

OVERVIEW of CASE OPENING

-Requirements to E-File a Voluntary Bankruptcy Case- (CM-ECF Version 3.2)

1. OVERVIEW:

In the process of e-filing a petition, a new bankruptcy case is opened and the case docket report is created in the Court's case management (CM) database. Once the filer clicks on the *Submit* button after loading the petition pdf file name and confirming the docket text, a notice of electronic filing of the bankruptcy case is created and displayed on the screen. The notice of electronic filing is evidence of the filing and provides the case name and number, the date and time of filing, the filer's name, and the document description. The notice of electronic filing is transmitted via e-mail by the CM-ECF system to the filer's e-mail address on record with the Court.

After the case is opened and the petition is assigned a case number, additional tasks must be performed and documents filed by the e-filer in CM-ECF in order to complete the case opening process. The general steps the filer must perform are to upload the creditor.txt file, run the "judge/trustee assignment" module to obtain judge, trustee, and 341 meeting date and time, and confirmation hearing date in chapter 13 case, and finally, file additional documents required, such as certification of completion of credit counseling; statement of social security number; disclosure of marital status, non-filing spouse, if any, and certification of community information; chapter 7 statement of intention; chapter 13 plan and notice of objection deadline; disclosure of compensation of attorney for debtor; or chapter 11 small business documents required by 11 U.S.C. § 1116.

Filing fees are paid on-line via Pay.gov. You can pay fees as you file or you can choose to pay the filing fees for all documents you file during a single business day when you have finished filing for the day. You must, however, pay the fees due for the day by 9:00 pm that day. If you do not pay fees by 9:00 pm on the day you file the documents, the system will lock you out of ECF. Payment can be made through the **Utilities** link under **Internet Payments Due**. Payment will restore the ability to e-file documents. Read the Court's **On-line Credit Card Payment Guide**, available on the **Procedures** link at the court's website at www.nmcourt.fed.us/usbc/ecf-procedures.

NOTE: If you need assistance or have questions about filing in CM-ECF, call the ECF help desk at 505-348-2500 or toll free 866-291-6805 and select option #3.

1.1 DOCUMENTS TO INCLUDE IN THE PETITION.PDF FILE:

Unless an emergency, a/k/a "skeleton," petition is filed, the petition should be submitted with all schedules and statements required by 11 U. S. C. § 521 (a)(1). The petition pdf file

should include the following documents¹:

Chapter 7 Petition

- 1 - Voluntary petition (with Exhibit D, if an individual debtor)
- 2 - Summary of schedules and statistical summary of certain debts for individual debtors only
- 3 - Schedules A -J
- 4 - Statement of financial affairs
- 5 - Statement of current monthly income and means test calculation (Form B22A)

Chapter 11 Petition (see also 11 U.S.C. § 1116 and)

- 1 - Voluntary petition (with Exhibit D, if an individual debtor)
- 2 - Summary of schedules and statistical summary of certain debts for individual debtors only
- 3 - Schedules A - J
- 4 - Statement of financial affairs
- 5 - Statement of current monthly income (Form B22B)
- 6 - List of creditors holding 20 largest unsecured claims
- 7 - List of equity security holders (Fed. R. Bankr. P. 1007(3))

Chapter 12 Petition

- 1 - Voluntary petition (with Exhibit D, if an individual debtor)
- 2 - Summary of schedules and statistical summary of certain debts for individual debtors only
- 3 - Schedules A - J
- 4 - Statement of financial affairs
- 5 - Statement of current monthly income

Chapter 13 Petition

- 1 - Voluntary petition with Exhibit D
- 2 - Summary of schedules and statistical summary of certain debts for individual debtors only
- 3 - Schedules A - J
- 4 - Statement of financial affairs
- 5 - Statement of current monthly income and calculation of commitment period and disposable income (Form B22C).

Chapter 9 or 15 Petition: Please call the ECF help desk at 505-348-2500 or toll free 866-291-6805 and select option #3.

You should be able to set up the template for each chapter in your bankruptcy software so that the documents listed above (and only those documents) are automatically included in

¹Pursuant to 11 U. S. C. § 521 (a) (1)(B)(vi), debtor must submit a “statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition.” In the District of New Mexico, this requirement can be satisfied by a statement on Schedule I, Line 17, and on Schedule J, Line 19.

the petition.pdf file. Contact your software vendor for assistance. Your software vendor may also be able to include the local forms, like the debtor's petition signature page, in the bankruptcy software program.

1.2 [DEBTOR'S SIGNATURE PAGE:](#)

Fed. R. Bankr. P. 1008 requires verification of petitions and accompanying papers and amendments thereto. In the United States Bankruptcy Court for the District of New Mexico, documents which require the verified signature of a person other than the electronically filing attorney may be electronically filed utilizing scanning technology.

Note: Documents which require the verified signature of the debtor include the petition, schedules, statement of affairs, statement of intent, disclosure of marital status, disclosure of non-filing spouse, certification of community property, statement of social security number, reaffirmation agreement, an application to pay filing fee in installments, Official Form 23 regarding completion of post-petition educational course in financial management, and amendments thereto.

Please carefully review the various debtor signature forms for electronically filed petitions which you will find on the Court's website on the Forms menu, under Debtor's Signature pages. These forms are designed to be used upon the initiation of the case (or filing schedules after a skeleton petition has been filed), not for subsequent or unrelated documents, such as an amendment to the petition or an amended statement of intention. In these instances, you will use the Unsworn Declaration Under Penalty of Perjury for Amended Schedules form.

