

D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor

Within 30 days of learning of (i) the death, or (ii) a finding of incompetency of a debtor through appropriate legal process, debtor's counsel must file Local Form *Notice of Death or Finding of Incompetency of a Debtor*. Debtor's counsel must also separately file the certificate of death or the court order pertaining to incompetency or guardianship. The certificate of death or court order pertaining to incompetency or guardianship will be immediately restricted from public viewing by the clerk's office without the necessity of a motion under these Rules. In the case of a self-represented debtor, any person who becomes aware of a debtor's death or incompetency may also file said Local Form and the certificate of death or court order pertaining to incompetency or guardianship. Any relief related to the death or incompetency of a debtor must be requested by separate motion.

2024 Comment

This Rule is amended to include the requirements for filing a certificate of death or court order pertaining to incompetency or guardianship.

2023 Comment

This Rule is new. It is meant to facilitate notice to the court upon the death or finding of incompetency of a debtor.