must be filed with the Bankruptcy Clerk's Office.

#### **G. BANK STATEMENTS**

1. The Debtor must file copies of the bank statements and statement reconciliations for the six (6) months preceding the filing of this case for every account in use before the filing of the bankruptcy petition.
2. The Debtor must file with the Bankruptcy Clerk's Office a copy of its monthly bank account statement and statement reconciliation, or statements and statement reconciliations if it has more than one account.
3. The Debtor must file copies of bank statement and statement reconciliation of all pre-petition bank statements and statement reconciliations until these accounts have a zero balance and have been closed.
4. The Debtor must file a monthly statement for all savings accounts, certificates of deposit, stocks, bonds, and all other accounts or funds in which the Debtor has an interest. In view of the fact that many institutions do not generate monthly statements for certain of these accounts, the Debtor can file a copy of the quarterly statement generated by the financial

institution, an account history updated monthly by the debtor, or a copy of the passbook.

5. The Debtor must file the statement and statement reconciliation along with the Chapter 11 operating reports described in Paragraph "M" on a monthly basis and must be the statement and statement reconciliation for the month covered by the monthly operating reports. If the Debtor does not receive its statement from its bank by the 15th of the month so that the Debtor is able to file it with the operating reports, the statement must be filed by the last working day of that month.

#### **H. POST-PETITION TAXES, PAYROLL ACCOUNTS, AND LICENSES**

1. Within three (3) workdays after each regular payroll period, the Debtor is required to pay to the Internal Revenue Service withheld or collected taxes in the form of a Federal Tax Deposit.
2. Within three (3) workdays after each regular quarterly period, the Debtor is required to pay to the Internal Revenue Service the federal unemployment tax in the form of a Federal Tax Deposit.
3. The Debtor must at the time of each payroll forward a copy of the federal tax deposit EFTPS Payment Confirmation page which includes the EFT Acknowledgment Number within three (3) workdays of each payroll to the Bankruptcy Administrator's Office at the address set out in paragraph A.
4. If the Debtor is an individual required to make quarterly tax estimate payments, those payments should be made when due.
5. The Debtor must pay state and local sales taxes to the taxing authorities per their existing regulations in a timely manner.
6. The Debtor shall keep current all business licenses and permits and shall furnish the Bankruptcy Administrator with copies of the current licenses and provide copies of all renewed licenses as they are renewed.

#### **I. INSURANCE**

1. The Debtor shall insure all of its properties for loss caused by fire, theft, liability, collision and casualty, and, if required, workmen's compensation.
2. By the date set out in paragraph A, the Debtor shall file with the Bankruptcy Clerk's Office copies of all of its insurance policies or a list of all of its insurance policies. If a list is filed, each policy should be described to include:
  - a. policy number;
  - b. name of the insured;
  - c. a general description of the property insured;
  - d. the beneficiary;
  - e. name and address of the insuring agent;
  - f. amount of coverage;
  - g. type of insurance;
  - h. date of expiration;
  - i. amount of premium;
  - j. insurance carrier; and
  - k. premium due date.



3. Insurance binders and insurance applications are generally valid for thirty (30) days from the date of issuance. If the Debtor files a binder and/or application as evidence of the insurance, a copy of the policy must be filed with the Bankruptcy Clerk's Office prior to the expiration date of the binder/application.
4. If a notice of cancellation or of non-renewal is given on any of the Debtor's insurance policies, or the Debtor chooses not to renew any policy, the Debtor shall notify the Bankruptcy Administrator in writing no later than three (3) days after receipt of the notice or after deciding not to renew.

#### **J. INVENTORY**

If the Debtor has not filed a detailed list of property on Schedule B to its petition, the Debtor must file a list of property with the Bankruptcy Clerk's Office no later than the timeframe set forth in the Order on the *Debtor's Motion to Extend Deadline to File Schedules or Provide Required Information* (court document #2).

#### **K. COPIES TO THE BANKRUPTCY ADMINISTRATOR**

The Debtor shall provide the Bankruptcy Administrator with copies of all motions to employ professionals, all applications for compensation and expenses, and all plans and disclosure statements.

#### **L. INSPECTION OF PROPERTY AND RECORDS**

The Debtor shall permit the Bankruptcy Administrator reasonable inspection of its premises, properties, books and records.

