



# United States Bankruptcy Court District of New Jersey

**Honorable Kathryn C. Ferguson, Chief Judge**  
**Jeanne A. Naughton, Clerk**

The purpose of this notice is to advise New Jersey Bankruptcy Court CM/ECF participants of new system and operational developments and to highlight issues that require immediate attention.

## Office Locations

### Newark

Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07102  
Phone (973) 645-4764

### Trenton

Clarkson S. Fisher US Courthouse  
402 East State Street  
Trenton, NJ 08608  
Phone (609) 858-9333

### Camden

US Post Office and Courthouse  
401 Market Street  
Camden, NJ 08101  
Phone (856) 361-2300

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## CERTIFICATIONS IN SUPPORT OF DISCHARGE

On June 23, 2017 the Court entered a *General Order Pending Adoption of D.N.J. LBR 4002-1, Certification in Support of Discharge*. The General Order made the following proposed Local Rule, and use of the revised local form, effective immediately.

### **D.N.J. LBR 4002-1. Certification in Support of Discharge**

Upon completion of payments under a Chapter 12 Plan, or upon receipt of the Trustee's Plan Complete Letter in a Chapter 13, the debtor must within 30 days, file local form *Certification in Support of Discharge*.

#### 2018 Comment

This Rule is new. It is added to ensure compliance with §1228(a) or §1328(a) of the Code concerning payment of domestic support obligations, and to eliminate the practice of filing the *Certification in Support of Discharge* before completion of plan payments. Importantly, each debtor in a joint case must file a separate *Certification in Support of Discharge*. Discharges will not be entered for Debtors who do not file a completed *Certification in Support of Discharge*.

Discharges will not be entered in cases where the filing of a *Certification in Support of Discharge* does not comply with the Local Rule. Rather the debtor will be required to refile a completed *Certification in Support of Discharge* after the Chapter 13 Standing Trustee's Plan Complete Letter has been filed, or upon completion of plan payments in a chapter 12 case.

**NOTE:** All *Certifications in Support of Discharge* must indicate the status of the debtor's domestic support obligations and must contain the date the document was signed by the debtor.

The [General Order](#) and revised [local form](#) are available on the Court's web site, [njb.uscourts.gov](http://njb.uscourts.gov).

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## PROPOSED ORDERS

On June 23, 2017, the Court entered a *General Order Pending Amendment of D.N.J. LBR 9013-4, Motions: Proposed Order* making the Local Rule amendment, and new local form, *Certification Concerning Order to be Submitted*, effective immediately.

## PROPOSED ORDERS (Continued)

As a result of the change to the Local Rule, orders submitted when the Court has instructed the filer to submit a new order to reflect its ruling, or when a matter is marked "order to be submitted" will be held for a 7-day objection period. If the parties seek to have the order entered immediately, they must file new local form, *Certification Concerning Order to be Submitted*.

Related Event: A new event located in the Misc. Events category has been created: *Certification Concerning Order to be Submitted*.

The **General Order**, and mandatory **local form** are available on the Court's web site, [njb.uscourts.gov](http://njb.uscourts.gov).

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## COURT ISSUED ORDERS TO SHOW CAUSE

To streamline the processing of cases, the Board of Judges for the Bankruptcy Court for the District of New Jersey has approved the issuance of Orders to Show Cause in the following instances:

- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Comply with D.N.J. LBR 1006-1, Payment of Filing Fees in Installments,
- Order to Show Cause Why Case Should Not be Converted or Dismissed Due to Debtor's Ineligibility to be a Debtor under Chapter 13 of the Bankruptcy Code,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Meet Credit Counseling Requirements,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Make Installment Payment(s) or Pay Miscellaneous Filing Fees (formerly Notice of Hearing for Failure to Pay Filing Fee),
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to File Documents (formerly Notice of Missing Documents and Notice of Dismissal if Documents are Not Timely Filed),
- Order to Show Cause Why Case Should Not be Dismissed for Corporate Debtor's Failure to Obtain Counsel.

This new process was effective October 1, 2017. Each Order to Show Cause can be resolved by complying with the underlying requirements. Debtors who file written objections to an Order to Show Cause or request a hearing must appear at the date and time indicated.

## FAILURE TO FILE OR ELECTRONICALLY UPLOAD A LIST OF CREDITORS

Efilers are reminded that under Fed. R. Bankr. P. 1007(a)(1), the debtor must file with the petition a list of creditors containing the name and address of each entity included, or to be included, on Schedules D, E/F, G and H. In addition, pursuant to D.N.J. LBR 1007-1, Mailing List, the List required by Bankruptcy Rule 1007 must comply with the preparation instructions in the Court's CM/ECF User's Guide, which states that efilers must include a PDF of the list of creditors AND upload a list of creditors when filing a petition.

