

**FILE PROOF OF CLAIM OR
AMENDED PROOF OF CLAIM**
Contents

Introduction 2

Basic Guidelines 2

 A. Do Not File Claims in Closed Cases 2

 B. Do Not File Claims in Chapter 7 No-asset Cases 2

 C. Complete the Proof of Claim Form as Follows 2

 D. Convert Proof of Claim Form & Exhibits to Portable Document Format
 (pdf) 3

 E. Do Not Use the Browser "Back" Button 3

File Proof of Claim in CM-ECF 3

 Step 1 - Log in to CM-ECF 3

 Step 2 - Bankruptcy Events menu / File Claims 3

 Step 3 - Search for Creditor 4

 Step 4 - Select a Creditor for Claim - Search results 4

 Step 5 - Select a Creditor for Claim - Click on creditor name 5

 Step 6 - Proof of claim information screen 6

 Step 7 - Filing an Amended Proof of Claim 6

 Step 8 - Select the pdf document 7

 Step 9 - Select one or more attachments 8

 Step 10 - Notice of Electronic Claims Filing 8

 Step 11 - Add Creditor 9

 Step 12 - Edit Creditor 10

 Step 13 - Preparation for Filing Amended Proof of Claim 11

QUICK STEPS 12

Revision History 13

File Proof of Claim or Amended Proof of Claim

Introduction:

These detailed instructions guide you through the process of filing a proof of claim or an amended proof of claim. As of December 1, 2007, creditors filing proofs of claim have access in CM-ECF to add or edit their names and addresses; instructions for doing so are included. The basic guidelines provide tips to consider when preparing the proof of claim form. At the end of these instructions is a not-so-detailed list of steps (Quick Steps) to electronically file a proof of claim or an amended proof of claim.

Basic Guidelines for Filing a Proof of Claim:

Preliminarily, filers of proofs of claim should adhere to the following basic guidelines:

- A. **Do not file claims in closed cases.** Check the case status by accessing case information via **Query** in PACER. If there is a date in the "Date terminated" field, the case is closed.
- B. **Do not file claims in chapter 7 no-asset cases.** If the chapter 7 trustee makes a determination that there are assets available for possible payment to unsecured creditors, the Clerk's Office will send a "Notice of Possible Dividend" with a specific deadline for filing a proof of claim. File a Request for Notice to add your name in a no asset case.
- C. **Complete the proof of claim form as follows:**
 - List the debtor's name and case number exactly as they appear on the "Notice of Bankruptcy Case, Meeting of Creditors, and Deadlines."

- Enter amounts in the appropriate sections and ensure those amounts correctly add up to the "total amount" entered.
 - For amended proofs of claim, see the section on preparing to file an amended proof of claim at the end of these instructions.
 - If the creditor's address in the database is different than the address YOU ENTERED on the proof of claim form, edit the address using instructions in Step 12 of these procedures.
- D. **Convert the proof of claim form to portable document format (pdf) for e-filing.** You may include supporting documentation in the same pdf file as the proof of claim. The maximum file size for a pdf file is 2 megabytes; if the file exceeds 2 MB, attach supporting documentation as separate pdf files. See "Split a PDF File," under the *Procedures* link on the Court's website -- <http://www.nmcourt.fed.us/usbc/>.
- E. **Do not click on the back button (icon) in the browser menu bar.** CM-ECF does not accommodate use of the browser back button. If you need to make changes in previous screens, **YOU MUST START OVER** by clicking on the Bankruptcy hyperlink in the blue CM-ECF main menu bar. The only time you should click on a back button to return to a previous screen is when the CM-ECF screen contains a **Back** button.

File Proof of Claim in CM-ECF

- STEP 1** Log in to CM-ECF at <https://ecf.nmb.uscourts.gov>
- Click on the **Bankruptcy** menu option in the blue CM-ECF menu.
- STEP 2** The **Bankruptcy Events** menu displays.
- Click on the **File Claims** hyperlink. For more help with each screen, click on the yellow question mark icon.

