



United States Bankruptcy Court
District of New Mexico
Office of the Clerk
Norman H. Meyer, Jr., Clerk of Court

MAILING LIST GUIDELINES
effective February 18, 2004

Debtors are required to submit a mailing list of creditors with the bankruptcy petition at the time the petition is filed, whether manually or electronically. These guidelines should be followed by all petition filers. Questions may be directed to the Clerk's Office, 505-348-2500 (toll free 866-291-6805) or by e-mail to web_ops@nmcourt.fed.us.

A. Requirements for Producing Acceptable Mailing Lists

1. Submit the mailing list as an ASCII DOS text file with any name and the file name extension .txt (or .scn), e.g., jones.txt, creditor.txt, or creditor.scn
 - If filing the petition in paper format, submit the file on a 3.5" disk or CD labeled with the debtor's name as it appears on the petition. Be sure disks are in good condition; over-used disks might not be readable, and please ensure that CDs are readable by a computer other than your own.
 - If filing the petition electronically, submit the file via ACE "Open Bankruptcy Case."
2. The mailing list text file **should NOT contain** the following:
 - a. unprintable characters,¹ tick mark (`), quote mark (") or a pipe/vertical bar mark (|) .
 - b. address lines exceeding 40 characters.
 - c. address block of more than 4 single-spaced lines including the addressee's name.
 - d. address of only one line.
 - e. personal forms of address before a name. (i.e., for Dr. John Smith, type John Smith, Dr.)
 - f. all caps in a name, unless the name is customarily written with all caps (e.g., IBM).
 - g. duplicate entries
 - h. names of debtors, debtor's attorney, U.S. trustee or NM Tax & Revenue Dept.²
3. The mailing list text file **should**
 - a. be typed in a *single column* at the left margin of the page.
 - b. contain at least one blank line between each address block.

¹ Unprintable characters are usually added by keyboard strokes that may be unknown to the typist but in reality execute commands such as form feed, etc.

² The names and addresses of the debtor/joint debtor, attorney for debtor, US trustee, and the NM Department of Taxation and Revenue are automatically added by the Clerk's Office.

- c. have the creditors' name (first name first, last name last) on the first line of the address.
- d. have addresses typed in upper and lower case as you would on a letter.
- e. have the city + two-letter state abbreviation (in capital letters) and zip code (numerical characters only) typed, in that order, on the bottom line of the address block.
- f. have account numbers, if included, typed on the second line of the address, as long as the complete address block is no more than 4 lines long.
- g. include ONLY names and addresses (no titles, page numbers, document names, etc.).
- h. use the address designated by a governmental unit or the standard address for a business as posted on the court's website.³

4. Examples of properly typed addresses

Paul Revere Ins.
c/o Atty Jo Practitioner
PO Box 1234
Albuquerque NM 87103-1234

Albuquerque Collections
Attn: OD Dept
PO Drawer 40040
Albuquerque NM 87196-0040

Zales Jewelers
Acct No. 18-861-529-1364
PO Box 650534
Dallas TX 75265-0534

Harry Smith (Mrs.)
123 First ST NW
Lompoc, CA 92222-2222

Raymond Garcia (Dr.)
307 West Alameda AV
Las Cruces, NM 88001-0307

B. Quick Check Program - Validate the Creditor Mailing List

You can quickly check your creditor mailing list to see if it meets the requirements set forth in these guidelines by using the "Validate Creditor Mailing List" utility available on the ACE⁴

³ The court's website address is www.nmcourt.fed.us/web/BCDOCS/bcindex.html. Select GENERAL INFORMATION, then RULE 5003(E) GOVERNMENT ADDRESSES or STANDARD ADDRESSES.

⁴ ACE is the name of the court's Internet-based electronic records and filing program.

homepage. The validate utility looks at the mailing list text file and returns a "pass/fail" status for each address on the list.

Only "passing" addresses will be accepted by the Court's creditor uploader program. The report includes the reason for each failed address. By using the validate utility, you can correct failed addresses before submitting the text file with the petition.

If you have an ACE account, you can access the validate utility from any computer with access to the Internet. If you do not have an ACE account, you may access the validate utility from a computer in the Clerk's Office public viewing room.

