



## ECF Informer - August 2015

# ECF INFORMER

Please use the navigation below or [view this edition of the ECF Informer in PDF format](#) [1]

## Debtor Electronic Noticing

The Bankruptcy Court for the District of Utah is pleased to announce “Debtor Electronic Bankruptcy Noticing (DeBN).” This is a FREE and voluntary service that allows debtors to request delivery of court notices and orders from the bankruptcy court, through the BNC (Bankruptcy Noticing Center), via email instead of U.S. mail.

**NOTE: Only notices and orders authorized to be sent by the BNC are sent to the debtor through the DeBN program (i.e. First Meeting of Creditors Notice, Order of Discharge, Orders entered by the Court). Debtors do NOT receive CM/ECF email similar to attorneys. All other parties, such as trustees and creditors, will continue to serve the debtor via U.S. mail or in person as required by court rules.**

DeBN offers the following advantages for debtors:

- Faster—Notices are received the same day they are filed by the court.
- Convenient—Access to notices anywhere the Internet is available.
- No more lost paperwork—Storing notices on a computer or electronic device means never losing a paper copy.
- Less paper clutter—Helps the environment and reduces paper clutter around the house.
- It's FREE

Pursuant to Federal Rule of Bankruptcy Procedure 9036, a party may make a written request for delivery of notices via email, instead of U.S. mail. Through the DeBN program, only notices and orders that have been filed by the court can be emailed to the debtor. Debtors requesting participation in the DeBN program must complete and file a [Debtor's Electronic Noticing Request \(DeBN\) form](#) [2] with the court where their case is filed.

For more information or questions, contact the Bankruptcy Court's training department at 801-524-6575 or [utb\\_training@utb.uscourts.gov](mailto:utb_training@utb.uscourts.gov) [3]



## Application for Individuals to Pay Filing Fee In Installments

When filing a new Chapter 7 or Chapter 13 bankruptcy case, the debtor may apply to pay the Voluntary Petition filing fee in installments. For this application to be considered, the appropriate box must be checked on the Voluntary Petition, "Installment" must be selected as the "Fee Status", the initial payment amount must \$100 or more, and an "Application for Individuals to Pay the Filing Fee in Installments" must be filed:

**NOTE: The Court will either approve or deny the application with an order. An order approving the application may alter payment amounts and/or due dates. Please adhere to the terms established in the order, NOT the application.**

- Voluntary Petition

On page 1 of the Voluntary Petition, within the "Filing Fee (Check one box)" area, "Filing Fee to be paid in installments (applicable to individuals only )" MUST be checked

- CM/ECF—Fee Status

The "Fee Status" must be changed from "Paid" to "Installments"

The screenshot shows the CM/ECF web interface for opening a voluntary bankruptcy case. The browser address bar shows the URL: https://ecf-train.utb.uscourts.gov/cgi-bin/Dispatch.pl?352806932196141. The page title is "Open Voluntary Bankruptcy Case". Below the title, it says "It appears that this debtor filed cases [13-20071](#), [13-20070](#), [13-20065](#)".

The form contains several fields:

- Prior filing within last 8 years:** yes (dropdown)
- Fee status:** Paid (dropdown menu is open, showing options: Paid, **Installment**, Paid, IFP filing fee waived). A red arrow points to the "Installment" option.
- Nature of debt:** Paid (dropdown)
- Asset notice:** IFP filing fee waived (dropdown)
- Estimated number of creditors:** (dropdown)
- Estimated assets:** (dropdown)
- Estimated liabilities:** (dropdown)

On the right side, there are radio button options for:

- Type of debtor:** Individual, Corporation (includes LLC & LLP), Partnership, Other.
- Nature of business:** Health Care Business, Single Asset Real Estate, Railroad, Stockbroker, Commodity Broker, Clearing Bank, Other, Tax-Exempt Entity.

At the bottom left, there are "Next" and "Clear" buttons. A yellow watermark "RAIN database" is overlaid on the form.

- CM/ECF—Fee



A payment of \$100.00 or more must be paid at the time of filing **OR** within 14 days. The payment amount should be adjusted to reflect the amount to be paid at the time of filing. Insert 0.00 if the initial payment will not be made at the time of filing but within 14 days.

