

CHAPTER 13 CASE OPENING in CM-ECF
WHEN CHAPTER 13 PLAN IS NOT SUBMITTED WITH PETITION
Effective January 29, 2008

United States Bankruptcy Court
 District of New Mexico

The following flowchart identifies the steps in CM-ECF to open a case and e-file a petition. Column A lists the steps by number and identifies the CM-ECF “Bankruptcy Event,” to be selected from the Bankruptcy menu. The specific event is **noted in bold capital letters following the number in parenthesis**. Column B describes the lead document to be uploaded in the file format shown in Column C (either pdf or plain text). Please note that there may be several documents included in one pdf file, as is the case with a petition pdf file when you are submitting all schedules and statements with the petition. The description in Column B, therefore, includes documents that should be included in the petition.pdf file. Column D indicates whether or not there is an attachment to be uploaded in addition to the lead document. **Notes are listed at the end of the flowchart.**

A	B	C	D
Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(1) Select Open Voluntary BK Case</p> <ul style="list-style-type: none"> - enter information from the petition - browse to the petition.pdf - preview the pdf file – <u>if this is correct file, upload it</u> - print the “Notice of Electronic Filing” (NEF) to paper or as a pdf file to save as confirmation of the filing. The NEF includes the time and date of filing, the case number and the docket text for the petition docket entry. - click on Bankruptcy in CM-ECF menu bar to proceed to (2). 	<ul style="list-style-type: none"> - Chapter 13 Petition with Exhibit D - Summary of Schedules / Statistical summary - Schedules A-J - Statement of financial affairs - Statement of current monthly income and means test calculation (form B22C) <p>Do not include certificate of counseling as an attachment to Exhibit D in the petition.pdf file. Step (4) explains how to file certificate.</p>	<p>Petition, exhibit D, schedules and statements in column B as one pdf file</p> <p>(see Notes at end of flow chart)</p>	<p>Debtor signature page NM Form 500-13, signed, scanned and printed to / saved as pdf file</p>
<p>(2) Select Creditor Maintenance, then select Upload a creditor matrix file</p> <ul style="list-style-type: none"> - confirm case number (CM-ECF defaults to the last case number used). - browse to the creditor.txt file - preview the text file – <u>if this is correct file, upload it</u> - click next button - confirm correct number of creditors - click submit button - click on Bankruptcy in CM-ECF menu bar to proceed to (3). 	<p>There is no “document” in this step. Instead you will upload a plain text file containing the names and addresses of creditors in the case. The contents of the text file are loaded into the case creditor database. The list of creditors uploaded here is used by the Court (through the Bankruptcy Noticing Center) to send notice of the bankruptcy to all creditors.</p>	<p>List of creditors formatted as an ASCII DOS or plain text file</p> <p>(see Notes at end of flow chart)</p>	<p>None</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(3) Select Judge/Trustee Assignment. There is no pdf file to upload in this step. The system will ask you to wait for a few seconds before a screen displays the judge, trustee, 341 meeting date, time and location AND the Chapter 13 Confirmation hearing date and time.</p> <ul style="list-style-type: none"> - print screen to paper or pdf to save for your records - click on Bankruptcy in CM-ECF menu bar to proceed to (4). (see Notes at end of flow chart) <p>PLEASE NOTE the confirmation hearing date and time and location. You will need this information when you prepare the “Notice of Deadline for Filing Objections to Chapter 13 Plan” Use NM Form 601 when plan is filed AFTER the petition is filed.</p>			
<p>(4) Select Miscellaneous - If box #1 on Exhibit D is checked, this step docket the certificate of counseling.</p> <ul style="list-style-type: none"> - confirm case number - select Credit Counseling Received: Certificates Submitted - select party (debtor) - browse to the certificate pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (5). 	<p>Certificate of credit and budget counseling and debt repayment plan, if any</p> <p>If this is a joint case and both debtors have checked box #1 on Exhibit D, perform this step for each debtor.</p> <p>See also 4a, 4b or 4c below if box 2, 3, or 4 on Exhibit D is selected.</p> <p>(see Notes at end of flow chart)</p>	<p>Certificate of counseling scanned and printed to / saved as pdf file</p>	<p>None</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(4a) Select Miscellaneous - If box #2 on Exhibit D is checked, follow steps below to make an entry on the docket report to indicate that the certificate is not yet submitted and to set the 15 day deadline for submission of the certificate. If this is a joint case and both debtors have checked box #2, perform this step for each debtor.</p> <ul style="list-style-type: none"> - confirm case number - select Credit Counseling Received: No Certificates - select party (debtor) - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (5). 			
