

**United States Bankruptcy Court
Eastern District of Missouri**

Instructions on Amended Schedules Related to CM/ECF Events

This document explains recent changes to the Amended Schedules process in an active case and/or when a motion is filed to reopen a Chapter 7 case to Amend Schedules to Add Creditor(s). These changes are reflected in the CM/ECF system as well in the recently updated Implementation Order. (The modification to the Implementation Order related specifically to the Amended Schedules issue is stated below).

Amended Schedules – New Mandatory Form to Add New Creditors. Local Rule 1009-1. L.B.R. 1009-1 is amended to add a new paragraph 1009-1 C. to require debtors in Chapter 7 individual cases to serve a new form notice upon all creditors added by an amendment to the Schedules. The notice is called “Notice of Amendment to Schedules to Add Creditor(s)” and is a **mandatory** form. The form is available through **Appendix C** of this Order. The debtor must file the notice with the Court but should not file the additional documents referenced in the notice. The notice may be filed as one PDF with the Amended Schedules using the CM/ECF “Amended Schedules” event. If the notice is filed separately, it should be filed using the CM/ECF “Notice of Amendment to Schedules to Add Creditor(s)” event. Local Rule 1009-1 C. is hereby amended as follows.

Amended Schedules or Matrix. Local Rule 1009-1.

C. Form Notice in Chapter 7 Individual Cases. The Debtor shall file and serve local form “Notice of Amendment to Schedules to Add Creditor(s)” upon all creditors added to the case by an amended schedule. The additional documents referenced in the notice should not be filed with the court.

Overview of Policy Change

The purpose of modifying the Amended Schedules process is to verify newly added creditors receive proper notification when a Motion to Reopen a Chapter 7 Case is filed or when schedules are amended to add creditors in an active case. See the modifications as outlined below:

1. **Streamlining the Amended Schedules entry** - There will now be just one event rather the two separate entries. The fee is determined by the filer answering questions prompted through the event. When a fee is charged, the reason(s) for the fee will be stated in the docket text.
2. **Notification to newly added Creditor(s)** - When adding creditors to a case, the new Notice of Amendment to Schedules to Add Creditor(s) form is required to be filed on all Chapter 7 individual cases. This will assure that newly added creditors have 60 days to object to discharge. Failure to timely file the Notice of Amendment to Schedules to Add Creditor(s) may result in the Court subsequently determining the claim(s) of added creditor(s) are not discharged.

To implement the Amendment of Schedules process, the Court has made several changes to the dictionary in CM/ECF and Implementation Order which will become effective July 16, 2007. Below are the details to specific changes to the dictionary in the CM/ECF system.

CM/ECF Event Changes

1. **Deactivated Events** - The *Amended Schedules (Fee)* event and *Amended Schedules Not D, E, or F (No Fee)* event are both being deactivated. A solitary *Amended Schedules* event discussed below has been created to replace the two separate events. Similarly, the *Amended Creditor Matrix (Fee)* event and the *Amended Creditor Matrix (No Fee)* are both being deactivated. A solitary *Amended Creditor Matrix* event discussed below has been created to replace the two separate events.

2. **Amended Schedules** - The new *Amended Schedules* event will be located under the Bankruptcy menu under Other Miscellaneous Events. The event will prompt the Summary of Schedules screen. The user should only change the amounts if by amending the schedules the total amount has changed. The total amount should be entered in the Summary of Schedules fields, not the amended amounts. The filer will then be prompted to answer four questions as follows:
 - a) Are new creditors being added to the case by the Amended Schedules?
 - b) Are creditors being deleted from the case by the Amended Schedules?
 - c) Are dollar amounts on Schedules D, E, or F being changed by the Amended Schedules?
 - d) Are the classifications of debts being changed by the Amended Schedules?

Answering Yes (Y or y) to any or all of the four questions above will cause the \$26 fee to be charged with the exception of In Forma Pauperis cases. In addition, answering Yes (Y or y) to any or all of the questions will cause docket text to be created so that the public record will reflect the reason for the fee being charged. Answering affirmatively to question “a” above will prompt a screen which will allow the user to enter creditors to the case directly through the docket entry.

- If question “a” above is answered affirmatively, the case is a Chapter 7, and the debtor is an individual, the user will be prompted with a question “Is the Notice of Amendment to Schedules to Add Creditor(s) form attached to the PDF?”. The user will see a drop-down menu where they must select either yes or no.
- If “yes” is selected, a 60-day deadline is set for the newly-added creditor to file a complaint to determine dischargeability or object to discharge. In addition, docket text will be created which indicates that the Notice of Amendment to Schedules to Add Creditor(s) is attached.