Please be advised that the Court will enter an *Order to Show Cause Why Sanctions Should Not be Imposed for Failure to Properly File List of Creditors* when an attorney does not upload a list of creditors with a petition and/or include a PDF of the List of Creditors.

**The Order to Show Cause will require the attorney's appearance before the Court, and sanctions may be imposed.**

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## MOTIONS TO EXTEND TIME

REMINDER: The Court's Motion to Extend Time event may be used to file the following types of motions/applications:

- Motion to Extend the Automatic Stay
- Motion to Extend Time to Object to Discharge
- Motion to Extend Time to Appeal Under Rule 8002(c)
- Motion to Extend Time (other reason)
- Application to Extend Time to File Schedules

When in doubt as to what event to use, efilers are encouraged to access the Court's online [CM/ECF User's Guide](#) or to contact the Court's helpdesk.

CM/ECF Helpdesk:

**By telephone:**

Camden: 856-361-2301

Newark: 973-645-3366

Trenton: 609-858-9401

**By email:**

[cmecf\\_help\\_desk@njb.uscourts.gov](mailto:cmecf_help_desk@njb.uscourts.gov)

## INSTALLMENT PAYMENTS

Efilers are reminded that it is very important to use the correct event, in terms of chapter and payment number, when paying installment payments. The following events are available to attorneys who are making installment payments electronically.

First Installment Payment – Ch. 7 (Only to be used if IFP granted)

Second Installment Payment – Ch. 7

Third Installment Payment – Ch. 7

Final Installment Payment – Ch. 7

Second Installment Payment – Ch. 11

Third Installment Payment – Ch. 11

Final Installment Payment – Ch. 11

Second Installment Payment – Ch. 13

Third Installment Payment – Ch. 13

Final Installment Payment – Ch. 13

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## DECEMBER 1, 2017 CHANGES IN PROCEDURES DUE TO FEDERAL BANKRUPTCY RULE AMENDMENTS

### CHAPTER 13 PLAN AND MOTIONS:

The Clerk is mandated to collect certain statistics regarding motions and other documents filed with the Court. To facilitate the collection of this data the Court's mandatory local form, *Chapter 13 Plan and Motions* will be revised effective December 1, 2017. Specifically, the Court has added fields on page one of the Plan for debtors to indicate the quantity of the following items included in the Plan.

- Request for Valuation of Security
- Motion to Avoid Liens
- Assumption of Unexpired Executory Contracts or Leases

**IMPORTANT REMINDER:** Debtors and their attorneys must sign the Plan in Part 10 (Non-Standard Provisions) AND in the Signature field on the last page. Failure to properly sign the Plan may result in dismissal of the debtor's case.

Click here to access the latest revision of the Court's [Chapter 13 Plan and Motions](#).

## DECEMBER 1, 2017 CHANGES IN PROCEDURES DUE TO FEDERAL BANKRUPTCY RULE AMENDMENTS (continued)

### CANCEL AND DISCHARGE MORTGAGE OR LIEN:

Under Bankruptcy Rule 5009(d) parties seeking an order to declare a lien satisfied must do by motion. Accordingly, the Court's local form, Application to Cancel and Discharge Mortgage or Lien will be replaced by a new local form, *Certification in Support of Motion to Cancel and Discharge Mortgage or Lien*. In addition, the Court's local form, Chapter 13 Order Authorizing Cancellation, Voiding, and/or Discharge of Record of Mortgage or Lien will be replaced with new local form, *Order on Motion to Cancel and Discharge Mortgage or Lien*.

Related events: The event Cancel and Discharge Mortgage/Lien has been changed from an application that sets an objection deadline, to a Motion in which the filer must select a hearing date.

### PROOF OF CLAIM SUPPLEMENTS:

Creditors seeking to file supplements to a previously filed proof of claim under 3002(c)(7) must do so using the amended proof of claim functionality. [Instructions](#) for filing an amended proof of claim may be found in the CM/ECF User's Guide available on the Court's web site.

### CHAPTER 7 PROOF OF CLAIM DEADLINES:

It has been longstanding Court policy that all new chapter 7 cases are considered "no asset" cases until the case trustee files a Notice of Assets. The only exception to the policy is cases that convert to chapter 7 from chapter 11 – which are designated as asset cases. Beginning December 1, 2017, cases that convert from chapter 11 to chapter 7 will be designated as "no asset" cases at the time of conversion. The case trustee may file a Notice of Assets if assets are discovered subsequent to conversion.

The above changes are effective December 1, 2017.

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## COURT HOLIDAY SCHEDULE

Please be advised that the Court will be closed on the following days:

**Monday, December 25, 2017**

**Monday, January 1, 2018**

**Monday, January 15, 2018**