

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

JULY 2009



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

CHAPTER 13 CHANGES EFFECTIVE 7/1/09

Please note that the forms and procedures relating to the **General Order Adopting Supplemental Chapter 13 Plan Provisions**, dated May 21, 2009, became effective July 1, 2009. Use of the newly revised **Chapter 13 Plan and Motions** is **mandatory** if filed with a new case or as a modified plan in a case filed prior to July 1, 2009. Failure to file the revised form Plan may result in the delayed processing of the debtor's case.

The following additional forms have been posted to the Court's internet site www.njb.uscourts.gov to implement the provisions of the General Order.

- **Notice of Fees, Expenses and Charges (Mandatory)**
- **Notice of Payment Change**

LOCAL RULE CHANGES EFFECTIVE 8/1/09

The following proposed Local Rule amendments will become effective August 1, 2009. The proposed revisions are currently posted on the Court's web site; see Notices to the Bar dated **May 7** and **June 22, 2009**. Complete revised rules will be posted on our web site on August 1st.

- D.N.J. LBR 1002-1 *Petition - General*
- D.N.J. LBR 2014-1 *Employment of Professionals and Liquidators*
- D.N.J. LBR 2016-1 *Compensation of Professionals*
- D.N.J. LBR 3011-1 *Unclaimed Funds*
- D.N.J. LBR 3015-1 *Chapter 13 Plan*
- D.N.J. LBR 7005-1 *Service and Filing of Pleadings and Other Papers - Electronic Case Filing System*
- D.N.J. LBR 7055-1 *Entry of Default and Default Judgment*
- D.N.J. LBR 7067-1 *Registry Fund*
- D.N.J. LBR 9013-1 *Motion Practice*
- D.N.J. LBR 9072-1 *Orders - Proposed*

The court wishes to bring to your attention the changes to D.N.J. LBR 3015-1 which are effective August 1, 2009. Specifically, if a Chapter 13 Plan contains motions, the **Plan** and the **Chapter 13 Plan Transmittal Letter** must be served on each potentially affected creditor with 20 days of the filed date of the court's *Notice of Hearing on Confirmation of the Plan*. Further, the debtor must file a Proof of Service simultaneously upon completion of service of the Plan and Transmittal Letter. Failure to comply with the requirements set forth in this rule may delay confirmation of the debtor's Plan.

REDACTION PROCEDURES

In accordance with Fed. R. Bankr.P. 9037(a), counsel, parties and others who make filings with the court must exercise their responsibility to redact Personal Data Identifiers from documents *before* filing with the court. Accordingly, the clerk is not required to review documents filed with the court for compliance with the rule.

On May 13, 2009 the Court entered a *General Order Governing Redaction Procedures Pursuant to 11 U.S.C. § 107(c) and Fed. R. Bankr. P. 9037*. This General Order applies to all documents filed with the Court, with the exception of transcripts (for information on the redaction of transcripts see the *General Order Governing Transcript Redaction Procedures Under Judicial Conference Policy* dated 8/29/07).

Under the General Order, parties who recognize that a document filed with the Court contains a **Personal Identifier**¹ and wish to redact it shall notify the clerk's office by phone of the case number and the name of the document which contains the personal identifier. The Clerk's office shall immediately restrict access to the document. Within two (2) days of telephonic notice, the requesting party shall file a Motion for a Protective Order. Failure to do so will result in full access to the document being reinstated. If the Motion is granted, the movant shall provide the judge's Courtroom Deputy with a redacted version of the document within 10 days of the entry of the order. For a more detailed discussion of the Court's redaction procedure, please see the General Orders noted above.

¹ Personal Identifiers are defined as Social Security Numbers, Taxpayer Identification numbers, financial account numbers birth dates and the names of minor children.

**AMENDED GENERAL ORDER REGARDING NEGOTIATIONS
BETWEEN DEBTOR(S) AND MORTGAGE SERVICER(S)
TO CONSIDER LOAN MODIFICATIONS**

On July 24, 2009 and effective immediately the Court approved the above Amended General Order. Pursuant to the terms of the Order, the motion practice contemplated under the original *General Order Regarding Negotiations Between Debtors and Mortgage Servicer(s) to Consider Loan Modification* dated May 20, 2009, has been modified. The **Amended General Order** provides that prior to consummation of a loan modification agreement, the agreement must be presented for approval to the Court by motion, on fourteen days notice to the Standing Chapter 13 Trustee and to all creditors whose claims are secured by liens against the underlying real estate. A copy of the proposed loan modification agreement must accompany the motion. Unless an objection to the loan modification is served and filed with the court, an order may be entered approving the proposed loan modification, which will be effective as of the date on which the motion was filed. If a timely objection is filed, the court will schedule a hearing at the earliest opportunity.

For more detailed information, please see the Amended General Order posted on the Court's web site.

REVISED FORM

Please be advised that the Court's *Certification Re Post-Petition Payment History (Note and Mortgage)* was revised on June 5, 2009. Pursuant to D.N.J. LBR 4001-1(c)(3) the form must be filed with Motions for Relief From the Automatic Stay in Chapter 13 cases where the movant claims the debtor has failed to make all post-petition payments due under the terms of a mortgage, security interest or lease.