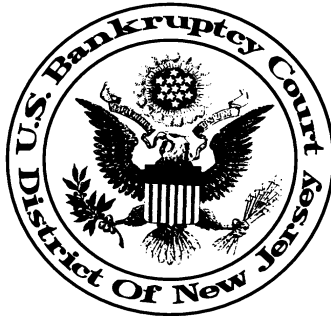


UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
James J. Waldron, Clerk

OCTOBER 2006



THIS NOTICE IS INTENDED TO ALERT NEW JERSEY CM/ECF USERS OF NEW DEVELOPMENTS AND HIGHLIGHT ISSUES THAT REQUIRE IMMEDIATE ATTENTION.

GOING LIVE WITH CM/ECF VERSION 3.1

CM/ECF will be unavailable during the installation of version 3.1. We anticipate the down time to start at 6:00 PM Friday, October 13 and end at 3:00 PM Sunday, October 15.

REVISED OFFICIAL FORMS ARE EFFECTIVE AS OF OCTOBER 1, 2006

The effective date of October 1, 2006 has created some confusion because the new forms are related to CM/ECF version 3.1 which will not be installed in our court until the weekend noted above.

- Procedurally, our court is requiring the new, revised forms as of October 1 and we will issue a Deficiency Notice for failure to use these forms.
- The **NEW** Exhibit D and Exhibit D - Joint Debtor (if applicable) should be uploaded as part of the petition package and you should CONTINUE to e:file the Credit Counseling Certificate separately using the Miscellaneous Event, *Certificate of Credit Counseling*.
- The above procedure will remain the same with version 3.1. When version 3.1 is installed, you will begin to see Exhibit D and Exhibit D - Joint Debtor on the Deficiency Lists in case opening and in the Missing Documents Filed event.
- Exhibit D is an additional required document for case opening and does not replace the Credit Counseling Certificate. The court will issue a Deficiency Notice if either is missing.

FOR ADDITIONAL INFORMATION ON REVISED OFFICIAL FORMS

Please review the posting on our site, *Notice to the Bar and Public Regarding Amendment to the Bankruptcy Official Forms Effective October 1, 2006*. The revised forms are also posted on our site under **FORMS → REVISED: BANKRUPTCY OFFICIAL FORM CHANGES**.

WHAT TO EXPECT WITH VERSION 3.1

The Pacer Service Center posted *Bankruptcy Release Notes for Version 3.1*. This is a general information document that discusses what an e:filer may see when a court installs version 3.1. You can reach the Pacer Service Center website from our website by clicking on **CASE INFORMATION → PACER SERVICE CENTER** or use this direct link: <http://pacer.psc.uscourts.gov/>

The purpose of this *Notice to E:Filers* is to inform you of the changes you will see in the District of New Jersey. The primary design changes to version 3.1 are to aid courts in the collection of bankruptcy and adversary data and the transmission of that data to the Administrative Office of the United States Courts (AO). The process of collecting and transmitting data is accomplished through the use of certain events and the completion of certain fields in CM/ECF. This process is seamless from the e:filers perspective. Our court has always emphasized the importance of using the correct docketing events to e:file pleadings, but it is especially important now due to the statistical reporting requirements of the *Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA)*. A list of events affected by version 3.1 is provided as a separate attachment to this e:mail.

The *Release Notes* document on the Pacer Service Center website provides a direct link to Case Upload changes. If you are using **CM/ECF → BK Case Opening - Voluntary** to e:file a new petition, you will notice the following changes on the statistical information screens below.

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Railroad
 Stockbroker
 Commodity Broker
 Clearing Bank
 Other
 Tax-Exempt Entity

1. PRIOR FILINGS DEFAULTS TO NO. THIS INFORMATION COMES FROM PAGE 2 OF THE PETITION.

2. FEE STATUS AND ASSET NOTICE ARE INTUITIVE IN THAT THEY DISPLAY OR DEFAULT ONLY THE OPTIONS APPLICABLE TO THE CHAPTER.

3. NATURE OF DEBT AND ESTIMATED NUMBER OF CREDITORS, ASSETS AND DEBTS NOW DEFAULT BLANK.

Open New Bankruptcy Case

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate
- Railroad
- Stockbroker
- Commodity Broker
- Clearing Bank
- Other
- Tax-Exempt Entity

1. OTHER HAS BEEN ADDED TO TYPE OF DEBTOR .

2. NATURE OF BUSINESS TITLE ADDED.

3. TAX EXEMPT ENTITY REPLACES NON-PROFIT.

Open New Bankruptcy Case

Small business

A plan is being filed with this petition.

Acceptances of the plan were solicited prepetition

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type

Nature

Single Asset Real Estate

Railroad

Stockbroker

Commodity Broker

Clearing Bank

Other

Tax-Exempt Entity

Two new checkboxes appear when filing a Chapter 11: "A Plan is being filed with this petition" and "Acceptances of the plan were solicited prepetition". This information is also found on page 1 of the petition.

