



United States Bankruptcy Court District of New Jersey

Honorable Kathryn C. Ferguson, Chief Judge
Jeanne A. Naughton, Clerk

The purpose of this notice is to advise New Jersey Bankruptcy Court CM/ECF participants of new system and operational developments and to highlight issues that require immediate attention.

Office Locations

Newark

Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102
Phone (973) 645-4764

Trenton

Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608
Phone (609) 858-9333

Camden

US Post Office and Courthouse
401 Market Street
Camden, NJ 08101
Phone (856) 361-2300

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DECEMBER 1, 2018 CHANGES IN PROCEDURES DUE TO FEDERAL BANKRUPTCY RULE AMENDMENTS

MOTION TO DETERMINE VALIDITY OF PAYMENT CHANGE:

Bankruptcy Rule 3002.1 has been amended to allow parties who object to a Notice of Mortgage Payment Change to file a Motion to Determine Validity of Payment Change. To accommodate the rule revision, a new event has been added in the CM/ECF Motions/Applications category – Motion to Determine Validity of Payment Change. The motion should be scheduled in the normal course.

GENERAL POWER OF ATTORNEY:

This form was previously Director's Form 4011A and has been renamed *Official Form 411A*. The form may be modified as necessary.

SPECIAL POWER OF ATTORNEY:

This form was previously Director's Form 4011B and has been renamed *Official Form 411B*. The form may be modified as necessary.

NOTICE OF APPEAL AND STATEMENT OF ELECTION:

Official Form 417A has been amended to include a notice to inmate filers that this form can be used to provide the declaration under Rule 8002(c)(1) regarding mailing of a notice of appeal.

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS:

Official Form 417C has been renamed from *Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)* and amended to reflect changes in the length limits of briefs and other documents in Part VIII of the Bankruptcy Rules.

REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES:

Director's Form 2000 was amended to include language that local chapter 13 plan forms are acceptable in courts that have a local form in place.

ORDER VACATING STAY

Please note that the Court's local form *Order Vacating Stay* has been revised to correct the reference to Bankruptcy Code section 362(a) on page 2 of the form to Bankruptcy Code section 362(d). The revised form has been posted to the Local Forms page of the Court's website.

CHAPTER 13 PLAN AND MOTIONS

REMINDER: The Court's local form plan was revised as of September 1, 2018.

- A Chapter 13 Plan will not be processed, and the case may be dismissed, for failure to file the current plan form.
- Modified Chapter 13 Plans will not be processed until/unless the current plan form has been filed.

D.N.J. LBR 2016-5. COMPENSATION OF DEBTOR'S ATTORNEY IN A CHAPTER 13 CASE

REMINDER: This local rule was amended on August 1, 2018. Regarding cases filed under, or converted to, Chapter 13 on or after August 1, 2018, note the following provisions:

- Debtor's attorney must file with the petition or, within 14 days after conversion to Chapter 13, mandatory local form, *Disclosure of Chapter 13 Debtor's Attorney Compensation*. Failure to file the form may result in the case being dismissed.
- All fee applications filed in cases filed under, or converted to, Chapter 13 on or after August 1, 2018 must be filed in accordance with D.N.J. LBR 2016-1.
IMPORTANT: The Court's local forms *Certification of Debtor's Counsel Supporting Supplemental Chapter 13 Fee* and *Order Granting Supplemental Fees* may not be filed in these cases.
- When filing a fee application for \$10,000.00 or more, inclusive of expenses, a Chapter 13 debtor's attorney must include new mandatory local form, *Chapter 13 Debtor's Attorney Fee Application Cover Sheet*.

D.N.J. LBR 4002-1. CERTIFICATION IN SUPPORT OF DISCHARGE

REMINDER: Please be advised that the Court considers a *Certification in Support of Discharge* containing the following issues to be invalid. Accordingly, a discharge will not be issued unless a valid *Certification* is filed. The clerk will issue a Correction Notice when the following issues arise concerning the Certification:

- Certification has not been completed (one of the check boxes have not been checked),
- Certification is not signed,
- Certification is filed or dated **PRIOR** to the Trustee's Plan Complete Letter.

The debtor's failure to file a valid *Certification in Support of Discharge* will result in the case being closed without entry of a discharge.

ORDER ON MOTION TO CONVERT CASE TO CHAPTER 13

REMINDER: The Court's local form *Order on Motion to Convert Case to Chapter 13* was revised to include the requirement to file new mandatory local form, *Disclosure of Chapter 13 Debtor's Attorney Compensation*, remove the requirement to file Official Form *Statement of Current Monthly Income*, and other minor changes. The revised form is posted on the Local Forms page of the Court's website.

Filers are reminded that it is important to utilize the Court's local mandatory forms for consistency and expedient processing.

D.N.J. LBR 1009-1. AMENDMENT TO SCHEDULE OR LIST OF CREDITORS

REMINDER: Local Rule 1009-1 requires that if an amendment adds a creditor to Schedule D, E, F, G, or H, the debtor must also file an Amended List of Creditors *and* include only the added creditor. In addition, debtors are required to file a *Declaration about an Individual Debtor's Schedules* (Official Form 106Dec) or *Declaration Under Penalty of Perjury for Non-Individual Debtors* (Official Form 202) when amending schedules, and may be required to file an updated *Summary of Assets and Liabilities Form for individuals* (Official Form 106Sum) or *Summary of Assets and Liabilities Form for non-individuals* (Official Form 206Sum). Lastly, Local Form Amendment to Schedule D, E, F, G, H or List of Creditors was discontinued in 2016 and should no longer be utilized.

CHAPTER 11 SMALL BUSINESS CASES

Please note the following regarding small business cases:

- The Application for Entry of an Order Conditionally Approving Disclosure Statement is no longer required to be filed and was removed from the Court's website.
- The *Chapter 11 Small Business Scheduling Order* posted on the Local Forms page of the Court's website was modified to reflect the above change.
- The Individual Combined Chapter 11 Plan of Reorganization and Disclosure Statement form was previously removed from the Court's website.

COURT HOLIDAY SCHEDULE

Please be advised that the Court will be closed on the following days:

Monday and Tuesday, December 24 and 25, 2018

Monday and Tuesday, December 31, 2018 and January 1, 2019

Monday, January 21, 2019

CM/ECF Helpdesk:

By telephone:

Camden: 856-361-2301

Newark: 973-645-3366

Trenton: 609-858-9401

By email:

cmecf_help_desk@njb.uscourts.gov