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United States Bankruptcy Court Eastern District of Missouri

Dana C. McWay
Clerk of Court

PROCEDURES MANUAL

accompanying

LOCAL RULES OF BANKRUPTCY PROCEDURE

Effective

~~March 31~~, 2003-~~8~~⁺

~~Honorable James J. Barta, Chief Judge~~

Honorable Barry S. Schermer, Chief Judge

Honorable Kathy A. Surratt-States

Honorable Charles E. Rendlen, III

Honorable David P. McDonald

United States Bankruptcy Court
Eastern District of Missouri
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102
www.moeb.uscourts.gov

~~† reprinted - May 2003 (with revisions as noted)~~

**ACKNOWLEDGMENT
FROM THE
CLERK OF COURT**

Dana C. McWay

The United States Bankruptcy Court for the Eastern District of Missouri is pleased to present this Procedures Manual to accompany the Local Rules of Bankruptcy Procedure and Local Forms for the United States Bankruptcy Court for the Eastern District of Missouri effective **March 31**, 2003~~8~~. This publication is a guide to this Court's procedures and is intended to provide the bar and others with information about operation of the Court and Clerk's Office necessary for practice before the Court. Provisions in this Manual complement the Court's Local Rules by specifying operating requirements of the Clerk's Office as well as certain procedural matters from the Local Rules that are subject to periodic modification. Because much of this information is updated frequently, the Manual contains numerous references to items available on the Court's ~~website~~**web site**. ~~Hyperlinks to such information are provided in this Manual on-line. This May 2003 reprint contains several clarifications identified since the original printing. All refinements or corrections are noted.~~

While every effort has been made to make this Procedures Manual a useful and comprehensive guide to practice before this Court, it is intended as a starting point for research into questions of bankruptcy procedure. Anyone proceeding in this Court should thoroughly review:

1. the United States Bankruptcy Code,
2. the Federal Rules of Bankruptcy Procedure,
3. the Federal Rules of Civil Procedure,
4. the Local Rules of this Court,
5. the Local Rules of the United States District Court for the Eastern District of Missouri,
6. the Federal Rules of Appellate Procedures,
7. the Local Rules of the Eighth Circuit Court of Appeals, and
8. the Local Rules of the Eighth Circuit Bankruptcy Appellate Panel.

Attorneys should also review the applicable Rules of Professional Responsibility. Unless otherwise specified, all statutory references are to Title 11 ~~§ § 101-1330~~ of the United States Code.

Revisions and updates to this publication will be posted on the Court's home page on the internet at (<http://www.moeb.uscourts.gov>). Amendments to any procedures or guidelines in this Manual will be made by the Court on notice to the public. Comments regarding this publication should be directed to:

Clerk, U.S. Bankruptcy Court
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

United States Bankruptcy Court
Eastern District of Missouri

Procedures Manual
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PART ONE - PROCEDURES MANUAL ACCOMPANYING THE LOCAL RULES OF BANKRUPTCY PROCEDURE

General Information - Court and Clerk’s Office

Location and Divisions

The United States Bankruptcy Court for the Eastern District of Missouri consists of three divisions: Eastern (St. Louis), Northern (Hannibal), and Southeastern (Cape Girardeau). Although the Court conducts hearings in all three divisions, the Court maintains a staffed Clerk’s Office only at the St. Louis Office in the Eastern Division. The address and phone number of the Clerk’s Office is/are:

111 South Tenth Street

Fourth Floor
 St. Louis, MO 63102
 (314) 244-4500 - Main Number
(866) 803-9517 - CM/ECF Help Desk

All documents and pleadings filed by attorneys must be filed electronically via the Court’s CM/ECF system. Any party that is unable to file electronically must file all documents and pleadings with the Court in St. Louis unless such documents are presented to the Court when it is in session in either the Northern or Southeastern division.

Divisional venue is determined by the county in which the debtor resides. 28 U.S.-C. § 105.

Eastern Division (St. Louis) – City of St. Louis, Crawford, Dent, Franklin, Gasconade, Iron,

Jefferson, Lincoln, Maries, Phelps, St. Charles, St. Francois, St. Genevieve, St. Louis, Warren and Washington.

Southeastern Division (Cape Girardeau) – Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard and Wayne.

Northern Division (Hannibal) – Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland and Shelby.

Divisional venue is indicated numerically in the case number. The first numerical digit after the year and hyphen represents the division to which the case has been assigned.

Divisional assignments are indicated according to the following code:

- | | | | |
|----|-----------------------|-----------------|------------------|
| 1- | Southeastern Division | 4- 5 | Eastern Division |
| 2- | Northern Division | | |

The addresses for Courthouses in each division are:

Southeastern Division	Northern Division	Eastern Division
U.S. Courthouse	U.S. Courthouse	111 South Tenth Street
339 Broadway <u>555 Independence Street</u>	801 Broadway	Fourth Floor
Cape Girardeau, MO 63701	Hannibal, MO 63401	St. Louis, MO 63102

Office Hours

The Clerk's Office is open from 8:30 a.m. through 4:30 p.m. Monday through Friday except on holidays or as posted for special events. A current list of federal holidays is available on the Court's ~~website~~ web site.

~~The Clerk's Office asks that you avoid filing petition(s), especially multiple-debtor cases at the end of the day. The Clerk's Office closes at 4:30 p.m. Please arrive at least one hour before closing and organize your documents as outlined in the General Filing Requirements section below.~~

Court Directory

The phone system is accessible 24 hours a day. If the party you wish to reach is not available, the voice mail system will allow you to leave a message.

Main number - Receptionist	(314) 244-4500
VCIS (Voice Case Information System)	(314) 244-4999
Toll free	(888) 223-6431
PACER (Public Access to Court Electronic Records)	(314) 244-4988
Toll free	(888) 577-1668
Dana C. McWay, Clerk of Court	(314) 244-4601

Susan ~~Schmitt~~Ryan, Administrative Assistant to the Clerk of Court (314) 244-4601
 Diana Durkee August, Chief Deputy Clerk (314) 244-4602
 Donna Bard, Operations Manager (314) 244-4800
 Doris Sillas, Administrative Manager (314) 244-4900
 William Wolfenbarger, ITS Manager (314) 244-4700
~~Sandra Louis~~Gary Streeting, Attorney Advisor (314) 244-4603
~~Bob Suhre, Director of Case Administration~~ (314) 244-4803 to the Clerk of Court(314) 244-4603
 Steve Cruse, Director of ~~Records & Public Service~~ Case Initiation and Administration (314) 244-4802
 Matt Parker, Director of Courtroom Services (314) 244-4801
 CM/ECF Help Desk (866) 803-9517

To request a hearing date, please contact the following:

<u>JUDGE</u>	<u>COURTROOM DEPUTY</u>	<u>TELEPHONE</u>
Chief Judge James J. Barta Chapter 13 Confirmation Matters	Jonathon Burford Matthew Clear	(314) 244-4805 (314) 244-4815
Judge Barry S. Schermer Chapter 13 Confirmation Matters	Wynne Abernathy Tina Radosevich <u>Linda Trucanno</u>	(314) 244-4806 (314) 244-4807 <u>9</u>

<u>JUDGE</u>	<u>COURTROOM DEPUTY</u>	<u>TELEPHONE</u>
Judge Kathy A. Surratt-States Chapter 13 Confirmation Matters	John Howley, Jr. Matthew Clear <u>Bob Brimmer</u>	(314) 244-4808 (314) 244-4815 <u>0</u>
<u>Judge Charles E. Rendlen, III</u> Judge David P. McDonald	<u>Matthew Clear</u> John Howley, Jr.	<u>(314) 244-4815</u> (314) 244-4808
Visiting Judge <u>Matthew Clear</u>	Susan Schmitt <u>(314) 244-4815</u>	(314) 244-4601

To reach the Judges' Chambers, please contact the following:

Text Moved Here: 1

Chief Judge Barry S. Schermer — Barbara Sutton - Judicial Assistant (314) 244-4531
 Courtroom Five North

Judge Kathy A. Surratt-States Chicquita Greene - Judicial Assistant (314) 244-

Courtroom Seven North

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Chief Judge ~~James J. Barta~~ Charles E. Barta Rendlen, III

Eva Kinzel - Judicial Assistant(314)
244-4511

Courtroom Seven South

Text Was Moved From Here: †

Judge David P. McDonald

~~Bryan Bacon~~ (Jon Burford - Law Clerk)

(314) 244-
4523

Courtroom Five South

Case Records Information

Voice Case Information System

The Bankruptcy Clerk's Office offers an electronic voice system which provides callers with basic case information for bankruptcy cases in the Eastern District of Missouri, including: case number, filing date, chapter, attorney name and telephone number, assigned judge and trustee, status of the case, 341 meeting date and closing date. The Voice Case Information System (VCIS) is available 24 hours a day, seven days a week, and can be accessed by calling (314) 244-4999 or 1(888) 223-6431 from any touch-tone telephone. Using VCIS, Court records may be searched by name, case number, tax identification number, or social security number.

Public Access to Court Electronic Records (PACER)

Access to Bankruptcy Court records is available 24 hours a day, seven days a week through PACER (Public Access to Court Electronic Records). PACER allows you to retrieve electronic case summaries, docket information, and images of certain documents using a personal

computer. It allows you to:

- search by party name or case number
- track updates to a case
- get a printed summary of a case
- get a printed copy of documents in certain cases
- perform other case research

PACER also allows you access to case information from various U.S. District Courts and Bankruptcy Courts across the country.

Subscribing to PACER is free, but there is a fee of \$.078 per viewed or printed page when accessing PACER via the web. The maximum fee per document is \$2.40. For more information or to subscribe to PACER, contact the PACER Service Center, P.O. Box 78054, San

Antonio, TX 78278-0549 or call (800) 676-6856, or access through the link on the Bankruptcy Court ~~website~~web site at www.moeb.uscourts.gov.

