



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

Bankruptcy Information Packet
for Persons Filing Bankruptcy Without a Lawyer

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Dennis Chavez Federal Building and United States Courthouse
500 Gold Avenue SW, Tenth Floor
PO Box 546, Albuquerque, NM 87103-0546
Telephone: 505-348-2500; Toll-free: 866-291-6805



Bankruptcy Information Packet

for Persons Filing Bankruptcy Without a Lawyer

INTRODUCTION

This Bankruptcy Information Packet has been developed and is designed to assist persons who want to file bankruptcy without a lawyer. In addition to providing general information about the Clerk's Office, chapter 7 and chapter 13 bankruptcies, and requirements of the U. S. Trustee's office, this package includes a specific guidance such as a checklist for filing bankruptcy in our court, guidelines for creating a creditor mailing list, and copies of official bankruptcy petition forms and local forms required in the District of New Mexico. Additional information is available on our website¹ under General Information, Bankruptcy Basics.

If you are representing yourself without the benefit of an attorney, you are known as a PRO SE LITIGANT. "Pro Se" is a Latin term meaning "for yourself." As a self-represented debtor, you enjoy every right entitled to you under the law. You need not worry if you have had little or no experience with the courts before. However, self-represented debtors are expected to follow and abide by the rules that govern the practice of law in the Federal Courts. Self-represented debtors should be familiar with the United States Bankruptcy Code,² the Federal Rules of Bankruptcy Procedure and the Local Rules of this court.

While it is possible to file a bankruptcy case without the assistance of an attorney, it may be difficult to do so successfully. Because bankruptcy is a complicated and very detailed area of the law, it is recommended that a person considering bankruptcy consult with a competent attorney prior to filing a case.

Although some pages in this packet are printed on both sides, the forms that you complete and submit to the court are printed on one side only. **Do not submit two-sided documents for filing with the court.**

If, after reading the materials in this packet, you need additional assistance, please contact Sharon Kologie, Administrative Analyst, in the Clerk's Office at 505-348-2443 (or toll free 866-291-6805, enter 0 and ask for Sharon).

Norman H. Meyer, Jr.
CLERK OF COURT

¹ www.nmcourt.fed.us/web/BCDOCS/bcindex.html

² At the court's website homepage, go to General Information. Click on FILING WITHOUT AN ATTORNEY for a link to the Bankruptcy Code and Rules. Click on LOCAL RULES for the court's local rules.



Bankruptcy Information Packet

for Persons Filing Bankruptcy Without a Lawyer

BANKRUPTCY FILING CHECKLIST

To file bankruptcy, submit the forms described below, along with the appropriate filing fee, to the Clerk's Office, U. S. Bankruptcy Court, District of New Mexico, 500 Gold Avenue, SW, 10th Floor, Albuquerque NM (mailing address: PO Box 546, 87103-0546). These forms and other helpful resource documents are included in the Bankruptcy Information Package. If you have questions, please call 505-348-2500 (toll free 866-291-6805) or visit our homepage at www.nmcourt.fed.us/web/BCDOCS/bcindex.html.

Use only **BLACK** ink (or font color) whether typing or hand-writing information to complete any of the forms! Do not use blue or any other color of ink.

Bankruptcy petition, Official Form 1.

- Complete the bankruptcy petition page and sign where indicated. If you are filing a joint petition (husband and wife), both persons should be listed as debtors and both should sign.
- Complete the Summary of Schedules and Schedules A-J and sign the declaration.
- Complete the Statement of Affairs and sign where indicated.
- Assemble in this order: petition with signature page, then summary of schedules, schedules A - J, the declaration, and finally, statement of affairs. Staple pages together.

Filing Fee or Application to Pay Filing Fee in Installments.

Because a debtor's personal check or credit card cannot be accepted, you will need to pay the fee in cash or by money order or cashiers check (payable to US Bankruptcy Court). If you can only pay part of the fee when you file your petition, complete **Forms 6 and 7** and **submit them with the petition** to apply to pay the fee in installments. Please see the Fee Schedule for a list of filing fees.

Mailing list of creditors on 3.5" diskette or compact disk (CD).

You must **submit with your petition** a list of creditor names and addresses on a 3.5" diskette or CD. The Clerk's Office will mail a notice of your bankruptcy filing to all names on your mailing list; please make sure your list is complete and accurate. You may use a computer in the Clerk's Office to type the list. See Mailing List Guidelines. It is your responsibility to ensure that the disk or CD is readable by the Clerk's Office.

Statement of Social Security Number(s) (Form b21)

Complete this form and sign it. If you are filing a joint petition (husband and wife), both persons must complete and sign the form. **Submit this form with the petition.** Note: Form B21 will not be filed or become a part of the bankruptcy case record in any format or media. The statement of social security numbers is required by Fed. R. Bankr. P. 1007(f).

