

Proof of Claim New Requirements

Federal Rules of Bankruptcy Procedure 3001 was amended as of December 1, 2011 requiring additional documentation to support a Proof of Claim when the debtor is an individual. Failure to comply with the heightened requirements may result in potential sanctions.

The Proof of Claim must now include an itemized statement of the pre-petition interest, fees, expenses, or charges. Documentation requirements vary when there is a security interest claimed in the debtor's property and additional documentation is required when the security interest is the debtor's principal residence. In conjunction with the new requirements, Official Form Mortgage Proof of Claim Attachment B10(A), has been issued.

Claims Involving Debtor's Principal Residence

New F.R.B.P. 3002.1 applies in a chapter 13 case to claims that are (1) secured by a security interest in the debtor's principal residence, and (2) provided for under § 1322(b)(5) of the Code in the debtor's plan. This rule imposes duties on claim holders, trustees and debtors to take certain actions. New forms have been issued to support these new requirements.

On December 1, 2011, the CM/ECF Category "Claims" was implemented with three events to comply with F.R.B.P. 3002.1(b), (c), and (g) which requires supplements for certain claims in Chapter 13 cases. As of February 23, 2012, this category was modified to also permit the filing of claim supplements when a Proof of Claim has not yet been filed. For more information see "[New Events Added to the 'Claims' Category](#)" available at www.utb.uscourts.gov.

Also on December 1, 2011, the motion and notice required under F.R.B.P. 3002.1(e), and (f) were added to the "Motions/Applications" and the "Notices" categories, respectively:

- Rule 3002.1(e) - Motion to Determine Mortgage Fees and Expenses
- Rule 3002.1(f) - Notice of Final Cure Payment.

Clerk's Office Notes

- ◆ NOTE: Proof of Claim forms are no longer mailed by the Court with 341 notices. Proof of Claim form B10, Attachment B10(A), and claim form supplements are available on the Court's website at www.utb.uscourts.gov under Forms > Current Forms > Official Forms.
- ◆ NOTE: CM/ECF is designed with specific events to support the many different types of documents that are filed in a case. Due to the automated nature of the Court's case administration system, it is critical that the correct events are selected to ensure proper adjudication of a case.
- ◆ NOTE: **Effective April 1, 2012, the Electronic Public Access fee will increase from \$.08 to \$.10 per page for electronic public access to court records thru the PACER service. Moreover, PACER users who do not accrue charges of more than \$15 in a quarterly billing cycle would not be charged a fee. (The current exemption is \$10 per quarter.) The expanded exemption means that 75 to 80 percent of all users will still pay no fees. The quarterly exemption will be raised from \$10 to \$15.**

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Avoiding the Closure of a Chapter 13 Case without Receiving a Discharge

Certain documents are required to be filed to ensure that a debtor(s) is eligible to receive a discharge in a Chapter 13 case. Failure to comply will result in a Chapter 13 case being closed without a discharge.

Verification and Request for Discharge

Pursuant to Local Rule 2083-1(k), the filing of the Trustee’s Notice of Completed Plan establishes a sixty (60) day deadline for filing a Verification and Request for Discharge. Local Rule Appendix E is the “Form For Verification and Request for Discharge”.

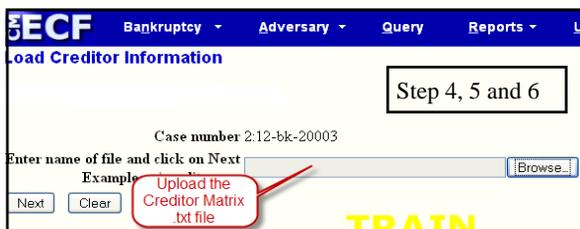
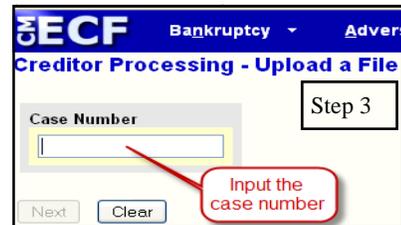
Personal Financial Management Course Certificate and Form B23 (Debtor’s Certificate of Completion of Instructional Course Concerning Financial Management)

The Personal Financial Management Course Certificate and corresponding Form B23 must be filed according to F.R.B.P. 1007(b)(7). The deadline for filing this document is governed by F.R.B.P. 1007(c).