#### **M. FINANCIAL REPORTS**

The Debtor shall file the operating reports that are attached to this Order according to this schedule:

| <b><u>DEBTOR</u></b>                                      | <b><u>FILE FORMS</u></b>          | <b><u>PERIOD</u></b> |
|---|-----------------------------------|----------------------|
| 1. Individuals<br>Not in Business                         | Individual BA-01                  | Monthly              |
|   | Individual BA-02                  | Monthly              |
|   | Bank Reconciliation Sheet         | Monthly              |
| 2. Individuals in<br>Business (Sole<br>Proprietorship)    | Business BA-01                    | Monthly              |
|   | Individual BA-02                  | Monthly              |
|   | Business BA-02                    | Monthly              |
|   | (with attachments<br>2(A) - 2(D)) |                      |
|   | Business BA-03                    | Monthly              |
|   | (with attachment<br>3(A))         |                      |
|   | Bank Reconciliation Sheet         | Monthly              |
| 3. Partnerships,<br>Corporations<br>and Joint<br>Ventures | Business BA-04                    | Quarterly            |
|   | Business BA-05                    | Quarterly            |
|   | Business BA-01                    | Monthly              |
|   | Business BA-02                    | Monthly              |
|   | (w/attachments<br>2(A) - 2(D))    |                      |
|   | Business BA-03                    | Monthly              |
|   | (w/attachment 3(A))               |                      |
|   | Bank Reconciliation Sheet         | Monthly              |
|   | Business BA-04                    | Quarterly            |
|   | Business BA-05                    | Quarterly            |
|   |                                   |                      |

It is not required that a debtor change its accounting methods, however, it is absolutely necessary that the information filed in the operating reports contain the figures based on a **cash accounting**. The operating reports can not be prepared on an accrued, projected or anticipated basis. The reports should be prepared using information from the actual checkbook or check ledger.

The Bankruptcy Administrator may adjust, as he deems necessary, the content of these forms and which forms should be filed by this debtor.

The required operating reports should be filed with the **Bankruptcy Clerk's Office** according to this time schedule:

**Forms for Month Ending**

January 31  
February 28  
March 31  
April 30  
May 31  
June 30  
July 31  
August 31  
September 30  
October 31  
November 30  
December 31

**File with the Clerk on or Before**

February 15  
March 15  
April 15  
May 15  
June 15  
July 15  
August 15  
September 15  
October 15  
November 15  
December 15  
January 15

**Forms for Quarter Ending**

March 31  
June 30  
September 30  
December 31

**File with the Clerk on or Before**

April 15  
July 15  
October 15  
January 15

**N. DEBTOR COUNSELING**

The U.S. Small Business Administration sponsors or coordinates centers throughout the State of Alabama which offer free financial counseling. If the Bankruptcy Administrator determines that the Debtor qualifies for and would benefit from such counseling, he may require the Debtor to meet with a representative of one of these centers and may require the Debtor to report to the Clerk of Court that there was a meeting.

**O. 120 DAY REPORT**

On or before 120 days after this case was filed, the Debtor shall file either a plan or disclosure statement. If the Debtor does not file either within 120 days, it shall file on the 120th day a report to the Court explaining why a plan or disclosure statement has not been filed, and shall describe what preparations are being undertaken to file those documents, and shall specify a date when each will be filed.

#### **P. 90 DAY STATUS CONFERENCE**

The Debtor and the Debtor's attorney shall appear before the Court for a status conference on **May 23, 2019 at 1:30 p.m.** to advise the Court on the status of the case by providing information including, but not limited to, the following matters:

1. Whether Disclosure Statement and Plan will be filed by 120 day deadline (See Item O of this Order);
2. Nature of plan anticipated;
3. Administrative expenses incurred to date (for example, post-petition taxes, operating expenses, professional fees, and so forth);
4. Current status of funds and post-petition profit/loss status; and
5. Status of post-petition payments to secured creditor(s).

#### **Q. DESIGNATED PERSON FOR CORPORATION**

It appearing that the Debtor is not a natural person, Justin Funk, who executed the petition, is designated pursuant to Bankruptcy Rule 9001(5) the person to perform the acts and duties required of the Debtor by the Bankruptcy Code and Rules.

