



ECF Court Link

MARCH 24, 2006

VOLUME 1, ISSUE 1

"Welcome to the ECF Court Link - the first issue of our CM/ECF Newsletter."

In this issue:

- *Coming Soon*
- *What's New*
- *Training*
- *ECF Tips*
- *Q & A*
- *ECF Contacts*



Version 3.0

CM/ECF is currently operating in version 2.7, but we will be upgrading to version 3.0 in the near future. A few of the new features you'll notice are listed below:

Opening Adversary Cases - User will be able to select multiple natures of suit versus only one.

Opening Bankruptcy Cases - The "Type of debtor" checkboxes for individual, corporation, partnership, and other have been changed to radio buttons.

Query - Performance of the Related Transaction Query has been improved, and will now include options for the Claims Register and Creditor Mailing Matrix.

Stay tuned for more details to come!



Financial Management Course Certificate is now located in the Batch Filings Category under Bankruptcy. This will enable filers to docket multiple certificates at one time.

Training

Classes are still being offered monthly for new staff members or any staff that would like to take refresher courses. To signup for training classes, go to www.nceb.uscourts.gov and click on Sign up for training!

U. S. Bankruptcy Court
Eastern District of
North Carolina

1760-A Parkwood Blvd.
Wilson, NC 27894

Tel. 252-237-0248

300 Fayetteville St.
Mall, Room 209
Raleigh, NC 27602

Tel. 919-856-4752

ECF Tips

Calculating response due dates - Calculate response due dates from the date of service. Add three (3) days and insert that date. Examples are:

15 day response time = insert due date of 18th day
20 day response time = insert due date of 23rd day
30 day response time = insert due date of 33rd day

The exception is when the due date falls on a weekend or holiday. If that's the case, carry the date over to the next business day and insert that date as the response due date.

System Prompts - When presented with a prompt box for information to be inserted, please insert the text as requested. This text is inserted into the docket entries so if left blank, the docket entry is incomplete and has to be edited by the court.

Summons Service Executed - When making this docket entry, it is not necessary to add the attorney for the defendant(s) at the "Add/Create New Party" prompt in order to show service. Even if the certificate reflects service upon the attorney for the defendant(s), only choose the defendant the summons service was executed upon when making this docket entry.

GOT QUESTIONS??

WE'VE GOT ANSWERS.....EMAIL ELECTRONIC CASE FILINGS QUESTIONS TO THE ECF CONTACTS. YOU WILL RECEIVE A RESPONSE BY EMAIL AND YOUR QUESTION MAY BE PUBLISHED ANONYMOUSLY IN A FUTURE NEWSLETTER.

EXAMPLE:

Q. WHY AM I NO LONGER RECEIVING A PAPER COPY OF THE FINAL DECREE?

A. THE FINAL DECREE IS NOW A "TEXT" ENTRY THAT APPEARS ON THE DOCKET.

Who you gonna call?



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ECF Court Link

APRIL 17, 2006

VOLUME 1, ISSUE 2

Eastern District
of
North Carolina
CM/ECF
Newsletter



Maintain User Account will no longer be available. For address, email or telephone modifications or any other information updates, email the ecf contacts listed below.

E-Orders

- When creating the pdf file, make sure "End Of Document" does not appear as the only thing on the last page and that the last page is not blank. Also, "End Of Document" should appear on the last page of the order, not the last page of any exhibits that are attached to the order
- Orders submitted for signature by the clerk, i.e. Summons, Entry of Default, Default Judgment, etc. should be submitted in full form. The document should have a 1" margin, a "Dated" space, and a signature line for the clerk.

In this issue:

- *Newsflash*
- *E-Orders*
- *Training*
- *ECF Tips*
- *Q&A*
- *ECF Contacts*

Training

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ECF Tips

Attaching the correct pdf files- Right click on a document when browsing before clicking on "open" to attach to ensure the correct pdf is being uploaded before proceeding with filing.