Bankruptcy Filing Checklist, continued

Disclosure of Marital Status Pursuant to New Mexico Local Bankruptcy Rule 1002-1 (Form 4)

If you are married, and you are filing a joint petition together, you can skip this step. Otherwise, complete Form 4 and **submit it with the petition**.

Notice of Non-filing Spouse Information (sample Form 15)

If you have a non-filing spouse, you are required by New Mexico Local Bankruptcy Rule 1007-5(b) to give the trustee, all creditors and parties in interest notice by mail of the name, address and full 9-digit social security number (if known) of the non-filing spouse. This notice must be mailed within five (5) days of filing your petition. See sample Form 15 for suggested language for a notice included in this packet. This notice should be formatted as a letter. Do **not** file this notice with the Clerk's Office.

Certificate of Compliance with New Mexico Local Bankruptcy Rule 1007-5 (b). (Form 13)

Within two(2) days of mailing the Notice of Non-filing Spouse Information, you must file with the Clerk a certificate of compliance with this rule. Use Form 13 for this purpose.

Certificate of Disclosure of Community Information Pursuant to New Mexico Local Bankruptcy Rules 1007-1 (Form 5)

If you disclosed a non-filing spouse on Form 4, complete and sign Form 5 and **submit it when you file your schedules and statement of affairs**.

Chapter 7 Individual Debtor's Statement of Intention (Form 8)

If you are filing a chapter 7 petition, submit a statement of your intention regarding any personal property which you have used as security for a consumer debt. See **Form 8**.

Chapter 13 Plan

If you are filing a chapter 13 petition, you will also need to prepare a plan for paying your creditors. You may file your chapter 13 plan with your petition; if you don't file it with the petition, you must file your chapter 13 plan no later than 15 days after the petition is filed. Please read "Individual Debt Adjustment Bankruptcy - Chapter 13," included in this packet. Contact the Office of the Chapter 13 Trustee (505-243-1335) for more information about the chapter 13 plan requirements. It is your responsibility to hand-deliver or mail a copy of your plan to the Chapter 13 Trustee, 625 Silver SW, Suite 350, Albuquerque NM 87102.

Bankruptcy Filing Checklist, continued

Copies of petition, schedules, statements and other documents you file:

The Clerk's Office requires only the original, but you should submit, along with the original, two copies to be file-stamped and returned to you.

It is your responsibility to mail one of the copies to your chapter 7 case trustee or the chapter 13 trustee (whose address is shown in the paragraph above regarding the Chapter 13 plan). Once you have a case number, you may obtain the name and address of the chapter 7 trustee for your case by calling the Clerk's Office at 505-348-2500 or toll free 866-291-6805.

The second copy of every document you file is for your personal records. We strongly recommend that you keep a copy of all file-stamped documents for your personal records. You may need copies of these important documents years later. For example, many lenders and mortgage companies require copies of bankruptcy papers.

Documents Required to File Chapter 7 or Chapter 13 Bankruptcy			
	File with Petition	File within 15 days of filing the petition	File within 30 days of filing petition or before the first meeting of creditors whichever is earlier.
Petition, pages 1 & 2	★		
Summary of Schedules	☆	☆	
Schedules A-J	☆	☆	
Statement of Financial Affairs	☆	☆	
Fee or Form 6 (Application to Pay Fee in Installments) along with Form 7 (proposed Order granting application)	★		
Form b21 - Statement of Social Security Numbers. This form will not be "filed" but you are required to submit it.	★		
Mailing list of creditors on 3.5" diskette or CD	★		
Form 4 - Disclosure of marital status and non-filing spouse (if not a joint petition)	★		
Form 5 - Certification of Disclosure of Community Property (if applicable)	☆	☆	

Bankruptcy Filing Checklist, continued

Documents Required to File Chapter 7 or Chapter 13 Bankruptcy			
	File with Petition	File within 15 days of filing the petition	File within 30 days of filing petition or before the first meeting of creditors whichever is earlier.
Form 15 (sample) - Notification of Non-filing Spouse Information (applicable only if debtor has a non-filing spouse)	Mail within 5 days of filing petition. Failure to send this notice and to file Form 13 (below) may be cause for dismissal of the case.		
Form 13 - Certificate of Compliance with New Mexico Local Bankruptcy Rule 1007-5(b)	File with the Clerk within 2 days of mailing the Notification of Non-filing Spouse Information. Failure to file this certification may be cause for dismissal of the case.		
Form 8 - Chapter 7 Statement of Intent	★		★
Chapter 13 Plan (send a copy to the Office of the Chapter 13 Trustee)	★	★	

★ Note: The items with the darkest star are the minimum required to file bankruptcy. Other documents *may* be filed with the petition but **must** be filed no later than the time indicated in the table or your case may be subject to dismissal.