#### **R. POST CONFIRMATION REPORTS**

If a plan of reorganization is confirmed, the Debtor may discontinue filing operating reports BA-01 to BA-05. In most cases, however, the Debtor shall complete and file the post confirmation report with the Bankruptcy Clerk's Office on the 15th day of every month following confirmation. That report shall be filed on Form No. BA-06.

#### **S. MISCELLANEOUS PROVISIONS**

1. References in this Order to "Bankruptcy Administrator" include persons the Bankruptcy Administrator may designate.
2. All documents to be filed with or served on the Bankruptcy Administrator shall be delivered to the Bankruptcy Administrator divisional office where the case is pending.
3. All documents to be filed with or served on the Bankruptcy Clerk shall be delivered to the divisional office of the Clerk where the case is pending.
4. All references to gender in this Order shall be construed as neutral. If the Debtor is not an individual, the responsible party is designated as the representative who signed the original petition unless otherwise designated by the Court.
5. The Debtor shall provide the chairperson of any committee appointed by the Court in this case copies of all documents required to be filed with or served on the Bankruptcy Administrator or the Bankruptcy Clerk.
6. The Debtor shall comply fully with the requirements in the Director's Bankruptcy Administrator Guidelines provided with this Order.

#### **T. MODIFICATION OF REPORTS**

The Bankruptcy Administrator may modify the Financial/Operating Report forms required by this Order when requested by the Debtor in writing. The Bankruptcy Administrator must respond in writing to the Debtor's request. Both documents must be filed in the Clerk's Operating Reports file for this case. Any interested party may appeal any modification to the Bankruptcy Court.

This Order does not relieve the Debtor of any requirements of the Bankruptcy Code or Bankruptcy Rules.

**DONE** this the 4th day of February, 2019.

/s/ JENNIFER H. HENDERSON  
UNITED STATES BANKRUPTCY JUDGE

cc: Debtor – SouthFresh Aquaculture, LLC  
Debtor's Attorneys – Wesley Ryan Bulgarella, Jayna Partain Lamar, J. Leland Murphree, Evan Nicholas Parrott, Ryan David Thompson  
Internal Revenue Service

Order Prepared By: Rachel L. Webber, Assistant U. S. Bankruptcy Administrator, 2005 University Boulevard, Suite 1300, Tuscaloosa, AL 35401, Telephone: (205) 561-1690, Email: rachel\_webber@alnb.uscourts.gov

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                               |   |                            |
|-------------------------------|---|----------------------------|
| <b>IN RE:</b>                 | ) | <b>BANKRUPTCY CASE NO.</b> |
|                               | ) |                            |
| <b>PETTUS PROPERTIES, LLC</b> | ) | <b>19-80926-CRJ-11</b>     |
|                               | ) |                            |
| <b>DEBTOR(s).</b>             | ) | <b>CHAPTER 11</b>          |

**CHAPTER 11 OPERATING PROCEDURES**

**A. MEETING WITH THE BANKRUPTCY ADMINISTRATOR**

The debtor shall meet with the Bankruptcy Administrator *at a Date and Time established by the Bankruptcy Administrator.*

Date: April 16, 2019  
Time: 1:30 pm  
Place: Seybourn H. Lynne Federal Building  
400 Well Street, Cain Street Entrance  
Room 236  
Decatur, AL 35601

**B. BOOKS AND RECORDS**

1. New books and records must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of these Procedures, unless otherwise ordered by this Court. The debtor must then close all of its old books and records, reconciled as of the day preceding the filing of the bankruptcy petition.
2. A schedule of all depreciable assets shall be provided to the Bankruptcy Administrator *no later than the date of the scheduled meeting with the Bankruptcy Administrator.* The schedule should include:
  - a. A description of the asset;
  - b. Method of depreciation;
  - c. Serial number;
  - d. Date purchased;
  - e. Useful life;
  - f. Purchase price;

- g. Accumulated depreciation; and
- h. Scrap value.

### **C. NEW BANK ACCOUNTS**

Necessary new bank accounts must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of these Procedures, unless otherwise ordered by this Court. The debtor must then close all old bank accounts, reconciled as of the day preceding the filing of the bankruptcy petition.

When new accounts are set up:

The words "Chapter 11 Debtor-In-Possession - Bankruptcy Case No. 19-80926-CRJ-11 ," must be written on all account signature cards.