Docketing Errors- If unsure as to which event to use for docketing, please contact the ecf contacts. Additionally, please do not re-docket as an attempt to correct a docketing error. If you discover an error, contact the ecf contacts for deletion and/or correction.

Substitution/Withdrawal Of Counsel - If cases are being transferred to another attorney in the same firm, docket a "Notice Of Substitution Of Counsel" in each applicable case. This event is located in the Batch Filings category. Otherwise, a "Motion To Withdraw As Attorney" should be docketed in each applicable case.

Scheduled Matters - When filing a pleading that pertains to a hearing scheduled the same day or the next day, please send an email to the appropriate judge's law clerk and to the courtroom staff notifying them of the filing.

GOT QUESTIONS??

WE'VE GOT ANSWERS.....EMAIL ELECTRONIC CASE FILINGS QUESTIONS TO THE ECF CONTACTS. YOU WILL RECEIVE A RESPONSE BY EMAIL AND YOUR QUESTION MAY BE PUBLISHED ANONYMOUSLY IN A FUTURE NEWSLETTER.

EXAMPLE:

Q. IS THERE AN EASY WAY I CAN SEARCH A DOCKET REPORT FOR A PARTICULAR ITEM?

A. PRESSING THE CONTROL KEY + F KEY WILL PROVIDE A SEARCH SCREEN ENABLING YOU TO SEARCH THE DOCKET BY A WORD OR PHRASE.

HELP!!!!!!!!!!!!



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ECF Court Link

MAY 23, 2006

VOLUME 1, ISSUE 3

Eastern District
of
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Newsletter



Docket events in CM/ECF are listed on our website under CM/ECF - Events Listing. This is an all-inclusive, alphabetical list divided by category. Refer to this list as needed.

**** Trustees - A new roletype of "previous trustee" has been added to be selected when necessary. Additionally, an attorney for previous trustee will have to be assigned in order to receive electronic notifications.**

In this issue:

- Newsflash
- IT Info.
- ECF Tips
- Q&A
- ECF Contacts



How Fast is Your Internet Connection – Really? By Tony Cirigliano, Information Technology Administrator

The apparent speed of CM/ECF depends on how fast your internet connection is at your office. There are various high speed internet services available in many locations and there are different speeds or levels of service available.

In most advertisements for high speed internet, you will be told about the *download* speed. For example, a download speed of 1.5 Mbps (megabits per second) is equivalent to 1536K. That's more than 27 times faster than dial-up 56K modems. Quite impressive, huh?

What often is not advertised, but plays a significant part in how fast your internet connection appears, is the *upload* speed. Upload speeds are generally significantly less than download speeds. For example, on a 1536K (1.5 Mbps) high speed internet connection, you may have an upload speed of only 265K (or less.)

This means you can upload files only 1/6th as fast as you can download them. An upload speed of 256K is only 7 times faster than the maximum upload speed of 33K that a 56K dial-up modem connection provides.

For the casual internet user, this may not be an issue. But when you e-file using CM/ECF, the upload speed of your internet connection is what is being used to transfer PDF documents to the court.

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Your internet service provider should be able to tell you what specific download/upload rates you should expect. It is wise to run tests yourself and check your internet speed. A free and easy tool to test your internet connection speed can be found at <http://www.speakeasy.net/speedtest/>

To get an accurate reading, it is best to test your speed when few or no users are utilizing the internet connection. If your internet connection consistently is not close to the speeds in your service agreement, give your internet service provider a call. They usually can send someone out to check the lines and in some cases increase your internet speeds.

You may also want to check with your internet service provider to see what other high speed internet services are offered. Some offer special "business class" service with higher upload speeds that can make a real speed difference when e-filing documents.

ECF Tips

Amended Filings – Docket amended statement of social security numbers as "Statement of Social Security Number (Amended)." The "Amended/Amendment To Filing" event should be used for any other amended miscellaneous pleadings being filed.