Remember to Load the Creditor Matrix as a .txt File

A creditor matrix is a list of creditor names and addresses. The creditor matrix is used to populate the CM/ECF database and serves as the basis for noticing creditors. When commencing a bankruptcy case, the creditor matrix must be uploaded using the Creditor Maintenance menu. Although the matrix may be attached as a PDF document to the Voluntary Petition and/or schedules, it must also be uploaded as a separate .txt file. To upload the .txt creditor matrix file after filing a Voluntary Petition:

1. Under the Bankruptcy menu, click Creditor Maintenance
2. Click Upload a creditor matrix file
3. Input the case number; click Next
4. Upload the creditor matrix file by clicking Browse to navigate to the file location. Double click the file or highlight the file and click open
5. Click Next
6. Verify that the Total Creditors to be Entered matches the number of creditors listed on the creditor matrix; click Submit.



Proper Preparation of a Certificate of Service When Notice is Given to All Creditors

When preparing a Certificate of Service, statements like “Notice was given to all creditors listed on the Court’s mailing matrix”, are insufficient to comply with Local Rule 9013-1(j). The local rule requires that the “names and addresses” of parties served be listed. Without attaching a copy of the mailing matrix utilized, it is impossible for the Court to determine who was served and if due process burdens have been met. Because creditor names and addresses are routinely updated, a new version of the mailing matrix should be downloaded from CM/ECF (or Pacer) each time notice is given. To obtain a PDF copy of the current mailing matrix:

1. Login to CM/ECF or Pacer.
2. Click the Utilities menu.
3. Click Mailings.
4. Click Mailing Matrix by Case.
5. Enter the Case number, click Next.
6. Save the PDF document.
7. Attach the mailing matrix PDF to the Certificate of Service (using the “Insert Pages” option in Adobe Acrobat Standard).

Preparing PDF Documents using Adobe Acrobat Standard

When preparing documents to be filed in a Bankruptcy case, they must be saved in PDF (Portable Document Format), with the exception of the original creditor matrix. Each document that will be filed electronically using CM/ECF must comply with Local Rule 5005-3 and must not exceed the six (6) megabyte file size limit.

There are a wide variety of products that have PDF creation capabilities, however, the Court has limited itself to supporting PDF documents created using Adobe Acrobat Standard. Adobe Acrobat Standard creates PDF documents, combines pages to, or extracts pages from, an existing PDF document. Additionally, to reduce file size, Adobe Acrobat Standard comes with an “Optimize Scanned PDF Pages” option.

Combining Documents

The Court encourages that documents of a similar nature such as a motion, exhibits, and Certificate of Service, be combined up to the six (6) megabyte file size limit. To combine PDF documents using Adobe Acrobat Standard, use the “Insert Pages” option.

Extract Pages from a Document

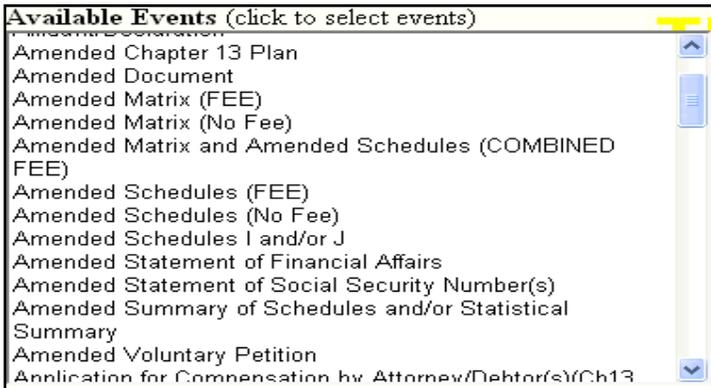
To extract pages from a PDF file that exceeds the six (6) megabyte size limit, use the “Extract Pages From” option in Adobe Acrobat Standard. The “Extract Pages From” option reduces the file size by splitting the document. Once the document has been split into acceptable file size limits, use the “Additional Attachments” option in CM/ECF to upload the corresponding PDF documents.