### **D. PROOF OF NEW BANK ACCOUNTS**

When the debtor opens a new account, the debtor must file the following items with the Bankruptcy Clerk's Office *no later than the date of the scheduled meeting with the Bankruptcy Administrator*:

1. The first check from the new account;
2. A copy of a signature card for every account in use after the date of filing the bankruptcy petition bearing the words "Chapter 11 Debtor-In-Possession - Bankruptcy Case No. 19-80926-CRJ-11;" and
3. A reconciled bank statement for every account in use before the filing of the bankruptcy petition.

### **E. BANK ACCOUNT INSURANCE OR COLLATERAL**

The Federal Deposit Insurance Corporation (FDIC) insures its depositors (here Debtors-in-Possession) for \$250,000. This maximum amount is applied to each depositor by each insured institution. It does not apply to each account. Therefore, insurance is not increased merely by dividing funds among different accounts in the same institution.

If the debtor-in-possession has one or more accounts in any single institution where the total amount on deposit exceeds \$250,000, the debtor-in-possession must either open another account in a separate bank or require from the institution holding these funds a bond or the deposit of securities with the Federal Reserve Bank, equal to the difference in the amount on deposit and \$250,000 as required by 11 U.S.C. § 345. This should be done by the debtor immediately. Form No. BA-40(11), attached to these Procedures, should be used to complete this process. After the depository

completes the form, it must be filed with the Bankruptcy Clerk's Office.

#### **F. BANK STATEMENTS**

The debtor-in-possession must file with the Bankruptcy Clerk's Office a copy of its monthly bank statement, or statements if it has more than one account. The statement must be filed along with the Chapter 11 operating reports described in Paragraph K on a monthly basis and must be the statement for the month covered by the monthly operating reports. If the debtor does not receive its statement from its bank by the 15<sup>th</sup> day of the month so that the debtor is able to file it with the operating reports, the statement must be filed by the last working day of that month.

#### **G. POST-PETITION TAXES, PAYROLL ACCOUNTS, AND LICENSES**

1. Within three work days after each regular payroll period, the debtor is required to pay to the Internal Revenue Service withheld or collected taxes in the form of a Federal Tax Deposit.
2. Within three work days after each regular quarterly period, the debtor is required to pay to the Internal Revenue Service the federal unemployment tax in the form of a Federal Tax Deposit.
3. If the debtor is an individual required to make quarterly tax estimate payments, those payments should be made when due.
4. State and local sales taxes will be paid to the taxing authorities per their existing regulations in a timely manner.
5. The debtor shall keep current all business licenses and permits and shall furnish the Bankruptcy Administrator with copies of the current licenses and provide copies of all renewed licenses as they are renewed.

#### **H. INSURANCE**

1. The debtor shall insure all business-related property of the estate which would customarily be insured in the business engaged in by the debtor or non-business property which would customarily be insured by the debtor or persons in circumstances similar to those of the debtor in the area where the property is kept or utilized. If insurance is not maintained on property of a substantial value, the debtor must file a verified statement explaining why the asset is uninsured and serve a copy of the statement on each creditor who has a security interest in the uninsured property, if any. If workers' compensation insurance is required by law, the debtor shall maintain said insurance in full force and effect.

2. *By the date of the scheduled meeting with the Bankruptcy Administrator, the debtor shall file with the Bankruptcy Clerk's Office copies of all of its insurance policies or a list of all of its insurance policies. If a list is filed, each policy should be described to include:*
  - a. Policy number;
  - b. Name of the insured;
  - c. A general description of the property insured;
  - d. The beneficiary;
  - e. Name and address of the insuring agent;
  - f. Amount of coverage;
  - g. Type of insurance;
  - h. Date of expiration;
  - i. Amount of premium;
  - j. Insurance carrier; and
  - k. Premium due date.
3. If a notice of cancellation or of non-renewal is given on any of the debtor's insurance policies, or the debtor chooses not to renew any policy, the debtor shall notify the Bankruptcy Administrator in writing no later than three days after receipt of the notice or after deciding not to renew.

#### **I. COPIES TO THE BANKRUPTCY ADMINISTRATOR**

The debtor shall provide the Bankruptcy Administrator with copies of motions to employ professionals, applications for compensation and expenses, and all plans and disclosure statements.

