

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
James J. Waldron, Clerk

FEBRUARY 2006



THIS NOTICE IS INTENDED TO ALERT NEW JERSEY CM/ECF USERS OF NEW DEVELOPMENTS AND HIGHLIGHT ISSUES THAT REQUIRE IMMEDIATE ATTENTION

REQUIRED OFFICIAL FORMS

Clerk's Office staff is NOT authorized to exempt any required official forms from the bankruptcy case opening process. The official forms below are among the required documents when filing a bankruptcy petition.

- Official Form 22A (*Statement of Current Monthly Income and Means Test Calculation*)
- Official Form 22B (*Statement of Current Monthly Income*)
- Official Form 22C (*Statement of Current Monthly Income and Disposable Income Calculation*)

Failure to file one of the required documents above will result in a *Deficiency Notice* regardless of the checkbox selection on page 1 of the petition in the section titled *Nature of Debts*. Failure to file the required document within 15 days will result in a dismissal of the case.

PROCEDURAL GUIDANCE: Parties may file an objection to the *Deficiency Notice* within the 15 day deficiency deadline period. The judge will determine whether or not the official form must be filed. When the official form is submitted separate from the petition package, e:filers must use the *Missing Documents Filed* event located in the *Miscellaneous Events* category.

LOCAL COURT FORMS

Several forms posted on our website are either new or have been modified. Please be sure to use the most current versions:

1. **ORDER FOR ADMISSION PRO HAC VICE** - Found under *Forms → Miscellaneous Forms*. This order was first modified on 12/9/05 to include language that imposes upon the out-of-state attorney a fee of \$150.00 payable to the Clerk, United States District Court (D.N.J. L.Civ.R 101(c)(3)). This order will be further modified and reposted on our website on 2/7/06 with additional language that directs mailing the check to the United States Bankruptcy Court. (See also the *Notice to the Bar* dated 1/4/06 and the *General Order* dated 1/4/06 posted on our website).
 - **PROCEDURAL GUIDANCE**: Checks are to be made payable to the Clerk, United States District Court, but must be mailed to the United States Bankruptcy Court * 50 Walnut Street * 3rd Floor * Newark, NJ 07102 * ATTN: Pro Hac Vice Admissions. Please include a copy of the order with the check.

2. **ORDER RE: CERTIFICATION OF EXIGENT CIRCUMSTANCES** - Found under *Forms → Miscellaneous Forms*. This order is new and reflects the judges' policy on extensions to file the Credit Counseling Certificate.
 - **PROCEDURAL GUIDANCE**: Parties filing a *Certification of Exigent Circumstances* will no longer receive an automatic 30 day extension. All *Certifications* will be forwarded to the appropriate judge for approval. If approved, the debtor has 30 days from the date of the filing of the petition to file a *Certificate of Credit Counseling*. If declined, the court may either require the *Certificate* within 15 days OR set the matter down for hearing.
 - **CM/ECF ERROR MESSAGE RE: CREDIT COUNSELING CERTIFICATES** - On January 9, 2006 the Executive Office of the US Trustee implemented a web-based certificate issuance system where approved credit counselors and debtor education providers download certificates. The court has been advised that certificates downloaded between January 9 and January 18 contain a security feature that may prevent the certificate from being uploaded to CM/ECF. The e:filer will receive an error message when attempting to upload one of these certificates. An immediate work around is to scan the certificate to a PDF image which CM/ECF will then accept. Please note that the security feature has now been removed from the certificates posted on the US Trustee's site.

3. **APPLICATION TO PAY FILING FEES IN INSTALLMENTS** - Found under *Forms* → *Miscellaneous Forms*. This form is an Official Form and was modified nationally to include language that the debtor will not make any additional payments or transfer any additional property to an attorney or any other person until the filing fee is paid in full.
4. **PROOF OF CLAIM** - Found under *Forms* → *Miscellaneous Forms*. This form was modified to conform with BAPCPA requirements effective 10/17/05.
5. **NATIONAL ARCHIVES REQUEST FOR COPIES** - Found under *Forms* → *Miscellaneous Forms*. This form was updated by NARA (National Archives and Records Administration). All copy requests must be submitted on this form.
6. The link to *New Fillable Bankruptcy Forms* found under the *Forms* link redirects the user to the *United States Trustee Program* site. This site contains Official Forms in different formats.

NEW AND/OR MODIFIED CM/ECF EVENTS

The *Missing Documents Filed* event, located in the *Miscellaneous Events* category, has been modified to include a checklist to select the document(s) you are filing in response to the court's *Deficiency Notice*. The documents below DO NOT appear in this checklist. If these documents are being filed in response to the court's *Deficiency Notice*, they must be filed using the events indicated:

- *Certificate of Credit Counseling* - use the event of the same name found in the *Misc. Events* category
- *Chapter 13 Plan and Motions* - use the event of the same name found in the *Plan* category
- *Chapter 11 Small Business Balance Sheet, Cash Flow Statement, Statement of Operations* - use the events of the same name found in the *Misc. Events* category
- *Chapter 11 Small Business Tax Return* - use *Tax Information* event found in the *Misc. Events* category. It is IMPORTANT to use this event to limit access to court staff only.
- *Chapter 15 Service List* - use the event of the same name found in the *Misc Events* category.

PREFERRED ADDRESS LIST

Please be advised that our court does not maintain a list of preferred addresses submitted pursuant to 11 U.S.C. § 342 or Fed. R. Bankr. P. 2002(g)(4). Further, no such list exists within the federal judiciary. However, the judiciary's noticing firm (BNC) updates each case's creditor list if it contains a creditor with a preferred address. To access the most accurate creditor list in CM/ECF:

- Click on **Utilities** on the blue menu bar
- Click on **Mailings**
- Click on **Creditor List**
- Enter your PACER login and password
- Enter a case number and click **Run Report**

A .pdf document will display containing that case's creditors and their addresses in a 3 column format which includes preferred addresses, if any. Please note that there is a charge of 8 cents per page. Users will NOT receive a transaction receipt due to a glitch in the system. This problem is currently being worked on.

The BNC also highlights preferred addresses on the *Certificate of Mailing* with ++.

MISCELLANEOUS ITEMS

The Bar is reminded that the proponent of a consent order must e:mail to the appropriate judge the consent order along with a separate document entitled *Certification of Consent*. The *Certification of Consent* must also be simultaneously e:filed pursuant to the *Commentary Supplementing Administrative Procedures* at page 15. It is not necessary to include the consent order as an attachment to the *Certification of Consent* in CM/ECF. This procedure should also be followed for Consent Orders in Lieu of Motions (DNJ L.B.R. 9013-1(j)).

NOTE - Some of our judges do not require the *Certification of Consent* to be included in the e:mail. Please check with the individual chambers for guidance.