

Rule 1002-1  
PETITION

- (a) **PETITION FILED BY OR ON BEHALF OF A PRO SE DEBTOR.** Any bankruptcy petition filed with this court by or on behalf of a pro se debtor on or after April 1, 2017 shall be accompanied by a current government-issued photo identification.
- (1) **FILING IN PERSON BY A DEBTOR.** When filing a petition with the court in person, the filing party shall present a current government-issued photo identification for copying by the clerk's office.
  - (2) **FILING BY MAIL BY A DEBTOR.** When filing a petition with the court by mail, the filing party shall provide with the petition a legible photocopy of the filing party's current government-issued photo identification.
  - (3) **FILING BY PERSON OTHER THAN THE DEBTOR.** If a person other than the debtor files a petition on behalf of the debtor, the petition shall be accompanied by a legible photocopy of the document(s) giving the filing party the legal authority to file the petition on behalf of the debtor.
  - (4) **RETENTION OF PHOTOCOPIES BY THE CLERK.** The clerk will convert photocopies of identification and documents authorizing filing by the filing party to pdf documents. Those documents filed by the debtor will be added to the docket as a restricted event, after which all paper copies will be destroyed. Those documents filed by a person other than the debtor, on behalf of the debtor, will be added to the docket as a public event, after which all paper copies will be destroyed.
- (b) **PETITION FILED BY OR ON BEHALF OF A MINOR OR INCOMPETENT PERSON.** Any bankruptcy petition filed with this court on behalf of a minor or incompetent person on or after June 1, 2018 must comply and be in conformance with Local Rule 1004.1-1. The petition shall be accompanied by a legible black and white photocopy of a current government-issued photo identification and all documents giving the filing party the legal authority to file the petition on behalf of the debtor. The clerk will convert photocopies of identification and documents authorizing filing by the filing party to pdf documents, which will be added to the docket as a restricted event, after which all paper copies will be destroyed.
- (bc) **PETITION FILED BY A BUSINESS ENTITY.** When a business entity files a voluntary bankruptcy petition, an executed copy of the resolution of the debtor's board of directors, managers, general partners, or other governing body authorizing the filing of the bankruptcy petition shall be filed with the petition.

Rule 1004.1-1  
PETITION - MINOR OR INCOMPETENT PERSON

- (a) PREPETITION APPOINTMENT OF REPRESENTATIVE. If, before the petition date, a representative has been appointed by a court under nonbankruptcy law for a debtor who is a minor or incompetent person, then a copy of the appointment instrument must be filed with a voluntary petition or with the alleged debtor's first pleading responding to an involuntary petition.
- (b) NO PREPETITION APPOINTMENT OF REPRESENTATIVE. If, before the petition date, no representative has been appointed by a court under nonbankruptcy law for a debtor who is a minor or incompetent person, then a motion, **made upon information and belief**, for the court to appoint a next friend or guardian ad litem ("movant") for the debtor must be filed with a voluntary petition or with the alleged debtor's first pleading responding to an involuntary petition.
  - (1) The motion must be accompanied by the movant's declaration under penalty of perjury with the following information:
    - (A) the movant's name, address, the relationship to the debtor (the movant's relationship to the debtor as spouse or other close relative who might have an interest in the debtor's financial affairs will not necessarily preclude granting the motion);
    - (B) whether a representative was appointed for the debtor under nonbankruptcy law before the petition was filed;
    - (C) why appointment of the movant as next friend or guardian ad litem is necessary;
    - (D) why appointment of the movant would be in the debtor's best interest;
    - (E) the flat fee or hourly rate, if any, that the movant would charge the debtor for serving as next friend or guardian ad litem;
    - (F) the movant's criminal and professional history (at movant's written request, to be sealed or redacted in the court's sole discretion);
    - (G) the movant's competence to handle the debtor's financial affairs, including the movant's knowledge of debtor's financial affairs;
    - (H) whether the movant has any current or potential future interest in the debtor's financial affairs; and
    - (I) whether any of the debtor's debts were incurred for the benefit of the movant.
  - (2) In cases where appointment is sought on behalf of an incompetent person, the declaration must be accompanied by the following documents:
    - (A) a letter from the debtor's physician regarding the debtor's ability to conduct the debtor's own financial affairs;
    - (B) a letter from the debtor's caregiver regarding the debtor's ability to conduct the debtor's own affairs; and
    - (C) a copy of any power of attorney or other document giving the movant authority to act for the debtor.
  - (3) The motion and declaration must be served under Fed. R. Bank. Pr. 7004 on the debtor, and notice thereof must be provided to the trustee, all creditors, the Bankruptcy Administrator, any governmental entity from which the debtor is

receiving funds, the debtor's closest relative, if known, and all persons whose identities and addresses can be ascertained in the exercise of reasonable diligence by the person required to give notice.