It is the responsibility of the debtor to correct "failed" addresses, if possible. To add addresses for scheduled creditors, file a document entitled, "Addition of Scheduled Creditors to Case Mailing List," along with payment of the \$26.00 filing fee (required by the Bankruptcy Miscellaneous Fee Schedule (28 U.S.C. § 1930) to add addressees to the creditor mailing list).

C. Consequences If Mailing List Requirements Are Not Met

When you fail to submit a readable creditor mailing list with the petition, the Clerk's Office will send you an **Order to Show Cause Why Case Should Not Be Dismissed**. The Order will require you to comply with the Clerk's mailing list requirements and may also require you to appear before the judge. To comply with the Clerk's mailing list requirements, you will need to

1. Submit a readable mailing list with the \$26.00 fee due. If filing without an attorney, submit the list on disk or CD (see paragraph A. 1. above). If you are an attorney, you may email the list to the Clerk's Office as follows:
 - Send the email to web_ops@nmcourt.fed.us with a receipt confirmation.
 - In the subject reference of the e-mail, use the full case number (e.g., 7-02-13434 MA)
 - In the e-mail message itself, include the debtor name(s) and authorization for the Clerk's Office to charge a credit card \$26.00
 - Attach the creditor list as an ASCII DOS text file named with a .txt extension.
 - The Clerk's Office will respond within 4 business hours to confirm receipt and action on the creditor mailing list file. If you have questions regarding this procedure, please contact the operations department at 505-348-2500 or toll free 866-291-6805.
2. Prepare and send form 32, "Notice of Bankruptcy Case, Meeting of Creditors, and Deadlines (§ 341 Notice) Given to Additional Parties"⁵ to all creditors. File a copy of Form 32 with the Clerk's Office.

⁵ When the creditor mailing list is timely submitted and readable, the Clerk's Office sends the "Notice of Commencement of Case and of Meeting of Creditors" to **all** creditors. However, when a readable list is not submitted with the petition, the Clerk's Office does not send the notice to all parties; instead, the debtor must send the notice and, therefore, bear the expense of mailing the notice to all parties. Forms are available from the Court's website at www.nmcourt.fed.us/web/BCDOCS/bcindex.html, COURT FORMS, or from the Clerk's Office.

D. Instructions for Editing the Mailing List Text File

The Clerk's Office is aware that most mailing lists are created from a bankruptcy software program where creditors and their addresses are entered into a case database as the debts are scheduled. The list is then automatically created in ASCII DOS text format by the software program. This feature of bankruptcy software programs is a time-saver for practitioners but has a couple of drawbacks when creating a mailing list. For one thing, the format for entering creditor information on a schedule may allow for more information than is required for a mailing list. This may result in, for example, an address of more than 4 lines or an address that is undeliverable because the account numbers appear on the last line of the address.

You can view the file in ASCII DOS text format, see errors and make corrections very easily. Step-by-step procedures for viewing creditor mailing lists with the Windows text editor, Notepad, follow. The Clerk's Office expects that mailing lists will be proofed and validated before submission to ensure compliance with these guidelines.

- To access Notepad on a Windows computer, left click on the START button in the lower left-hand corner of your screen. Go to PROGRAMS, then ACCESSORIES, then NOTEPAD.
- To open a text file in Notepad, click on FILE in the menu bar, then OPEN. Find the folder and the file, then click on open. If the file won't open and has the extension .SCN, change the FILES OF TYPE from TEXT DOCUMENTS (*.TXT) to ALL FILES.⁶
- To modify the text file in Notepad, use the delete key to delete information. Type in corrected information. Use the Search option to Find or Find and Replace text. Proof your changes carefully being sure to delete odd characters
- To save the text file in Notepad, click on File, then Save to save over the original text file, or click on File, then Save as to save this corrected text file under a new file name

F:\ALL FORMS\mailing list guidelines.wpd

⁶ If the file is not readable in Notepad, this means it is not in text file format. You may have opened the file in WordPerfect or MS Word and inadvertently converted it to a WordPerfect or Word file. If so, open the file in the word processing application and save it (using "save as") as an ASCII DOS text file (see "save as file type" in the SAVE AS window). Now open the text file in Notepad.