

Bankruptcy Case Opening (Voluntary)

This module will demonstrate the steps to take to open a new voluntary bankruptcy case in the CM/ECF system. Note: If your bankruptcy petition software program provides the auto-upload case feature, it will not be necessary to enter the information as described in the module, nor to upload the creditor matrix. This will be auto-uploaded by the bankruptcy program into CM/ECF. Check with your petition software company to find out if the case feature is available.

STEP 1 Click the Bankruptcy hypertext link on the CM/ECF Main Menu Bar.

STEP 2 The **Bankruptcy Events** menu displays.

- ◆ Click the Open BK Case hypertext link.

STEP 3 The **Case Data** screen displays.

- ◆ The **Case Type** defaults to **bk**. This is the only option. No action is necessary.
- ◆ The current date is displayed in the **Date Filed** field. This date cannot be altered. The file date of the petition will be the current date.
- ◆ Click the ▼ arrow to reveal the list of available **Chapter** options. (**NOTE:** the system defaults to Chapter 13). Select the appropriate Chapter.
- ◆ Click the ▼ arrow to reveal the list of **Joint Petition** options. **NOTE:** The system defaults to 'n' for no - meaning this is *not* a joint (husband and wife) filing. Accept the default, or click to select 'y' to indicate that the filing includes husband and wife.
- ◆ Click the ▼ arrow to reveal the list of **Deficiencies** options. The system defaults to 'n' meaning there are *no* deficiencies, and that this new filing contains all required documents. If any items are missing from the petition, change the **Deficiencies** box to 'y.'
- ◆ Click **[Next]**.

STEP 4 An informational screen displays regarding joint filings.

- ◆ Click **[Next]**.

STEP 5 The **Search for a Party** screen displays.

The database must always be searched to see if the debtor(s) exist

before a new party may be added.

- ◆ Type the Social Security Number and/or Tax Identification Number OR type the Last Name and/or Business Name.
- ◆ Click [**Search**] to continue.

Search Hints

- Format Social Security Number or Tax ID with hyphens.
- Search is *not* case sensitive. (Smith or smith)
- Include punctuation. (O'Brien)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild Cards (*) are not required at the end of search strings.
- Wild Cards (*) (?) may be used before or within search strings (*son, Gr*y, Gr?y)

STEP 6 The **Party Search Results** screen displays.

If the system does not locate the party in the database, a message will be displayed: **No person found.**

- ◆ Click [**Create new party**] to add the debtor into the system.
- ◆ Proceed to **STEP 7.**

If the system does locate the party in the database, a **Party search results** list will display.

- ◆ Click the ▼ arrow to scroll the entire list of search results, if necessary.
- ◆ Highlight the debtor's name if it appears on the list.
- ◆ The **Person Address** box displays.
- ◆ If this is your party (name and social security number match; address could be different), click [**Select name from list**].
- ◆ If you cannot locate the information for your party click [**Create new party**] and proceed with **STEP 7.**

STEP 7 The **Party Information** screen displays.

- ◆ Review the information outlined in the screen. Make any necessary changes (address change, phone number

change, etc..)

- ◆ If you are **creating a new party**, enter the following information as shown on the voluntary petition (Debtor's last name and Social Security Number will be reflected from the party search):
 - Debtor's **First name**
 - Debtor's **Middle name**
 - Debtor's **Generation**, if applicable (Jr., Sr., III, etc.)
 - The Office box may be used to indicate the office name of a business debtor. (This field is used infrequently.)
 - Use **Address 1**, **Address 2**, and **Address 3** lines to type the debtor's mailing address as shown on the petition (Do not list the residence address if different from the mailing address).
 - Type **City**, **State**, and **Zip** information.
 - Click the down arrow to reveal the list of **County** options. Click to highlight the county shown on the petition.
 - It is not necessary to enter a country name unless the country of debtor's residence is not the United States of America.
 - Phone, Fax, and E-Mail information of the debtor is optional.
- ◆ Party Text may be used to add additional information to the debtor's name. For example: If the debtor was *General Foods Store* in the **Last name** field, and enter *a division of General Motors Corporation* in the Party text field.
- ◆ If the debtor has any aliases, click **[Alias]** to enter this information. Refer to Step 8.

NOTE: By virtue of your ECF password, you will automatically be added as the attorney for this debtor by the CM/ECF system once the case is filed.

STEP 8 The **Alias Information** screen displays.

- ◆ Enter the **Last Name/Business Name**, **First Name**, **Middle Name** and **Generation** of the alias, as applicable.
- ◆ Click the ▼ arrow to reveal the list of **Role** options.

- ◆ Enter the appropriate **Role** for the alias (aka, dba, faw, fdba, fka)
- ◆ When all aliases are listed, Click **[Add aliases]** to return to the **Party Information** screen.

STEP 9 **Search for a Party** screen displays again. Select **End Party Selection** after the debtor(s) information has been entered.

NOTE: If there is a joint debtor, repeat steps 5 - 9 to add the joint debtor information.

STEP 10 The **Office** reminder screen displays.

- ◆ The Office screen default states whether the case is a Memphis case or a Jackson case based up on the county listed on the **Party Information** screen.