Opening Bankruptcy Cases- Be sure to enter the correct statistical information relating to the debtor(s) number of creditors, assets and debts/liabilities.

Party Selection - When filing a pleading and prompted to "Select the Party", be sure to select the party you represent. If that party is not listed for selection, be sure to "Add/Create New Party."

Referencing Documents – When filing exhibits, supplements to filings, certificates of services, notices of motions, etc., be sure to choose "Refer to existing event" in order to relate the document to the previously filed event.

QUESTIONS/ANSWERS:

Q. WHERE IS THE FINANCIAL MANAGEMENT COURSE CERTIFICATE EVENT?

A. THIS EVENT HAS BEEN MOVED TO THE BANKRUPTCY/BATCH FILINGS CATEGORY IN ORDER TO ENABLE MULTIPLE CERTIFICATES TO BE FILED AT ONCE, IF APPLICABLE.

Q. WHAT IF THERE ISN'T AN EVENT THAT CORRELATES WITH MY PLEADING?

A. YOU CAN CONTACT EITHER OF THE ECF-CONTACTS AS LISTED BELOW FOR A GENERIC EVENT TO USE IN THIS CIRCUMSTANCE.

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ECF Court Link

JUNE 21, 2006

VOLUME 1, ISSUE 4

*Eastern District
of
North Carolina
CM/ECF
Newsletter*

In this issue:

- *2006 EBI Notes*
- *ECF Tips*
- *Q&A*
- *ECF Contacts*

2006 EBI NOTES

- When scanning in documents, have your scanning software set to **black & white, NOT COLOR** with 300 dpi (dot's per inch) resolution. CM/ECF rejects documents greater than 4 megabytes (million) in size. Documents that are smaller take less time to upload and less time for others to view in CM/ECF.
- If a document has already been saved in PDF format, please do not print it out and scan it. This will drastically increase the size of the document. While the document may be legible, it will affect how quickly the document can be accessed via the internet and may be so huge CM/ECF will reject it during the upload.
- If you are using a popup blocking software package and are having problems with seeing certain popup screens in CM/ECF, such as the Internet Payments Due screen, hold down the CTRL key when clicking on the link. This will allow most popups to appear.
- When using spam blocking software, be sure to allow e-mail from the nceb.uscourts.gov domain.
- Keep your computer clean of viruses and spyware. Microsoft offers **free** software called Windows Defender that works with Windows 2000 (Service Pack 4) and Windows XP machines that will scan and clean your computer. It also offers real-time protection against spyware and adware to keep your computers running as efficiently and safely as possible.
<http://www.microsoft.com/athome/security/spyware/default.mspx>
- If you are having problems with documents you are filing with the court such as garbled text or we are unable to view the document, please note that the court uses and can support only the Adobe Acrobat software. The latest version of Adobe Acrobat is version 7.
- Use either Arial or Times New Roman fonts. The system will only accept about five default fonts and these are the safest options.
- If your document contains an area with a strange or different font - be sure to either start with one of the accepted fonts, or do a Select-All and verify a uniform font. If Select All turns the font indicator blank, you have mixed fonts and should modify.

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ECF Tips

Clearing Cache –Clearing Internet Cache - for Internet Explorer version 5.5 and later

- 1. On the Internet Explorer menu bar, click Tools**
- 2. Click Internet Options**
- 3. In the General tab, under Temporary Internet Files, click Delete Files. Click ok.**
- 4. After the files have deleted, click ok at the bottom of the Internet Options box.**

As an alternative, a “Clear Internet Explorer Cache” utility is available from the Downloads Page on the court’s web site. You can run the utility in place of performing the steps listed above.