STEP 3 The **Search for Creditor** screen displays.

- ❑ **Case number.** Enter the case number, including the hyphen, as yy-nnnnn, e.g., 06-51249. It may be necessary to type over an existing case number when you get to this step. To do this, highlight the case number and begin typing.
- ❑ **Name of creditor.** Enter all or part of the creditor's name or leave the field blank to view all creditors. We recommend leaving this field blank and viewing all creditors.¹
- ❑ **Type of creditor** field defaults to **creditor**. Do not change the default value.
- ❑ Click on the **Next** button. The **Clear** button will return all selections to their default values.

STEP 4 The **Select a Creditor for Claim** screen displays the **search results**. You will see one of the following three screens in response to your search request.

- **Invalid case number.** If the screen indicates that you have entered an invalid case (number), click on the **Back** button *in the CM-ECF* screen and try again.
- **There are no creditors found.** The **Select a Creditor for Claim** screen displays, but there are no creditors listed. This means there are no creditors in the database with the name or

¹ We recommend that you **view all creditors** because the format of the creditor name entered in our database may be slightly different than the name you want. For example, due to database limitations, "New Mexico Taxation and Revenue Department" is entered as "NM Tax & Revenue Department." Therefore, if you enter "New Mexico Tax" to search for the creditor, you will not find the name.

partial name you entered in the **Name of creditor** field. When this happens, you will need to abort the transaction and start over by clicking on the **Bankruptcy** hyperlink in the CM-ECF main menu bar.

- **Important:** If changes are necessary and the screen you are currently in does not contain a **Back** button , **DO NOT CLICK ON THE BACK BUTTON IN THE BROWSER MENU BAR.** CM-ECF does not accommodate use of the browser back button. Instead, click on the **Bankruptcy** hyperlink in the CM-ECF menu bar to abort the transaction and start over. The only time you should click on a back button to return to a previous screen is when the CM-ECF screen contains a **Back** button.
- **Creditors are found.** The **Select a Creditor for Claim** screen displays and a creditor name appears.
 - Click on the creditor name or the down arrow.
 - If a specific creditor name was searched and found, you will see the creditor names in the case database that match the search criteria.
 - If you left the creditor name field blank, you will see *all creditor names* in the case database.
 - If the creditor is not listed or is not listed at the address you need, go to Step X for instructions to add or edit the creditor name and address.

STEP 5 Select a Creditor for Claim.

- Scroll down to the creditor name and click the name to select it.

- ❑ Click on the **Next** button. The **Clear** button will return all selections to their default values.

STEP 6 The **Proof of Claim Information** screen displays. Enter claim information as follows. *If filing an amended claim, see Step X.*

- ❑ **Filed by** field defaults to "Creditor." Leave as "Creditor" if claim is being filed by the creditor or attorney for the creditor. Do not use "Attorney."
- If the debtor or debtor's attorney is filing the claim on behalf of a creditor, select "Debtor." Do not use "Attorney."
- If the trustee or trustee's attorney is filing the claim on behalf of a creditor, select "Trustee." Do not use "Attorney."
- By selecting Debtor or Trustee as the filer, you are prompting the Clerk's Office to notify the creditor of claim filed.
- ❑ **Amount Claimed:** Enter amounts without dollar signs (\$) or commas. Use periods to denote decimals. The total amount is automatically calculated and entered in the **Total (Display Only)** box. The total on your claim form should match the screen.
- ❑ **Description and Remarks:** Use these fields to enter additional comments to describe the claim, if needed.
- ❑ Click on the **Next** button. The **Clear** button will return all selections to their default values.