#### **J. INSPECTION OF PROPERTY AND RECORDS**

The debtor shall permit the Bankruptcy Administrator reasonable inspection of its premises, properties, books, and records.

#### **K. FINANCIAL REPORTS**

A debtor-in-possession shall file with the Clerk, not later than the 15<sup>th</sup> day of the next succeeding month, an operating report for each month or part of a month after the entry of an order for relief under Chapter 11, Title 11, of the United States Code, which accurately reflects, in reasonable detail, the business transacted by the debtor and the results thereof and the condition of the bankruptcy estate and its assets.

A debtor-in-possession shall file with the Clerk, not later than the 15<sup>th</sup> day of the month following each calendar quarter, a similar report for the immediately preceding quarter or part of a



quarter after entry of such order for relief.

By the 15<sup>th</sup> day of each month following entry of an order confirming a Chapter 11 plan, the debtor shall file with the Clerk a report for the preceding calendar month showing the steps taken toward consummation of the plan and any failure(s) by the debtor to comply with the terms of the plan, and as soon as is reasonably practicable and appropriate the debtor shall file with the Clerk a motion for a final decree, as provided for in Bankruptcy Rule 3022.

The Bankruptcy Administrator may prescribe suitable forms for obtaining this information, giving consideration to clarity and simplicity.

#### **L. 120 DAY REPORT ON PLAN**

If a plan of reorganization has not been filed, the debtor-in-possession shall file on the 120<sup>th</sup> day after the order for relief in a Chapter 11 case, a report to the Court explaining why a plan and disclosure statement have not been filed, and shall describe what preparations are being undertaken to file those documents, and shall specify a date when they will be filed.

#### **M. STATUS CONFERENCE**

Status conferences may be set by the Bankruptcy Administrator with the debtor in the Bankruptcy Administrator's office for reviews and clarifications of financial reports, bank statements, tax payments, licenses, permits, and insurance coverage of the debtor.

#### **N. MISCELLANEOUS PROVISIONS**

1. References in these Procedures to "Bankruptcy Administrator" include persons the Bankruptcy Administrator may designate.
2. All documents to be filed with or served on the Bankruptcy Administrator shall be delivered to the Bankruptcy Administrator divisional office where the case is pending.
3. All documents to be filed with or served on the Bankruptcy Clerk shall be delivered to the divisional office of the Clerk where the case is pending.
4. The debtor shall provide the chairperson of any committee appointed by the Court in this case copies of all documents required to be filed with or served on the Bankruptcy Administrator or the Bankruptcy Clerk.

These Procedures do not relieve the debtor of any requirements of the bankruptcy statutes or Bankruptcy Rules.

Respectfully submitted on this the 8th day of April, 2019.

J. THOMAS CORBETT  
United States Bankruptcy Administrator for the  
Northern District of Alabama

BY: /s/ Richard M. Blythe  
Richard M. Blythe  
Assistant U.S. Bankruptcy Administrator  
Alabama. Bar ID: ASB-3199-B52R

OF COUNSEL:  
United States Bankruptcy Administrator  
Northern District of Alabama  
Seybourn H. Lynne Federal Building  
Post Office Box 3045  
400 Well Street NE, Room 236  
Decatur, Alabama 35602  
(256) 340-2740

**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2019 I have served a copy of the foregoing on the parties listed below by depositing the same in the United States Mail, postage prepaid and properly addressed, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4. of the Court's Administrative Procedures.

/s/ Richard M. Blythe  
Richard M. Blythe  
Assistant U.S. Bankruptcy Administrator

Stuart M. Maples  
Maples Law Firm PC  
200 Clinton Ave West, Suite 1000  
Huntsville, AL 35801

Patricia Pettus  
Pettus Properties, LLC  
PO Box 37  
Hartselle, AL 35640

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**In re:**

**PETTUS PROPERTIES, LLC**

Debtor(s)

}  
}  
}  
}  
}  
}

**Case No: 19-80926-CRJ-11**

**CHAPTER 11**

**ORDER ON CHAPTER 11 OPERATING PROCEDURES**

The Bankruptcy Administrator having filed a Notice of Chapter 11 Operating Procedures and the Court having considered the pleading,

**It is therefore ORDERED, ADJUDGED and DECREED** that any objection to the Chapter 11 Operating Procedures must be filed in writing with the Bankruptcy Clerk's Office within seven calendar days of the date of this Order. Any objection must state with specificity the provision or provisions of the Chapter 11 Operating Procedures to which the objection relates. All provisions of the Chapter 11 Operating Procedures not objected to will become effective on the eighth day following the date of this Order and shall be complied with by the Debtor. If any such written objection is filed, the Clerk will set the objection for hearing and send out notice.