Credit Counseling Certificates- When using software to file a credit counseling certificate in PDF format, do not include it with the petition (although the software will allow you to do so.) Rename the credit counseling certificate PDF file CCC.PDF and store it in the client's folder on your computer. Your software program will see that it is there and automatically file it as a separate document. It will alert you if this file (ccc.pdf) is missing, but it does have the option to skip over it. (If your software program varies from these instructions, contact your vendor for assistance)

QUESTIONS/ANSWERS:

Q. HOW DO I DOCKET AN AMENDED/SUPPLEMENTAL CERTIFICATE OF SERVICE?

A. DOCKET AS CERTIFICATE OF SERVICE LOCATED IN THE BANKRUPTCY/MISCELLANEOUS CATEGORY. THIS WILL ALLOW YOU TO SET A NEW RESPONSE DUE DATE, IF APPLICABLE.

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ECF Court Link

JULY 14, 2006

VOLUME 1, ISSUE 5

*Eastern District
of
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CM/ECF
Newsletter*

In this issue:

- *Calendar Corner*
- *ECF Tips*
- *Q&A*
- *ECF Contacts*

Calendar Corner

- Motion To Continue Hearing – when making this docket entry, relate the motion to the notice of hearing versus relating it to the motion scheduled to be heard.
- Announcing settlements in court – Begin with the name of the debtor(s) and speak loud and clear.
- Appearances - If you are appearing on behalf of another attorney, notify the courtroom deputy before court begins.
- Exhibits – Provide copies for the judge, opposing counsel, the witness and the law clerk.

ECF Tips

Compromises – If the motion to approve compromise is related to an adversary proceeding, the motion should be docketed in both the bankruptcy case and the adversary proceeding case. Multi-Case Docketing will allow you to make the docket entry in both cases simultaneously.

Joint Filings in Adversary Proceeding Cases – Choose both the applicable plaintiff(s) and defendant(s) as the party filers.

Opening Adversary Proceeding Cases – Add yourself as the attorney for the plaintiff(s). CM/ECF automatically adds you as the attorney for the debtor(s) in a bankruptcy case, but it does not add you as the attorney for the plaintiff(s) upon the opening of adversary proceeding case.

Opening Bankruptcy Cases – At the party selection screen when searching for the name of a debtor(s), if the debtor(s) is in the database but not EXACTLY like what is listed on the petition, create a new party versus selecting the existing name. (EX: Opening a new case for John M. Doe but name in database is John Monroe Doe)

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ECF Tips - *continued*

Motion to Reopen - Check the docket to confirm the case is closed. If not, you may need to docket a Motion to Set Aside Dismissal or Motion to Set Aside Discharge as applicable.

Plan Category - There is a separate category in the Bankruptcy Menu titled Plan Events (13/11/12). The following are some of the events located in this category: Chapter 11, 12 & 13 Plan, Amended Chapter 11, 12, & 13 Plan, Disclosure Statement, Objection To Confirmation Of Plan, Objection To Valuation Of Collateral and Objection To Disclosure Statement.

Reports/Activity In My Cases - This will allow you to search activity in cases in which you are a party for a specific date range in the event your email notification is delayed or was accidentally deleted.

Stay Motions - There are four events relating to relief from stay. Choose from the following as applicable: (1) Relief From Co-Debtor Stay, (2) Relief From Stay, (3) Relief From Stay & Co-Debtor Stay and (4) Relief From Stay (Confirming Not In Effect).

QUESTIONS/ANSWERS:

Q. WHAT DO I DO IF I REALIZE I ACCIDENTALLY OPENED AN ADVERSARY PROCEEDING AND RELATED IT TO THE WRONG BANKRUPTCY CASE?

A. CALL OR EMAIL ONE OF THE ECF CONTACTS AS SOON AS POSSIBLE. THEY CAN RE-LINK THE ADVERSARY PROCEEDING TO THE CORRECT RELATED BANKRUPTCY CASE. **DO NOT** RE-FILE THE ADVERSARY PROCEEDING CASE.