STEP 7 Filing an Amended Proof of Claim. First read Step 13, then follow Steps 1 - 5 above. At the **Proof of Claim Information** screen, follow Step 6 with these additional instructions:

- Enter number of claim being amended in **Amends Claim #** field as, for example, 2, not 2-1.
- Enter amended amount(s), being sure to zero out amounts as appropriate. See example in Step 13 for more assistance.

STEP 8 The **Select the Pdf Document** screen displays.

- Click on the **Browse** button and locate the pdf file.
- If necessary, change the "Files of type" selection to "All Files."
- Right click on the pdf file.
- Open the pdf file to verify that it is the correct document.
- Close the Adobe Acrobat screen by clicking the **X** in the upper-right corner.
- If the pdf file is not the correct document, find the correct pdf file before continuing. If you cannot find the correct pdf file, abort this transaction by clicking on the **Bankruptcy** hyperlink in the CM-ECF menu bar. Find correct file and start over.
- If the pdf file is the correct document, highlight the pdf file.
- Click on Open. Once you submit a document for filing in CM-ECF, the document is officially filed and entered on the docket. For this reason, **always open and view the pdf file just before you upload it for transmission** to the CM-ECF database.
- If there are attachments to the claim (not included in the POC pdf file), click the **Yes** radio button.
- Click on the **Next** button.

STEP 9 The **Select One or More Attachments** screen displays if you checked the **Yes** radio button for attachments.

- ❑ Click on the **Browse** button and follow the instructions in Step 8 above.
- ❑ Click on the down-arrow at the **Type** box and click on "Exhibit" or enter a **Description**, e.g., "Billing Statements" or select a type *and* enter a description.
- ❑ Click on the **Add to List** button. Note that as soon as you click on this button, the screen reloads and the path and file name of your attachment appear in the list box.
- ❑ Repeat to upload additional attachments. When you have finished uploading attachments, click on the **Next** button.

STEP 10 The **Notice of Electronic Claims Filing** screen displays.

- ❑ Print a copy of the screen for your records. This is the verification of the date and time the claim was filed with the Court.
- Although the Notice of Electronic Claims Filing does not indicate on its face that it is sent via e-mail to attorneys of record in the case, a copy of the notice is e-mailed by CM-ECF to all *attorneys of record* in the case. A copy of the notice is NOT e-mailed to an e-filer with a limited-use account. An e-filer with a limited-use account may be a party in the case, but will not receive notices via CM-ECF e-mail; the U. S. Postal Service mailing address is added to the case for limited-use account holders.

STEP 11 Add Creditor.

- At the **Select a Creditor for Claim** screen (see Step 5 above), click on **Add Creditor**.
- The next screen allows you to confirm or change the case number. Click on the **Next** button to proceed.
- At the **Add Creditor(s)** screen, type the creditor's name and address in the field using a letter address format, but not exceeding the number of characters and lines allowed.
 - Name of creditor on first line - may be 50 characters
 - Address may be 5 lines, 40 characters each
 - More than one creditor may be entered. Separate creditors with a blank line.
- Click on the **Next** button.
- The next screen confirms the **total number of creditors entered**. Click on the **Submit** button.
- At the next screen, entitled **Creditors Receipt**, click on **File A Proof Of Claim** to return to the **Search for Creditor** screen (Step 5, above) and file your proof of claim.
- If you have questions, please contact the CM-ECF Help Desk at 505-348-2500 or toll free at 866-291-6805, option #3.

STEP 12 Edit Creditor. This option is used when the address for the creditor in the database is most likely the payment address entered by the debtor when the case was filed. Creditors should use this option to change their name and address to match their proof of claim so that notices will only be sent to the creditor at the address on the claim.