The debtor's signature page, signed by the debtor, should be scanned and printed to pdf for uploading as an attachment to the petition pdf file in the case opening process. Signature pages are available on the court's web-page and are listed by chapter and debtor type and if filing a standard/complete petition, filing without schedules and statements, or if filing schedules and statements AFTER e-filing.

Signature pages to use when filing a petition with all schedules/statements. Use NM Form 500-7, 500-11, 500-12, and 500-13 signature pages when filing a petition with all schedules and statements when the debtor is a person; use NM Form 500 signature page when filing a chapter 7, 11 or 12 petition with all schedules and statements for a corporate or partnership debtor.

Signature pages to use when filing a "skeleton" petition. Use NM Form 501-7, 501-11, 501-12, and 501-13 signature pages when filing a "skeleton" petition where debtor is an individual; use NM Form 501-11C signature page when filing a "skeleton" petition for a corporate or partnership chapter 11 debtor. Use NM Form 501-712C signature page when filing a "skeleton" petition for a corporate or partnership chapter 7 or chapter 12 debtor.

Signature pages to use when filing schedules and statements AFTER a "skeleton" petition is filed. Use NM Form 502-7, 502-11, 502-12, and 502-13 signature pages to file

statements and schedules when debtor is an individual; use NM Form 502 signature page when filing schedules and statements for a corporate or partnership debtor.

1.3 CREDITOR MAILING LIST:

Pursuant to Fed. R. Bankr. P. 1007 (1), in a voluntary case, the debtor shall file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the official forms. This list of creditors, also known as creditor mailing matrix or creditor list, must be uploaded as an **ASCII Dos text file** in the case opening process. **Please note that effective June 9, 2006, in the District of New Mexico, you must include the following entities in your creditor mailing list:**

1. Name and address of non-filing spouse, if any; and
2. NM Taxation & Revenue Department
PO Box 8575
Albuquerque, NM 87198-8575

1.4 SPECIAL INSTRUCTIONS IF FILING CHAPTER 13 PLAN WITH PETITION:

In a chapter 13 case, if you want the Clerk's Office to mail copies of the plan to the creditors along with the "Notice of Deadline for Filing Objections to Chapter 13 Plan and Related Motions," the chapter 13 plan must be filed with the petition **after the creditors are uploaded and before running the judge/trustee assignment module.**

1.5 JUDGE/TRUSTEE ASSIGNMENT MODULE:

For all cases EXCEPT CHAPTER 13, the e-filer will run the judge/trustee assignment module **right after uploading the creditor list.** This module will assign the judge, the case trustee, and the § 341 meeting of creditors location, date, and time.

1.6 OVERVIEW DISCUSSION OF DOCUMENTS TO SUBMIT IMMEDIATELY UPON RECEIPT OF THE CASE NUMBER:

With the exception of a chapter 13 case where the plan is filed with the petition as described in 1.4 above, the following documents (if applicable to the debtor, chapter, or attorney circumstances) should be filed immediately after the creditor mailing list is uploaded and the judge/trustee assignment module has been run.

1. Certificate of completion of budget and credit counseling required in individual cases by 11 U. S. C. § 109 (h)(1), or request for extension (§ 109 (h)(3), or request for waiver (§ 109 (h)(4). Use NM Form 504, or 505.
2. Verified statement of social security number. Use Official Form B 21. This form must be signed by the debtor, scanned in, and saved as a pdf file. Reference: Fed. R. Bankr. P. 1007(f)

3. Disclosure of marital status and non-filing spouse, if any, and certificate regarding community information required by NM Local Rules 1002 and 1007. Use NM Form 402 if filing the petition with all schedules and statements. Use form 400 if filing a “skeleton” petition. Then, file form 401 when the schedules and statements are filed. Reference: New Mexico LBR 1002 and 1007.
4. Chapter 7 Statement of Intention
5. Notice of Deadline for Filing Objections to Chapter 13 Plan and Related Motions. Use NM Form 600 when plan is filed with petition. Use NM Form 601 when plan is filed after petition is filed.
6. Disclosure of compensation of attorney for the debtor per by Fed. R. Bankr. P. 2016.
7. Notice of attorney unavailability to attend 341 meeting, if applicable
8. Chapter 11 small business documentation:
 - a. Balance sheet;
 - b. Cash flow statement;
 - c. Statement of operations; and
 - d. Federal tax return; or
 - e. a statement that none of the small business documents were prepared or filed.Note: each document listed above in 8 (a-e) must be filed as a separate pdf file.
9. **Application to Pay Filing Fee in Installments.** Use NM Form 508. The form must be signed by the debtor(s), scanned in and saved as a pdf file.
Note: After e-filing the application, send the proposed order (use NM Form 509) as a WordPerfect or MS Word file to web_ops@nmcourt.fed.us. Put the case name and case number in the subject line of the e-mail. The Clerk’s Office will review the application and order for completeness and forward the order to the judge’s chambers.
10. **Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments.** Use NM Form 510. The form must be signed by the debtor(s), scanned in and saved as a pdf file.
Note: Do not prepare a form of order for the application for waiver. After review, and in some cases a hearing on the application, the court will prepare the order.
11. **Corporate Ownership Statement.** Use the court’s local form “Corporate Ownership Statement - Bankruptcy Case.” Form must be signed by the debtor’s representative, scanned in and saved as a pdf file. Reference: Fed. R. Bankr. P. 1007(a)(1).

F:\Procedure\EXTERNAL\Bankruptcy case opening\bkopenoverview 3.2.wpd