Optimize Scanned PDF Pages

The “Optimize Scanned PDF Pages” option provides another method to reduce file size without splitting the document. When the file sized has been reduced to acceptable limits, use the “Additional Attachments” option in CM/ECF to upload the corresponding PDF documents.

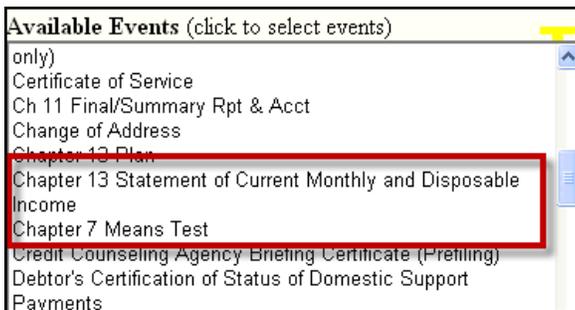
Amendments Filed on Behalf of the Debtor

When filing an amendment, please use the CM/ECF event that most closely matches the title of the document being filed. Several “amended” events have incorporated screen prompts to enter specific case data. The CM/ECF Debtor Events category (located under the Bankruptcy menu) contains several amendment events:

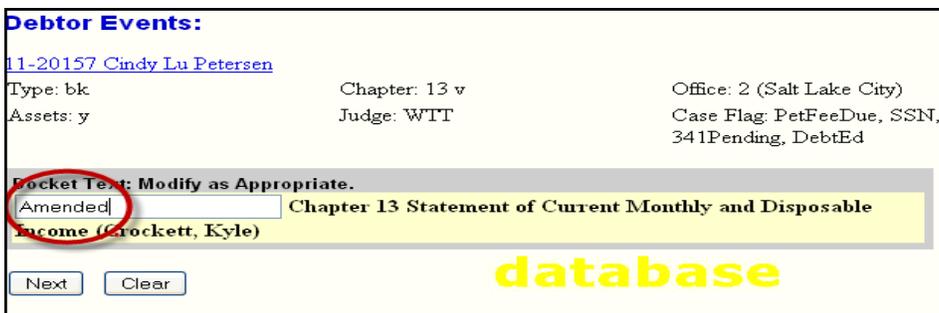


Amended Chapter 13 Statement of Current Monthly Disposable Income and Amended Chapter 7 Means Test

There is not a specific event that can be selected when filing an amended Chapter 13 Statement of Current Monthly and Disposable Income, or amended Chapter 7 Means Test. To file these amendments, please select “Chapter 13 Statement of Current Monthly and Disposable Income” or “Chapter 7 Means Test”, respectively:



When using these events, screen prompts have been incorporated to enter specific financial data. Before the entry is submitted add the word “Amended” at the prompt, “Docket Text: Modify as Appropriate”:



Filing Amended Schedules and/or Amended Matrix

11 U.S.C. § 521(a)(1)(A) and (a)(1)(B)(i) requires a debtor(s) to file a list of creditors (creditor matrix) and schedules listing assets and liabilities (schedules A through F). After these documents are initially filed, an amendment is required to add creditors to the schedules and/or the creditor matrix. Several CM/ECF events are available to file these amendments:

- Amended Matrix (FEE)
- Amended Matrix (No Fee)
- Amended Matrix and Amended Schedules (COMBINED FEE)
- Amended Schedules (FEE)
- Amended Schedules (No Fee)

These amendment events are listed under the “Bankruptcy” menu in both the “Debtor Events” and “Other” categories. As noted in the “Amendments Filed on Behalf of the Debtor” article (pg. 4), when filing an amendment, please use the CM/ECF event that most closely matches the title of the document being filed.

