

# Mailing List Guidelines for Attorneys

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## Purpose

These guidelines discuss

- how the creditor mailing list is captured, maintained, and used by the Clerk's Office in processing the case;
- criteria for acceptable mailing lists;
- what the mailing list should not contain;
- examples of properly typed addresses;
- consequences if these guidelines are not followed; and
- instructions for previewing and editing a text file.

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## Background

Debtors are required to submit an acceptable mailing list of creditors with the bankruptcy petition *at the time the petition is filed*. This is accomplished after the case is e-filed and opened in CM-ECF by the filer uploading the creditor mailing list (in plain text format) to the CM-ECF database via the Bankruptcy menu, Creditor Maintenance function.

Uploaded creditor names and addresses are maintained in the CM-ECF creditor database for the case. This database provides the case mailing list as well as names of creditors so that proofs of claim can be filed by the creditor.

The creditor mailing list must be uploaded *before* the judge/trustee assignment ("JTA") module can be run by the filer; in fact, the JTA will not run unless there are creditors in the database. The JTA is critical to initial processing of the case because it assigns the date, time, and location of the Section 341 (b) meeting of creditors. It also assigns the case trustee (if any) and the judge for the case.

When the creditor mailing list is uploaded during the case opening process and the JTA is run by the e-filer, the Clerk's Office will send the "Notice of Commencement of Case and of Meeting of Creditors" to all creditors listed in the creditor mailing list text file.

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## Criteria for acceptable mailing lists

The mailing list of creditors must be submitted as an ASCII Dos text file.

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The mailing list text file should

- include the names and addresses of all creditors from schedules D, E, F, G, and H.
- include the name and address of a non-filing spouse (if any).
- include the address of the New Mexico Taxation & Revenue Department as follows:  
New Mexico Taxation & Revenue Department  
PO Box 8575  
Albuquerque NM 87198-8575
- be typed in a *single column* at the left margin of the page.
- contain at least one blank line between each address block.
- have the creditor's name (first name, then last name) on the first line.
- have addresses typed in upper and lower case as you would on a letter.
- have the city + two-letter state abbreviation (in capital letters) and zip code + 4 (numerical characters only) typed, in that order, on the bottom line.
- include ONLY names and addresses (no titles, page numbers, document names, etc.).
- include addresses designated by a governmental unit. See the list of registered government addresses on the court's Website at [www.nmcourt.fed.us/usbc](http://www.nmcourt.fed.us/usbc). Search "register of government addresses."
- include account number as follows: ONLY the last 4 digits (see the Judiciary's privacy policy and Fed. R. Bankr. P 9037) on the second line of the address and ONLY if the complete address block is no more than 6 lines.

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### What the mailing list should not contain

The mailing list text file should NOT contain the following:

- unprintable characters, tick mark ( ` ), quote mark ( " ) or a vertical bar mark ( | ).
- address lines exceeding 40 characters
- address block of more than 6 single-spaced lines including the addressee's name.
- an address of only one line.
- personal forms of address *before* a name, i.e., type as John Smith (Dr.)
- names in all caps unless name is customarily written with all caps (e.g., IBM).
- duplicate entries
- page numbers and document name
- names of debtors, debtor's attorney, or U.S. trustee

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## Examples of properly typed addresses

The following address list is typed in a *single column* at the left margin of the page and contains at least one blank line between each address block.

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. xx-xxx-xxx-1364  
PO Box 650534  
Dallas TX 75265-0534

Raymond Garcia (Dr.)  
307 West Alameda AV  
Las Cruces, NM 88001-0307

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## Consequences if guidelines are not followed

When the creditor mailing list is not uploaded by the e-filer during the case opening process, the Clerk's office will add the New Mexico Tax and Revenue Department address and any known non-filing spouse address to the case creditor database. The Clerk's Office will then run the JTA so that the case has a judge and trustee assigned and the meeting of creditors is scheduled.

This means that only a limited number of parties will receive the notice of commencement of the case — which includes the notice of the date and time of the meeting of creditors as well as the deadlines for filing proofs of claim and complaints. **When this happens, the burden of notifying all of the debtor's creditors becomes the responsibility of the debtor.** The debtor's attorney must follow the instructions for Submitting a Creditor Mailing List After the Petition is Filed, posted on the Court's website at [www.nmcourt.fed.us](http://www.nmcourt.fed.us).

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## Instructions for previewing and editing a 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 6 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 carefully proofed 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.
- 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 under a new file name.
- 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.