CM/ECF

On February 24, 2003, the Bankruptcy Court began using its Case Management (CM) system which allows images of all documents to be viewed through PACER. ~~Use of~~ the Electronic Case Filing (ECF) feature of the CM/ECF system ~~will enable attorneys to file documents electronically over the internet. For information relative to ECF, please see the Court's website.~~ is mandatory for filing documents with the Court unless a party that is not represented by an attorney is unable to file electronically.

Public Terminals

The Clerk's Office makes available public computer terminals for free access to PACER during normal business hours. Printing from these terminals is available for a fee.

Internet ~~Website~~Web site

The Clerk's Office has created an Internet web-site to disseminate information to the public. The address is www.moeb.uscourts.gov.

Copy Service

~~The Clerk's Office offers an on-site copy service through Bankruptcy Services, Inc. (BSI). Bankruptcy Services, Inc. provides case search, copy, fax and other services on a fee basis for the public. Bankruptcy Services, Inc. may be reached at (314) 244-4940.~~

Archived Case Files

The Court maintains closed case files for approximately one year after the closing date of the case, or as long as storage space is available. Case files, together with corresponding adversary files are then shipped to the National Archives and Records Administration in Kansas City, Missouri for storage. Information is available on cases that have been closed and shipped to the National Archive Center either through PACER or by requesting retrieval of the Court file. To retrieve a file from the National Archive Center, you may request the file in person, or by writing to the Court, ~~or by contacting the on-site copy service, Bankruptcy Services, Inc (BSI). A retrieval fee applies.~~ If the Court retrieves the file for you, the retrieval fee must be paid in advance when the records request is submitted. It will take approximately 7 to 10 days for the Court to receive the file from the Archive Center.

General Filing Requirements

Location for Filing

Bankruptcy petitions, pleadings and other documents which are to be filed with the Bankruptcy

Court for the Eastern District of Missouri (for any division) must be filed with the Court in St. Louis. ~~Until filing is permitted electronically~~Pursuant to Local Bankruptcy Rule (L.R.) 5005 (A), all documents must be filed ~~with the Court in paper format~~electronically using the Court's CM/ECF system. Any non-attorney filer unable to file electronically must file its documents following the specifications of ~~E.D.Mo.L.B.R. 9004-1 and must be accompanied by the number of copies specified on the Court's website~~9004. Documents may be filed in person during normal business hours at the Clerk's Office on the fourth floor of the Thomas F. Eagleton Building, by mail, or through use of the Bankruptcy Court's drop box. Pursuant to ~~E.D.Mo.L.B.R. 5005-1 A. 5005(B)~~, facsimile filing is prohibited. ~~Electronic filing will be permitted and required in accordance with Administrative Procedures adopted by the Court under E.D.Mo.L.B.R. 5005-1 D.~~

Drop Box

The Clerk's Office provides a drop box for convenience in filing petitions, pleadings and other documents with the Bankruptcy Court. The drop box is accessible 24 hours a day, seven days a week, and is located at the west entrance of the Thomas F. Eagleton building. The Court retrieves documents from the drop box ~~several times throughout the~~twice a day. All petitions, pleadings, or documents and copies thereof placed in the drop box must be clock-stamped immediately before depositing in the drop box. The clock-stamp allows the Court to determine when the petition, pleading or document was tendered to the Court. The date and time stamped at the drop box will usually serve as the date and time filed. Should any required signatures, fees or other matters be missing, the document(s) will be declined for filing ~~under E.D.Mo.~~pursuant to L.B.R. 5005-1 C.(D) and ~~1002-1(A).~~

Required Signatures

The Clerk of Court may decline for filing any petition, pleading or document that fails to contain required signatures. ~~E.D.Mo.L.B.R. 5005-1(C).~~

Required signatures include:

1. The signature of an attorney or pro se party on any document and pleading filed with the Court.
2. The signature of an attorney on any document requiring such signature.
3. The signature of a petition preparer on any document requiring such signature.
4. The signature of the debtor(s)* on the following documents:
 - a. Voluntary Petition
 - b. Corporate or Partnership Declaration regarding Petition
 - c. Verification of Creditor Matrix
 - d. Declaration concerning Schedules or any Amendment thereto
 - e. Statement of Financial Affairs or any Amendment thereto
 - f. Application to Pay Filing Fee in Installments or Application for Waiver of Filing Fee
 - g. Chapter 7 Individual Debtor's Statement of Intention
 - h. Reaffirmation Agreement
 - i. All plans (Chapter 12, 11, 13) and amendments thereto unless debtor(s)² ~~signature~~signature is excused by the Court

- j. Involuntary Petition (original signature of Petitioning Creditors)
- k. Social Security Number Verification Form (Official Form B21)
- l. Means Test, Statement of Current Monthly Income, Disposable Income Calculation Forms, as applicable (Official Forms 22A, B, and C)

* In a joint case, the signature of both debtors is required.

General Format of Pleadings

~~Local Rule~~L.R. 9004-~~1~~ specifies the required format for pleadings, including content of captions, margins and certificates of service. ~~Local Rule~~L.R. 901~~1~~-1 sets forth signature ~~block~~ requirements.

Exhibit Summary Requirements

~~Local Rule~~L.R. 9040-~~1~~ provides information on the filing and exchange of exhibits. -With limited exceptions noted in ~~Local Rule~~L.R. 9040-~~1~~, an exhibit summary form (Local Form 9) should be used in place of filing most exhibits with the Court. On request of any party, copies of the actual exhibits are to be provided.

Voluntary Petitions

Federal Rule of Bankruptcy Procedure 9009 prescribes that the Official Forms “shall be observed and used with alterations as may be appropriate.” These forms are not provided to the public by the Court but can be obtained from commercial legal printers or office supply stores and are available through the Court’s ~~website~~web site by clicking on “Official Forms.” They are also available through various computer software packages. The forms should be either typed or legibly printed.

To file a complete bankruptcy petition package, the debtor ~~must~~should file the ~~petition, all schedules, the statement of financial affairs, and a creditor matrix and verification of matrix. In Chapter 13 cases, the plan, plan summary, and attorney fee election form (Local Form 6) must also be filed. In Chapter 7 consumer cases, the debtor’s statement of intentions must be filed as well. In all cases, the attorney’s disclosure under Fed. R. Bankr. P. 2016(b) is also required at the time of filing the petition.~~

~~Order of Complete Petition Package~~

~~A complete voluntary petition and accompanying documents should be arranged in the following order and should be submitted with appropriate filing fee or application to pay fee in installments where permitted:~~

~~Chapter 7 Cases:~~

- ~~1. Voluntary Petition (Official Form B1)~~
- ~~2. Summary of Schedules (Official Form B6)~~
- ~~3. Schedules “A” – “J” (Official Forms B6A–B6J) (Schedules I & J are **NOT** required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007).~~
- ~~4. Declaration Concerning Debtor’s Schedules (Official Form B6)~~
- ~~5. Statement of Financial Affairs w/Declaration (Official Form B7)~~
- ~~6. **Individual** Debtor’s Statement of Intentions (Chapter 7) (Official Form B8)~~

- ~~7. Attorney Compensation Disclosure Under 2016(b) (Fed. R. Bankr. P. 2016-b, E.D.Mo.L.B.R 2016-1 A.)~~
- ~~8. documents specified in L.R. 1002 at the times and in the order specified in L.R. 1002.~~

~~Matrix and Verification of Creditor Matrix. (Local Form 2) (E.D.Mo.L.B.R 1007-2) (Refer to separate instructions for preparation of matrix on the Court's website).~~

Chapter 13 Cases:

- ~~1. Voluntary Petition (Official Form B1)~~
- ~~2. Summary of Schedules (Official Form B6)~~
- ~~3. Schedules "A" - "J" (Official Forms B6A-B6J) (Schedules I & J are NOT required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007).~~
- ~~4. Declaration Concerning Debtor's Schedules (Official Form B6)~~
- ~~5. Statement of Financial Affairs w/Declaration (Official Form B7)~~
- ~~6. Attorney Compensation Disclosure Under 2016(b) (Fed. R. Bankr. P. 2016-b, E.D.Mo.L.B.R 2016-1 A.)~~
- ~~7. Chapter 13 Attorney Fee Election Form (Local Form 6).~~
- ~~8. Chapter 13 Plan (Local Form 13)~~
- ~~9. Summary (Analysis) of Chapter 13 Plan-unless part of Plan~~
- ~~10. Matrix and Verification of Creditor Matrix. (Local Form 2) (E.D.Mo.L.B.R 1007-2) (Refer to separate instructions for preparation of matrix on the Court's website).~~

Chapter 11 Cases:

- ~~1. Voluntary Petition (Official Form B1)~~
- ~~2. Exhibit "A" (Corporate Chapter 11 debtors) (Official Form B1 Ex. A)~~
- ~~3. List of Creditors Holding 20 Largest Unsecured Claims (Chapters 9 & 11) (Official Form B4)~~
- ~~4. Summary of Schedules (Official Form B6)~~
- ~~5. Schedules "A" - "J" (Official Forms B6A-B6J) (Schedules I & J are NOT required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007).~~
- ~~6. Declaration Concerning Debtor's Schedules (Official Form B6)~~
- ~~7. Statement of Financial Affairs w/Declaration (Official Form B7)~~
- ~~8. Attorney Compensation Disclosure Under 2016(b) (Fed. R. Bankr. P. 2016-b, E.D.Mo.L.B.R 2016-1 A.)~~
- ~~9. Matrix and Verification of Creditor Matrix. (Local Form 2) (E.D.Mo.L.B.R 1007-2) (Refer to separate instructions for preparation of matrix on the Court's website).~~

