

**CHAPTER 7 CASE OPENING in CM-ECF**

**INDIVIDUAL CONSUMER DEBTOR - PETITION WITH ALL SCHEDULES AND STATEMENTS**

**Effective June 1, 2008**

**Revised September 28, 2010**

**United States Bankruptcy Court**

**District of New Mexico**

The following flowchart identifies the steps in CM-ECF to open a case and e-file a petition. Column A lists the steps by number and identifies the CM-ECF “Bankruptcy Event,” to be selected from the Bankruptcy menu. The specific event is **noted in bold capital letters following the number in parenthesis**. Column B describes the lead document to be uploaded in the file format shown in Column C (either pdf or plain text). Please note that there may be several documents included in one pdf file, as is the case with a petition pdf file when you are submitting all schedules and statements with the petition. The description in Column B, therefore, includes documents that should be included in the petition.pdf file. Column D indicates whether or not there is an attachment to be uploaded in addition to the lead document. **Notes are listed at the end of the flowchart.**

A	B	C	D
Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(1) Select OPEN VOLUNTARY BK CASE</b>                      - enter information from the petition                      - browse to the petition.pdf                      - preview the pdf file – <u>if this is correct file, upload it</u>                      - print the “Notice of Electronic Filing” (NEF) to paper or as a pdf file to save as confirmation of the filing.</p> <p>The NEF includes the time and date of filing, the case number and the docket text for the petition docket entry.</p> <p>- click on <b>Search in the CM-ECF main menu bar and type “upload” into the box</b> to proceed to <b>(2)</b>.</p>	<p>- Chapter 7 Petition with Exhibit D                      - Summary of Schedules / Statistical summary                      - Schedules A-J                      - Statement of financial affairs                      - Statement of current monthly income and means test calculation (form B22A)</p> <p><b>Do not include certificate of counseling as an attachment to Exhibit D in the petition.pdf file. Step (5) explains how to file certificate.</b></p>	<p>petition, exhibit D, schedules and statements in column B as one pdf file</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>2 Options:                      1) debtor signature page <b>NM Form 500-7</b>, signed, scanned and printed to / saved as pdf file                      OR                      2) File the signature page as a separate event.                      (See Step 3)</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(2) Select UPLOAD A CREDITOR MATRIX FILE</b>                      - <b>confirm</b> case number (CM-ECF defaults to the last case number used).                      - browse to the creditor.txt file                      - preview the text file – <u>if this is correct file, upload it</u>                      - click next button - confirm correct number of creditors                      - click submit button                      - click on <b>Search in the CM-ECF main menu bar and type "page" into the box</b> to proceed to (3).</p>	<p>There is no “document” in this step. Instead you will upload a plain text file containing the names and addresses of creditors in the case. The contents of the text file are loaded into the case creditor database. The list of creditors uploaded here is used by the Court (through the Bankruptcy Noticing Center) to send notice of the bankruptcy to all creditors.</p>	<p>list of creditors formatted as an ASCII DOS or plain text file   <b>(see Notes at end of flow chart)</b></p>	<p>none</p>
<p><b>(3) To file the signature page as a separate document, Select SIGNATURE PAGE.</b>                      - <b>confirm</b> case number (CM-ECF defaults to the last case number used).                      - select the party                      - browse to the pdf file and preview it – <u>if this is correct file, upload it</u>                      - select the category to which your event relates; highlight misc and click next; check the box to the left of the voluntary petition and click next                      - click next then click next on the final warning screen                      - click on <b>Search in the CM-ECF main menu bar and type "judge/trustee" into the box</b> to proceed to (4). (see Notes at end of flow chart)</p>			
<p><b>(4) Select JUDGE/TRUSTEE ASSIGNMENT.</b> There is no pdf file to upload in this step. The system will ask you to wait for a few seconds before a screen displays the judge, trustee, 341 meeting date, time and location.                      - print screen to paper or pdf to save for your records                      - click on <b>Search in the CM-ECF main menu bar and type "counseling" into the box</b> to proceed to (5). (see Notes at end of flow chart)</p>			

