

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY

JAMES J. WALDRON, CLERK

NOVEMBER 30, 2010



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

EFFECTIVE DECEMBER 1, 2010, INTERIM BANKRUPTCY RULE 1007-I IS AMENDED TO PROVIDE THAT THE CURRENT 45 DAY TIME PERIOD, FROM THE DATE FIRST SET FOR THE MEETING OF CREDITORS, HAS BEEN EXTENDED TO 60 DAYS FOR INDIVIDUAL DEBTORS IN CHAPTER 7 CASES TO FILE THEIR STATEMENT OF COMPLETION OF THE PERSONAL FINANCIAL MANAGEMENT COURSE.

PLEASE NOTE THE FOLLOWING CHANGES:

Rule 1007 - Subsection (a) shortens to seven (7) days, the time within which a debtor must file a list of creditors after the entry of an order for relief in an involuntary case. Subsection (c) extends the time for individual chapter 7 debtors to file a Statement of Completion of a course in personal financial management to within 60 days after the first date set for the meeting of creditors.

Rule 1014 - Subsection (b) includes Chapter 15 cases in the procedure to be followed when petitions involving the same debtor or related debtors are filed in different courts.

Rule 1015 – Subsection (a) includes Chapter 15 cases in the procedure to be followed for consolidation when cases involving the same debtor are pending in the same court.

Rule 1018 – The rule is amended to reflect enactment of Chapter 15 of the Code in 2005.

Rule 1019 – Subsection (2)(A) is amended to provide, with some exceptions, a new time period for filing an objection to a claim of exemptions when a case is converted to Chapter 7.

Rule 4001 – Subsection (d)(2) includes a conforming amendment on the computation of time.

Rule 4004 – Subsection (a) is amended to include a new deadline for filing a motion [rather than complaint] objecting to a debtor's discharge under sections 727(a)(8), (a)(9), or 1328(f) of the Code. These sections establish time limits on the issuance of discharges in successive bankruptcy cases by the same debtor. Subsection (c)(1)(B) directs the court not to grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor. Subsection (c)(4) is new. It directs the court in Chapter 11 and 13 cases to withhold the entry of the discharge if an individual debtor has not filed a Statement of Completion of a course concerning personal financial management as required by Rule 1007(b)(7).

Local Note: A new CM/ECF Event will be available to file these motions. The event is entitled Objection to Discharge and is located in the Motions/Applications category. Because these objections will no longer be made by filing an adversary proceeding, but rather on motion, there will be no fee associated with the filing.

Pursuant to the Court's policy regarding previous discharges, implemented via a series of General Orders entered on December 14, 2006, the Clerk's Office reviews each new filing to determine if the debtor(s) is eligible to receive a discharge. If the debtor(s) is not eligible, the Clerk sends a notice to the debtor and all interested parties in the case which contains a deadline for filing objections and a hearing date if an objection is filed. If no objection is filed, the Court withholds the debtor's discharge based on the ineligibility, and closes the case in the normal course.

Rule 5009 - Amended to add new subdivisions (b) and (c). Subdivision (b) requires the Clerk to provide notice to individual debtors in Chapter 7 and 13 cases that their cases may be closed if they fail to file a Statement of Completion of financial management course. Subdivision (c) requires a foreign representative in a Chapter 15 case to file and give notice of the filing of a final report.

Rule 5012 - This is a new rule establishing procedures in Chapter 15 cases for obtaining approval of an agreement regarding communications and coordinating of proceedings with cases involving the debtor pending in other countries.

Rule 7001 – Subsection (4) is amended to reflect that objections to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) are to be commenced by motion rather than by complaint, corresponding to the amendment to Rule 4004.

Rule 9001 - Amended to add § 1502 to the list of definitions.

OFFICIAL FORM CHANGES

EFFECTIVE DECEMBER 1, 2010, THE FOLLOWING OFFICIAL FORMS WILL BE AMENDED.

B9A - *Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines (No Asset)*. The notice has been amended to conform with amendments to Bankruptcy Rules 4004 and 7001.

B9C - *Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines (Asset)*. The notice has been amended to conform with amendments to Bankruptcy Rules 4004 and 7001.

B9I - *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines*. The notice has been amended to conform with amendments to Bankruptcy Rules 4004 and 7001.

B22A - *Statement of Current Monthly Income and Means Test Calculation*. Amended to delete several references to “household” and “household size” and to replace them with “number of persons” of “family size.” As amended, the form will direct joint filers to file separate forms only if one of the debtors is entitled to an exemption under Part 1 of the form and the debtors believe they are required to file separate forms by § 707(b)(2)(c) of the Bankruptcy Code. The form also instructs that only one joint filer should report payments by another for household expenses.

B22B - *Statement of Current Monthly Income*. Amended to delete several references to “household” and “household size” and to replace them with “number of persons” of “family size.”

B22C - *Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income*. Amended to delete several references to “household” and “household size” and to replace them with “number of persons” of “family size.”

B23 - *Debtor’s Certification of Completion of Instruction Course Concerning Personal Financial Management*. Amended to conform to the amendment of Federal Bankruptcy Rule 1007.