Chapter 12 Cases:

- ~~1. Voluntary Petition (Official Form B1)~~
- ~~2. Summary of Schedules (Official Form B6)~~
- ~~3. Schedules "A" - "J" (Official Forms B6A-B6J) (Schedules I & J are NOT~~

~~required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007).~~

- ~~4. Declaration Concerning Debtor's Schedules (Official Form B6)~~
- ~~5. Statement of Financial Affairs w/Declaration (Official Form B7)~~
- ~~6. Attorney Compensation Disclosure Under 2016(b) (Fed. R. Bankr. P. 2016 b, E.D.Mo.L.B.R 2016-1 A.)~~
- ~~7. Matrix and Verification of Creditor Matrix. (Local Form 2) (E.D.Mo.L.B.R 1007-2) (Refer to separate instructions for preparation of matrix on the Court's website).~~

Minimum Filing to Commence Case

~~The minimum documents required to commence a bankruptcy case are (1) a voluntary petition; (2) the required fee or application for payment of fee in installments; and (3) the matrix and verification of creditor matrix. E.D.Mo.L.B.R 1002-1.~~

Matrix Matrix

The matrix must be filed in accordance with the ~~Matrix Instructions on~~ Local Bankruptcy Rules and the Court's website and in the ECF/CM/ECF Administrative Procedures section (Part II) of this Procedures Manual. In addition, the following address should be included on the matrix if the in all Chapter 11 cases. It should be included in any other case if the Internal Revenue Service is scheduled as a creditor.

~~_____ Internal Revenue Service is scheduled as a creditor.~~

~~_____ IRS
_____ Insolvency
_____ P.O. Box 66778
_____ STOP 5334STL
_____ St. Louis, MO 63166~~

_____ P.O. Box 21126
_____ Philadelphia, PA 19114

The Missouri Department of Revenue **should be listed on the matrix in all Chapter 13 cases,** using the following address:

Missouri Department of Revenue
Bankruptcy Unit
P.O. Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Once filed, the debtor's matrix is used as the master mailing list for the Court to send notices to all creditors and parties in interest in the case. -Any entity filing an entry of appearance, request for

notice, or proof of claim is automatically added to the case and will be mailed subsequent notices sent by the Court to all creditors and parties in interest.- The Court's system can provide a printed version of the updated matrix for use by any party.

Amendments to Matrix or Amended Schedules

Any amendment to the debtor's schedules or matrix must be made in accordance with [E.D.Mo.L.B.R. 1009-1](#). ~~Only changes to the schedules or matrix are to be shown, and the debtor must sign and file a verification of the amended schedule or matrix~~[R. 1009](#). Any amended matrix must follow the format specified for amended matrices on the Court's [website](#)web site and in the [ECFCM/ECF Administrative Procedures](#):

Deficiency Notices

~~The Court sends a deficiency notice when a petition is filed without all of the required documents or when other filing deficiencies are noted. The Court issues the deficiency notice immediately following receipt of a new petition to indicate what documents are missing or deficiencies exist and the deadline by which the deficiency must be cured. Failure to cure the deficiency by filing the missing documents within the time stated on the notice will likely result in prompt dismissal of the case or reconversion under E.D.Mo.L.B.R. 1019-1 B, unless a motion to extend time for filing has been granted. The Court issues two deficiency notices: (1) a **fifteen-day deficiency notice** which provides 15 calendar days to file any schedules, the statement of financial affairs, attorney 2016(b) disclosure, or the Chapter 13 plan, if not filed with the petition; and (2) a **five-day deficiency notice** which provides five days if the debtor fails to provide other information critical to the Court's commencement of the case.~~

-

~~Deficiencies are issued as follows:~~

5 Business Days Deficiencies:

- ~~• Attorney Signature or a non-attorney preparer omitted on a new case~~
- ~~• Equity security holders omitted~~
- ~~• Social Security Number/Tax ID omitted~~
- ~~• Exhibit A, Chapter 11 Corp. omitted (publicly held only)~~
- ~~• Chapter selection omitted on new petition~~
- ~~• 20 largest unsecured creditors omitted (Chapters 9 & 11 only)~~
- ~~• Application to Pay Filing Fee in Installments (does not reflect total payment due)~~
- ~~• Application to Pay Filing Fee in Installments (exceeds 120 days)~~

~~• Incorrect fee with the petition~~

15 Calendar Days Deficiencies:

~~• Attorney Disclosure Statement omitted~~

~~• Chapter 13 Fee Election Form~~

~~• Any Schedule omitted:~~

~~_____ Schedule A~~

~~_____ Schedule B~~

~~_____ Schedule C~~

~~_____ Schedule D~~

~~_____ Schedule E~~

~~_____ Schedule F~~

~~_____ Schedule G~~

~~_____ Schedule H~~

~~_____ Schedule I~~

~~_____ Schedule J~~

~~• All Schedules A-J omitted~~

~~• Statement of Financial Affairs omitted~~

~~• Summary of Schedules omitted~~

~~• All Statements & Schedules omitted~~

~~• Declarations concerning schedules omitted~~

~~• Chapter 13 Plan & Plan Summary~~

section (Part II) of this Procedures Manual. There is a fee required anytime the following actions are taken to the matrix or schedules:

- Adding a name to the matrix list;
- Deleting a name from the matrix list;
- Changing the amount owed to a creditor; and
- Changing the classification of a debt.

Third-Party Notice Providers

Pursuant to Federal Rules of Bankruptcy Procedures 2002(g)(4) and 9001, all third-party entities (e.g., claims/noticing agents) that enter into separate arrangements with creditors for delivery services comparable to those provided through the Bankruptcy Noticing Center program's National Creditor Registration Service ("NCRS") are required to complete the application found at <http://jnet.ao.dcn/img/assets/5994/NP-ApprovalApplication.pdf> . The application serves as an

entity's self-certification that it can comply with the AO's guidelines for third-party notice providers. The completed application should be submitted directly to the Bankruptcy Court Administration Division for review. A list of approved third-party notice providers will be made available on <http://jnet.ao.dcn/>.

The NCRS provides options for notice recipients to specify a preferred U.S. mail, e-mail address, or fax number to which bankruptcy notices should be sent. Under Federal Rule of Bankruptcy Procedure 2002(g)(4), the creditor and third-party notice provider can agree upon any method of delivery.

Deadlines for Filing

Deadlines for filing various documents are specified in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court. ~~A chart summarizing various deadlines for events in a typical bankruptcy case is included in Appendix A.~~

Number of Copies Required

~~The number of copies required for petitions, schedules, statements, plans, motions, and other documents is specified on the Court's website.~~

Hearings

Available hearing dates may be obtained by contacting the appropriate Courtroom Deputy or by reviewing available dates on the Court's ~~website~~web site. The number of days' notice of hearing that must be provided is governed by the Local and Federal Rules of Bankruptcy Procedure. ~~The time line in Appendix A. provides time limits applicable to common motions or hearing events.~~ For specific hearing date availability and scheduling instructions for each Judge, please see the Court's ~~website~~web site under "Hearing Dates."

If a case is dismissed while a motion for relief from the automatic stay is pending, and the case is reinstated, the movant will need to contact the Courtroom Deputy to reschedule the hearing on the motion and notice the rescheduled hearing to all necessary parties.

Transcripts and Tape Requests

Written transcripts of hearings or audio recordings of a hearing can be obtained by contacting Courtroom services. Audio recordings of hearings are provided on compact disk (CD) and require FTR Gold software to listen. The software is available via a free download from the Court's ~~website~~web site. Transcript and tape request forms are available from the Court or on the Court's ~~website~~web site. Please see the CM/ECF section of the Court's web site for instructions on transcript-related CM/ECF events, which includes the Court's transcript redaction procedures.

Bankruptcy Fees & Methods of Payment

Payment of Filing Fee in Installments

Filing fees to commence a bankruptcy case by individuals may be paid in installments pursuant to Fed. R. Bankr. P. 1006(b)(2) and ~~E.D.Mo.L.B.R.R~~ 1006-1. **Local Form 1 must be used to apply to pay the fee in installments. When paying the filing fee in installments in a Chapter 13 case, the fee must be paid through the plan.**

In Forma Pauperis

The procedures to proceed In Forma Pauperis in a bankruptcy case are set forth in L.R. 1006(C).

Methods of Payment

Acceptable methods of payment include credit/debit card, cash, check, money order, or cashier check. Checks shall be payable to “Clerk, U.S. Bankruptcy Court.” Checks made payable to a named person (i.e. “Dana C. McWay”) are not acceptable. Only checks drawn on an attorney’s account will be accepted in payment of filing fees. Checks from debtors and 3rd party checks will not be accepted. **Credit/Debit card payment is encouraged.** Credit/Debit Card Applications may be obtained through the Court’s ~~website.~~

web site. Please see the CM/ECF Administrative Procedures section (Part II) of this Procedures Manual for information on paying via the Court’s CM/ECF system.

Bankruptcy Fee Schedule

This is available on the Court’s ~~website.~~
web site.

180-Day Prohibition, 109(g) Flag, and No Installment Flag

The following guidelines reflect the actions that will be taken in various situations when a Chapter 7 and/or Chapter 13 case is dismissed for failure to pay the filing fee and the 11 U.S.C. § 109(g) flag is added to impose the 180-day prohibition on refiling. Frequently, the debtor will file a subsequent case, and the Court will need to decide how to handle the second case in light of the 180-day prohibition and unpaid filing fee. Sometimes, the debtor pays the outstanding filing fee, and, sometimes, the Court contacts the Chapter 13 Trustee (if the prior case was a Chapter 13) to certify whether the Trustee holds funds to pay the filing fee in the prior case. Because the order of dismissal requires the debtor to pay the outstanding filing fee within 5 days, the Court’s actions in reviewing the subsequent case often depends on whether the debtor has paid the filing fee within the 5-day period. These procedures are intended to explain the types of action that will be taken in various situations. If the debtor files a third case, however, the Clerk’s Office shall deny the filing fee and notify the judge to which the case is assigned.