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(5) Select CREDIT COUNSELING RECEIVED: CERTIFICATES SUBMITTED</b> - If box #1 on Exhibit D is checked, this step docket the certificate of counseling.</p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Credit Counseling Received: Certificates Submitted</b></li> <li>- select party (debtor)</li> <li>- browse to the certificate pdf file</li> <li>- preview the pdf file – <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "social" into the box</b> to proceed to (6).</li> </ul>	<p><b>Certificate of credit and budget counseling and debt repayment plan, if any</b></p> <p>If this is a joint case and both debtors have checked box #1 on Exhibit D, perform this step for each debtor.</p> <p><b>See also 5a, 5b or 5c below if box 2, 3, or 4 on Exhibit D is selected.</b></p> <p><b>(see Notes at end of flow chart)</b></p>	<p>certificate of counseling scanned and printed to / saved as pdf file</p>	<p>none</p>
<p><b>(5a) Select CREDIT COUNSELING RECEIVED: NO CERTIFICATES</b>- If box #2 on Exhibit D is checked, follow steps below to make an entry on the docket report to indicate that the certificate is not yet submitted and to set the 14 day deadline for submission of the certificate. If this is a joint case and both debtors have checked box #2, perform this step for each debtor.</p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Credit Counseling Received: No Certificates</b></li> <li>- select party (debtor)</li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "social" into the box</b> to proceed to (6).</li> </ul>			

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p>(5b) Select <b>BANKRUPTCY</b>, then select <b>MOTIONS/APPLICATIONS</b> - If box #3 on Exhibit D is checked, file the motion regarding exigent circumstances.</p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Determination re exigent circumstances Sec 109 (h)(3)(A)(motion)</b></li> <li>- select party (debtor)</li> <li>- browse to the motion pdf file</li> <li>- preview the pdf file – <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "social" into the box</b> to proceed to (6).</li> </ul>	<p><b>Motion for Determination that Debtor's Certification of Exigent Circumstances Which Warrant a Waiver of Requirement for Budget and Credit Counseling Prior to Filing Petition is Satisfactory</b></p> <p>Use NM Form 504 when 11 U. S. C. § 109 (h) (3) (A) applies</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>NM Form 504 as pdf file</p>	<p>none</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p>(5c) Select <b>BANKRUPTCY</b>, then select <b>MOTIONS/APPLICATIONS</b> - If box #4 on Exhibit D is checked, file the motion regarding exemption from credit counseling requirement.</p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Determination re exemption per Sec 109 (h)(4) (motion)</b></li> <li>- select party (debtor)</li> <li>- browse to the motion pdf file</li> <li>- preview the pdf file – <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "social" into the box</b> to proceed to (6).</li> </ul>	<p><b>Motion for Determination that Debtor is Unable to Complete Requirements for Budget and Credit Counseling</b></p> <p>Use NM Form 505 when 11 U. S. C. § 109 (h) (4) applies</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>NM Form 505 as pdf file</p>	<p>none</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(6) Select STATEMENT OF SOCIAL SECURITY NUMBER</b></p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Statement of Social Security Number</b></li> <li>- select party (debtor)</li> <li>- browse to the statement of ssn pdf file</li> <li>- preview the pdf file – <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "spouse" into the box</b> to proceed to (7)</li> </ul>	<p><b>Statement of Social Security number</b></p> <p>Use Form B21</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>statement of social security number signed by debtor(s), scanned and printed to / saved as pdf file.</p>	<p>none</p>

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A	B	C	D
Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(7) Select Certification that Debtor has No Spouse</b></p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Certification that Debtor has No Spouse</b></li> <li>- select party (debtor)</li> <li>- browse to the stmt no spouse pdf file</li> <li>- preview the pdf file - <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "disclosure of compensation" into the box</b> to proceed to <b>(8)</b></li> </ul>	<p><b>Certification that Debtor has no Spouse</b></p> <p>Use NM LF Form 900.</p> <p><b>See 7a below for disclosing non-filing spouse</b></p> <p><b>(see Notes at end of flow chart)</b></p>	<p>NM LF Form 900 signed by debtor, scanned and saved as / printed to pdf file.</p>	<p>none</p>

