

CHAPTER 11 CASE OPENING in CM-ECF
WHEN DEBTOR IS A PERSON WITH A SMALL BUSINESS
Effective July 28, 2008
Revised November 30, 2009

United States Bankruptcy Court
District of New Mexico

The following is a flowchart of CM-ECF “Bankruptcy Events” **noted in bold capital letters following the number in parenthesis.** The events are listed in the required sequence for uploading the petition and other pdf and txt files to open a chapter 11 case for a person with a small business. **Notes are listed at the end of the flowchart.**

Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(1) OPEN BK CASE</p> <ul style="list-style-type: none"> - print NEF to paper or pdf to save for your records. The Notice of Electronic Filing, a/k/a “NEF,” will provide the case number. - click on Search in the CM-ECF main menu bar and type “upload” into the box to proceed to (2). <p>(see Notes at end of flow chart)</p>	<ul style="list-style-type: none"> - Chapter 11 Petition with Exhibit C (if any) - List of Creditors Holding 20 Largest Unsecured Claims, Form 4 - Summary of Schedules - Statistical summary of certain debts - Schedules A-J - Statement of financial affairs, and - Statement of current monthly income (form B22B). 	the petition pdf file	<p>the signature page pdf file</p> <p>(NM Form 500-11)</p> <p>OR</p> <p>2) File the signature page as a separate event. (See Step 3)</p>
<p>(2) UPLOAD CREDITOR MATRIX FILE</p> <ul style="list-style-type: none"> - confirm case number - upload creditor text file - submit - confirm correct number of creditors uploaded - click on Search in the CM-ECF main menu bar and type “page” into the box to proceed to (3). 	<p>no document, just the list of creditors as a text file.</p> <p>(see Notes at end of flow chart)</p>	the creditor text file	n/a

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<p>(3) To file the signature page as a separate document, Select SIGNATURE PAGE</p> <ul style="list-style-type: none"> - confirm case number (CM-ECF defaults to the last case number used). - select the party - browse to the pdf file and preview it – <u>if this is correct file, upload it</u> - select the category to which your event relates; highlight misc and click next; check the box to the left of the voluntary petition and click next - click next then click next on the final warning screen - click on Search in the CM-ECF main menu bar and type "judge/trustee" into the box to proceed to (4). 	<p>Signature page (NM Form 500-11)</p> <p>(see Notes at end of flow chart)</p>	<p>the signature page pdf</p>	<p>n/a</p>
<p>(4) JUDGE/TRUSTEE ASSIGNMENT</p> <ul style="list-style-type: none"> - click on Judge/Trustee Assignment for screen display of judge, trustee, 341 meeting date, time and location. - print screen to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "counseling" into the box to proceed to (5). 	<p>no document</p> <p>(see Notes at end of flow chart)</p>	<p>n/a</p>	<p>n/a</p>

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<p>(5) Select CREDIT COUNSELING RECEIVED: CERTIFICATES SUBMITTED - If box #1 on Exhibit D is checked, this step docket the certificate of counseling.- see also 5a and 5b below.</p> <ul style="list-style-type: none"> - confirm case number - select Certificate of Credit Counseling - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "social" into the box to proceed to (6). 	<p>Submission of Certificate of Budget and Credit Counseling Services and Debt Repayment Plan</p> <p>(NM Form 503)</p> <p>Use this form when debtor has certificate of credit counseling required by 11 U.S.C. § 109</p> <p>(see Notes at end of flow chart)</p>	<p>NM form 503 as a pdf file (with certificate of counseling included in the pdf file)</p>	<p>the certificate of counseling as a separate pdf file <i>if certificate is not included in the NM Form 503 pdf file</i></p>