The procedures in the following subsections are divided by situation type. The first subsection deals with instances where no subsequent case is filed. The second subsection deals with instances where a subsequent case is filed but the filing fee remains unpaid from the prior case. The third subsection deals with instances where a subsequent case is filed but the outstanding filing fee is subsequently paid.

1. Where No Subsequent Case is Filed

a. Scenario 1 - When either the debtor pays or the Trustee remits to the Court

the outstanding filing fee for a case within 5 days of the dismissal order, the Court will enter an order removing the 180-day prohibition and the 109(g) flag.

b. Scenario 2 - When the debtor pays the outstanding filing fee for a case more than 5 days after dismissal, the Court will enter an order waiving the 180-day prohibition and keeping the 109(g) flag. The debtor will not be allowed to pay the filing fee in installments in the subsequent case.

c. Scenario 3 - When the Trustee remits to the Court the outstanding filing fee for a prior case more than 5 days after dismissal, the Court will enter an order removing the 180-day prohibition and the 109(g) flag but adding the No Installment flag. The debtor will not be allowed to pay in the filing fee in installments in the subsequent case.

d. Scenario 4 - The debtor files a notice within 5 business days of the dismissal requesting that the Trustee certify that the debtor has the funds on hand to pay the remaining filing fee in full. The Trustee certifies that sufficient funds are on hand to pay the filing fee due in the case. The Court will enter an order removing the prohibition and the 109(g) flag in the case. The debtor will be allowed to pay the filing fee in installments in the subsequent case.

2. Where the Debtor Files a Subsequent Case BUT the Filing Fee Remains Unpaid From the Prior Case

a. Scenario 1 - The debtor files a subsequent case within 180 days of dismissal of a prior case in which the 180-day prohibition was entered for failure to pay the filing fee. The debtor does not pay the outstanding filing fee and/or the Trustee does not have sufficient funds for payment in the prior case. When the subsequent case is filed, the Court will dismiss the subsequent case using the Order and Notice of Dismissal For Failure To Pay Filing Fee In Prior Case for the appropriate Chapter (7 or 13).

b. Scenario 2 - The debtor files a subsequent case more than 180 days after dismissal of a prior case in which the 180-day prohibition was entered for failure to pay the filing fee. Even if the filing fee remains unpaid for the prior case, the subsequent case will proceed, but the debtor will not be allowed to pay the filing fee in installments. No action will be taken in the prior case.

3. Where the Debtor Files a Subsequent Case BUT the Filing Fee from the Prior Case is Subsequently Paid

a. Scenario 1 - The debtor files a subsequent case within 5 days of dismissal of a prior case and pays the outstanding filing fee for the prior case. The Court will enter an order removing the prohibition and the 109(g) flag in the prior case. The debtor will be allowed to pay the filing fee in installments in the

subsequent case.

b. Scenario 2 - The debtor files a subsequent case within 5 days of dismissal of a prior case, and the Trustee certifies that sufficient funds are on hand to pay the filing fee due in the prior case. The Court will enter an order removing the prohibition and the 109(g) flag in the prior case. The debtor will be allowed to pay the filing fee in installments in the subsequent case.

c. Scenario 3 - If, more than 5 days after dismissal of a prior case, the debtor pays the filing fee and files a subsequent case, the Court will enter an order waiving the prohibition and keeping the 109(g) flag. The debtor will not be allowed to pay the filing fee in installments in the subsequent case.

d. Scenario 4 - If more than 5 days after dismissal of a prior case, the Trustee certifies that sufficient funds are on hand to pay the filing fee due in the prior case, when the debtor files a subsequent case, the Court will enter an order removing the prohibition and the 109(g) flag, but adding the No Installment flag. The debtor will not be allowed to pay the filing fee in installments in the subsequent case.

Rules Governing Practice

Local Rules & Standing Orders

Practice before this Court is governed by the Local Rules of this Court and all applicable authorities specified in the Acknowledgment from the Clerk of Court introducing this Manual. –Any General Orders adopted by the Court affecting practice in this Court will be available on the Court’s [website](#)web site.

Attorney Admission and Compensation

Admission to Practice

All duly licensed attorneys who are admitted to practice before the U.S. District Court for the Eastern District of Missouri and that are not under disbarment or suspension from any court shall be allowed to practice law before the Bankruptcy Court. E.D.Mo. pursuant to L.B.R. 2090-1. Admission to the United States District Court for the Eastern District of Missouri is governed by E.D.Mo.L.R.12.01.

All partnerships, corporations and other business entities (other than an individual conducting

business as a sole proprietorship) must be represented by an attorney admitted to practice before this Court except such entities may appear and act on their own behalf for the purpose of attending the meeting of creditors, filing a request for notice and service of documents, and filing a proof of claim as permitted under ~~E.D.Mo.L.B.R. 9010-B~~.

An attorney who is not admitted to practice before this Court may be permitted to appear pro hac vice, but only on motion using Local Form 7 in accordance with ~~E.D.Mo.L.B.R. R 2090-1 B: 2090~~ and with payment of required fees. Such fees are payable to the Clerk, U.S. District Court, but are to be submitted with the pro hac vice application to the Bankruptcy Court. ~~Instructions for pro hac vice applications are provided on Court's website and a sample motion is provided in Local Form 7.~~

Guidelines for Attorney Compensation

The Appendix B to this Manual contains the Court's Guidelines for Professional Compensation. ~~Local Rules L.R. 2016-1, 2016-2 and 2016-3~~ 2016-4 govern the procedures for applications for professional compensation.

Meetings of Creditors & Trustee Information

Required Documentation

In Chapter 7 cases, debtors must bring the following documentation to the § 341 meeting of creditors:

- ~~1. All passbooks, statements or other documents setting forth all financial account balances as of date of bankruptcy filing;~~
- ~~2. Current W-2 statements or pay stubs;~~
- ~~3. Copies of mMost recently filed federal and state income tax returns; and~~
- ~~4. Records of all real estate owned by the debtor. tax returns;~~
2. Current W-2 (or W-4) statements;
3. Deeds to any real estate in which the debtor has any interest;
4. Savings, checking, and investment account statements;
5. Documentation supporting Means Test/Disposable Income Form 22;
6. Personal property tax statements;
7. Divorce decree or separation agreement; and
8. Pay stubs or other earnings statements covering the pay period during which the bankruptcy case was filed.

In Chapter 13 cases, debtors must bring to the § 341 meeting:

1. The items listed above; and
2. The Chapter 13 trustee's question sheet (copies may be obtained from the Chapter 13 Trustee's Office). Debtors engaged in business may be subject to additional requirements by the trustee.

All individual debtors must bring photo identification and proof of social security number. The following are acceptable forms of picture identification:

1. driver's license;
2. federal or state government ID;
3. student ID;
4. U.S. passport;
5. military ID; or
6. resident alien card.

Acceptable forms of proof of social security number include an original:

- ~~1.~~ driver's license;
- ~~2~~ 1. social security card;
- ~~3~~ 2. medicare insurance card;
- ~~4~~ 3. pay stub;
- 5 4. W-2 form;
- 6 5. Internal Revenue Service Form 1099; or
- 7 6. Social Security Administration SSA report.

Waiver of Attendance

A request by a debtor to be excused from attendance at the meeting of creditors must be made in writing to the Office of the United States Trustee and copied to the case trustee. The U.S. Trustee's acceptable grounds for waiver include: medical condition, imprisonment and military assignment which prevent attendance. -Any application for waiver of attendance must include supporting documentation, e.g., doctor's letter, court order, or military order. Waiver of personal appearance and permission to attend a § 341 meeting by telephone must also be approved by the U.S. Trustee's Office.- To appear by telephone, the debtor must be sworn in and identified by a notary, court reporter, or other person permitted by law to administer an oath.

Office of the United States Trustee

Assistant U.S. Trustee:

~~Peter Lumaghi~~ Paul Randolph

111 South 10th Street, Suite 6353
St. Louis, MO 63102
(314) 539-2976

Attorneys for U.S. Trustee:

Martha Dahm (314) 539-2976

Leonora Long (314) 539-2976

Peter Lumaghi (314) 539-2976

List of Panel Trustees - sSee the Court's website web site for names and addresses of trustees.

