

Note Regarding Use of this Order. This Court typically will enter an order in the attached form without notice on motion of the Debtor. Although an order in this form is not mandatory in all cases, it ordinarily should be used in the types of chapter 11 cases assigned to Judge Jacobvitz typically filed in this District. If counsel have made proposed edits to the order, which they are certainly free to do in the exercise of their judgment, the edits should be pointed out to the Court preferably by submitting a redlined or blacked-lined copy of the order marked against the standard form along with a clean copy proposed for entry.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

*INSERT NAME(S) OF DEBTOR(S),*

Case No. \_\_\_\_\_  
Chapter 11

Debtor(s).

**ORDER FIXING TIME FOR FILING PROOFS OF CLAIM [AND INTERESTS]**

This matter came before the Court on the [*Debtor's/Debtors'*] Motion for Order Setting Bar Date, filed on \_\_\_\_\_. The Court finds that the Motion is well taken and should be granted.

IT IS ORDERED:

1. Except as provided in paragraphs 2, 3, and 4, the last date for filing proofs of claim [and interests] (the "General Bar Date") hereby is fixed in accordance with Bankruptcy Rule 3003(c)(3), as the date certain that is 45 days after the date of service of notice of the General Bar Date.<sup>1</sup> The [*Debtor/Debtors*] shall give(s) notice of this deadline using a form of notice substantially conforming to the sample attached hereto as Exhibit A (the "Bar Date Notice"). Further, [*Debtor/Debtors*] shall, when giving notice of such deadline, give specific

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<sup>1</sup> Because the Bar Date is a specific date, and not a date measured in days or hours after the date of service of the Bar Date Notice, Bankruptcy Rule 9006(f), under which three days are added to certain notices served by mail, is inapplicable. However, if the 45<sup>th</sup> day falls on a weekend or legal holiday, the Bar Date is the next day that does not fall on a weekend or legal holiday.

notice to each and every creditor whose claim is scheduled as disputed, contingent, and/or unliquidated, that its claim has been scheduled as such and that it will receive no distribution under any chapter 11 plan or be entitled to vote on such a plan unless the creditor timely files a proof of claim using a form of notice substantially conforming to the sample attached as Exhibit B.

2. The last day for filing proofs of claim arising from the rejection of an executory contract or unexpired lease, and/or the recovery of a voidable transfer, pursuant to Bankruptcy Code §§ 502(g) and 502(h), respectively, is the later of (i) the General Bar Date; or (ii) the first business day that is at least thirty (30) calendar days after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of the Bar Date Notice.

3. If the [*Debtor/Debtors*] amend(s) the Schedules filed pursuant to Bankruptcy Rule 1009(a), and the amendment reduces the liquidated amount of a scheduled claim or reclassifies a claim scheduled as undisputed, liquidated, and non-contingent to a disputed, unliquidated, and/or contingent claim, then the claimant affected by such amendment shall be permitted to file proof of such claim only on or before the later of (i) the General Bar Date or (ii) the first business day that is at least thirty (30) calendar days after the mailing of notice of such amendment to such claimant with a copy of the Bar Date Notice, but only to the extent such proof of claim if filed after the General Bar Date does not exceed the amount scheduled for such claim prior to such amendment. This extended claims bar date does not apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a proof of claim on or before the General Bar Date.

4. The General Bar Date shall not be applicable to any particular types of pre-petition claims that this Court specifically authorizes to be paid by express order entered prior to the General Bar Date, or to administrative expenses arising under Bankruptcy Code §§ 503, 507(a)(1), 507(a)(2), 507(b), 330(a), 331, and/or 364.

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ROBERT H. JACOBVITZ  
United States Bankruptcy Judge

Submitted by:

*[insert signature block]*

**Exhibit A**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

*INSERT NAME(S) OF DEBTOR(S),*

Case No. \_\_\_\_\_

Chapter 11

Debtor(s).

**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM [AND INTERESTS]**

1. General Claims Bar Date. *[If applicable: If you are an equity security holder of the [Debtor/Debtors], such as a stockholder, to preserve your right to be treated as an equity security holder with respect to such interest you must file a Proof of Interest by [INSERT A SPECIFIC DATE IN BOLD TYPEFACE]].* If you assert a Claim against the [Debtor/Debtors], to preserve your right to be treated as a creditor with respect to such a Claim for the purposes of voting and distribution you must file a Proof of Claim by ***[INSERT A SPECIFIC DATE IN BOLD TYPEFACE]*** (i) if your Claim has not been listed in the Schedules filed pursuant to Bankruptcy Rule 1009(a) (“Schedules”); or (ii) if you disagree with the amount of the Claim scheduled in the Schedules; or (iii) if the [Debtor/Debtors] scheduled your Claim as disputed, contingent and/or unliquidated; or (iv) to preserve an unsecured deficiency claim if such unsecured deficiency claim is not scheduled or is scheduled as disputed, contingent and/or unliquidated; or (v) if you believe your Claim to be entitled to priority under the Bankruptcy Code, and the [Debtor/Debtors] did not so schedule your Claim. Any Proof of Claim timely filed by a creditor will supersede any scheduled Claim. If your Claim is scheduled as disputed, contingent, and/or unliquidated, the [Debtor/Debtors] *[is/are]* are required to so notify you.