Dated this the 9<sup>th</sup> day of April, 2019.

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                        |   |                          |
|------------------------|---|--------------------------|
| In the Matter of:      | } |                          |
| PETTUS PROPERTIES, LLC | } | CASE NO. 19-80926-CRJ-11 |
|                        | } |                          |
|                        | } | CHAPTER 11               |
| Debtor                 | } |                          |

**ORDER SETTING DEADLINE TO FILE CHAPTER 11 PLAN AND DISCLOSURE  
STATEMENT AND SETTING BAR DATE FOR FILING CLAIMS**

On April 15, 2019, a Status Conference was held in this case pursuant to 11 U.S.C. ' 105(d) to discuss the expeditious and economical resolution of this case, including scheduling deadlines. Appearing at the hearing were Stuart Maples, Esq., counsel for the Debtor, and Richard Blythe, Esq., counsel for the Bankruptcy Administrator.

At the Status Conference, discussion was had regarding the procedural status of the case, and suggestions were solicited regarding a realistic, reasonable deadline for the Debtor to file a Disclosure Statement and Plan, and a reasonable bar date for filing claims. Based upon the foregoing,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

1. Pursuant to Bankruptcy Rule 3016(b), the deadline to file the Debtor's Chapter 11 Plan and Disclosure Statement is fixed as **Wednesday, July 31, 2019, by 5:00 p.m., CDT.**
2. Pursuant to Bankruptcy Rule 3003(c), the deadline for all creditors to file a Proof of Claim is **Monday, July 15, 2019, by 5:00 p.m., CDT.**
3. Counsel for the Debtor is directed to immediately give notice of the Claims Bar Date by mailing a copy of this Order to the Debtor, all creditors, governmental units, Richard Blythe for the Bankruptcy Administrator's office, and all parties requesting notice.

Dated this the 15<sup>th</sup> day of April, 2019.

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr.  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

|  |   |                     |
|--|---|---------------------|
| IN RE:   | ) | BANKRUPTCY CASE NO. |
|  | ) |                     |
| PINEY WOODS RESOURCES, INC. et al., <sup>1</sup> | ) | 19-01390-DSC11      |
|  | ) |                     |
| Debtor(s)  | ) |                     |

**CHAPTER 11 OPERATING ORDER**

This Order affects your legal rights. You may object to it. If you choose to object, you must do so in writing within seven days of the date this Order was signed. All objections must be filed with the Bankruptcy Clerk's Office. All requirements in the Order not objected to will become effective on the eighth day following the date this Order was signed. If any such written objections are filed, the Clerk will set the hearing and send out notice.

On the effective day of this Order, the Debtor is **ORDERED** to comply with the following:

**A. MEETING WITH THE BANKRUPTCY ADMINISTRATOR**

The Debtor and the Debtor's attorney shall meet with the Bankruptcy Administrator:

Date: **May 9, 2019**  
Time: **10:00 am**  
Location:  
Office of the Bankruptcy Administrator  
Northern District of Alabama, Northern Division  
Robert S. Vance Courthouse  
1800 Fifth Avenue North, Ste. 326  
Birmingham, Alabama 35203

**B. BOOKS AND RECORDS**

New books and records must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The Debtor must then close all of its old books and records and reconcile as of the day preceding the filing of the bankruptcy.

**C. NEW BANK ACCOUNTS**

Except as otherwise ordered in the Interim Order (I) Authorizing The Debtors to (A) Continue to Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Relating

---

<sup>1</sup> The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal identification number, include: Piney Woods Resources, Inc. (0129) and Jesse Creek Mining, LLC (0533). The location of the debtors' service address is: 1615 Kent Dairy Road, Alabaster, Alabama 35007.

