



ECF Court Link

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Eastern District
Of
North Carolina
CM/ECF
Newsletter

Case Statistics

July, 2016		Year to Date	
Ch. 7	174	Ch. 7	1363
Ch. 11	5	Ch. 11	36
Ch. 12	1	Ch. 12	4
Ch. 13	367	Ch. 13	2574
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	547	Total	3977

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August, 2016		Year to Date	
Ch. 7	180	Ch. 7	1542
Ch. 11	6	Ch. 11	42
Ch. 12	1	Ch. 12	5
Ch. 13	390	Ch. 13	2965
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	577	Total	4554

Trustee Announcement

Richard Stearns has announced that he will retire effective March 31, 2017. He has served as a Chapter 13 trustee in the Eastern District of North Carolina for 36 years, appointed to that position by the Honorable Thomas M. Moore in 1980. We thank him for his exceptional service to our district and will miss his leadership and guidance.

After a considered review of the level of Chapter 13 filings in this district, the Judges of our court have elected not to fill Mr. Stearns' Chapter 13 vacancy at this time. Also, the Judges have determined that our district is best served by the selection of two new Chapter 12 case trustees. Richard Sparkman and John Bircher will be serving in this capacity.

Consent Orders – 4001(d)

The Judges have decided that they would like 4001(d) enforced for every chapter, rather than just Chapter 11 cases as we have done in the past, as this rule is also applicable in chapter 7, 9, and 13 cases. Therefore, effective immediately, if a proposed consent order is uploaded with no corresponding motion, and is relating to relief from the automatic stay, prohibiting or conditioning the use, sale or lease of real property, providing adequate protection, use of cash collateral or obtaining credit, it will be sent through to the judge so he or she may determine if a motion to approve is required to be filed.

CBA Seminar

The ABJA is sponsoring a Certified Bankruptcy Assistant (CBA) Seminar and Exam on October 18 & 19, 2016, along with a Professional Skills Seminar on October 20 & 21, in Albuquerque, New Mexico.

The two-day certification program includes training workshops with an exam administered at the end of each day. The exam has four sections, each consisting of 25-50 questions, on grammar usage and writing, the Bankruptcy Code and Rules, ethics, and research and legal citation. The University of New Orleans, numerous judges, professionals, and practitioners in the bankruptcy field, in cooperation with the ABJA, developed a study guide that is provided to registered participants in advance of the program.

With the CBA title comes the responsibility to maintain a high degree of knowledge and proficiency in the bankruptcy field by obtaining a minimum of .6 Continuing Education Units (which is equivalent to 6 classroom hours) every two years to maintain certification. More information is available at the following website:

<http://www.abja.org/content/certified-bankruptcy-assistants-cba-program>

Motions for Hardship Discharge

Effective immediately, an affidavit signed either by the debtor(s) or debtor(s) attorney is required with all Motions for Hardship Discharge.

On a Personal Note

Bobby Boone, IT Programmer in the Raleigh Division, retired effective August 31st. Please join us in congratulating Bobby and wishing him a wonderful retirement!

QUESTIONS/ANSWERS:

Q. I am filing a Notice of Appearance in a case on behalf of the following creditor. Is it necessary for me to enter the full name when adding the creditor to the case?

Seterus, Inc., as authorized servicer for Fannie National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America...

A. No. The court prefers that the creditor be entered into the database without servicers, successors, etc. Also, quotations should be omitted, as they create issues with the online Proof of Claim feature. In this case, entering the creditor as Seterus, Inc. is sufficient.

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