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<p>(5a) Select BANKRUPTCY, then select MOTIONS/APPLICATIONS - If box #3 on Exhibit D is checked, file the motion regarding exigent circumstances.</p> <ul style="list-style-type: none"> - confirm case number - select Exigent Circumstances re: credit counseling - select party (debtor) - enter date petition filed - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "social" into the box to proceed to (6). 	<p>Certification of Exigent Circumstances for Waiver of Budget and Credit Counseling Prior to Filing Petition</p> <p>(NM Form 504)</p> <p>Use this form when 11 U. S. C. § 109 (h) (3) applies</p> <p>(see Notes at end of flow chart)</p>	<p>NM form 504 signed by debtor(s)</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(5b) Select BANKRUPTCY, then select MOTIONS/APPLICATIONS - If box #4 on Exhibit D is checked, file the motion regarding exemption from credit counseling requirement.</p> <ul style="list-style-type: none"> - confirm case number - select Request for Determination - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "social" into the box to proceed to (6). 	<p>Request for Determination that Debtor is Unable to Complete Requirements for Budget and Credit Counseling</p> <p>(NM Form 505)</p> <p>Use this form when 11 U. S. C. § 109 (h) (4) applies</p> <p>(see Notes at end of flow chart)</p>	<p>NM form 505 signed by debtor(s)</p>	<p>n/a</p>
<p>(6) Select STATEMENT OF SOCIAL SECURITY NUMBER</p> <ul style="list-style-type: none"> - confirm case number - select Statement of Social Security Number - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "spouse" into the box to proceed to (7). 	<p>Statement of Social Security number</p> <p>(Form B21)</p> <p>(see Notes at end of flow chart)</p>	<p>statement of social security number signed by debtor(s)</p>	<p>n/a</p>

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<p>(7) Select NON-FILING SP - STMT NO SPOUSE</p> <ul style="list-style-type: none"> - confirm case number - select Non-Filing sp - Stmt no spouse - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "disclosure of compensation" into the box to proceed to (8). 	<p>Disclosure of Marital Status and Non-Filing Spouse, and Debtor's Certification Regarding Community Property Pursuant to New Mexico Local Bankruptcy Rules 1002-1 and 1007-1</p> <p>(NM Form 402)</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 402 signed by debtor(s)</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(7a) MISCELLANEOUS - Disclosure of Non-Filing Spouse</p> <ul style="list-style-type: none"> - select Non-Filing Sp - Disclosure of NFS & Cert of Disclosure of Comm Info - select party (debtor) - search non-filing spouse ssn or name. - if name is in database, confirm correct address; if address already in the database is incorrect or if party in the database has no address, Create New Party. - at the Party Information screen, enter only first, middle, and last name, address (PO or street, city, zip), and select the ROLE (Non-Filing Spouse (nfs:pty)). - do not enter ssn, phone number, email address or alias for the non-filing spouse. - select End Party Selection - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "disclosure of compensation" into the box to proceed to (8). 	<p>Disclosure of Marital Status and Non-Filing Spouse, and Debtor's Certification Regarding Community Property Pursuant to New Mexico Local Bankruptcy Rules 1002-1 and 1007-1</p> <p>(NM Form 402)</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 402 signed by debtor(s)</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(8) Select DISCLOSURE OF COMPENSATION</p> <ul style="list-style-type: none"> - confirm case number - select Disclosure of Compensation - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "compliance" into the box to proceed to (9). 	<p>Disclosure of Compensation of Attorney for Debtor</p> <p>(Form 203)</p> <p>(see Notes at end of flow chart)</p>	<p>the disclosure of compensation form saved as a pdf file.</p>	<p>n/a</p>
<p>(9) Select CERTIFICATE OF COMPLIANCE</p> <ul style="list-style-type: none"> - confirm case number - select Certificate of Compliance - select party (debtor) - at the screen prompt, "Comply with what?," enter "LR 1007-5(b) re sending non-filing spouse information to creditors" - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "balance" into the box to proceed to (10). 	<p>Certificate of Compliance with Local Rule 1007-5 (b) Regarding Notice of Non-filing Spouse Information</p> <p>(local form 13)</p> <p>(see Notes at end of flow chart)</p>	<p>local form 13 saved as a pdf file</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(10) Select BALANCE SHEET FOR SMALL BUSINESS- confirm case number</p> <ul style="list-style-type: none"> - select Balance Sheet for Small Business - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "flow" into the box to proceed to (11). 	<p>most recent balance sheet</p>	<p>balance sheet scanned and saved as a pdf file.</p>	<p>n/a</p>
<p>(11) Select CASH FLOW STATEMENT</p> <ul style="list-style-type: none"> - confirm case number - select Cash Flow Statement - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "operations" into the box to proceed to (12). 	<p>cash flow statement</p>	<p>cash flow statement scanned and saved as a pdf file.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(12) Select STATEMENT OF OPERATIONS</p> <ul style="list-style-type: none"> - confirm case number - select Statement of Operations - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "tax documents" into the box to proceed to (13). 	<p>statement of operations</p>	<p>statement of operations scanned and saved as a pdf file.</p>	<p>n/a</p>
<p>(13) Select TAX DOCUMENTS</p> <ul style="list-style-type: none"> - confirm case number - select Tax Documents - select party (debtor) - upload pdf file - At the screen prompt, "Please Enter the Four Digit Tax Year for Which this Return Applies," type in year of return - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "statement" into the box to proceed to (14). 	<p>most recent federal income tax return</p> <p>NOTE: the" tax documents" is a private event. This means that external users will not be able to view the image. To view the document, a person must file a motion with the Court for access to the document image.</p>	<p>balance sheet scanned and saved as a pdf file.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(14) Select STATEMENT</p> <ul style="list-style-type: none"> - confirm case number - select Statement - select party (debtor) - upload pdf file - At the screen prompt, "Statement of?" type "Debtor that documents required by Section 1116 do not exist or have not been filed with the IRS;" - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM-ECF main menu bar and type "employ" into the box to proceed to (15). 	<p>statement that no balance sheet, statement of operations, or cash-flow statement has been prepared, and no Federal tax return has been filed (11 USC §1116 (1)(B))</p>	<p>statement saved as a pdf file.</p>	<p>n/a</p>