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A	B	C	D
Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(7a) Select BANKRUPTCY, then MISCELLANEOUS</b></p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Statement Disclosing Non-Filing Spouse</b></li> <li>- select party (debtor)</li> <li>- browse to the disclosure of non-filing spouse pdf file.</li> <li>- preview the pdf file - <u>if this is correct file, upload it</u></li> <li>- <b>search</b> non-filing spouse ssn or name.</li> <li>- if name is in database, confirm correct address; if address <i>already in the database</i> is incorrect or if party in the database has no address, <b>Create New Party</b>.</li> <li>- at the <b>Party Information</b> screen, enter only first, middle, and last name, address PO or street, city, zip</li> <li>- select the <b>ROLE Non-Filing Spouse (nfs:pty)</b></li> <li>- <b>DO NOT ENTER</b> ssn, phone number, email address or alias for the non-filing spouse.</li> <li>- select <b>End Party Selection</b>.</li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "disclosure of compensation" into the box</b> to proceed to <b>(8)</b></li> </ul>	<p><b>Statement Disclosing Non-Filing Spouse</b></p> <p>Use NM LF Form 901.</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>NM LF Form 901 signed by debtor, scanned and saved as / printed to pdf file</p>	<p>none</p>

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Select Event from the Bankruptcy Menu	Description/Name of Lead Document	File to upload	Other
<p><b>(8) Select DISCLOSURE OF COMPENSATION</b></p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Disclosure of Compensation</b></li> <li>- select party (debtor)</li> <li>- browse to the disclosure of compensation pdf file</li> <li>- preview the pdf file - <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> <li>- click on <b>Search in the CM-ECF main menu bar and type "statement of intention" into the box</b> to proceed to <b>(9)</b></li> </ul>	<p><b>Disclosure of Compensation of Attorney for Debtor</b></p> <p>Use Form B203</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>disclosure of compensation as a pdf file.</p>	<p>none</p>
<p><b>(9) Select STATEMENT OF INTENTION</b></p> <ul style="list-style-type: none"> <li>- confirm case number</li> <li>- select <b>Statement of Intention</b></li> <li>- select party (debtor)</li> <li>- browse to the statement of intention pdf file</li> <li>- preview the pdf file – <u>if this is correct file, upload it</u></li> <li>- confirm docket entry is correct</li> <li>- click on Next button to submit</li> <li>- print NEF to paper or pdf</li> </ul>	<p><b>Chapter 7 Individual Debtor’s Statement of Intention</b></p> <p>Use Official Form B8</p> <p><b>(see Notes at end of flow chart)</b></p>	<p>statement of intention signed by debtor(s), scanned and saved as / printed to pdf file.</p>	<p>none</p>

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#### NOTES:

#### (1) Open BK Case

- (a) Refer to the CM-ECF procedures “E-file a Bankruptcy Petition - Open Voluntary Bankruptcy Case in CM-ECF” for detailed instructions.
- (b) **Notice of Electronic Filing:** CM-ECF creates a Notice of Electronic Filing (NEF) at the end of each document filing process and automatically sends the NEF via e-mail to attorneys on the case who are registered ECF users at their e-mail address(es) entered in CM-ECF. The NEF lists the names and e-mail addresses of attorneys to whom the e-mail was sent and, therefore, serves as the certificate of notice for attorneys who are registered ECF users. The NEF contains a hyperlink to the document pdf file. Viewing the document pdf file via this hyperlink constitutes the attorney’s free copy of the document.

The NEF also lists the names and mailing addresses of parties and attorneys on the case who are not registered users (and, therefore, would not receive notice via e-mail). E-filers are responsible for mailing paper copies of filed documents to the parties and attorneys who are not registered users, if entitled to notice, and for filing a certificate of service with the Clerk’s Office of having done so.

- (c) **The petition pdf file should include only the documents listed in the Description/Name of Document column for event (1). All other case initiation documents are filed separately as indicated in this flow chart.** Please note that although Exhibit D directs debtor to attach the certificate of credit counseling to it, these instructions do not require e-filers to include a copy of the certificate of credit counseling in the petition pdf file. Instead, e-filers should file the certificates separately as indicated in step (5) using the docket event “Credit Counseling Received: Certificates Submitted” on the Miscellaneous menu. If debtor checked box #2 on Exhibit D, the certificate must be filed within 14 days of the filing of the petition, using the same event described in step (5).
- (d) **Debtors must sign the signature page.** Use of s/debtor name typed on the line is not acceptable. BE SURE TO USE THE CURRENT VERSION OF THE SIGNATURE FORM APPROPRIATE FOR THE PETITION YOU ARE FILING. See Court Forms on the Court’s website at <http://www.nmcourt.fed.us/usbc/forms-attorney#signature>. Once the form is signed, scan and save it as a pdf file.