Chapter 12 and 13 Procedures

Chapter 13 Attorney Fee Guidelines

1. **Flat Fee Option - Flat Fee.** ~~Attorneys~~For cases filed on or after October 17, 2005, attorneys for Chapter 13 debtors who elect the Flat Fee Option may, without application to the Court, receive ~~\$3,700,000~~ (or ~~\$1,700~~\$3,189 plus the filing fee, if the filing fee is advanced) ~~without application to the Court.~~ Effective May 1, 2003, ~~the flat fee increases by \$150.00.~~ E.D.Mo.L.B.R 2016-1 B.
2. **Fee Application Option - Initial Fee.** ~~A~~Effective May 1, 2003, attorneys for Chapter 13 debtors who elect the Fee Application Option may ~~receive,~~ without filing a fee application, receive an initial fee of ~~\$2,100,300~~ (or ~~\$2,100~~489 plus the filing fee, if the filing fee is advanced). Effective May 1, 2003, ~~the initial fee increases by \$150.00.~~ E.D.Mo.L.B.R 2016-1 B.
- ~~3.~~ ~~Limited~~
 3. **Service of Fee Application.** ~~Attorneys for Chapter 13 debtors who elect the Fee Application Option may use the limited notice provisions of L.R. 2016-3 A. 2 b. for applications seeking additional fees in a cumulative amount that is not more than \$400. All other Applications.~~ All applications must be served as specified in E.D.Mo.L.B.R 2016-1 B. 2.
- ~~4.~~ ~~Attorney Fees on Dismissal of Case Prior to Confirmation.~~ ~~Unless otherwise directed,~~ the Court will authorize payment of \$1,100 for Chapter 13 debtor's attorney on dismissal of a case prior to confirmation.
- ~~5.~~ ~~Payment of Chapter 13 Attorney's Fees through Plan.~~ ~~(B)(2).~~
 4. **Payment of Chapter 13 Attorney's Fees through Plan.**
 - a. **In cases filed prior to October 17, 2005:** When paid through the plan, unless otherwise specified, the Chapter 13 trustee shall pay the debtor's attorney's fees at the rate of 35% of funds available for distribution at the disbursement level for secured creditors.
 6.
 - b. **In cases filed on or after October 17, 2005:** The debtors' attorney's fees shall be paid by the Trustee after monthly payments to secured creditors. However, a maximum of \$2,000 in attorney fees, minus any attorney fees paid directly by the debtor, may be paid after monthly payments for post-petition real estate contract payments, post-petition executory contract payments, and unassigned domestic support obligation payments. Any attorney fees owed and not paid or payable in equal monthly payments as stated above shall be paid as a lump sum at a disbursement level after all secured claims. If an attorney chooses to amend a confirmed plan to add a

provision for payment of some fees in equal monthly payments, the Trustee shall establish the monthly payment by dividing the fees remaining to be paid under the paragraph by the remainder of the repayment period in the paragraph.

5. **Hourly Compensation for Debtor's Attorney.** A Chapter 13 debtor's attorney may be compensated on an hourly basis for representation of the debtor in an appeal or an adversary proceeding.

Chapter **12 and 13** Plan and Confirmation

1. 1. **Interest on Secured Claims in Chapters 12 and 13.** The applicable interest rate for secured claims in Chapter 13 cases is published on the Court's website web site. The Chapter 12 interest rate for secured claims is the same as the Chapter 13 interest rate.

2. 2. **Minimum Monthly Chapter 13 Plan Payment.** Unless otherwise ordered, the minimum monthly Chapter 13 plan payment referenced in E.D.Mo.L.B.R. 3015-3 H, 3015-2(F) is \$75.00.

3. 3. **Chapter 13 Confirmation of Plans.** Confirmation of a plan or amended plan may be approved take place prior to the confirmation hearing if no timely objection is filed. The trustee shall provide a proposed order confirming the plan or the pre- or post-confirmation amended plan.

4. ~~**Plan Language for Use in Curing Missed Payments in Response to Trustee's Motion to Dismiss.** If a debtor seeks to make up missed payments by extending the plan or raising the amount of future plan payments, or by both extending the life of the plan and the amount of each plan payment, under E.D.Mo.L.B.R. 1017-2 B., the following format shall be employed to explain how the missed payments will be made:~~

- ~~a. Regular monthly plan payment plus \$ _____ per month for _____ months (number of months) beginning _____ (date).~~
- ~~b. Regular monthly plan payment plus \$ _____ per month for the remainder of the plan term beginning _____ (date).~~
- ~~c. _____ dollars for _____ months, then _____ dollars for _____ months, then _____ dollars for _____ months with payments beginning _____. (date)~~

Chapter 13 Requirements Regarding Motor Vehicles

1. ~~_____~~ 1. **Insurance.** ~~Local Rule L.R. 2015-2-(C);~~ requires a debtor in a Chapter 13 case to maintain insurance on any motor vehicle on which a lien exists to secure a debt. Absent agreement between the debtor and the lienholder, the debtor shall:

~~_____~~ a.

~~_____~~ a. prepay at least three (3) month's insurance on the vehicle;

~~_____~~ b.

~~_____~~ b. provide for the collision and comprehensive deductible to be \$500 and provide for the insurance policy to name the lienholder as a loss payee. If the security agreement or other contract requires a deductible lower than \$500, such contract will govern the amount of deductible the debtor is required to maintain during the bankruptcy case.

2. ~~_____~~ 2. **Vehicle Valuation.** The following policy shall govern valuation of automobiles in Chapter 13 cases pursuant to Associates Commercial Corporation v. Rash, 117 S.Ct. 1879 (1997). ~~_____~~

~~_____~~ Absent evidence to the contrary, a vehicle's value will be 95% of the National Automobile Dealers Association (NADA) (Central Edition) retail value at the time of filing for the first three years of the vehicle's age. For each year thereafter, a 2% deduction would be made from such valuation to a maximum deduction of 15%. For example, if a debtor files a Chapter 13 petition in 2003, and owns a 2002 Ford Explorer with an NADA retail value of \$20,000, -it would be valued at 95% of this NADA value. If the same vehicle ~~was~~were a 2001 or 2000 model, it would still be valued at 95% of the NADA value for such vehicle make, model and year. Thereafter, the percentage of NADA valuation shall be reduced by 2% per year for each additional year, resulting in 93% of NADA value for a 1999 vehicle; 91% for a 1998 vehicle, to a maximum reduction to 85% of NADA value.

Chapter 11 Procedures

Filing Guidelines - Coordination with Court

If you believe coordination with the Court is necessary or helpful before filing any substantial Chapter 11 case, please contact only the Clerk of Court at (314) 244-4601. ~~If you have a multiple-debtor case and will request the estates be procedurally consolidated, please file your motion for consolidation as early in the proceeding as possible.~~

United States Trustee Matters - Initial Debtor Interview

~~Prior to or promptly after the filing of a case under Chapter 11 or the conversion to that chapter, the pro se debtor or debtor's attorney should contact the Office of the Trustee's Role~~

The United States Trustee to schedule the § 341 meeting of creditors, arrange for an initial debtor

~~interview, and review the United States Trustee's requirements and role in administering a Chapter 11 case. The United~~ Trustee's role includes reviewing first day motions, professional employment issues, committee formation and other topics germane to the commencement of the case. The U.S. Trustee will also assign an analyst and attorney to each case and will mail notice to each of the 20 largest unsecured creditors concerning formation of an unsecured creditors' committee. At the initial debtor interview, if not addressed in advance, the U.S. Trustee will review:

- ~~1.~~ 1. the debtor's obligation to file monthly operating reports;
- ~~2.~~ 2. the debtor's insurance needs;
- ~~3.~~ 3. the U.S. Trustee's banking guidelines;
- ~~4.~~ 4. the U.S. Trustee's Fee Guidelines; and
- ~~5.~~ 5. the debtor's obligation to pay quarterly fees under 28 U.S.C. § 1930(a)(6).

First Day Matters

Typical first day matters include:

1. Motions for joint administration;
2. Applications for employment of professionals, including attorneys, accountants, financial advisors (only where necessary to avoid immediate and irreparable harm);
3. Motions to extend time for filing schedules and statement of financial affairs to a specified date;
4. Motions for use of cash collateral;
5. Motions for post-petition financing;
6. Motions to pay pre-petition employee wage claims and benefits (only where necessary to avoid immediate and irreparable harm);
7. Motions regarding 11 U.S.C. § 366;
8. Motions to vary from the United States Trustee's requirements (such as maintenance of existing bank accounts, existing business forms, cash management systems, investment procedures, etc.);
9. Motions directing banks to honor pre-petition checks (only where necessary to avoid immediate and irreparable harm); and
10. Motions to allow the debtor to pay certain pre-petition claims and honor certain pre-petition customer claims (refunds of deposits, warranties, etc.) (only where necessary to avoid immediate and irreparable harm).

Affiliated Debtor Cases

When two or more petitions are pending in the same Court by a debtor and an affiliate, the Court may order the cases jointly administered. ~~The debtor or another party in interest may request joint administration by motion served upon all parties on the Master Service List (E.D.Mo.L.B.R. 9013-3 C) or if no such list exists, on those who would be on the list. The motion for joint administration should be filed in the case requested to be designated as the lead case. Joint administration of a debtor and its affiliates shall be a procedural, and not a substantive consolidation of the cases.~~

- ~~1. **Designation of Lead Case.** Unless otherwise stated in the order granting joint administration, when multiple affiliated cases are filed, the first case filed (i.e. the case having the lowest case number) shall be designated as the “lead case.”~~
- ~~2. **Docket.** A single case docket and case file shall be maintained in the lead case after entry of the order for joint Please refer to L.R. 1015 for the procedures required for joint case administration.~~
- ~~3. **Style of Court Papers.** Pleadings and other documents filed after entry of the order for joint administration shall be styled with the caption of the lead case and shall indicate that the cases have been procedurally consolidated.~~
 - ~~a. **Documents for All Cases.** The caption for a pleading or other document filed in jointly administered cases and intended as a pleading for all affiliated cases should follow the designated example in Local Form 22. The Court will docket and file such pleadings in the lead case.~~
 - ~~b. **Documents for Particular Cases.** A pleading or document intended only to be filed in a particular affiliated case or cases must contain the name(s) of the particular debtor/case(s) in the caption as described in the example in Local Form 22. Such documents will be docketed to, and deemed filed only in, the designated case.~~
- ~~4. **Claims.** A separate claims register shall be maintained for each case. Claims must specifically state the name and case number of the debtor against which the claim is asserted. If claims are asserted against more than one of the joint debtors, a separate original claim must be filed in each case.~~

~~Omnibus Objections to Claims in Chapter 11 Cases~~

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~~Insurance Requirements—Debtor in Possession~~

- ~~1. **General Requirements.** The Office of the United States Trustee requests the following from all debtors-in-possession:~~
 - ~~a. insure all estate assets against physical damage and loss with policy limits covering asset values stated in debtor’s schedules;~~
 - ~~b. maintain liability coverage for operation and businesses;~~
 - ~~c. as appropriate or customary for the industry, maintain additional types of insurance (workers compensation, products liability, or professional liability); and~~
 - ~~d. require insurer(s) to notify the office of U.S. Trustee of claims or lapse of coverage.~~
- ~~2. **Proof of Insurance.** Upon request of an interested party, trustee or U.S. Trustee, the debtor(s) shall provide proof of insurance, which shall include a certificate of insurance;~~

binder, or other document from the carrier stating amounts, types and period of coverage, and notification of any secured party as loss payee. Failure to provide proof presumes no insurance is in effect.