**Open Voluntary Bankruptcy Case**

**FOR PETITIONS REQUESTING THE FEE BE PAID IN INSTALLMENTS, A PAYMENT OF 100.00 OR MORE MUST BE PAID AT THE TIME OF FILING OR WITHIN 14 DAYS. INSERT PAYMENT AMOUNT, IF ANY, BELOW.**

Fee:  for *Voluntary Petition (Chapter 7) (FEE)*

Filename  
 No file chosen

Attachments to Document:  No  Yes

**TRAIN database**

Payment amount should be adjusted to reflect the amount to be paid at the time of filing. Insert 0.00 if the payment is to be made within 14 days

## Amended Schedules re: Conversion from 13 to 7 (Rule 1019)

When converting a case from Chapter 13 to Chapter 7, it may be necessary to add post-petition creditors to the schedules and creditor matrix. This amendment to the schedules and matrix is available at no charge IF the correct CM/ECF event is used. "Schedules Re: Conversion from 13 to 7 (Rule 1019)" event is available in CM/ECF in the "Debtor Events" category. This event permits the filing users to amend the schedules to add new post-petition creditors based on the conversion at no charge. The pleading should be filed within fourteen (14) days of the conversion date.

## CM/ECF Email Notifications

CM/ECF Attorney Filing Users receive email notification of items filed in cases that they have entered an appearance or represent the debtor. Filing Users have the option to receive 1 daily summary email listing items filed in all of their cases OR they can opt to receive instantaneous notice when action occurs in their case(s). A hyperlink to the document filed and a hyperlink the case docket is contained within these emails. Filing Users may click the document number hyperlink and receive a "free look" at the document filed. They may print or save the document, however, filing users will be prompted to pay a PACER (Public Access to Electronic Court Records) fee of .10 cents a page for any subsequent viewings of the same document. This "free look" is only for the first time the document is viewed AND is only available for 14 days after receipt of the email. After 14 days the document remains available, however, filing users will incur a PACER charge to view the document.



Activity has occurred in the following cases:

[11-32718 \(Ch 13\) \(EOD: 2015-08-05 22:53:59\) Jesse Taylor and Shannon Taylor](#)  
Certificate of Service Re: Miscellaneous Pleadings [98](#)

Docket Text:

Certificate of Service Re: Miscellaneous Pleadings Notice Date 08/05/2015. (Admin.)

Click here for a one time free look within 14 days of receipt of the email

## Contact the Court's Training Department for Help

Ever had the experience of having to file something, and cannot decide on what event to use? The Clerk's office has spent many hours developing the CM/ECF "dictionary", but admittedly there are documents that may simply not "fit". If this occurs, feel free to contact the Court's Training department (801-524-6575 or email at [utb\\_training@uscourts.gov](mailto:utb_training@uscourts.gov) [4]) to discuss your unique pleading. Not only does this hopefully help the filer, but it also points out to the Training department that a new event may need to be created(?).

## Selecting a Hearing Date

When filing a Notice of Hearing OR a Notice and Opportunity for hearing, filing users must select a hearing date from a pick list. The pick list contains hearing dates from the "Chambers Preset" report and hearings that have been set by the scheduling clerk. Filing users should NOT attempt to enter anything in the "Hearing Date:", "Hearing Time:", or "Location" fields. After a hearing date has been selected, these fields will automatically populate with the correct information. If the desired hearing date is not in the pick list, the filing user may review available preset hearing dates by clicking "Chambers Presets" OR contact the court scheduling clerk at 801-524-6627.

### Hearing Information

**In order to enter a hearing date/time/location, you must obtain prior approval from the presiding judge.**

Contact the Chambers of Judge Mosier.

Please select from the following hearings  [Chamber Presets](#)

Hearing Date:  Hearing Time:

Location:

Select docket entries which are to be associated with the above schedule(s).

Filing Date #	Docket Text
<input type="checkbox"/> 07/20/2015	Notice of Endorsement(related document(s): <a href="#">31</a> Debtor's Motion to Continue Confirmation for 60 days. (Tripp, J.)). Endorsed with no objection Filed by Darwin H. Bingham on behalf of Mountain America Federal Credit Union (Bingham, Darwin)

Select a hearing date and time by clicking here. The "Hearing Date", "Hearing Time", and "Location" fields will automatically populate.



## Local Rule 9021-1 Preparation and Submission of Judgment or Order

Local Rule 9021-1 gives guidance for preparation and submission of proposed orders:

1. L.R. 2091-1(a) states that proposed orders are to be submitted as separate documents, not included with or made part of motions.
2. L.R. 2091-1(b) states that unless ordered otherwise, orders should be submitted by the prevailing party and objections to the order must be filed with 7 days from the date the proposed order is filed.
3. L.R. 2091-1(c) requires orders to be submitted in "...such form as the court requires". The court requires a 2 and 1/2 inch margin on the top of the first page of the order.
4. L.R. 2091-1(e) instructs parties filing a proposed order shall attach a "Designation of Parties to be Served." The designation must be in conformity with Local Bankruptcy Form 9021-1. This designation instructs the Bankruptcy Court Clerk's Office of those who should receive a signed copy of the order.

