



SOUTH CAROLINA BANKRUPTCY COURT UPDATE REGARDING CARES ACT

South Carolina Bankruptcy Court Adds New E-filing Events for CARES Act Forbearance Notices and Consent Orders:

Effective April 21, 2020, the United States Bankruptcy Court, District of South Carolina activated two (2) new CM/ECF events to accommodate the CARES Act as follows:

1. Notice of Forbearance Agreement – (CARES Act)

This e-filing event adds a PDF of a Notice of Forbearance or Forbearance Agreement to the case docket. By filing a document under this “event,” the following docket text entry is automatically generated:

Notice of Forbearance Agreement – (CARES Act) The attachment is filed for the purpose of **documenting and recording the agreement** between debtor(s) and (creditor name) and no further action will be taken by the Court as a result of the filing. **If the agreement alters any payment made or to be made by or through a trustee under the terms of a plan, appropriate modification of the plan by amendment, Motion and/or Consent Order (including trustee consent) is necessary.**

2. Proposed Consent Forbearance Order

This e-filing event allows the filing of a PDF of a proposed consent forbearance order for consideration by the assigned judge and, if signed and entered, will be docketed as a Consent Forbearance Order. *Creditor consent may be indicated on the proposed order, if appropriate, or by including a PDF that indicates creditor consent. A proposed consent forbearance order is appropriate if the relevant agreement between debtor(s) and creditor alters any payment made or to be made by or through a trustee under the terms of the plan and requires the consent of any case trustee, by indicating consent on the document or electronically thereafter.*

South Carolina Bankruptcy Court Adopts Operating Order 20-09:

This Operating Order, effective April 22, 2020, revises the existing Operating Order 20-02 relating to the Small Business Reorganization Act of 2019 (“SBRA”) to comply with the CARES Act. Interim Rule 1020 (which was included in Operating Order 20-02) is hereby revised as necessitated by the CARES Act. The amendment to the Bankruptcy Code by the CARES Act that required the amendment of Interim Rule 1020 will terminate one year after the date of enactment of the CARES Act. A link to Operating Order 20-09 is below.