Caption and Designation

Adversary proceedings are assigned a number (separate from the bankruptcy case number) which must be used in the caption of all adversary proceedings. Captions of adversary proceedings must clearly reflect the name of the debtor, plaintiff and defendant. E.D.Mo.L.B.R 9004-1 A.

Adversary Proceedings

Types of Actions

Pursuant to Federal Rules of Bankruptcy Procedure 7001, an adversary proceeding complaint and cover sheet must be filed when a party is seeking to:

1. Recover money or property, except during a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under §554(b) or §725 of the Code, Fed.R.Bank.P. 2017 or 6002.
2. Determine the validity, priority or extent of a lien or other interest in property, other than a proceeding under Fed.R.Bank.P. 4003(d).
3. Obtain approval pursuant to §363(h) for the sale of both the interest of the estate and of a co-owner in property.
4. Object to or revoke a discharge.
5. Revoke an order of confirmation of a Chapter 11, 12 or 13 plan.
6. Determine the dischargeability of a debt.
7. Obtain an injunction or other equitable relief.
8. Subordinate any allowed claim or interest, except when subordination is provided in a Chapter 9, 11, 12 or 13 plan.
9. Obtain a declaratory judgment relating to any of the foregoing.
10. Determine a claim or cause of action removed pursuant to 28 U.S.C. §1452.

Summons

Local Rule 7004-1 requires the plaintiff to submit a prepared summons with the complaint. The number of copies required is specified above. initiating any of the types of proceedings set forth in Fed. R. Bankr. P. 7001.

Summons

The Court will determine whether to set the case for a pre-trial or trial hearing and the Clerk will issue the summons.

A summons is only valid for ten days following its issuance (Fed.R.Bank.P. 7004(f)). If the ten day period has passed without the summons being served, the plaintiff should request, in writing, that the summons be reissued.

Subsections (4) and (5) of the Fed. R. Bank. P. 7004 govern service on the United States or its agencies of a summons ~~and~~ complaints, and a motions in a contested matters (see Fed. R. Bank. P. 9014). Plaintiffs (or moving parties) should review those Rules carefully. The most common defect is that service is not made on the Attorney General of the United States nor on the officer or agency involved. Failure to effect proper service could jeopardize the plaintiff's case.

Pre-Trial Conference and Scheduling Order

Orders regarding discovery deadlines, pre-trial conferences, and other matters relating to trial may be issued sua sponte by the Court or on motion of a party.

Subpoenas

A party can compel production of documents or attendance of a witness at trial or at a deposition through use of a subpoena (Local Forms 23A, 23B, 23C). ~~Bankruptcy Rule~~ Fed. R. Bankr. P. 9016 incorporates ~~Federal Rule~~ Fed. R. Civ. P. 45 regarding subpoenas authorizing attorneys ~~isto~~ issue subpoenas. Subpoenas generally must be personally served, and if the witness's attendance is compelled, the subpoena must be accompanied by the fee for one day's attendance and for mileage. (See Fed. R. Civ. P. 45(b) and 28 U.S.C. § 1821). The current statutory witness fee for a non-party witness appearing at Court or for deposition is \$40.00 per day plus mileage at 36 1/2 cents per mile.

~~Stay of Proceeding to Enforce Judgment -- (Rule 7062, Rule 9014)~~

~~The ten (10) day stay of execution under Fed.R.Bankr.P. 7062 does not apply to orders dismissing a case.~~

Default Judgment Procedures

~~Rule 7055 of the Federal Rules of Bankruptcy Procedure incorporates by reference Rule 55 Fed. R. Civ. P. which specifies the procedures when a defendant is in default. Under Rule 55, the plaintiff may request entry of default by the Clerk of Court by providing the Clerk with an affidavit submitting evidence to permit entry of the default. Procedural Form 260B provides the format for the Clerk's entry of default. Once the Clerk's Office enters a default, the plaintiff may seek a default judgment from the Court (judge). Although Rule 7055(b) permits the Clerk to enter default judgments when the amount of the judgment is readily calculable, in this jurisdiction, default judgments are typically granted only on motion heard by the judge and served upon the defaulting party. In order for the Court to determine the amount of damages or to establish the truth of any averments, the plaintiff must present evidence to support the request for default judgment either by affidavit or by other evidence at hearing.~~

~~To obtain entry of Clerk's default, the Court requires the following:~~

- ~~1. Request for Clerk's entry of default;~~
- ~~2. Affidavit* supporting entitlement to Clerk's default; and~~
- ~~3. Form B260 for entry of default.~~

~~*The affidavit should contain:~~

- ~~a. Date of issuance of the summons;~~
- ~~b. Statement of whether the Court fixed a deadline for filing an answer or~~

~~motion, or whether the 30 or 35 day limit applies;~~

- ~~c. Date of service of the complaint;~~
- ~~d. Date of filing of affidavit or return of service;~~
- ~~e. Statement that no answer or motion has been received within the time limit fixed by the Court;~~
- ~~f. Statement that the defendant is not in the military service (as required by the Soldier's & Sailor's Civil Relief Act, 50 U.S.C. App. § 520); and~~
- ~~g. Statement that the defendant is not an infant or incompetent (as required by Fed. R. Civ. P. 55(b)(1)).~~

~~If the Plaintiff is entitled to a default, the Clerk's Office will complete the entry of default and return a copy of the entry of default to the plaintiff.~~

~~-~~

~~To obtain the default judgment, the Court requires:~~

- ~~1. Motion for default judgment;~~
- ~~2. Affidavit in support of the motion for default judgment or other prima facie evidence of movant's case; and~~
- ~~3. Proposed order.~~

~~The Court generally requires proof that the motion for default judgment has been served upon the party in default.~~

Return Exhibits Following Trial

The Court will return trial exhibits to the party who submitted the exhibits approximately ten (10) days after entry of the order concluding the matter for which the exhibits were submitted.

Payment of Funds into Court Registry

Procedures for payment of funds into the Court's registry (e.g., on interpleader) are provided on the Court's [website](#).

[web site](#).

Registered Agents

The following web site shall be used to locate the registered agent for any entity for which service on its registered agent is required: <https://www.sos.mo.gov/BusinessEntity/soskb/csearch.asp>.

Claims

Chapter 7 Cases

In this [jurisdiction Court](#), all Chapter 7 cases initially start as no-asset cases. The notice of commencement of case will specifically instruct creditors not to file a proof of claim until the Court sends a separate notice directing claims to be filed. If the trustee concludes the estate has assets, the Court will send a notice of assets to all parties on the matrix directing creditors to file a proof of claim and setting the date by which claims must be filed. Upon issuing a deadline for filing claims, the Court will give notice of the deadline as required in Fed. R. Bankr. P. 3002(c)(5).

Chapter 12 and 13 Cases

The deadline for filing claims in Chapter 12 and 13 cases shall be as stated in [Rule Fed. R. Bankr. P. 3002\(c\)](#) (generally 90 days after the first date set for the meeting of creditors and 180 days after the order for relief for claims filed by governmental units).

Chapter 9 and 11 Cases

The deadline for filing claims in Chapter 9 and 11 cases shall be as stated in [Rule Fed. R. Bankr. P. 3003\(c\)](#) (generally within the time fixed by the Court, notice of which must be given as required by [Fed. R. Bankr. P. 2002\(a\)\(7\)](#)).

Claims filed by the Debtor

The Clerk's Office will send notice of the filing of the proof of claim to the affected creditor, case trustee, debtor and debtor's attorney. This notice describes the amount and type of claim, (secured, unsecured, etc.), when it was filed, and by whom. It also explains that a proof of claim filed by a creditor at any time shall supersede the proof of claim filed by the debtor or the trustee.

Objections to Claims in Jointly Administered Chapter 11 Cases

Text Moved Here: 2

~~If claims or objections to claims are similar or related or are based upon similar facts or theories of law, more than one claim may be included within a single objection and served as required by E.D.Mo.L.B.R. 3007-1 C.~~ In jointly administered Chapter 11 cases, each objection shall be assigned a claim objection number by the debtors and shall be numbered sequentially and maintained by the Clerk in a single claims objection file without regard to the particular estate against which the subject claim is asserted. The debtor shall be responsible for maintaining and distributing (monthly or more frequently as may be required) a Master Objections to Claims Calendar which shall set forth the hearing date and time, debtor company name, debtor case number, claimant's name, claim number, claim amount, claim classification and claim objection number and shall indicate if any response has been received from the claimant. ~~ⓓ~~The debtor shall serve the Master Objections to Claims Calendar upon all parties on the Master Service List, or if none, upon all those who would be on such a list.

End Of Moved Text

Unclaimed Funds

Funds for creditors who could not be located by the trustee or which otherwise may be unclaimed or in dispute may be paid into the Court's registry on motion. Payment of funds held in the Court's Registry may be made only on order of the Court, and if the request is for funds held on a particular claim, application must be made in compliance with the Court's instructions. A form application and affidavit are available on the Court's [website](#)web site.