ECF Contacts:

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ECF Court Link

AUGUST 8, 2006

VOLUME 1, ISSUE 6

*Eastern District
of
North Carolina
CM/ECF
Newsletter*

Updated Calendar Contacts

Chief Judge Leonard

Courtroom Deputy- Felecia Lucas (919-856-4752, Ext. 101)
Felecia_Lucas@nceb.uscourts.gov

Court Reporter- Anne Moell (919-856-4752, Ext. 103)
Anne_Moell@nceb.uscourts.gov

Law Clerks- Katie Rose- **Katie_Rose@nceb.uscourts.gov**
Meredith Mathis- **Meredith_Mathis@nceb.uscourts.gov**

Judge Small

Courtroom Deputy- Christine Castelloe (919-856-4752, Ext. 107)
Christine_Castelloe@nceb.uscourts.gov

Court Reporter- Allyson McNeill (919-856-4752, Ext. 126)
Allyson_McNeill@nceb.uscourts.gov

Law Clerks- Pam McAfee- **Pam_McAfee@nceb.uscourts.gov**
Tracy Davis- **Tracy_Davis@nceb.uscourts.gov**

Judge Doub

Courtroom Deputy- Dana Sebastian (252-237-0248, Ext. 162)
Dana_Sebastian@nceb.uscourts.gov

Court Reporter- Wendy Parker (252-237-0248, Ext. 158)
Wendy_Parker@nceb.uscourts.gov

Law Clerk- Stephanie Edmondson
Stephanie_Edmondson@nceb.uscourts.gov

In this issue:

- *Updated
Calendar
Contacts*
- *Updated Case
Assignment List*
- *ECF Tips*
- *Coming Soon*
- *Q&A*
- *ECF Contacts*

Updated Case Assignment List

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Mall, Room 209
Raleigh, NC 27602

Tel. 919-856-4752

WILSON Case Assignments

(252) 237-0248

Ending with:	Contact Person:	E-Mail Address:	Phone Extension
00 through 07	Lynn Boyd	Lynn_Boyd@nceb.uscourts.gov	135
08 through 15	Kathy Webb	Kathy_Webb@nceb.uscourts.gov	173
16 through 23	Lisa Payne	Lisa_Payne@nceb.uscourts.gov	131
24 through 31	Belinda Witcher	Belinda_Witcher@nceb.uscourts.gov	130
32 through 39	Shelia Fields	Shelia_Fields@nceb.uscourts.gov	163
40 through 47	Donna Harris	Donna_Harris@nceb.uscourts.gov	141
48 through 55	Donna King	Donna_King@nceb.uscourts.gov	136
56 through 63	Teresa Artis	Teresa_Artis@nceb.uscourts.gov	128
64 through 71	Donna Skinner	Donna_Skinner@nceb.uscourts.gov	127
72 through 79	Lois Ellis	Lois_Ellis@nceb.uscourts.gov	137
80 through 87	Christy Gurgone	Christy_Gurgone@nceb.uscourts.gov	134
88 through 93	Dawn Barnes	Dawn_Barnes@nceb.uscourts.gov	148
94 through 99	Amy Bisette	Amy_Bisette@nceb.uscourts.gov	149

RALEIGH Case Assignments

(919) 856-4752

Ending with:	Contact Person:	E-Mail Address:	Phone Extension
00 through 32	Sarah Glover	Sarah_Glover@nceb.uscourts.gov	131
33 through 65	Cheryl Bipes	Cheryl_Bipes@nceb.uscourts.gov	100
66 through 99	Kelly Shum-Drake	Kelly_Shum-Drake@nceb.uscourts.gov	140

ECF Tips

E-Orders- When preparing orders, do not include a blank line for insertion of fees, court costs, hearing dates, etc.. Email the Case Administrator to obtain the amount of court costs for Orders Confirming Chapter 11 Plans prior to submitting.