Thereto, and (C) Maintain Existing Business Forms; and (II) Granting Related Relief (Doc. 41), necessary new bank accounts must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The Debtor must then close all old bank accounts and reconcile as of the day preceding the filing of the bankruptcy, and further provide the Bankruptcy Administrator with copies of bank statements for the six months preceding the filing date of the petition.

When new accounts are set up:

1. The words "Chapter 11, Debtor-in-Possession - Bankruptcy Case No. \_\_\_\_\_" must be written on all account signature cards; and
2. all old accounts must be balanced, reconciled, and closed.

#### **D. PROOF OF NEW BANK ACCOUNTS**

Except as otherwise ordered, when the Debtor opens a new account, it must file with the Bankruptcy Clerk's Office no later than the date set out in paragraph A:

1. The first check from the new account;
2. a copy of a signature card for every account in use after the date of filing the bankruptcy petition bearing the words "Chapter 11 Debtor-in-Possession - Bankruptcy Case No.\_\_\_\_,"\_and
3. a reconciled bank statement for every account in use before the filing of the bankruptcy petition.

#### **E. BANK COLLATERALIZATION**

The Federal Deposit Insurance Corporation (FDIC) insures its depositors (here Debtors-in-Possession) for \$250,000. This maximum amount is applied to each depositor by each insured institution. It does not apply to each account. Therefore, insurance is not increased merely by dividing funds among different accounts in the same institution.

Except as otherwise ordered, if the Debtor-in-Possession has one or more accounts in any single institution where the total amount on deposit exceeds \$250,000, the Debtor-in-Possession must either open another account in a separate bank or require from the institution holding these funds a deposit of securities with the Federal Reserve Bank, equal to the difference in the amount on deposit and \$250,000. This should be done by the Debtor immediately. Form BA-40(11), attached to this Order, should be used to complete this process. After the depository completes the form, it must be filed in duplicate with the Bankruptcy Clerk's Office.

## **F. BANK STATEMENTS**

The Debtor-in-Possession must file with the Bankruptcy Clerk's Office a copy of all monthly bank statements. The statements must be filed along with the Chapter 11 operating reports described in Paragraph "L" on a monthly basis and must be the statements for the month covered by the monthly operating reports. If the Debtor does not receive its statements from its bank by the 15th of the month so that the Debtor is able to file them with the operating reports, the operating reports must be filed by the 15th and the bank statements must be filed by the last working day of that month.

## **G. TAX AND PAYROLL ACCOUNTS**

1. Within three workdays after each regular payroll period, the Debtor is required to pay to the Internal Revenue Service withheld or collected taxes in the form of a Federal Tax Deposit. All tax deposits must be confirmed by attaching Form 6123, Verification of Fiduciary's Federal Tax Deposit, to each monthly operating report.
2. Within three workdays after each regular quarterly period, the Debtor is required to pay to the Internal Revenue Service the federal unemployment tax in the form of a Federal Tax Deposit.
3. If the Debtor is an individual required to make quarterly tax estimate payments, those payments should be made when due as well as all other applicable taxes.
4. All other taxes should be paid when due.

## **H. INSURANCE**

1. The Debtor shall insure all of its properties for loss caused by fire, theft, liability, collision and casualty, and, if required, workmen's compensation.
2. By the date set out in paragraph A, the Debtor shall file with the Bankruptcy Clerk's Office copies of all of its insurance policies or certificates or a list of all of its insurance policies. If a list is filed, each policy should be described to include:
  - a. policy number;
  - b. name of the insured;
  - c. a general description of the property insured;
  - d. the beneficiary;
  - e. name and address of the insuring agent;
  - f. amount of coverage;
  - g. type of insurance;
  - h. date of expiration;
  - I. amount of premium;

- j. insurance carrier;
  - k. premium due date.
3. If a notice of cancellation or of non-renewal is given on any of the Debtor's insurance policies, or the Debtor chooses not to renew any policy, the Debtor must notify the Bankruptcy Administrator in writing no later than three days after receipt of the notice or after deciding not to renew.

## I. INVENTORY

If the Debtor has not filed a detailed list of property on Schedule B to its petition, the Debtor must file a list of all property with the Bankruptcy Clerk's Office no later than the date in Paragraph A.