Event: Amended Matrix (FEE)

Use: Add creditors to the existing creditor matrix.

Cost: \$30.00.

PDF: Amended Matrix Coversheet (available at www.utb.uscourts.gov > Forms > Current Forms > Local Forms) or a list of the creditors being added.

Note: Enter the creditors at the appropriate screen prompt.

Event: Amended Matrix (No Fee)

Use: Modify creditors on the existing creditor matrix.

Cost: No cost.

PDF: Amended Matrix Coversheet (available at www.utb.uscourts.gov > Forms > Current Forms > Local Forms)

Note: Modify the creditors specified on the corresponding PDF through the “Creditor Maintenance” category.

Event: Amended Matrix and Amended Schedules (COMBINED FEE)

Use: Add creditors to the existing creditor matrix and to schedules D, E, or F.

Cost: \$30.00

PDF: Schedules (showing ONLY the creditors being added), updated Summary of Schedules, updated Statistical Summary of Certain Liabilities, and list of creditors being added.

Note: Enter the creditors being added and the updated financial information at the appropriate screen prompts.

Event: Amended Schedules (FEE)

Use: Add creditors to schedules D, E, or F.

Cost: \$30.00

PDF: Schedules (showing ONLY the creditors being added), updated Summary of Schedules, and an updated Statistical Summary of Certain Liabilities.

Note: Enter the updated financial information at the appropriate screen prompts.

Event: Amended Schedules (No Fee)

Use: Modify schedules A, B, C or move creditors from one schedule to another.

Cost: No cost.

PDF: Schedules (showing ONLY the modifications), updated Summary of Schedules, and an updated Statistical Summary of Certain Liabilities.

Note: Enter the updated financial information at the appropriate screen prompts.

Self-Calendaring of Hearings (Chamber Presets)

Self-Calendaring is a process that uses the “Chamber Presets” feature in CM/ECF to schedule a hearing. Self-Calendaring saves you time, energy, and resources by eliminating the need to contact the Scheduling Clerk in order to obtain a hearing date and time. This feature is available 24/7 and is designed to be used to schedule non-evidentiary hearings in Chapter 7 and Chapter 13 cases. These pre-defined hearing slots are designed for short oral arguments (± 5 to 10 minutes).

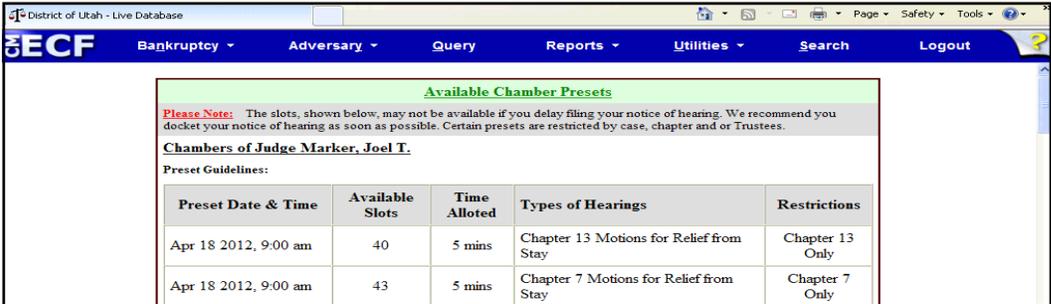
For all hearings that do not meet the requirements described above, you must continue to contact the Scheduling Clerk at 801-524-6627 to obtain a hearing date and time.

To Self-Calendar using “Chamber Presets”:

- To view the pre-defined hearing slots, in CM/ECF go to (Reports > Chamber Presets) for a listing of available hearing dates and times by judge.