Docketing Multiple Motions – When docketing two or more motions and receive prompts to enter information in a text box, the information only needs to be entered once if it is the same for each motion. Otherwise, the information will be duplicated in the docket entry. (Ex: Motion To Compel GMAC GMAC To Comply With Order, Motion For Sanctions Against GMAC GMAC).



Legal Assistant Seminars have been scheduled for Friday, December 1 and Friday, December 8, 2006. The seminars will be held in the Wilson Bankruptcy Court Training Room. To enable you to register for the date that is most convenient for you and/or your staff, an online registration form will be posted on the court's website soon.

QUESTIONS/ANSWERS:

Q. WHEN I AM DOCKETING AN EVENT AND RECEIVE THE "SELECT THE CATEGORY TO WHICH YOUR EVENT RELATES" PROMPT, CAN I SELECT MORE THAN ONE CATEGORY?

A. YES, CLICK WITH MOUSE ON FIRST CATEGORY AND DRAG DOWN TO HIGHLIGHT ALL CATEGORIES OR HOLD DOWN THE CONTROL KEY AND SELECT APPLICABLE CATEGORIES.

ECF Contacts:

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Eastern District of
North Carolina
CM/ECF Newsletter



Happy Holidays to you!

In This Issue:

Seminar Highlights
Maintain User Accounts
Help Desk Contacts

Seminar Highlights - Reports

Order Query: You can click on Order Query to confirm that your order was successfully transmitted to the court with a status of being processed.

Docket Activity Report: This report no longer allows you to search by events; however, you can select to search by “only cases to which I am linked.” You can specify case number, location, category, judge, chapter, or time frame.

Stay Relief

Due to the recent statistical reporting requirements, Motions for Relief from Stay, Co-Debtor Stay, and Adequate Protection have to be reported individually. Relief from Stay & Co-Debtor Stay has been removed from the motions category as one event. These now have to be selected as multiple motions, holding down the “Ctrl” key in order to select the applicable events. *Example:* Motion For Relief From Stay, Motion For Relief From Co-Debtor Stay, Or In the Alternative, Adequate Protection could all be chosen within the same entry. These appear on the docket in the order in which they are chosen from the list, so highlight accordingly.

Motion To Seal

If you are seeking the court’s approval to seal a document from public view, a Motion To Seal would be filed. If the court enters an order granting the motion, you would then file the document. Contact the case administrator responsible for the case during filing so *immediately* upon entry on the docket the document can be sealed from public view.





Schedules And Amended Schedules

We are now required to report specific amounts on the statistical summary of certain liabilities and related data. When filing a voluntary petition or the schedules and statements in an accelerated case you would insert the amounts in the designated fields when presented with the Summary of Schedules text boxes. Additionally, when filing amended schedules, you will be presented with text boxes to include the new amounts for that particular schedule. The amount inserted should be the **total** of what was listed originally for that schedule, as well as the new amount as a result of the amendment. This could be a lesser or greater amount, depending

upon the deletion or addition of creditors. *Example:* Schedule D filed with the original petition lists total amount of debt as \$1000.00. Schedule D is later amended to add an additional debt of \$500.00. Upon the filing of the amendment, the total amount of debt to be inserted at the prompt would be \$1500.00.

Enter Total Amount Of Secured Claims Owed: (Omit Dollar Sign)

Maintain User Accounts

Please notify the help desk contacts to update email addresses, mailing addresses or telephone numbers. This includes any staff changes that would result in email recipients being updated. You would also contact the help desk contacts if you would like your login or password modified.



Help Desk Contacts

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 Tina_Roberson@nceb.uscourts.gov
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Reaffirmation Agreements When and Why Court Approval is Required

Under BAPCPA, the combination of §§ 362(h) and 521(d) eliminated the ride-through for most personal property.

If a debtor fails to reaffirm, redeem, or surrender personal property collateral within a certain time, the stay lifts and a "bankruptcy default" clause becomes enforceable.

