



# United States Bankruptcy Court District of New Jersey

**Honorable Gloria M. Burns, Chief Judge**

**James J. Waldron, Clerk**

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

## BNC CERTIFICATE OF NOTICE

The Bankruptcy Noticing Center (BNC) has expanded the information contained in the Certificate of Notice. All parties to whom the Notice was sent are now included on the Certificate of Notice. Manners of service included on the Notice are:

- First class mail
- Electronic transmission (email sent by the BNC)
- Court generated Notice of Electronic Filing (NEF)

The Certificate of Notice also lists recipients who did not receive the Notice because their address was determined to be “undeliverable” by the U.S. Postal Service.

## 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

## OFFICIAL FORM CHANGES EFFECTIVE DECEMBER 1, 2013

Official Forms 3A, 3B, 6I, and 6J, which are only used in individual debtor cases, are revised as part of the Bankruptcy Rules Advisory Committee’s ongoing Forms Modernization Project (“FMP”). Early in its evaluation of the existing bankruptcy forms, the FMP concluded that case opening forms for individuals should be separated from those used by entities. Forms used by individuals are designed to be more easily understood by users who are unfamiliar with bankruptcy and who are often not represented by an attorney.

All forms listed on the next page are available for viewing on the [uscourts.gov](http://uscourts.gov) web site.

## OFFICIAL FORM CHANGES.....continued

The following forms will be amended effective December 1, 2013 and include the forms modified as part of the FMP. In addition to restyling, substantive changes are described in the Committee Notes for each form.

- Application for Individuals to Pay the Filing Fee in Installments (Official Form 3A)
- Application to Have the Chapter 7 Filing Fee Waived (Official Form 3B)
- Schedule I: Your Income (Official Form B6I)
- Schedule J: Your Expenses (Official Form B6J)
- Summary of Schedules (Official Form B6) Summary)
- Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management (Official Form B23)
- Reaffirmation Cover Sheet (Official Form B27)
- Subpoena for Rule 2044 Examination (Procedural Form B254)
- Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case or Adversary Proceeding (Procedural Form B255)
- Subpoena to Testify at a Deposition in a Bankruptcy Case or Adversary Proceedings (Procedural Form B256)
- Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case or Adversary Proceeding (Procedural Form B257)

### COURT POLICY CONCERNING OFFICIAL FORM CHANGES

If a case is filed that includes an outdated version of an Official Form the Clerk shall issue a Notice of Missing Documents. The most recent version of the form must be filed within 14 days of the filed date of the petition.

### CM/ECF EVENT CHANGES

Two new events have been created:

- Motion for Approval to Participate in the Court's Loss Mitigation Program
- Motion to Sell Free & Clear of Liens Under Section 363(f) (FEE)

## LOSS MITIGATION PROGRAM CHANGES

Please take note of the following changes regarding the Court's Loss Mitigation program:

- The requirement to file a Status Report has been discontinued.
- Use of a web-based portal to facilitate the exchange of information between the parties is mandatory.
  - ☞ Pro Se debtors are exempt from use of the portal
  - ☞ Debtors who believe use of the portal will create an undue hardship may request an exemption.
- In chapter 7 cases, the Notice of Request for Loss Mitigation MUST be filed within 30 days of the commencement of the case.

The following Loss Mitigation forms have been amended:

- Notice of Request for Loss Mitigation – By the Debtor
- Loss Mitigation Order
- Application for Extension or Early Termination of Loss Mitigation
- Order Respecting Request for Extension or Early Termination of Loss Mitigation

**The revised Loss Mitigation Program and Procedures document as well as information regarding the use of a portal and new optional document preparation software are available on the Court's web site: [www.njb.uscourts.gov](http://www.njb.uscourts.gov).**

## BANKRUPTCY RULE CHANGES

### Effective December 1, 2013

The following Federal Rules of Bankruptcy Procedure will be amended effective December 1, 2013:

**Rule 1007(b)(7)** is revised to allow Financial Management course providers to file Financial Management Certifications with the Court, and relieves debtors of that obligation if the provider has filed the Certificate.

**Rule 4004 (c)(1)(h)** is amended to require postponement of the discharge when a debtor fails to file Official Form B23 only if the debtor was required to do so under Rule 1007(b)(7).

**Rule 4001(c)(1)(K)** is amended to clarify that the prohibition on entering a discharge due to a presumption of undue hardship under §524(m) ceases when the presumption expires or the Court concludes a hearing on the presumption.

**Rule 5009(b)** is revised to conform to the amendment of Rule 1007(b)(7). The clerk's duty to notify the debtor of the possible closure of the case without discharge if Official Form B23 is not timely filed applies only if the course provider has not notified the court of the debtor's completion of the course.

**Rule 9006(d)** is amended to apply to any written response to a motion, rather than just to opposing affidavits.

**Rule 9013** is amended to add a cross reference to 9006(d).

**Rule 9014** is amended to add a cross reference to 9006(d).

## FEE CHANGES EFFECTIVE 12/1/13

Three fees are affected; one has been increased and two new fees have been established:

- Motion to Sell Free & Clear of Liens under Section 363(f) - \$176.00
- Retrieval of files from the National Archives (NARA) - \$64.00 (first box)
- Retrievals from NARA involving multiple boxes, \$39.00 (each additional box after the first).