Appeals

Notice of Appeal and Process

The Notice of Appeal must be filed with the Bankruptcy Court. Motions for stay pending appeal or for other relief pending appeal must ordinarily be presented in the first instance to the bankruptcy judge. Fed. R. Bankr. P. 8005. An appeal is timely if filed within ten (10) days of the date of entry of the order or judgment being appealed. Fed. R. Bankr. P. 8002(a). ~~Official Form 17 provides a sample notice of appeal. The notice of appeal must contain the title and date of the order appealed. A copy of the order being appealed should be attached to the notice of appeal (unless filing electronically) and should be submitted to the Bankruptcy Court with the appropriate fee. A separate notice of appeal and filing fee is required for each order being appealed. An appeal of an order denying reconsideration or similar relief may be included in the notice of appeal, or amended notice, appealing the underlying judgment or order. E.D.Mo.L.B.R 8001-1.~~ Local Rule 8001 and Part VIII of the Federal Rules of Bankruptcy Procedure govern bankruptcy appeals.

Unless either party elects to have the appeal go to the District Court, the appeal will be heard by the Bankruptcy Appellate Panel. If the appellant wants the appeal to be heard by the District Court, the appellant must file an election with this Court at the time of filing the notice of appeal. Any other party seeking to have the appeal heard by the District Court must file an election with the Bankruptcy Appellate Panel within 30 days of service of the notice of appeal (28 U.S.-C. § 158(c)). Sample forms for appellant's and appellee's election to the District Court are provided in an appendix to the local rules for the Bankruptcy Appellate Panel. Those rules and instructional manual are available from the Eighth Circuit Court of Appeals ~~website~~ web site at www.ca8.uscourts.gov:

~~Appeals to the Bankruptcy Appellate Panel~~

~~In an appeal to the Bankruptcy Appellate Panel, appellant must file with the~~

United States Bankruptcy Court
Eastern District of Missouri

CM/ECF
Administrative Procedures
(revised as of December 1, 2004)

Introduction
Updated Procedures
revised December 1, 2004

~~These~~ **PART TWO - CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) ADMINISTRATIVE PROCEDURES**

Overview

The CM/ECF Administrative Procedures are designed to assist attorneys and others who file with the United States Bankruptcy Court, Eastern District of Missouri by setting forth basic procedures for filing documents under the Court's Case Management - Electronic Case Filing (CM/ECF) System. Electronic Case Filing (ECF) became mandatory at this Court for all attorneys on November 1, 2003. These procedures address processes for filing electronically.

~~In drafting~~ ~~Because~~ the Court's Local Rules of Bankruptcy Procedure (L.B.R.) dated March 31, 2003, and as amended May 15, 2003, the Court anticipated adoption of these Procedures. However, because the Local Rules do not address many of the technical requirements specified in these Procedures, it is important for those filing with this Court to review these materials as well as the Local Rules and to become familiar with the contents of both all documents. These Procedures are critical to ECF training, but are in no way a summary or substitute for the detailed, step-by-step instruction contained in the ECF Training Manual used in formal ECF training. Questions about ECF training ~~should~~ shall be directed to Beth Pfister, ECF Training Coordinator, (314) 244-4606, or you may view the Court's ~~website~~ web site at www.moeb.uscourts.gov.

The transition to a paperless Court and paperless legal practice is an on-going process. Many refinements are expected along the way. These Administrative Procedures provide a solid starting place and convey the Court's expectations for use of the CM/ECF System.

The Court has updated these Administrative Procedures to reflect changes ~~as a result of experiences with implementation of recent amendments to the Federal Rules of Bankruptcy Procedure, effective~~ in CM/ECF since the Administrative Procedures were last revised on December 1, 20034.

The Administrative Procedures have been ~~revised to specify a new process for the submission of the Social Security Verification Form, known as Form B21. Instructions on use of this form in the CM/ECF system are located in Appendix A-8.~~

~~This document is not a comprehensive guide to all aspects of the CM/ECF System as it can not address every contingency which may arise during the course of filing documents~~integrated into the Procedures Manual and no longer contain a separate appendix as any referenced document can be found on the Court's web site. Any questions about the procedures or generally about filing may be directed to the Court's ECF Help Desk at 1-866-803-9517.

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

~~Case Management/Electronic Case Filing (CM/ECF) Administrative Procedures~~

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~~Case Management/Electronic Case Filing
CM/ECF
Administrative Procedures~~

~~I. DESIGNATION OF CASES, PASSWORDS AND REGISTRATION~~

~~A.~~

Designation of Cases, Passwords and Registration

Designation of Cases

The provisions of these Administrative Procedures and any amendments hereto apply to all documents filed on or after May 1, 2003. These Administrative Procedures govern access to and usage of the Case Management/Electronic Case Filing System (“CM/ECF System” or the “System”) of the United States Bankruptcy Court for the Eastern District of Missouri.

B. Passwords

A login and password are required to file and receive electronic notice through the System. Limited Creditor filers do not receive electronic notice through CM/ECF. Limited filing privileges are reserved for non-attorneys who file documents for creditors and are restricted to file only certain documents as defined by the Limited Participant Registration and Access form available on the Court’s web site under CM/ECF. Each registered participant shall be entitled to one System login and password. Any trustee appointed by the Office of the United States Trustee may obtain a separate password for use as a trustee.

C. Registration

~~1. **Registration Forms.** Each participant must complete an ECF Registration Form via a link in the CM/ECF section of the Court’s web site. ~~Registration forms are attached as Exhibits A-1 and A-2 to the Appendix. Exhibit A-1 is for “Full Participant Registration and Access” and Exhibit A-2 is for “Limited Participant Registration and Access.” All registration forms are to be returned to the United States Bankruptcy Court, Eastern District of Missouri, Thomas F. Eagleton Courthouse, 111 South Tenth Street, Fourth Floor, St. Louis, Missouri 63102; Attn: ECF Training Team.~~~~

~~2. **Obtaining Login and Password and Maintaining Account.** After successfully completing ECF training and/or qualifying exercises, the Court will issue the participant’s assigned login and password. The participant may obtain a login and password via a link in the CM/ECF section of the Court’s web site and does not need to complete ECF training or qualifying~~

exercises in this Court if the participant holds a working CM/ECF login and password for a bankruptcy or district court in another federal district. Upon receipt, the participant must~~may~~ modify the assigned password on the System using the “Utilities” feature and selecting “Maintain Your ECF Account.” Participants are responsible for maintaining their accounts.

3.
3. Use and Protection of Password. Any password issued for the System shall be used exclusively by the registered participant to whom the password has been assigned and by any employee(s) or persons authorized by the registered participant. No registered participant shall knowingly permit a password to be used by anyone who is not authorized to use the password and no person shall knowingly use another’s password unless such person is so authorized.

4.
4. Password Security. If a participant has any reason to suspect ~~the~~his password has been compromised, it is the participant’s duty to immediately 1) notify the Court, and 2) change the password ~~immediately~~ through the “Maintain Your ECF Account” option under the “Utilities” function of the ECF System.

The login code will remain constant.

5.
5. Withdrawal from System. Once registered, a participant must maintain a current and active e-mail address to receive e-mail notification from the System. A participant may withdraw from the System by providing the Clerk’s Office with written notice of such withdrawal. Upon receipt of the written notice, the Clerk’s Office will immediately cancel the participant’s password and delete the participant from any applicable electronic service list. Terminating access to the System does not authorize the attorney to withdraw as the attorney of record for his/her client.

H. FILING OF DOCUMENTS

A.

6. Undeliverable Notice of Electronic Filing E-Mail. The Clerk’s Office monitors electronic notices returned to the Court as undeliverable. If repetitious electronic notices are returned to the Court for the reason that the e-mail address of the CM/ECF participant is not accurate, the Clerk’s Office may cancel the participant’s password and delete the participant from any applicable electronic service list.

Filing of Documents

Mandatory Electronic Filing and Return of Paper Documents

Effective November 1, 2003, all attorneys are required to file electronically with this Court as stated herein. The Clerk of Court has been directed to decline to accept for filing any pleadings and other documents submitted in paper format after the mandatory date. Attorneys will be directed to the scanning stations in the Intake area to scan documents brought to the Court for filing. If documents are submitted in paper format by mail or through the drop box, the Court will send notice to the attorney advising that all subsequent paper documents from that attorney (regardless of the case in which tendered) will be returned to the attorney as unfiled.

B. Creditor Matrix

The creditor matrix must be prepared and filed in accordance with the Court's "Instructions for CM/ECF Matrix." (Appendix A-3). ~~Those instructions require all matrices to be prepared in single column format, left-justified, with one-inch margins using Courier 10 point font. Names and addresses must be single spaced with a double space separating one creditor from the next. The city, state and zip must all be on the last line. Matrices~~Matrix" available on the Court's web site under CM/ECF. To be filed electronically, matrices MUST be in ASCII DOS text format (.txt) and named "creditor.txt" or creditors must be added individually. To amend a matrix, the attorney must file the amended matrix in PDF format with an appropriate cover memorandum, if required under L.R. 1009, and verification of matrix, and must either add the additional creditor(s) using the "Creditor Maintenance" event "Enter individual creditors" menu option within Creditor Maintenance or must upload a new matrix in .txt format:

C. Social Security Number Verification Form (Form B21)

~~Effective December 1, 2003, as a result of amendments to Federal Rules of Bankruptcy Procedure 1005 and 1007, debtors are required to submit, not file, a Social Security~~

~~Number Verification Form (known as Form B21) when filing a petition. The B21 Form must contain the full social security number signed by the debtor under penalty of perjury. A sample Form B21 is attached in Appendix A-4 and is available in word processed format on the Court's website. The form must be transmitted to the Court in PDF format via a private event in the CM/ECF system and will not become part of the case record. Because the signature and document retention rules of these ECF Administrative Procedures apply to the submission of this form, the form may be sent without "/s/" or other evidence of signature. (See Section IV infra). Instructions for submitting the B21 form are included in Appendix A-8.~~

~~**D.** using the "Upload a creditor matrix file" menu option in Creditor Maintenance.~~

System Requirements & Limitations on Size of Documents

All documents must be filed in Portable Document Format (PDF) (except for the matrix as described in Section II. B. above). Instructions for converting documents to PDF format are provided in

~~Appendix A-5~~ available on the Court's web site under CM/ECF. Documents filed electronically should not exceed ~~1.5~~ 2 megabyte (MB). If any document is larger than ~~1.52~~ 2 MB, the filer ~~should~~ shall divide the document into parts and file each part separately. The first part of the document would be associated (linked) to the event and subsequent parts would be attachments to the main document.

