

A. Scope of Rule. This rule applies to the Internal Revenue Service and its action, in the ordinary course of business, to offset pre-petition tax refunds owed to the debtor against the pre-petition income tax liabilities owed by a debtor in Chapter 7 and 13 cases.

B. Motion for Relief from the Automatic Stay Not Necessary. The automatic stay afforded by § 362 shall be modified without motion, notice or hearing in Chapter 7 and 13 cases 45 days after the order for relief is entered in such cases for the sole purpose of allowing the Internal Revenue Service to offset any pre-petition tax debts in accordance with 26 U.S.C. § 6402, unless the debtor or another party in interest files an objection within said 45-day period to any proposed or anticipated setoff and requests a hearing.

Rule 4001-4. Automatic Stay - Mortgage Statement Not a Violation of the Stay

A periodic statement of account sent by a mortgage creditor in the ordinary course of business to a debtor in a pending Chapter 13 case shall not be deemed a violation of the automatic stay so long as it does not include a demand for payment. The statement may include a coupon or other payment for the debtor's use in making the periodic payment(s) on the account.

Rule 4002-1. Duties of Debtor

A. Request. Within 14 days after a trustee requests information at the § 341 meeting or in writing, debtor shall: 1) serve on the trustee a response with the information; or 2) file and serve an objection with specific grounds and a copy of the trustee's request, and request a conference or hearing. Parties shall file these items only if an objection is filed or the response is an amendment to pleadings such as schedules.

B. Copies. Debtor's counsel shall promptly provide to interested parties on request copies of schedules and similar pleadings filed with the Court. If the items are not required to be served, counsel may charge a reasonable amount for copying and mailing.

C. Collateral Inspection. Debtor shall grant a secured creditor's reasonable request to inspect collateral without motion. If the request is made in preparation for a hearing, the inspection shall be permitted within five days of such request and, in any event, not less than two days prior to the hearing.

Rule 4003-1. Garnishments

A. Pre-petition Garnishments/Lien Avoidance. Pre-petition property of a debtor subject to a writ of garnishment may be subject to a claim of exemption. If so, debtor's counsel may file a motion to avoid the garnishor's lien, pursuant to § 522(f), and serve the motion upon garnishor (or the garnishor's counsel, if known), the trustee, and the United States Trustee.