

How to File a Notice of Unavailability of Self-Represented Debtor(s) to Attend 341 Meeting

Issue Date

July 20, 2010; revised January 21, 2011

Policy

Rescheduling of §341 meetings is allowed by the United States trustee only:

- for “good cause”

and

- if the next available meeting date for the same location and trustee falls within the 40- or 60-day range for holding the meeting pursuant to Fed. R. Bankr. P. 2003.

The United States trustee considered “good cause” to be:

1	medical reasons;
2	active military duty assignments;
3	previously scheduled court hearings;
4	unforeseen emergencies (including inclement weather).

Process

The United States trustee allows the Clerk’s office to reschedule the § 341 meeting of creditors when the cause stated in the notice of unavailability is clearly one of the first four reasons above and the next scheduled meeting for the location and trustee originally assigned falls within the 40- to 60-day ranges.

When the reason for unavailability is one of the four reasons above and the next scheduled meeting for the location and trustee originally assigned does not fall within the 40- to 60-day range the matter is referred to the United States trustee for determination.

Procedure

STEP	ACTION
1	<p>Please contact the Clerk's office at 505-348-2500 or toll-free at 866-291-6805 (select number 0) to ensure that</p> <ul style="list-style-type: none">• the case has been opened,• the creditor mailing list has been uploaded• the trustee assignment and 341 meeting has been entered, and• there is a conflict with the §341 meeting date.
2	<p>Complete the Notice of Unavailability of Debtor to Attend §341 Meeting form Forms for Debtors located on our web site at http://www.nmcourt.fed.us/usbc/forms-debtor .</p>
3	<p>File the notice</p> <ul style="list-style-type: none">• <u>by mail</u>: Clerk's Office United States Bankruptcy Court PO Box 546 Albuquerque, NM 87103-0546• <u>in person</u>: Clerk's Office United States Bankruptcy Court Dennis Chavez Federal Building and US Courthouse 500 Gold Avenue SW, 10th Floor Albuquerque, NM 87102-3118
3	<p>No further action is required on your part.</p>

Reminders

Filing by mail:

- Provide an extra copy and a self-addressed stamped envelope to the Clerk's Office if you wish to receive a court-endorsed copy.

Filing in person:

- Our business hours are Monday through Friday, 8:30 a.m. through 4:30 p.m. We are closed on federal holidays.
- All visitors are required to present a photo ID at the magnetometer before being admitted into the building.
- Provide an extra copy of the notice and a self-addressed, stamped envelope to receive a court-endorsed copy.

What Happens Next

If the United States trustee's office approves the request, the Electronic Information Specialist will prepare and send a Notice of Change to Meeting of Creditors.

If the United States trustee's office does not approve the request, the Electronic Information Specialist will make the following text-only entry on the case docket:

"In response to the notice of unavailability (docket number _____), the United States trustee has determined that the 341 meeting of creditors will not be rescheduled."

You will receive notification by mail if the request has been approved or denied.

Whom to Contact for Help

Please contact the Clerk's office at 505-348-2500 or toll-free at 866-291-6805 (select number 0). The Clerk's Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday.

Revision Log

Date	Comments	By
01-18-11	Revised some wording and formatting and added location of form notice, for use in updating pro se packet.	MGG
1-21-11	Revised some wording and formatting and added a hyperlink directly to the notice of unavailability form	ADC

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