- (4) The court will hear the motion before the meeting of creditors under 11 U.S.C. § 341(a), if possible. The movant must appear to testify at the hearing, either in person or by telephone.
- (c) In the event that the information required in subsections (b)(1) and (b)(2) above is unavailable at the time of the filing of the petition and motion, the movant shall have thirty days from the petition date within which to file the declaration and attachments. If the declaration and attachments are not filed within thirty days of the petition date, the case will be subject to dismissal.

#### CROSS REFERENCES

Local Bankruptcy Rule 1002-1(b), "Petition;" Local Bankruptcy Rule 1016-1, "Death & Incompetency."

RULE 3070-2  
CHAPTER 13 – RESIDENTIAL MORTGAGE PAYMENTS

- (b) DISBURSEMENT OF REQUIRED CONDUIT PAYMENTS.
- (1) Chapter 13 debtors shall remit all mortgage payments owed by them to the chapter 13 trustee for disbursement to the real property creditor.
  - (2) A debtors may be excused from the requirement of subparagraph (b)(1) in the discretion of the chapter 13 trustee or by order of the court., ~~in which event~~ Confirmation of a plan providing for direct payments to a mortgage creditor excuses the debtor from the requirements of subparagraph (b)(1), in which case the provisions of paragraph (c) shall not apply ~~to the case~~.

Rule 4001-1  
RELIEF FROM THE AUTOMATIC STAY

- (d) MOTION FOR CONTINUANCE OR IMPOSITION OF AUTOMATIC STAY. The court may, in its discretion, rule on a motion for continuation or imposition of the automatic stay under 11 U.S.C. § 362(c)(3)(B) and § 362(c)(4)(B) without hearing if:
- (1) the debtor files a motion for continuation of the automatic stay within 5 days of the petition date;
  - (2) no objection is filed by a party in interest;
  - (3) the motion is accompanied by a notice of motion and the debtor's affidavit [or unsworn declaration under 28 U.S.C. § 1746](#) with sufficient facts to support the motion; and
  - (4) the motion and accompanying documents are timely served on all creditors and the trustee, if one has been appointed, contemporaneous with the filing of the motion.

Rule 5005-4(12)  
FILING PAPERS AFTER HOURS

- (a) AFTER HOURS FILINGS. Except as otherwise authorized by the Court, non-ECF filers may file petitions and other papers outside of normal business hours by email or facsimile pursuant to the provisions of this Local Rule.
- (b) TIME AND MANNER OF FILING. Papers may be filed by email to [NCEBml\\_EmergencyFiling@nceb.uscourts.gov](mailto:NCEBml_EmergencyFiling@nceb.uscourts.gov) or by facsimile to 919-334-3855 when the clerk's office is not open. The email or facsimile shall contain only the first page and the signature page of the document.
- (c) FILING OF ORIGINAL DOCUMENT. The entire original paper document, together with any required filing fee, must be filed in person and time-stamped by the clerk no later than 4:30 p.m. Eastern Time on the next business day that the clerk's office is open after the email or facsimile filing.
- (d) CLERK'S OFFICE PROCEDURES CONCERNING EMAILED DOCUMENTS. If the original document is not timely filed after the email or facsimile transmittal pursuant to subsection (c) above, the clerk will note that fact on the docket and the emailed or faxed document will have no force or effect. The clerk's office will not acknowledge the filing of a document or assign a case number or adversary proceeding number to a document unless the original is timely filed pursuant to the provisions of subsection (c) of this rule. Upon timely receipt of the original document and any required fee, the clerk will stamp the following notation on the document: "This document is deemed filed on (date) pursuant to L.B.R. 5005-4(12), 'Filing Papers After Hours.'" Documents filed in accordance with this rule will be deemed filed on the date and at the time the email addressed to [NCEBml\\_EmergencyFiling@nceb.uscourts.gov](mailto:NCEBml_EmergencyFiling@nceb.uscourts.gov) or facsimile sent to 919-334-3855 is received.

Rule 9011-4  
SIGNATURES

All documents signed by an attorney pursuant to Rule 9011 of the Federal Rules of Bankruptcy Procedure and filed with the court shall contain the individual name, firm name, address, telephone number, ~~facsimile number~~, email and State Bar identification number, where applicable, of the signing attorney(s).