- ❑ At the **Select a Creditor for Claim** screen (see Step 5 above), click on **Edit Creditor**.
- ❑ The next screen allows you to confirm or change the case number and type in the name of the creditor. We suggest that you do not enter a name on this screen, but instead just click on the **Next** button to proceed.
- ❑ At the next screen, both options (edit or add) appear. The edit creditor option displays a pick list for you to choose the creditor whose name and address you want to edit. Click in the pick list box and select the creditor to be edited. Click on the **Next**.
- ❑ At the **Edit Creditor(s)** screen, make changes to the creditor's name and address in the field using a letter address format, being mindful not to exceed the number of characters and lines described below.
 - Name of creditor on first line - may be 50 characters
 - Address may be 5 lines, 40 characters each
- ❑ Click on the **Next** button.
- ❑ The next screen displays "Modify Completed!" Click on the **File A Proof Of Claim** hyperlink to return to the **Search for Creditor** screen (Step 5, above) to file your proof of claim.
- If you have questions, please contact the Clerk's Office at 505-348-2500 or toll free at 866-291-6805, option #3.

STEP 13 **Preparation for Filing Amended Proof of Claim.** It is critical that you do the following **before** accessing CM-ECF to file an amended proof of claim:

- ❑ On the proof of claim form, locate the “**Check this box to indicate that this claim amends a previously filed claim**” box, at the top right-hand corner of the form. Check the box and enter claim number and filing date of the original claim.
- ❑ Review the claims register for the following information:
 - You need the claim number **without the hyphen-plus-number**, i.e., 2 not 2-1.
 - You need the name of the creditor who filed the original claim **exactly** as it appears on the original claim. CM-ECF matches up the creditor name with the claim number; if the name and number do not match *exactly*, CM-ECF will not let you file the amended proof of claim!
 - You need to be clear on what is being amended. Are you amending the amounts or the classification or both? You must have this information before you get to the proof of claim information screen in CM-ECF. To see why, read the example below.
 - **Example:** The IRS filed a proof of claim for \$3,000 as Priority. The IRS wants to amend to change the classification from Priority to Secured. At the Proof of Claim Information screen, the person filing the amended proof of claim must not only enter 3,000 in the Secured field, but must also enter 0.00 in the Priority field to **zero out** the amount. If the Priority amount is not zeroed out, CM-ECF will retain the amount in the Priority field and add the two classes together making the total claim for \$6,000 instead of \$3,000!

QUICK STEPS

PREP STEP - do all the preparatory work (see **Basic Guidelines** instructions)

- ① **Bankruptcy Events** - click on **File Claims**.

- ② **Search for Creditor** - enter case number, accept all defaults, click on **Next**.

- ③ **Select a Creditor for Claim** - click on creditor's name, click on **Next**.

- ④ **Proof of Claim Information**
 - accept **Filed by** default (creditor) unless you are the debtor, debtor's attorney, trustee or trustee's attorney, and if so, select either debtor or trustee.

 - enter **Amount Claimed** for appropriate categories. Do not use dollar signs or commas. Use periods for decimals. Be sure the total that CM-ECF calculates is the same as the total on the proof of claim form!

 - enter descriptive comments in the **Description** and **Remarks** fields.

 - for amended claims, read Step 13, **Preparation for Filing an Amended Proof of Claim**, in the detailed instructions. It is critical that you *prepare* to file an amended proof of claim **before** accessing CM-ECF. See also Step 7 of the detailed instructions.

- ⑤ **Upload the proof of claim pdf file** (view it first!) and any attachments (view them, too!). See Step 8 of the detailed instructions.

- ⑥ **Print a copy of the Notice of Electronic Claims Filing** as your evidence of filing.

Revision history:

The April 23, 2008 version contains four changes to the December 1, 2007 version:

(1) in Part E of the "Basic Guidelines," changed "Adversary option" to "Bankruptcy hyperlink" for consistency;

(2) changed file name from "F:\Procedure\EXTERNAL\Claims\Proof of Claim 120107.wpd" to "F:\Procedure\EXTERNAL\Claims\File Proof of Claim or Amended POC 042308.wpd";

(3) added this *Revision history* page; and

(4) added *Revision history* to Contents page.

Changes made by SAK on 4/23/08.