OFFICIAL FORM 6 - SUMMARY OF SCHEDULES AND STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA

Page 2 of Official Form 6 is modified to include additional information from the individual schedules. Page 2 of Official Form 6 is now a separate required document referred to as the **Summary of Liabilities** and is applicable only to individuals with primarily consumer debt. An entirely new screen, **Summary of Schedules**, is added to case opening and a sample screen shot is provided on the next page of this *Notice*. The values contained in Official Form 6 are entered on this screen. The Deficiency Lists in case opening and in the *Missing Documents Filed* event now include a new checkbox for **Summary of Liabilities**.

In addition, the *Missing Documents Filed* event has been modified to include the **Summary of Schedules** screen and it is possible for this screen to display with values depending on the deficiencies at case opening. For example, your petition was deficient for schedules D, E & F. You would have entered the values for A, B, I, J and Form 22 at the time of case opening. These values will appear on the **Summary of Schedules** screen when you e-file D, E & F using *Missing Documents Filed*. When completing the *Missing Documents Filed* event, PLEASE ENTER ONLY THE NEW VALUES. DO NOT OVERWRITE EXISTING VALUES UNLESS THOSE VALUES ARE CHANGING.

IT IS IMPORTANT TO ENTER THE VALUES WITHOUT COMMAS AND DECIMALS. FOR EXAMPLE, USERS ENTER 450000. CM/ECF WILL CONVERT THE VALUE APPROPRIATELY TO 450,000.00.

SUMMARY OF SCHEDULES			
Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.			
NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property		The values for A, B, D, E and F are taken from page 1 of Official Form 6 - Summary	
B - Personal Property			
D - Creditors Holding Secured Claims			
E - Creditors Holding Unsecured Priority Claims			
F - Creditors Holding Unsecured Nonpriority Claims			
I - Average Income (line 16)		The values for I, J and 22 are taken from page 2 of Official Form 6 - Summary	
J - Average Expenses (line 18)			
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		This value is the TOTAL on page 2 of Official Form 6 in the section captioned TYPE OF LIABILITY.	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		This field will auto calculate if values for D, E and F are entered.	

ADVERSARY CASE OPENING

A new field, **Role in Bankruptcy Case**, displays on the Defendant and Plaintiff Information screens. The options contained in the drop down list are: Creditor, Debtor, Other/Not Applicable, Trustee and US Trustee. Your selection from this list should reflect the defendant and plaintiff roles in the main bankruptcy case.

The screenshot shows a web form for opening an adversary case. The form includes several input fields: Office, Address 1 (with 'lkasjd' entered), Address 2 (with 'asf' entered), Address 3, City, State, Zip, County (dropdown), Country, Phone, Fax, E-mail, and Party text. A dropdown menu for 'Role in Bankruptcy Case' is open, showing the following options: Creditor, Debtor, Other/Not Applicable, Trustee, and U.S. Trustee/Bankruptcy Administrator. A yellow callout box with an arrow pointing to the dropdown menu contains the text: 'New field in adversary case opening appears on both Plaintiff and Debtor Information screens'. Below the dropdown menu are buttons for 'Attorney...', 'Alias...', 'Submit', 'Cancel', and 'Clear'. A note at the bottom right of the form reads: 'Include all attorneys, aliases and corporate parents before clicking the Submit button.'

OFFICIAL FORM 23

DEBTOR'S CERTIFICATION OF COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

The NEW amended form is available on our website by clicking on **Forms → Revised: Bankruptcy Official Form Changes**. There is no change in the procedural guidance first provided in the *Notice to E:Filers* dated March 2006 and repeated here:

PROCEDURAL GUIDANCE:

- In Chapter 7 cases, Form B23 must be filed within 45 days of the 341(a) meeting. The deadline for filing Form B23 is calculated in CM/ECF when the US Trustee appoints a panel trustee and schedules the 341 meeting. The due date for filing Form B23 is reflected in the resulting *Appointment of Trustee / Meeting of Creditors* docket entry. The court will issue a *Notice of Deficiency - Financial Management Course* upon expiration of the 45 day deadline if Form B23 is not filed.

OFFICIAL FORM 23

- In Chapter 13 cases, Form B23 must be filed no later than the date of the last plan payment. CM/ECF does not calculate the due date in Chapter 13 cases and attorneys must monitor this requirement internally. The court will review Chapter 13 cases for compliance after the trustee files the Final Report. If Form B23 is not filed, a *Notice of Deficiency - Financial Management Course* will be issued.
- If applicable, debtors may complete the court's miscellaneous form, Request for Exemption from Financial Management Course and e:file it using the event of the same name found in the Motions/Applications category.