United States Bankruptcy Court, District of New Mexico
Fee Schedule as of January 1, 2004
see 28 U.S.C. §1930

Petition Fees

Chapter 7 = \$209 Chapter 11 (non railroad) = \$839.00 Chapter 13 = \$194.00
Chapter 12 = \$239.00 Chapter 11 (railroad) = \$1039.00 Chapter 9 = \$839.00

Adversary proceeding*	\$ 150.00
Amendment to schedules or list of creditors (including mailing list) to add or delete a creditor, or change the amount or classification of the debt. Fee is due per <u>amendment document</u> , not per item amended. A mailing list submitted after the petition is filed is considered an amendment.	\$ 26.00
Ancillary proceeding pursuant to 11 U.S.C. §304	\$ 839.00
Appeal - notice of appeal (\$5) and docketing of an appeal or cross appeal (\$250)	\$ 255.00
Appeal - notice of appeal accompanied by a motion for leave to appeal (<i>interlocutory appeal</i>). When motion is granted, the \$250 fee to docket the appeal will be due.	\$ 5.00
Check returned for lack of funds	\$ 45.00
Conversion to chapter 7 by <i>notice</i> of chapter 12 or 13 debtor or on <i>motion</i> of creditor	\$ 15.00
Copy, per page = \$0.50; certified, per document, in addition to per page copy fee = \$9.00; exemplified, per document - the fee is double the fee to certify	
Copy of a recording of proceedings, any medium (fee includes cost of materials)	\$ 26.00
Division of joint case at debtor's request (fee is the current filing fee for the chapter of the joint case): Chapter 7 or chapter 13 = \$155.00 Chapter 11 = \$800.00 Chapter 12 = \$200.00	
Filing or indexing in a case for which no filing fee has been paid, such as registering a judgment or issuing a subpoena from another district	\$ 39.00
Motion to compel abandonment of property*	\$ 150.00
Motion to convert chapter 7 or chapter 13 case to chapter 11 at request of the debtor	\$ 645.00
Motion to convert to chapter 7 from any chapter	\$ 15.00
Motion to modify or lift the automatic stay*	\$ 150.00
Motion to reopen Chapter 7 or chapter 13 = \$155.00, Chapter 11 = \$800.00, Chapter 12 = \$200.00	
Motion to withdraw U. S. District Court reference*	\$ 150.00
Notice by debtor of conversion to chapter 7 from chapter 12 or chapter 13 case	\$ 15.00
Registry funds handling charge -	10% of interest earned
Retrieval of case file from Federal Records Center in Denver	\$ 45.00
Search fee, per name	\$ 26.00
Witness fee:	Mileage per mile = \$0.375 Daily attendance fee = \$40.00

* not due if plaintiff is the debtor or a child support creditor who has filed Form B281 in the bankruptcy case prior to or simultaneous with filing the complaint or motion.



**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

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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.



Bankruptcy Information Packet for Persons Filing Bankruptcy Without a Lawyer

GENERAL INFORMATION ABOUT THE BANKRUPTCY COURT

The Bankruptcy Court for the District of New Mexico is located in the Dennis Chavez Federal Building and United States Courthouse at 500 Gold Avenue SW, in Albuquerque. The Office of the Clerk, where bankruptcy petitions are accepted for filing, is on the tenth floor. The public counter is open for business from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on federal holidays. The court's drop box is located on the west side of 5th street, south of Gold Avenue. Documents placed in the drop box before 8:00 a.m. are filed as of midnight the previous business day. The court's website address is www.nmcourt.fed.us/web/BCDOCS/bcindex.html.

Questions about fees, procedures for filing documents, number of copies required for each document filed, and general *procedural* questions can be answered by clerk's office staff working at the public counter. Clerk's office staff also answer questions by telephone from 8 a.m. to 5 p.m., Monday through Friday. **Clerk's office staff, however, do not give legal advice.**

Forms for filing bankruptcy petitions without an attorney are available in the Bankruptcy Information Packet. General information about the kinds of bankruptcy petitions that can be filed, the meaning of the "discharge" in bankruptcy, filing fees, copy requirements, and Bankruptcy Information Packet are available in the clerk's office and via the Court's website.

If you have a public ACE account with the court, you can search the court's case database by name, last four digits of a social security number, case number, or filing date for case docket and claims register information. You may apply on-line for a public ACE account via the Electronic Services menu on our website. You may also call the court's computer directly by dialing our voice case information system ("VCIS") at 1-888-435-7822 for automated case information.

If you need answers to legal questions, please contact an attorney. If you do not already have an attorney, the following services provided by the State Bar of New Mexico can **refer you** to an attorney:

- Lawyers Care Referral Program, 505-797-6066 or 800-876-6227
- Lawyer Referral for the Elderly Program (age 55 and older) 505-797-6005 or 800-876-6657 Legal Helpline Hours: Monday - Friday 8:00 a.m. - 5:00 p.m.