<p>(4b) 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 Determination re exigent circumstances Sec 109 (h) (3)(A) (Motion) - select party (debtor) - browse to the motion pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (5). 	<p>Motion for Determination that Debtor's Certification of Exigent Circumstances Which Warrant a Waiver of Requirement for Budget and Credit Counseling Prior to Filing Petition is Satisfactory</p> <p>Use NM Form 504 when 11 U. S. C. § 109 (h) (3) (A) applies</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 504 as pdf file</p>	<p>None</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(4c) 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 Determination re exemption per Sec 109 (h)(4) - select party (debtor) - browse to the motion pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (5). 	<p>Motion for Determination that Debtor is Unable to Complete Requirements for Budget and Credit Counseling</p> <p>Use NM Form 505 when 11 U. S. C. § 109 (h) (4) applies</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 505 as pdf file</p>	<p>None</p>
<p>(5) Select Miscellaneous</p> <ul style="list-style-type: none"> - confirm case number - select Statement of Social Security Number - select party (debtor) - browse to the statement of ssn pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (6) 	<p>Statement of Social Security number(s)</p> <p>Use Official Form B21</p> <p>(see Notes at end of flow chart)</p>	<p>Statement of social security number signed by debtor(s), scanned and printed to / saved as pdf file.</p>	<p>None</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(6) Select Miscellaneous</p> <ul style="list-style-type: none"> - confirm case number - select Non-Filing Sp - Stmt No Spouse - select party (debtor) - browse to the stmt no spouse pdf file - preview the pdf file - <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (7) 	<p>Disclosure of Marital Status</p> <p>Use NM Form 400 or NM Form 402.</p> <p>See 6a below for disclosing non-filing spouse</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 400 or 402 signed by debtor, scanned and saved as / printed to pdf file.</p>	<p>None</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(6a) Select Miscellaneous</p> <ul style="list-style-type: none"> - confirm case number - select Non-Filing Sp - Disclosure of NFS & Certificate of Dscf of Comm. Info. - select party (debtor) - browse to the disclosure of non-filing spouse pdf file. - preview the pdf file - <u>if this is correct file, upload it</u> - search non-filing spouse by ssn or name. - if name is in database, confirm correct address; if address <i>already in the database</i> 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 - select the ROLE Non-filing Spouse (nfs:pty) NOTE - DO NOT ENTER ssn, phone number, email address or alias for the non-filing spouse. - select End Party Selection. - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (7) 	<p>Disclosure of Marital Status and Non-Filing Spouse</p> <p>Use NM Form 402.</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 402 signed by debtor, scanned and saved as / printed to pdf file</p>	<p>None</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Attachment
<p>(7) Select Miscellaneous</p> <ul style="list-style-type: none"> - confirm case number - select Disclosure of Compensation - select party (debtor) - browse to the disclosure of compensation pdf file - preview the pdf file - <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on submit button - print NEF to paper or pdf - click on Bankruptcy in CM-ECF menu bar to proceed to (8) 	<p>Disclosure of Compensation of Attorney for Debtor</p> <p>Use Form B 203</p> <p>(see Notes at end of flow chart)</p>	<p>Disclosure of compensation as a pdf file.</p>	<p>None</p>
<p>(8) Select Miscellaneous</p> <ul style="list-style-type: none"> - confirm case number - select Certificate of Compliance - select party (debtor) - browse to the disclosure of compensation pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - at the screen prompt, “Comply with what?,” type in “LR 1007-5(b) re sending non-filing spouse information to creditors” - confirm docket entry is correct - click on submit button - print NEF to paper or pdf 	<p>Certificate of Compliance with Local Rule 1007-5 (b) Regarding Notice of Non-filing Spouse Information</p> <p>Use Local Form 13</p> <p>(see Notes at end of flow chart)</p>	<p>Local Form 13 saved as a pdf file.</p>	<p>None</p>

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NOTES:

(1) Open BK Case

- (a) Refer to the CM-ECF Procedures “[File a Bankruptcy Case](#)” for detailed instructions.
- (b) **Notice of Electronic Filing:** CM-ECF creates a Notice of Electronic Filing (NEF) at the end of each document filing process and automatically sends the NEF via e-mail to attorneys on the case who are registered ECF users at their e-mail address(es) entered in CM-ECF. The NEF 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 NEF 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 NEF also lists the names and mailing addresses of parties and attorneys on the case who are not registered users (and, therefore, would not receive notice via e-mail). 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) **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.** Please note that although Exhibit D directs debtor to attach the certificate of credit counseling to it, these instructions do not require e-filers to include a copy of the certificate of credit counseling in the petition pdf file. Instead, e-filers should file the certificates separately as indicated in step (4) using the docket event “Credit Counseling Received: Certificates Submitted” on the Miscellaneous menu. If debtor checked box #2 on Exhibit D, the certificate must be filed within 15 days of the filing of the petition, using the same event described in step (4).
- (d) **Debtors must sign the Signature Page.** Use of s/debtor name typed on the line is not acceptable. **BE SURE TO USE THE CORRECT SIGNATURE FORM APPROPRIATE FOR THE TYPE PETITION YOU ARE FILING.** See Court Forms on the Court’s website at www.nmcourt.fed.us/web/BCDOCS/bcindex.html. Once the form is signed, scan and save it as a pdf file.

(2) Upload Creditor Matrix

- (a) Be sure your file is saved as an ASCII DOS or PLAN 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.

(3) 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 “File a B” for special considerations relating to Judge/Trustee Assignment.

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(4), (4a) -(4c) Documents relating to requirement to complete credit counseling prior to filing

- (a) If box #1 on Exhibit D is checked, submit certificates as described in step (4). If you submit the certificates for both debtors as one pdf file in a joint case, be sure to select both debtors as parties on the Select Party screen in CM-ECF so that both debtor names will appear in the docket entry.
- (b) If box #2 on Exhibit D is checked because debtor has completed budget and credit counseling but does not have certificates. BE SURE TO follow the instructions in step (4a). The docket entry you make here will set a 15 day deadline for the debtor to file the certificates. If you do not make the docket entry, you will receive a Notice of Error from the Clerk's Office. Follow the instructions in step (4) to file the certificates within 15 days.
- (c) Use appropriate forms (either NM Form 504 or NM For 505) for the debtor's circumstance.

(5) Statement of Social Security Number(s) - 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.

(6), (6a) Disclosure of Marital Status and Non-Filing Spouse, and Debtor's Certification Regarding Property Pursuant to New Mexico Local Bankruptcy Rules 1002-1 and 1007-1. New Mexico Local Rule 1002-1 requires individual debtor's in a non-joint case to disclose marital status, and if married, the name and address of the non-filing spouse AT THE TIME OF FILING THE PETITION. Local Rule 1007-1 requires a debtor who has a non-filing spouse to certify regarding disclosure of property of the debtor and the non-filing spouse AT THE TIME OF FILING THE SCHEDULES AND STATEMENTS. The following local forms are provided to accommodate debtor's compliance with the local rules:

- (a) Use NM Form 400
 - (i) to declare debtor's marital status **when debtor is not married.**
 - (ii) to disclose non-filing spouse name and address when schedules and statements are NOT filed with petition.
- (b) Use NM Form 402
 - (i) to declare debtor's marital status **when debtor is not married.**
 - (ii) to disclose debtor's non-filing spouse when schedules and statements are filed with petition.
- (c) Use NM Form 401 when a debtor who has a non-filing spouse to file the schedules and statements within 15 days of the filing of the petition.
- (d) 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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(7) 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) This form does not require the debtor's signature.

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

- (a) See Clerk's **sample form 15** for a form of notice of non-filing spouse information referred to in this certificate. The sample form is a notice to creditors disclosing non-filing information and requires the debtor's signature. **The notice should not be filed with the Court.**
- (b) The Certificate of Compliance does not require the debtor's signature.

NOTE about filing the chapter 13 plan and the Notice of Deadline for Filing Objections to Chapter 13 Plan:

The chapter 13 plan is due within 15 days of the filing of the petition. Since you are not filing the plan with the petition, it is your responsibility to file the plan and the notice and *timely* send both to all creditors and parties in interest. Use NM Form 601, Notice of Deadline for Filing Objections to Chapter 13 Plan. Use of this form is required by court order entered October 14, 2005. The form is posted on the court's website under Court Forms at <http://www.nmcourt.fed.us/usbc/forms-attorney>. File the plan before you file the notice. From the Bankruptcy menu in CM-ECF, select **Plans** and select the docket event "Chapter 13 Plan (after petition)". To file the notice, select **Notices** from the Bankruptcy menu and select the docket event "Deadline to File Objs to Confirmation of Plan filed **after** Petition."