

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re:

Retention by Chapter 13 Standing Trustee of Conventionally Filed Proofs of Claim in Chapter 13 Cases )  
)  
)  
) General Order No. 02-1  
)  
)

GENERAL ORDER AUTHORIZING CHAPTER 13 STANDING TRUSTEE TO  
RETAIN PROOFS OF CLAIM FILED IN CHAPTER 13 CASES

Pursuant to Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011 and 9029, and Local Bankruptcy Rule (LBR) 5005-1, the Court has established practices and procedures for the filing, signing, retaining and verification of pleadings and papers by electronic means; and

Federal Rule of Bankruptcy Procedure 5005(a)(2) provides that “A document filed by electronic means in compliance with a local rule constitutes a written paper for the purpose of applying these rules, the Federal Rules of Civil Procedure made applicable by these rules, and § 107 of the Code[;]” and

Local Bankruptcy Rule 5005-1(D) makes provision for the administration of written papers as provided for by electronic means and, at subdivision (D)(4) therein, includes the administration of proofs of claim (claim) filings; and

The Court’s Standing Order No. 01-6, at subparagraph II.C.3 therein, provides that “The Clerk of Court will scan in these documents, and the originals shall be retained until three (3) years after the closing of the case *unless the Court orders otherwise*” (emphasis added); and

Based on the foregoing, the Court finds that once a conventionally filed claim is scanned in by the clerk's office, through electronic means, the electronic version of the claim and any accompanying attachment(s) appended to such claim becomes a written paper thereby constituting a public record of this Court; and

There being a need to ensure that all conventionally filed claims are properly and appropriately retained, as otherwise provided for in subparagraph II.C.3. of Standing Order No. 01-6 or its successor order(s), the Court finds that in the interest of justice, it is proper and fitting to authorize and direct the Chapter 13 Standing Trustee serving in chapter 13 cases filed in the Richmond Division of the Court to effect custodial retention of all conventionally filed claims and any accompanying attachments thereto once such claims and any such attachments have been scanned in by the clerk's office, through electronic means:

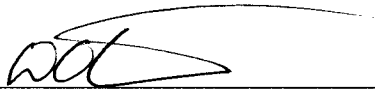
NOW, THEREFORE, IT IS ORDERED that:

1. The Clerk of Court shall implement a procedure giving effect to the custodial retention of claims by the Chapter 13 Standing Trustee, which may be modified, as required, by the Clerk
2. The Chapter 13 Standing Trustee shall maintain custodial retention of claims consistent with this order. In the event a chapter 13 case converts to another operating chapter of the Bankruptcy Code, the Chapter 13 Standing Trustee shall forward the claims in that converted case to the Clerk of Court in a manner consistent with the implementation procedure referenced in paragraph

1 above, unless the Clerk directs a different retention or disposition mechanism for the claims including continuing custodial retention by the Chapter 13 Standing Trustee.

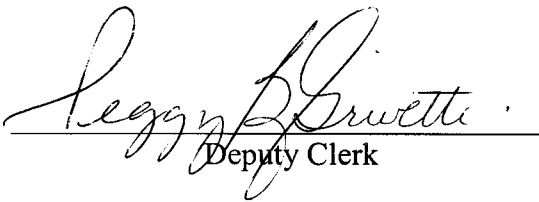
3. This order shall take effect on April 1, 2002, respecting all claims conventionally filed in chapter 13 cases assigned a lead case number digit of "6" and excluding those chapter 13 cases assigned a lead case number digit of "3."

Dated: March 26, 2002

  
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DOUGLAS O. TICE, JR.  
CHIEF JUDGE

## Certificate of Service

The undersigned Deputy Clerk of the U. S. Bankruptcy Court for the Eastern District of Virginia certifies that a copy of the General Order Authorizing Chapter 13 Standing Trustee to Retain Proofs of Claim filed in Chapter 13 Cases, attached hereto, was mailed by first class mail to Robert E. Hyman, Esquire, P. O. Box 1780, Richmond, VA 23218-1780, on March 26, 2002.

  
Deputy Clerk