

**United States Bankruptcy Court
District of New Mexico**

Document Verification

Case Title: Court Administrative Matters v.
Case Number: 05-00001
Nature of Suit:
Judge Code:
Reference Number: 05-00001 -

Document Information		
Number:	66	
Description:	Order, directing that payment advices not be filed with the Court but instead be provided to Trustee and, upon timely request, to creditors .	
Size:	2 pages (105k)	
Date Received:	10/04/2005 03:38:28 PM	Date Filed: 10/04/2005 Date Entered On Docket: 10/04/2005
Court Digital Signature		View History
9a 38 aa f2 e7 9b f7 f2 1b 08 c8 d8 3a 40 ed fe ec 99 3a ec 31 94 2a 90 ca 8f 48 b5 ae b7 27 a1 6b 09 08 78 c3 c6 dd 46 5d fa e4 5e 6f e6 4f 92 3f 95 34 be c0 bf 17 f4 fc bb 91 00 2d 94 2c bd ae 38 ce ea cf 43 ac b4 fb dc 67 d2 30 a7 40 f2 7e 5f b7 7c 5d 20 36 fe 7e c2 bd 3a f1 d6 0c 51 cd 8f 3f 92 dc 65 6d 35 4c a0 26 28 ad 62 55 29 64 49 d1 a2 14 49 fd 22 06 b3 7a 6c 6e ae 7f a4		

Digital Signature: The Court's digital signature is a verifiable mathematical computation unique to this document and the Court's private encryption key. This signature assures that any change to the document can be detected.

Verification: This form is verification of the status of the document identified above as of *Friday, October 14, 2005*. If this form is attached to the document identified above, it serves as an endorsed copy of the document.

Note: Any date shown above is current as of the date of this verification. Users are urged to review the official court docket for a specific event to confirm information, such as entered on docket date for purposes of appeal. Any element of information on this form, except for the digital signature and the received date, is subject to change as changes may be entered on the Court's official docket.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

COURT ADMINISTRATIVE MATTERS:

Payment Advices Not Filed

No. MP 05-001

**ORDER DIRECTING THAT PAYMENT ADVICES NOT
BE FILED WITH THE COURT BUT INSTEAD BE PROVIDED
TO TRUSTEE AND, UPON TIMELY REQUEST, TO CREDITORS¹**

In view of the privacy concerns expressed by the Judicial Conference of the United States, and the policy regarding privacy and public access to electronic case files adopted by the Judicial Conference of the United States in September of 2001, and in light of the ability to access electronically filed documents via the Court's electronic filing system, the Court finds that debtors

¹The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") was enacted into law on April 20, 2005. The effective date of the BAPCPA is October 17, 2005. Section 315 of the BAPCPA amends 11 U.S.C. § 521 to require the debtor to file, *unless the court orders otherwise*,

copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor.

11 U.S.C. § 521(a)(1)(B)(iv).

Section 315 of the BAPCPA further amends 11 U.S.C. § 521 to require the debtor to provide

- (i) not later than 7 days before the date first set for the meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and
- (ii) At the same time . . . a copy of such return (or if elected under clause (i) such transcript) to any creditor that timely requests such copy .

11 U.S.C. § 521(e)(2)(A)(i) and (ii).

should not be required to file with the Court copies of all payment advices or other evidence of payment received by the debtor as contemplated by 11 U.S.C. § 521(a)(1)(B)(iv).

IT IS THEREFORE ORDERED, pursuant to 11 U.S.C. § 521(a)(1)(B), that the debtor **shall not file** with the Court, and the Clerk of the Court shall not accept absent an order of the Court, copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor. Instead, the debtor shall provide to the trustee copies of such documents concurrently with the tax return (or transcript of such return) as required by 11 U.S.C. § 521(e)(2)(A)(i), not later than 7 days before the date first set for the first meeting of creditors. Additionally, if a creditor has timely requested a copy of the debtor's payment advices or other evidence of payment received within the 60 days before the date of the filing of the petition, the debtor shall provide to such requesting creditor a copy of such documents at the same time the debtor provides such documents to the trustee. *Cf.* 11 U.S.C. § 521(e)(2)(A)(ii).
See also NM IBR 4002(b)(4).



JAMES S. STARZYNSKI
Chief United States Bankruptcy Judge



MARK B. McFEELEY
United States Bankruptcy Judge