2. Claims Filed After Amended Schedules Are Filed. If the [Debtor/Debtors] amend the Schedules, and the amendment reduces the liquidated amount of a scheduled claim or reclassifies a scheduled undisputed, liquidated, and non-contingent claim to a disputed, unliquidated, and/or contingent claim, then the claimant affected by such amendment shall be permitted to file proof of such claim only on or before the later of (i) the General Bar Date and (ii) the first business day that is at least thirty (30) calendar days after the mailing of notice of such amendment to such claimant with a copy of this Notice, but only to the extent such proof of claim if filed after the General Bar Date does not exceed the amount scheduled for such claim prior to such amendment. This extended claims bar date does not apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a proof of claim before the General Bar Date.

3. Claims Arising from Rejection of a Contract or Lease or Avoidance of a Transfer. The last day for filing proofs of claim arising from the rejection of an executory contract or unexpired lease, and/or the recovery of a voidable transfer, pursuant to Bankruptcy Code

Sections 502(g) and 502(h) respectively, is the later of (i) the General Bar Date; or (ii) the first business day that is at least thirty (30) calendar days after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of this Notice.

4. Consequences of Failing to File a Proof Of Claim Timely. If you are required but fail to file a Proof of Claim timely, and your Claim is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, contingent or unliquidated in the Schedules, with very limited exceptions: (a) your claim will be barred, and you will not participate in the [Debtor's/Debtors'] estate or receive any distribution under any plan or plans of reorganization filed in this chapter 11 case; (b) you shall be forever barred from voting with respect to any such plan or plans of reorganization; and (c) you shall be bound by the terms of any such plan or plans of reorganization, if confirmed by the Court.

5. Responsibility to Review the Schedules. You are responsible for determining that your Claim, including its amount, is accurately scheduled by the [Debtor/Debtors]. This determination may be made by: (a) reviewing the Schedules online using a CM/ECF or PACER account; (b) reviewing the Schedules in the Office of the Clerk, 10th Floor, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico, between 8:30 am and 4:30 pm, or (c) by contacting the [Debtor's/Debtors'] attorney: [insert name, address and telephone number of the attorney].

6. Previously Filed Claims. Creditors who have already filed claims need not file them again.

7. Proof of Claim Form. A proof of claim form is **enclosed** with this notice.

[INSERT SIGNATURE BLOCK]

The undersigned certifies that on [insert date] a copy of this Notice was served by United States first class mail on all parties on the official mailing list maintained by the Clerk of the Bankruptcy Court for this case, all at their addresses on such mailing list [and to, insert if applicable]. A copy of the mailing list used for such service is attached to the copy of this Notice filed of record.

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[insert name]

**Exhibit B**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

*INSERT NAME(S) OF DEBTOR(S),*

Case No. \_\_\_\_\_

Chapter 11

Debtor(s).

**NOTICE OF DISPUTED, CONTINGENT, OR UNLIQUIDATED CLAIM  
AND NOTICE OF DEADLINE FOR FILING PROOF OF CLAIM**

To: Claimant  
Address

Scheduled claim amount: \$ \_\_\_\_\_

Claim scheduled as: [disputed, contingent, or unliquidated, as applicable]

1. The [*Debtor/Debtors*] scheduled your claim as indicated above. Any creditor whose claim is not scheduled or whose claim is scheduled as disputed, contingent, or unliquidated in the schedules filed by the [*Debtor/Debtors*] must file a proof of claim by [***INSERT A SPECIFIC DATE IN BOLD TYPEFACE***]. Any creditor required to file a proof of claim who fails to timely file a proof of claim shall not be treated as a creditor with respect to such a claim for the purposes of voting and distribution.

2. Creditors who have already filed claims need not file them again.

3. A proof of claim form is enclosed with this notice.

[*INSERT SIGNATURE BLOCK*]

\_\_\_\_\_  
[*insert name*]

The undersigned certifies that on [*insert date*], a copy of the foregoing Notice was served by United States first class mail on the [*party/parties*] listed above at the [*address/addresses*] shown.

\_\_\_\_\_  
[*insert name*]