## J. COPIES TO THE BANKRUPTCY ADMINISTRATOR

The Debtor shall provide the Bankruptcy Administrator with copies of motions to employ professionals, applications for compensation and expenses, and all plans and disclosure statements.

## K. INSPECTION OF PROPERTY AND RECORDS

The Debtor shall permit the Bankruptcy Administrator reasonable inspection of its premises, properties, and books and records.

## L. FINANCIAL REPORTS

The Debtor shall file the operating reports that are attached to this Order as well as all internally and externally generated financial statements according to this schedule:

| <u>DEBTOR</u>                                    | <u>FILE FORMS</u>  | <u>PERIOD</u>   |
|--|--|---|
| 1. Individuals not in Business                   | Individual BA-01<br>Individual BA-02   | Monthly<br>Monthly                                      |
| 2. Individuals in Business (Sole Proprietorship) | Individual BA-01<br>Individual BA-02<br>Business BA-01<br>Business BA-02<br>[with attachments 2(A) - 2(D)]<br>Business BA-03 | Monthly<br>Monthly<br>Monthly<br>Monthly<br><br>Monthly |



|  |  |         |
|--|--|---------|
|  | [with attachment<br>3(A)]<br>Business BA-04      | Monthly |
| Partnerships,<br>Corporations<br>and Joint<br>Ventures | Business BA-01                                   | Monthly |
|  | Business BA-02                                   | Monthly |
|  | [w/attachments<br>2(A) - 2(D)]<br>Business BA-03 | Monthly |
|  | [w/attachment 3(A)]<br>Business BA-04            | Monthly |
|  |  |         |

The Bankruptcy Administrator may adjust, as he deems necessary, the content of these forms and which forms should be filed by this debtor.

**AN ORIGINAL AND A COPY** (the copy will be forwarded by the Clerk to the Bankruptcy Administrator's Office) of the required operating reports should be filed with the **CLERK'S OFFICE** (**not the Bankruptcy Administrator's Office**) as set out below:

U.S. Bankruptcy Court  
Bankruptcy Clerk  
Robert S. Vance Federal Building  
1800 Fifth Avenue North  
Birmingham, Alabama 35203

#### **M. DEBTOR COUNSELING**

The U.S. Small Business Administration sponsors or coordinates centers throughout the State of Alabama which offer free financial counseling. If the Bankruptcy Administrator determines that the Debtor qualifies for and would benefit from such counseling, he may require the Debtor to meet with a representative of one of these centers and may require the Debtor to report to the Clerk of the Court that there was a meeting.

#### **N. 120 DAY REPORT**

On or before 120 days after the commencement of this case, the Debtor-in-Possession shall file a plan and disclosure statement. If the Debtor does not file these documents within 120 days, it shall file on or before the 120th day a report to the Court explaining why a plan and disclosure statement have not been filed and shall describe what preparations are being undertaken to file those documents and shall specify a date when the plan and disclosure statement will be filed.

## **O. POST CONFIRMATION REPORTS**

If a plan of reorganization is confirmed, the Debtor can discontinue filing operating reports BA 1-5 in most cases, however, the Debtor shall complete and file a post confirmation report with the Bankruptcy Clerk's Office, in duplicate, on the 15th day of every month following confirmation. That report shall be filed on Form No. BA-06 as attached to this Order.

## **P. MISCELLANEOUS PROVISIONS**

1. References in this Order to "Bankruptcy Administrator" include persons the Bankruptcy Administrator may designate.
2. All documents to be filed with or served on the Bankruptcy Administrator shall be delivered to the Bankruptcy Administrator divisional office where the case is pending.
3. All documents to be filed with or served on the Bankruptcy Clerk shall be delivered to the divisional office of the Clerk where the case is pending.
4. All references to gender in this Order shall be construed as neutral. If the Debtor is not an individual, a responsible party shall be designated.
5. The Debtor shall provide the Chairperson of any committee appointed by the Court in this case copies of all documents required to be filed with or served on the Bankruptcy Administrator or the Bankruptcy Clerk.

This Order does not relieve the Debtor of any requirements of the Bankruptcy Code or Bankruptcy Rules.

**DONE AND ORDERED** the 11<sup>th</sup> day of April, 2019.

/s/ D. Sims Crawford  
D. SIMS CRAWFORD  
United States Bankruptcy Judge