*NOTE: For assistance with calculating an objection deadline, a date calculator is available at the bottom of the report.
- Complete a Notice of Hearing using Local Form 9013-1 or 9013-2 (www.utb.uscourts.gov > Forms > Current Forms > Local Forms) with all applicable information including the preset date, time, and location (obtained from the “Chamber Presets” report link); objection deadline, and a specific statement of the requested relief.
- File the completed Notice of Hearing using either the “Notice of Hearing” or “Notice and Opportunity for Hearing” events.
- During the filing of these events, use the drop down menu to select the same pre-defined hearing slot (date, time, and location) as listed in the Notice of Hearing.

GUIDELINES FOR USING THE “CHAMBER PRESETS” REPORT



Available Chamber Presets

Please Note: The slots, shown below, may not be available if you delay filing your notice of hearing. We recommend you docket your notice of hearing as soon as possible. Certain presets are restricted by case, chapter and or Trustees.

Chambers of Judge Marker, Joel T.

Preset Guidelines:

Preset Date & Time	Available Slots	Time Allotted	Types of Hearings	Restrictions
Apr 18 2012, 9:00 am	40	5 mins	Chapter 13 Motions for Relief from Stay	Chapter 13 Only
Apr 18 2012, 9:00 am	43	5 mins	Chapter 7 Motions for Relief from Stay	Chapter 7 Only

- Select a hearing slot for the judge assigned to the case.
- Select a hearing slot which fits the type of hearing and length of hearing listed in the “Chamber Presets” report.
- Do not Self-Calendar any hearings which are anticipated to last longer than the time specified for the preset or do not meet the preset guidelines.
- Review and abide by all preset restrictions.
- It is **ONLY** upon the filing of the Notice of Hearing that the hearing slot is confirmed with chambers and reserves a hearing on the calendar.

- To ensure the hearing time, **DO NOT DELAY** filing the completed Notice of Hearing.
- If the selected hearing slot is not available when filing the Notice of Hearing, the e-filer must go back and select a new hearing slot or contact the Scheduling Clerk at: (801)524-6627.
- PRACTICE TIP:** As a best practice, use caution when selecting hearing slots. If there are 2 or less Available Slots remaining they could be selected by another attorney or trustee at the same time. Prompt filing of the completed Notice of Hearing minimizes the risk that the hearing slot will be unavailable.

Responding to a Notice or Order that Fees are Due

Notices or Orders that fees are due, are equivalent to receiving an invoice from the court and must be paid. To respond to a Notice or Order that filing fees are due, a charge must be created by the e-filer using the CM/ECF event “Electronically Paid Fee”. This event is used to respond to:

- A “Clerk’s Notice of Fees Due”.
- A “Clerk’s Notice of Case Filing Fees Due” (for cases dismissed with outstanding filing fees due).
- An order denying an Application to Proceed In Forma Pauperis.
- An order denying an Application to Proceed in Installments.

The “Electronically Paid Fee” event is available in two categories under the Bankruptcy menu in “Debtor Events” and “Other”. The process of filing this event is essentially the same for both categories. The example below provides step by step instructions when using the “Electronically Paid Fee” event under the “Debtor Events” category.

1. Click “Bankruptcy” > “Debtor Events”.



2. Input the Case Number; click “Next”.



3. Click “Next”.



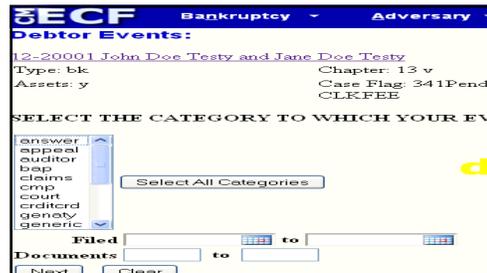
4. Select “Electronically Paid Fee”; click “Next”.