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<p>(15) Select EMPLOY (MOTION) OR EMPLOY (CH 11 FIRST DAY MOTION) as appropriate</p> <ul style="list-style-type: none"> - confirm case number - select Employ (,motion) or Employ (Ch11 First Day Motion) - select party (debtor) - At the screen prompt, "Enter name of person to be employed?," type name of attorney, e.g., Daniel J. Behles. - At the screen prompt, "Enter type of position," type 'Attorney for Debtor(s)' - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Bankruptcy in CM-ECF menu bar to proceed to (16). 	<p>Motion to Employ Attorney for Debtor</p> <p>Note: The affidavit in support of Motion to Employ should be attached to the Motion.</p>	<p>the motion to employ saved as a pdf file.</p> <p>affidavit signed, scanned, saved as pdf file. Note: the affidavit may be uploaded as an attachment to the motion.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(16) Select DEADLINE TO FILE OBJECTIONS (NOTICE)</p> <ul style="list-style-type: none"> - confirm case number - select Deadline to File Objections (Notice) - upload pdf file - check the box “Refer to existing event?” - select category “Motion,” and click NEXT - check the box next to the Motion to Employ attorney for debtor - at the screen prompt, “Date Notice Served on,” type in the date served as xx/xx/xxxx - at the screen prompt, “Objection Due Date,” type in date objections are due as xx/xx/xxxx - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Bankruptcy in CM-ECF menu bar or log out of CM-ECF. 	<p>Notice of Deadline to File Objections to motion to employ</p>	<p>notice saved as pdf file</p>	<p>n/a</p>

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NOTES:

(1) Open BK Case

- (a) Refer to the CM-ECF procedures “[E-file a Bankruptcy Petition - Bankruptcy Case Opening](#)” for detailed instructions.
- (b) **Notice of Electronic Filing:** CM-ECF creates a Notice of Electronic Filing at the end of each document filing process and automatically sends the Notice via e-mail to attorneys on the case who are registered ECF users at their e-mail address(es) entered in CM-ECF. The Notice lists the names and e-mail addresses of attorneys to whom the e-mail was sent and, therefore, serves as the certificate of notice for attorneys who are registered ECF users. The e-mail Notice contains a hyperlink to the document pdf file. Viewing the document pdf file via this hyperlink constitutes the attorney’s free copy of the document. The Notice also lists the names and mailing addresses of parties and attorneys on the case who are not registered users. E-filers are responsible for mailing paper copies of filed documents to the parties and attorneys who are not registered users, if entitled to notice, and for filing a certificate of service with the Clerk’s Office of having done so.
- (c) At the time you open a case, you are the only attorney on the case. If you have entered your e-mail address in CM-ECF via Utilities, the Notice of Electronic Filing for this new case should indicate that an e-mail notice of this filing was sent to you at the e-mail address indicated on the Notice. The e-mail notice will include a hyperlink to the documents, in this case the petition and signature page.
- (d) **The petition pdf file should include only the documents listed in the Description/Name of Document column for event (1). All other case initiation documents are filed separately as indicated in this flow chart.**
- (e) Debtors must sign the signature page. Use of s/debtor name typed on the line is not acceptable. Once the signature page is signed, scan and save it as a pdf file. **BE SURE TO USE THE CURRENT VERSION OF THE SIGNATURE FORM.** See Court Forms on the Court’s website at www.nmcourt.fed.us/web/BCDOCS/bcindex.html.

(2) Upload Creditor Matrix

- (a) Be sure your file is saved as an ASCII DOS TEXT FILE
- (b) If you have problems with the creditor upload, call the CM-ECF help desk at 348-2500 (toll free 866-291-6805), option #3.

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(3) Signature Page - NM Form 500

- (a) If you use an automatic upload program, set the program to docket the Signature Page as a separate document.
- (b) If you are manually opening the case, you may docket the Signature Page as detailed in step 3, or, you may file the Signature Page as an attachment to the voluntary petition.

(4) Judge/Trustee Assignment

- (a) Creditors must be uploaded before you can run the judge/trustee assignment. If there is an error, call the CM-ECF help desk at 348-2500 (toll free 866-291-6805), option #3.
- (b) Refer to the CM-ECF procedures “E-file a Bankruptcy Petition - Bankruptcy Case Opening” for special considerations relating to Judge/Trustee Assignment.

(5), (5a) and (5b) Documents relating to requirement to complete credit counseling prior to filing

- (a) You may attach both certificates of credit counseling in a joint case to one NM form 503. You may combine them into one pdf file or use NM Form 503 as the main or lead document and attach the two certificates, identifying them by name of debtor, e.g., John Doe certificate; Mary Doe certificate using the description field on the attachment screen.
- (b) Debtors must sign NM Form 504 and NM Form 505. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.
- (c) Use appropriate forms for the debtor’s circumstance.

(6) Statement of Social Security Number(s)

- (a) Debtors must sign the Statement of Social Security Number. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

(7), (7a) Disclosure of Marital Status and Non-Filing Spouse, and Debtor’s Certification Regarding Community Property Pursuant to New Mexico Local Bankruptcy Rules 1002-1 and 1007-1

- (a) NM Form 402 may be used to declare debtor’s marital status when debtor is not married or when debtor has a non-filing spouse.
- (a) Debtors must sign NM Form 402. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

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(8) Disclosure of Compensation of Attorney for Debtor

- (a) Disclosure of compensation of attorney for debtor pursuant to 11 U. S. C. § 362(a) and Fed. R. Bankr. P. 2016(b) is required in all cases.
- (b) Use procedural form B203.
- (c) This form does not require the signature of the debtor(s).

(9) Certificate of Compliance with Local Rule 1007-5 (b) Regarding Notice of Non-filing Spouse Information

- (a) The notice of non-filing spouse information referred to in this certificate may follow the Clerk's sample form 15.
- (b) This form does not require the signature of the debtor(s).

Revision history: On July 28, 2008, the flowchart was changed to allow for the Affidavit in Support of the Motion to Employ to be submitted with the Motion to Employ - included in the motion pdf file or uploaded as an attachment to the motion.

November 30, 2009 - the flowchart was changed to conform to the new deadlines, to incorporate the search feature, and to provide instruction for the signature page as a separate document for use with the automated upload features on many bankruptcy software packages.