#### (2) Upload Creditor Matrix

- (a) Be sure your file is saved as an ASCII DOS or PLAN TEXT FILE
- (b) If you have problems with the creditor upload, call the CM-ECF help desk at 348-2500 (toll free 866-291-6805), option #3.

#### (3) Signature Page - NM Form 500

- (a) If you use an automatic upload program, set the program to docket the Signature Page as a separate document.
- (b) If you are manually opening the case, you may docket the Signature Page as detailed in step 3, or, you may file the Signature Page as an attachment to the voluntary petition.

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**(4) Judge/Trustee Assignment**

- (a) Creditors must be uploaded before you can run the judge/trustee assignment. If there is an error, call the CM-ECF help desk at 348-2500 (toll free 866-291-6805), option #3.
- (b) Refer to the CM-ECF procedures “E-file a Bankruptcy Petition - Open Voluntary Bankruptcy Case in CM-ECF” for special considerations relating to Judge/Trustee Assignment.

**(5), (5a) - (5c) Documents relating to requirement to complete credit counseling prior to filing**

- (a) If box #1 on Exhibit D is checked, submit certificates as described in step (4). **You do not need to submit NM Form 503.** If you submit the certificates for both debtors as one pdf file in a joint case, be sure to select both debtors as parties on the Select Party screen in CM-ECF so that both debtor names will appear in the docket entry.
- (b) If box #2 on Exhibit D is checked because debtor has completed budget and credit counseling but does not have certificates. **BE SURE TO** follow the instructions in step (4a). The docket entry you make here will set a 14 day deadline for the debtor to file the certificates. If you do not make the docket entry, you will receive a notice of error from the Clerk’s Office. Follow the instructions in step (4) to file the certificates within 14 days.
- (c) Use appropriate forms (either NM Form 504 or NM For 505) for the debtor’s circumstance.

**(6) Statement of Social Security Number(s)** - Debtors must sign the Statement of Social Security Number. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

**(7), (7a) Certification that Debtor has No Spouse and the Statement Disclosing Non-Filing Spouse, pursuant to New Mexico Local Bankruptcy Rule 1002-1.** New Mexico Local Rule 1002-1 requires individual debtor’s in a non-joint case to disclose marital status, and if married, the name and address of the non-filing spouse AT THE TIME OF FILING THE PETITION. The following local forms are provided to accommodate debtor’s compliance with the local rules:

- (a) Use NM LF Form 900 to declare debtor’s marital status **when debtor is not married.**
- (b) Use NM LF Form 901 when the debtor **has a non-filing spouse.**
- (c) Debtor signature is required on NM LF Form 900 and NM LF Form 901. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

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**(8) Disclosure of Compensation of Attorney for Debtor**

- (a) Disclosure of compensation of attorney for debtor pursuant to 11 U. S. C. § 362(a) and Fed. R. Bankr. P. 2016(b) is required in all cases.
- (b) This form does not require the debtor's signature.

**(9) Chapter 7 Individual Debtor's Statement of Intention**

- (a) Use Official form 8, dated 10/05.
- (b) Debtors are required to verify the information in the statement and sign it. This form must be hand signed by the debtor and scanned. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

*Revision history:* November 30, 2009 - the flowchart was changed to conform to the new deadlines, to incorporate the search feature, and to provide instruction for the signature page as a separate document for use with the automated upload features on many bankruptcy software packages.

August 2, 2010 - the flowchart was changed to conform to the new local rules and to update local form numbers. ac

September 10, 2010 - the flowchart was changed to conform to the new local rules and to update local form numbers (400 to 900). ac

September 28, 2010 - updated the requirement to use local forms 900 and updated the correct events to use for disclosure of marital status and disclosure of non-filing spouse. mls