5. Check the box “Refer to existing event(s)”; click “Next”.



6. Click “Select All Categories”; click “Next”.



Responding to a Notice or Order that Fees are Due (continued)



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Chief Judge

David Sime
Clerk of Court

Glenn Gregory
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We're on the web at
www.utb.uscourts.gov



7. Select the Appropriate Event to Which Your Event Relates; click "Next".

Bankruptcy Adversary Query Reports Utilit

Debtor Events:

2-20001 John Doe Testy and Jane Doe Testy

Type: bk Chapter: 13 v Office: 2 (Salt Lake City)

Assets: y Case Flag: 341Pending, DebtEd, CLKFEE

SELECT THE APPROPRIATE EVENT(S) TO WHICH YOUR EVENT RELATES:

01/03/2012 Chapter 13 Voluntary Petition Filed by John Doe Testy, Jane Doe Testy (Andrus, Clerk)

8. Select purpose for fee payment; click "Next".

Bankruptcy Adversary Quer

Debtor Events:

2-20001 John Doe Testy and Jane Doe Testy

Type: bk Chapter: 13 v

Assets: y Case Flag: 341Pending, DebtEd, CLKFEE

Select purpose for fee payment

Amendment Schedules D,E,F and/or Amended Matrix [AMM]

Chapter 7 Bifurcated Case [7SP]

Chapter 13 Bifurcated Case [13SP]

Motion for Leave to Appeal (Interlocutory Appeal) [APM]

Motion to Convert Chapter 11 to Chapter 7 [CV]

Motion to Convert Chapter 13 to Chapter 7 or Notice Voluntary

Motion to Compel Abandonment of Property [AB]

Motion to Revoke Stay [ST]

9. Select the fee amount; click "Next".

Bankruptcy

Debtor Events:

2-20001 John Doe Testy and Jane Doe Testy

Type: bk

Assets: y

Select a Fee Amount

Next Clear

10. Verify the correct fee was selected; click "Next".

Bankruptcy A

Debtor Events:

2-20001 John Doe Testy and Jane Doe Testy

Type: bk Chapter

Assets: y Case Fla

CLKFE

Fee: \$30 for Electronically Paid Fee

Next Clear

11. Click "Next".

Bankruptcy

Debtor Events:

2-20001 John Doe Testy and Jane Doe Testy

Type: bk

Assets: y

Next Clear

12. Verify the Final Text

Bankruptcy Adversary Query Reports Utilities Search Log

Debtor Events:

2-20001 John Doe Testy and Jane Doe Testy

Type: bk Chapter: 13 v Office: 2 (Salt Lake City)

Assets: y Case Flag: 341Pending, DebtEd, CLKFEE

Final Text: Final Text

Electronically Paid Fee, (related document(s)) [AMM] (No Fee), Amount of Payment: \$30.

Purpose: Amendment Schedules D,E,F and/or Amended Matrix [AMM], (Crockett, Kyle)

Warning! Submitting this screen requires file transmission. You will have no further opportunity to modify this submission once submitted.

Next Clear

13. Click "Pay Now" to pay the fee.

Bankruptcy

Summary of current charges

Date Invoiced	Description	Amount
2012-01-27 15:07:45	Electronically Paid Fee(2-20001) (janene.gregory@utb.uscourts.gov)	\$ 30.00
Total:		\$ 30.00

Price of Electronic Filing

The following transaction was received:

Case Name: John Doe Testy

Case Number: 12-20001

Document Number:

Final Text:

Electronically Paid Fee, (related document(s)) [AMM], (Crockett, Kyle)

The following document(s) are associated:

Pay Now Continue Filing

NOTE: A CM/ECF user's account will automatically be disabled if he or she has fees outstanding for over 2 days. A user who has a disabled account may login to CM/ECF, but may not view or file any documents until he or she pays all associated fees. To enable a CM/ECF account, all associated fees are to be paid electronically via CM/ECF. Once the fees have been paid, log out, close and reopen the Internet browser, and log-into CM/ECF again.