If the incorrect county is stated on the reminder screen, use the browser “back” button to return to the **Party Information** screen to select the correct county.

- ◆ Click **[Next]**.

STEP 11 A **Reminder** confirmation screen displays.

- ◆ Click **[Next]** to continue, or your Browser Back] button if you need to verify that you chose the correct Office.

STEP 12 The statistical screen displays.

- ◆ The **Prior filing within last 8 years** option defaults to “no,” change to “yes” if applicable.
- ◆ Click the ▼ arrow to reveal the list of **Fee Status** options. They system defaults to ‘**Installment**’, for filing fee paid in full. Other options available: **Paid** and **fee not paid**.
- ◆ Click the ▼ arrow to reveal the list of **Nature of Debt** options. Highlight ‘**consumer**’ or ‘**business**’, as appropriate.
- ◆ Click the ▼ arrow to reveal the list of **Asset Notice** options. Highlight ‘**No**’ if it is a *no asset* case OR highlight ‘**Yes**’ if it is an *asset* case. (All Chapter 13 cases are asset cases.)
- ◆ Click the ▼ arrow to reveal the list of **Estimated number of creditors** list. Highlight the appropriate number of creditors.
- ◆ Click the ▼ arrow to reveal the list of **Estimated assets** list. Highlight the appropriate amount of assets.
- ◆ Click the ▼ arrow to reveal the list of **Estimated debts**. Highlight the appropriate amount of debts.
- ◆ **Type of debtor** - select ‘**Individual**’ or ‘**Corporation,**’

'Partnership' or 'Other.'

- ◆ **Nature of business** - select the appropriate radio button. Tax-Exempt Entity may be selected if applicable.
- ◆ Click **[Next]** to continue.

STEP 13 The **Payment** screen displays.

- ◆ If paying by credit card, type "y" in the space provided. If not, type "n" in the space provided.
- ◆ Click **[Next]** to continue.

STEP 14 The **Summary of Schedules** screen displays.

- ◆ Enter the appropriate information from the corresponding schedules. Click **[Next]** to continue.

STEP 15 The **Select the pdf document** screen displays.

- ◆ Click **[Browse]** to search for the appropriate PDF (Portable Document Format) document.
- ◆ Always remember to right click on the file, prior to attaching it to the docket entry, to ensure the correct document is being added.
- ◆ Double Click on the appropriate PDF to attach it to the docket entry.

STEP 16 The **Select pdf document** screen displays again, with the **Filename** inserted.

- ◆ Click **[Next]** to continue.

NOTE: If you are not paying with a credit card proceed to Step 18.

STEP 17 If paying by credit card the following screen will display. If you are paying an amount other than the entire filing fee, enter the amount in the field provided.

- ◆ Click **[Next]** to continue.

STEP 18 A screen with no information displays. This screen will appear after Step 16 if you placed a "n" for no credit card payment.

Click **[Next]** to continue. (This screen is needed for processes happening in the background).

STEP 18 The **Docket Text: Final Text** screen displays.

- ◆ Verify all docket text information is correct.
- ◆ Click **[Next]** to accept all information and to finalize case opening.

NOTE: If paying by credit card the following screen will open as the **Notice of Electronic Filing** screen opens. You have two options:

1. Pay Now - if selected the browser will open the U.S. Treasury's website for payment. The website will go step by step through the credit card payment process.
2. Continue Filing - this option will allow you to continue to file and will total all of the filing fees. You can file continuously or return to the ECF system later to pay the filing fees by going to **Reports, Make Credit Card Payments (Attorney)**.

STEP 19 The **Notice of Bankruptcy Case Filing (Notice of Electronic Filing)** screen displays.

- ◆ Scroll down to see participants who have and have not registered for electronic noticing on this case.
- ◆ You may also save the notice through the browser **File/Save** option.

Notice of Electronic Filing:

Date and time stamp information

Case Title

Case number hyperlink to Pacer

Docket text

- Annotated text in italics
- Text produced from docket event
- Attachment type, description and attachment number which is a hyperlink to the PDF file of the attached document if there is one.

Associated (PDF) documents:

Document description: Defaults to Main Document being docketed.

Original filename: Filer's full directory path from firm or court's hard drive or network.

Electronic document stamp: Unique identifying name of the

document being filed for security purposes. Key file of the court used for encryption

Notice will be electronically mailed to:

Any party on the case who has registered their e-mail address with the court will be listed here with their current e-mail address, not their street address.

Notice will not be electronically mailed to:

Name and address of other parties on the case who have not furnished their e-mail address with the court.

NOTE: Participants in a case are billed for all pages accessed in CM/ECF, except when they receive a Notice of Electronic Filing via email. If they click on the hyperlink to the document which was filed, they will not be asked to log in and will not be billed for this first view. This free view is only available during the first 30 days after the docket entry is made. If they access the same document again, they will have to log and will be charged; to avoid additional charges, they should download the document during the first (free) viewing. The free view is also available to those who receive email notification but are not participants in the case.

NEXT: Refer to instructions for:

Judge/Trustee Assignment

Uploading a Creditor Matrix

Application To Pay Filing Fee In Installments

Chapter 13 Plan