NOTE: When filing a proposed order for a **bankruptcy** case, filing users should use the "Pending Order Upload" category under the "Bankruptcy" menu. When filing a proposed order for an **adversary** case, filing users should use the "Pending Order Upload" category under the "Adversary" menu.

## Methods to Fix an E-filing Mistake

From time to time an filer makes an error such as attaching the incorrect image to an entry, or using an incorrect event when docketing something in a case. These errors are (hopefully) captured during the Clerk's office's Quality Control procedure, and the filer is usually notified of whatever issue has been discovered.

There are various methods to "right the wrong", but withdrawing the pleading may not necessarily be the optimal correction. You must be aware of withdrawing pleadings, especially if they happen to be time-sensitive. If you withdraw and refile the following day, you may have(?) created a situation where your time-sensitive pleading can be considered "late".

Withdrawing a pleading when the error is in the event that was used is unnecessary. The QC clerk can always adjust the entry, and oftentimes does, to match the image/pleading that was submitted. If the error is in the pleading/image file, then withdrawing may be appropriate. Do not hesitate to contact the Clerk's office concerning errors while docketing. Solutions to the error(s) may be less confusing than to simply withdraw the pleading. Also recall that the Clerk's office has an online chat service on our [website](#) [5] and within CM/ECF where you can communicate with a deputy clerk instantaneously.



## **Chapter 13 - One Debtor Converts, the Other Dismisses**

In a joint Chapter 13 case, there may be an occasion to bifurcate the two debtors for various reasons. Recall that a bifurcation fee is necessary when two estates are created by virtue of the bifurcation. That being said, in the case of one debtor converting and the other dismissing, please also recall that you can save your client a bifurcation fee if one of the debtors is dismissed BEFORE the conversion. Once one of the debtors is dismissed, you can then convert the remaining debtor, and only a conversion fee is due, but NOT the bifurcation fee. A new case number is also not necessary.

## **Use "Attachments to Document" Only If Necessary**

The maximum file size for documents filed with the court through CM/ECF is 8MB. If the document to be uploaded exceeds 8MB, the document must be divided into 8MB sections or smaller to be submitted. When prompted to upload PDF documentation, filing users should use "Attachments to Document" ONLY if the document they are attempting to upload exceeds 8MB., otherwise, all documentation should be combined into 1 PDF document.

## **CM/ECF Filing Agents**

Some trustees and attorneys require multiple paralegals/staff members to docket simultaneously in order to complete necessary filings. Previously, there was no way to link multiple accounts to the same trustee or attorney. As a result the court had to create separate (X) accounts to allow staff to file on behalf of the trustee/attorney.

Now, a new user type is available called 'Filing Agent'. A trustee or attorney may link several 'Filing Agents' to their user account so that when the agent files on behalf of the trustee/attorney, the docket text shows the trustee's/attorney's name as the filer.

Filing Agents -

- Can docket on behalf of the trustee/attorney
- Will not appear on the pick list for docketing (only the trustee or attorney name will show)
- Name will not show on the docket text. (the trustee or attorney name will show as the filer)
- Assume the rights and privileges assigned to the trustee or attorney's user account
- Will not receive email on their own. The Filing Agent's email address must be designated through the trustee or attorney's account in Maintain Your ECF Account: 'Secondary Email Address' and by checking 'Send the notices to the secondary addresses'
- Can docket restricted (SSN Verification Page, Writs) and sealed documents but cannot view them after docketing (the attorney/trustee main account must be used)



Contact the Bankruptcy Court's training department at 801-524-6575 or email them at [utb\\_training@utb.uscourts.gov](mailto:utb_training@utb.uscourts.gov) [3] for instructions on how to set up filing agents.

**Source URL:** <https://www.utb.uscourts.gov/ecf-informer-august-2015>

**Links**

[1] [https://www.utb.uscourts.gov/sites/default/files/newsletters/attorney\\_newsletter\\_august\\_2015.pdf](https://www.utb.uscourts.gov/sites/default/files/newsletters/attorney_newsletter_august_2015.pdf)

[2] <https://www.utb.uscourts.gov/forms/debtor-electronic-noticing-request-debn>

[3] [mailto:utb\\_training@utb.uscourts.gov](mailto:utb_training@utb.uscourts.gov)

[4] [mailto:utb\\_training@uscourts.gov](mailto:utb_training@uscourts.gov)

[5] <https://www.utb.uscourts.gov>