- If “no” is selected, docket text will be created which indicates that the Notice of Amendment to Schedules to Add Creditor(s) form is not attached. When the Notice of Amendment to Schedules to Add Creditor(s) form is not attached to the Amended Schedules, the Court will docket an order giving the filer 10 days to file the required form.

3. **Amended Creditor Matrix** - The new *Amended Creditor Matrix* event will be located under the Bankruptcy menu under Other Miscellaneous Events. The event will prompt the following question:

Are new creditors being added to the case by the Amended Creditor Matrix which are not being added separately through an *Amended Schedules* event?

- If the answer to the question is Yes (Y or y), a \$26 fee will be charged with the exception of In Forma Pauperis cases. It will be important to answer question No (N or n) if the *Amended Creditor Matrix* event is being filed with an *Amended Schedules* event which is adding creditors. Otherwise, the filer will be charged two \$26 fees.
- If the filer answers the question Yes (Y or y), a prompt will appear which will allow the user to enter creditors to the case directly through the docket entry.
- If the filer answers the question Yes (Y or y), the case is a Chapter 7, and the debtor is an individual, a 60-day deadline is set for the newly-added creditor to file a complaint to determine dischargeability or object to discharge.

4. **Notice of Amendment to Schedules to Add Creditor(s)** - This new event *Notice of Amendment to Schedules to Add Creditor(s)* will be located under the Bankruptcy menu under Notices. The event is to be docketed on Chapter 7 individual cases when the Notice of Amendment to Schedules to Add Creditor(s) form is not attached to the PDF when the Amended Schedules are filed.

- The event sets a 60-day deadline for the newly-added creditor to file a complaint to determine dischargeability or object to discharge.
- The event has a mandatory link to the *Amended Schedules* event described above.
- A copy of the Notice of Amendment to Schedules to Add Creditor(s) form is attached. (Fillable form available at: http://www.moeb.uscourts.gov/ch7_forms.htm)

5.¹ **Motion to Reopen Case (Chapter 7) to Amend Schedules to Add Creditor(s) -**

This new event *Motion to Reopen Case (Chapter 7) to Amend Schedules to Add Creditor(s)* will be located under the Bankruptcy menu under Motions/Applications. The Select Text will state Reopen Case (Chapter 7) to Amend Schedules to Add Creditor(s). This event should only be docketed when requesting to reopen Chapter 7 individual cases for the purpose of amending schedules to add creditors. Like the regular *Motion to Reopen Case (Chapter 7)* event, there is a \$260 fee charged unless the case is an In Forma Pauperis case.

- If the motion is granted, the Court will issue an Order which instructs the filer of deadlines which need to be complied.

Conclusion

Although this new process and the event changes appear substantial, you should find the electronic process more efficient. Any questions regarding the Amended Schedules process should be directed to the CM/ECF Help Desk, at (866) 803-9517.

March, 19, 2009

¹ This document was revised in March, 2009 to remove former paragraph 5 - Motion to Amend Schedules.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

In re:

Debtor(s) Case No.
Chapter 7

NOTICE OF AMENDMENT TO SCHEDULES TO ADD CREDITOR(S)

To: Creditor(s) on attached Amended Schedules and listed below: *(insert creditor names and addresses or attach list)*

- 1. Amended Schedules.** You are hereby notified that the above Debtor(s) filed Amended Schedules and added you as a creditor in this case. The following documents are attached for you. *(Check all that are attached)*
 - ___ A copy of the Amended Schedule adding you as a creditor;
 - ___ A copy of the original Order and Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines showing the debtor's full social security number;
 - ___ A copy of any order or notice that set a deadline by which proofs of claim are or were to be filed along with a proof of claim form, if applicable.
- 2. Claims.** You are further notified that: *(Check one option)*
 - ___ This is a no-asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.
 - ___ This is an asset case. You may file a proof of claim by the deadline specified in the order or notice that set a deadline by which proofs of claim are or were to be filed, or within 30 days of the date of service of this notice, whichever is later.
- 3. Discharge.** You are further notified that you may file a complaint to determine dischargeability pursuant to 11 U.S.C. § 523(c) or to object to discharge pursuant to 11 U.S.C. § 727(c) not later than sixty (60) days after the date on the certificate of service of this notice, or within the time originally set for filing such a complaint, whichever is later.

Date: _____

Debtor's name and address or attorney signature block

Certificate of Service

I, _____, certify the above Notice and a copy of the designated documents were served on the listed creditor(s) by first-class, postage prepaid mail, on this ___ day of _____, 20__.

(If the creditor names do not appear above, list them below)

Typed Name or Signature

(Instructions: File and serve this notice and serve, but do not file, the referenced documents. Use the CM/ECF Event "Amended Schedules" to file this notice as one PDF document with the Amended Schedules. If you file this notice separately, use the CM/ECF Event "Notice of Amendment to Schedules to Add Creditor(s).")