

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF WEST VIRGINIA
UNITED STATES COURTHOUSE
500 QUARRIER STREET, ROOM 2201
CHARLESTON, WEST VIRGINIA 25301

SAMUEL L. KAY
CLERK

TELEPHONE: 304-347-5114

MAILING ADDRESS:
P. O. BOX 3924
CHARLESTON, WV 25339

April 2, 1993

MEMORANDUM

To: Bankruptcy Bar
From: Samuel L. Kay *SLK*
Subject: Notice of Services to be Transferred
to Chapter 7 Trustees, DIP's and Others.

Congress substantially reduced funding of the United States Courts for the fiscal year ending September 30, 1993. Funding for this clerk's office has been reduced to 80% of its 1992 expenditures and it does not appear that funding will be substantially increased in the near future. Therefore, to permit me to maintain an acceptable level of services to the public and provide noticing services for no-asset chapter 7 cases, as of April 26, 1993, and pursuant to general order of this Court, the following actions will be taken:

-Orders from hearings routinely will be mailed only to those parties who state their appearance for the record at hearings. Copies will be provided to other parties by request and upon payment of the statutory fee of \$0.50 per page as required by the Judicial Conference of the United States under 28 U.S.C. § 1930.

-Chapter 11 Debtors in Possession will usually be required to give notice when notice is required by the Bankruptcy Rules and Local Rules of this Court.

Chapter 7 estates with substantial assets may be required to employ a third-party notice service.

-Counsel for the debtors in Chapter 7 and Chapter 13 cases where the 341(a) meeting is continued after the initial meeting notice is mailed will be required to mail notice of the new date and time for the rescheduled meeting to all creditors.

-Creditors will be required to mail notices of abandonment when abandonment is requested in no-asset chapter 7 cases before the closing of the case. Keep in mind that in most instances chapter 7 cases are now closed within 120 days of filing and this prompt closure should eliminate abandonment concerns in most cases.

-In adversary proceedings Plaintiffs or the moving party may be required to give notice if a hearing is required and if notice is to go to more than three (3) parties.

In all cases the clerk's office will provide counsel and parties required to give notice a copy of the order or notice to be mailed, addresses of parties to receive notice, a certificate of service and instructions for mailing. Upon request, we will provide creditor addresses on mailing labels at the statutory fee of \$5.00 per page.

I will meet with any members of the bar and/or your staff who wish to discuss these changes at 9:30 am on Tuesday, April 20, in the Bankruptcy Courtroom in Charleston. If you plan to attend, please call my office prior to the meeting to give me a general idea about how many will be at the meeting. At this meeting I will discuss any concerns that you may have about performing the noticing, identify our plans for continuance of noticing to the extent we can do so and consider your requests to allow you to accept this new burden as orderly as possible.

Enclosed is a copy of the Court's General Order on noticing and a sample set of instructions for mailing notices. I regret that I am forced to take this extraordinary measure. Please feel free to advance your ideas at the meeting on April 20th.

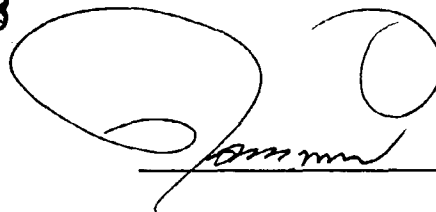
**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

**GENERAL ORDER GRANTING CLERK AUTHORITY TO DIRECT
PARTIES TO PROVIDE NOTICE UNDER THE BANKRUPTCY RULES**

Congress substantially reduced funding of the United States Courts for the fiscal year ending September 30, 1993. Funding for the Clerk's Office of this Court has been reduced to 80% of its 1992 expenditures. Therefore, to permit the Clerk to maintain an acceptable level of services to the public and provide noticing for no-asset chapter 7 cases while remaining within budget, it is

ORDERED GENERALLY, pursuant to Bankruptcy Rules 2002, 2015, 3004 and 9007, that the Clerk may direct parties to provide notice when notice is to be given under the Bankruptcy Rules as is outlined in the attached memorandum of April 2, 1993, from the Clerk.

ENTERED: APR 05 1993



JUDGE