If there is no bankruptcy default clause, the ride-through still exists. Relief from the stay does not give the creditor any more rights than it has under its agreement, so if there is no default in payments, there is no basis for repossession. The bankruptcy default clause creates a default and a basis for repossession under BAPCPA.

An agreement is **not** enforceable if it is not accompanied by a declaration or affidavit of the attorney that represented the debtor during the course of negotiating the agreement that states that

The agreement is a fully informed and voluntary agreement by the debtor;

The agreement does not impose an undue hardship on the debtor or a dependent of the debtor; and

The attorney has fully advised the debtor of the legal effect and consequences of the agreement and any default thereunder.

See Part C of Form B240.

The statute does not give the court authority to rule whether a reaffirmation agreement is enforceable. Absent more, a reaffirmation agreement that is not signed by the debtor's attorney is unenforceable, and the court will take no action on the agreement.

Motion for Court Approval

If the attorney did not represent the debtor in the course of negotiating the reaffirmation agreement **and** did not sign the reaffirmation agreement, the debtor may seek court approval by signing the motion, Part E to Form B240.

The debtor will now be treated as if he or she is pro se for purposes of considering the reaffirmation agreement.

524(c)(6) requires a hearing for pro se debtors

The court must find

The agreement does not impose an undue hardship on the debtor; and

The agreement is in the best interest of the debtor.

Rule #1: If the debtor's attorney does not sign the reaffirmation agreement AND the debtor signs the motion, there WILL be a hearing. NOTE: Debtors' attorneys are expected to appear at the hearing, even if they did not sign the agreement.

An alternative to not signing the agreement

Debtors' attorneys who are not comfortable certifying that the debtors can make the payments may add a disclaimer to the signature page. This is preferable to striking through the language on the form, which may render the agreement unenforceable. This will eliminate the need for a hearing absent any other irregularity in the agreement.

Sample language:

[Name of Creditor] acknowledges that counsel does not warrant the ability of the debtor to perform the terms of the Reaffirmation Agreement and the signing of this certification shall in no way be construed as a guaranty **by counsel** of the debtor's obligations under this Reaffirmation Agreement.

Part D is the primary reason reaffirmation agreements are set for hearing, assuming they are signed by the debtor's attorney. Please help your clients complete Part D properly.

Rule #2: If Part D shows that the debtor has insufficient funds to make the payments, a hearing will be set.

Rule #3: If Part D is not filled out, a hearing will be set.

Rule #4: If Part D is filled out incorrectly, a hearing will be set.

Rule #5: If Part D is illegible, a hearing will be set. Some creditors or attorneys use highlighters to show debtors where to fill in the blanks ... when this is scanned in, it comes across as black smudge, so that the numbers cannot be read. In this situation, Part D could show excess income of \$1000, but if the court can't read it, it will be set for hearing.

The exception to Rule #2: If Part D shows the debtor cannot make the payments, but there is a written explanation provided to rebut the presumption of undue hardship,

The court *may not* **dis**approve the agreement without a hearing.

The court may enter an order finding that the presumption has been rebutted without a hearing

This only applies if the debtor's attorney has signed the agreement.

Credit Unions

The rules are different if the creditor is a credit union.

Help your clients complete the proper portion of Part D if there is a credit union involved.

If the debtor does not sign the appropriate statement, a hearing will be set.

Real Estate Reaffirmations

The court is required to conduct a hearing if the debtor is pro se.

This includes debtors who were represented in their case but not in connection with the reaffirmation **and** the motion is signed.

The court neither approves nor disapproves reaffirmation agreements involving real estate. The ride-through was not eliminated for real estate, so a reaffirmation generally would only be entered if it alters the terms of the loan.

If the CREDITOR creates the irregularity in the agreement (omits the disclosures, uses the wrong form, etc.), the matter will be set for hearing.

In many cases, the agreement will be **disapproved**, but the creditor will not get the benefits of §§ 362(h) and 521(d)