

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

NOTICE TO THE BAR AND PUBLIC
CONCERNING GENERAL ORDER PENDING AMENDMENT OF
D.N.J. LBR 1016-1. DEATH OR FINDING OF INCOMPETENCY OF A DEBTOR

The bar and public are advised that the provisions of the attached *General Order Pending Amendment of D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor* are effective February 5, 2024. The General Order is available on the court's website, www.njb.uscourts.gov.

Dated: February 5, 2024

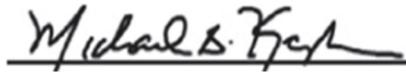
Jeanne A. Naughton, Clerk

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**GENERAL ORDER PENDING AMENDMENT OF
D.N.J. LBR 1016-1. DEATH OR FINDING OF INCOMPETENCY OF A DEBTOR**

The Court having determined the need for a *General Order Pending Amendment of D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor* to account for the filing of a certificate of death or court order pertaining to incompetency or guardianship, it is hereby

ORDERED that, pending amendment during the Court's 2024 Local Rules Cycle, the proposed amendments to *D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor* are effective February 5, 2024.



Michael B. Kaplan, Chief Judge
U.S. Bankruptcy Court
District of New Jersey

D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor

Within 30 days of learning of (i) the death, or (ii) a finding of incompetency of a debtor through appropriate legal process, debtor's counsel must file Local Form *Notice of Death or Finding of Incompetency of a Debtor*. Debtor's counsel must also separately file the certificate of death or the court order pertaining to incompetency or guardianship. The certificate of death or court order pertaining to incompetency or guardianship will be immediately restricted from public viewing by the clerk's office without the necessity of a motion under these Rules. In the case of a self-represented debtor, any person who becomes aware of a debtor's death or incompetency may also file said Local Form and the certificate of death or court order pertaining to incompetency or guardianship. Any relief related to the death or incompetency of a debtor must be requested by separate motion.

2024 Comment

This Rule is amended to include the requirements for filing a certificate of death or court order pertaining to incompetency or guardianship.

2023 Comment

This Rule is new. It is meant to facilitate notice to the court upon the death or finding of incompetency of a debtor.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)
In Re:

Case No.: _____
Chapter: _____
Judge: _____

**NOTICE OF DEATH OR
FINDING OF INCOMPETENCY OF A DEBTOR**

I, _____, am the

Executor (select if appointed by a will)

Administrator (select if no will and appointed by a probate court)

of the estate of _____ (name of debtor),

Other (identify relationship to debtor) _____,

and hereby certify as follows:

- Debtor, _____ (name of debtor),
 - died on _____ (date).*
 - was declared legally incompetent on _____ (date) by _____
_____ (insert appropriate court).

*** IMPORTANT: PLEASE DO NOT INCLUDE CERTIFICATE OF DEATH OR COURT ORDER PERTAINING TO INCOMPETENCY OR GUARDIANSHIP WHEN E-FILED THIS FORM. ENTER THE CERTIFICATE OF DEATH OR COURT ORDER PERTAINING TO INCOMPETENCY OR GUARDIANSHIP SEPARATELY, AS INSTRUCTED IN CM/ECF.**

2. The debtor's legal representative is _____

_____ (if known, include title and contact information).

3. I do / do not have knowledge of the debtor's assets and liabilities, and financial aspects of the debtor's estate.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, then I am subject to punishment.

Dated: _____

Signature: _____

Print name: _____

Address: _____

Filed by: _____

Attorney/Other