~~E.~~ If the filer is filing documents which require the payment of fees, the browser requirements necessary to use the Internet Credit Card Program are available on our Court's web site under Public Notices.

Judge/Trustee Assignment

The System will attempt to place all cases filed by an attorney during entry of a single day group of cases on the same § 341 meeting calendar if the attorney runs the Judge/Trustee Assignment after having opened all cases for a given ~~day group and does not have an excessively large batch~~. If the filer performs the Judge/Trustee Assignment after opening each case at various times throughout the day, the cases will not be grouped together on the § 341 calendar. If the filer fails to perform the Judge/Trustee Assignment procedure, the ECF System will automatically assign the Judge and Trustee at ~~midnight each~~ various times throughout the day. When the System performs the Judge/Trustee Assignment, an attorney's cases ~~will~~ may not be grouped together for the § 341 meeting calendar.

F. Copies for Trustee

~~The debtor(s) shall bring a hard copy of the bankruptcy petition, schedules, statement of affairs, and all related documents and amendments to the § 341 meeting of creditors. This copy must contain either the original or a copy of the debtor(s)' signature. Additionally, unless a particular trustee directs otherwise, immediately upon filing the petition, the debtor(s) must mail or deliver a hard copy of the petition, schedules and statement of~~

~~affairs to the case trustee. A hard copy of any amendments to these documents filed before the § 341 meeting of creditors shall also be provided to the trustee. In a Chapter 13 case, the debtor(s) shall also provide the trustee with a hard copy of any Chapter 13 plan filed prior to the § 341 meeting of creditors. The trustee's copy of the petition, schedules, statement of affairs, and plan must contain a copy of the debtor(s)' signatures. The trustee may continue the meeting of creditors if the trustee does not receive the required hard copies. A certificate of service showing these documents have been provided to the trustee is not necessary except as otherwise required for service of the Chapter 13 plan under L.B.R. 3015-2 C., or for amended schedules under L.B.R. 1009-1 B.~~

G. Multi-Part Motions

~~Any motion that includes alternative relief, must be filed as a multi-part motion. The filer must select all applicable events from the "Motions/Applications" feature by selecting the first relief type, holding the "control" key, and selecting additional relief types requested. The "Generic Motion" event should be used only if a more descriptive relief type does not exist.~~

H. — Emergency Matters

Any party seeking to have a matter addressed on an emergency/expedited basis shall file the document electronically and contact the Courtroom ~~d~~Deputy for the appropriate judge to advise of the filing. The judge may require a fax copy of the pleading.

Omnibus Objections to Claims

Due to the limitation on the number of characters available to the filer for each entry in the CM/ECF system, anyone filing an omnibus objection to claims must conserve space when identifying the claims that are subject to the objection. For example, rather than list claims 1, 2, 3, 4, 5, 13, 14, 15, 16, 17, 22, 23, 24, and 25 in the description field, the filer should list claims 1-5, 13-17, and 22-25.

I. — Exhibits

1.

Most Exhibits Not to be Filed. With limited exceptions, most exhibits are NOT to be filed with the Court when filing a motion, pleading, or claim. Instead, an Exhibit Summary (Local Form 9), (~~Appendix A-6~~See L.R. 9040) ~~should~~shall be used in place of the exhibits. The Exhibit Summary Form ~~should~~shall be part of, or filed as an attachment to the motion, pleading, or claim to which it relates.

~~2. **Exhibits Permitted to be Filed.** Exhibits are permitted to be filed only as follows:~~

~~a. if the exhibit(s) is/are two pages or less in length;~~

~~b. if the exhibit is an affidavit;~~

~~c. if the exhibit is filed in support of a motion for summary judgment;
or~~

~~d. if the case is under Chapter 13, selected pages are permitted as attachments to motions for relief provided the exhibits contain evidence of perfection.~~

~~3. **Trial Exhibits.** Exhibits for trial (on an adversary or contested matter) should NOT be filed with the Court. Exhibits should be listed on an Index of Exhibits (Local Form 20) and copies of the index and all exhibits should be delivered to Court in paper format three days prior to trial. (See Local Rules).~~

~~4. **Exhibits for Appeal.** Transcripts and items designated in the record on appeal should NOT be filed with the Bankruptcy Court. After a transcript has been requested, the transcription company will provide the Court with the transcript in PDF format and provide a hard copy to the requesting party.~~

~~5. **Service of Exhibits and Copies for Court.** On request, the filer must provide a copy of exhibits without charge to opposing counsel and must provide hard copies for the Court prior to hearing. Such copies are to be delivered to the Court; they are NOT to be filed with the Court.~~

J. —

Adversary Proceedings

~~_____~~ The Adversary ~~Coversheet~~Cover Sheet must be filed electronically with the adversary complaint. It may be filed as part of, or as an attachment to the adversary complaint. The adversary ~~coversheet~~cover sheet is available in ~~word processed~~fillable PDF format on the Court's ~~website~~web site under Local Forms. The ~~summons must be submitted in paper format.~~ *(See Exceptions to Electronic Filing below).*

~~K. _____~~ Court generates the summons electronically.

Effect of Electronic Filing

~~_____~~ 1.

~~_____~~ 1. **Entry on Docket.** Electronic transmission of a document to the System, confirmed by the Court's transmission of its Notice of Electronic Filing, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Rules of this Court and constitutes entry of the document on the docket kept by the Clerk of Court under Fed. R. -Bankr. P. 5003.

~~_____~~ 2. 2. **Official Record.** The official record in a case is the electronic record of the document as stored by the Court. The filing party is bound by the document as filed electronically through the System. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

~~L. _____~~ Pro Hac Vice

~~_____~~ A motion and proposed order for admission pro hac vice can be filed in paper format. It must be accompanied by a check for the required admission fee payable to the Clerk, U. S. District Court. Upon admission, the attorney must promptly register to file electronically. Any attorney admitted to this Court pro hac vice is required to file electronically unless the Court grants permission to file in paper format.

~~M. _____~~ System Failure

~~_____~~ A registered participant whose electronic filing is made untimely as the result of a technical failure by the Court's System may seek appropriate relief by motion. A filer must attest by affidavit in support of such motion to having made reasonable attempts to file electronically.

~~N. _____~~

Exceptions to Electronic Filing

~~_____~~ 1. 1. **Documents under Seal/Protected Seal/Protective Documents.** Documents may be filed under seal on motion to the Court. Registered participants shall file such motion electronically; however, the actual document(s) to be sealed shall not be filed unless the motion is granted. If the documents are required for the Court to rule on the motion, the documents ~~should~~shall be submitted to the Court

in an envelope for *in camera* review. If the motion is granted, the movant shall submit the documents to the Court in an envelope indicating they are being filed under seal and movant shall affix to the envelope a copy of the order authorizing the filing under seal.

- ~~2. **Summons.** For each defendant in an adversary, the plaintiff shall submit a completed summons form in paper format after filing the adversary complaint. The Court will issue the summons and return the hard copy to the plaintiff.~~

~~III. NOTICE AND SERVICE OF DOCUMENTS~~

~~A.~~

- ~~2. **Proposed Orders.** No proposed orders are to be filed electronically with a pleading. See the Orders section of this Manual.~~

- ~~3. **Motions for Pro Hac Vice.** See L.R. 2090(B)(1).~~

Hyperlinks

Electronically filed documents may contain hyperlinks to other portions of the same document and/or to a location on the Internet that contains a source document for a citation.

CM/ECF Dictionary Events

CM/ECF Event Pathway Directories are available for attorney and trustee events on the Court's web site under CM/ECF. Some attorney and trustee events do not require a PDF to be attached. Examples of events with no PDF attachments are the Attorney Fee Election Form and Meeting of Creditors Held events.

Documents Filed in Error

A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or simply entering the wrong case number and not catching the error before the transaction is completed. If you are uncertain of what further action should be taken, **do not attempt to re-file the document.** To request a correction, telephone: **Toll Free Help Desk** at 1-866-803-9517 as soon as possible after an error is discovered. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. You will be advised *if* you need to re-file the document. The system will not permit you to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.

Notice and Service of Documents

Notice of Electronic Filing

When ~~a document is~~ most documents are entered into the ECF system, the Ssystem will automatically generate a Notice of Electronic Filing and transmit an e-mail to all full-participant registered participants users in the case providing a link to view the document filed. The Notice of Electronic Filing will indicate the time of filing, the name of the filing party, the name of the attorney filer, the type of document filed, and the text of the docket entry. A list of those persons who will receive the document electronically through the System and a list of those to whom it will not be sent electronically is also provided on the Notice. ~~By accessing the “Mailings” option under “Utilities,” and specifically, the “Mailings Information for a Case” feature, a filer can see a list of which attorneys will receive electronic service in the case and which are not. There are no PACER or other fees for accessing this feature under “Utilities.”~~

~~B. Consent to Electronic Service and Effect of Notice~~

~~Pursuant to Fed. R. Civ. P. 5(b)(2)(D), Fed. R. Bankr. P. 9022, and L.B.R. 5005-1, with the exception of service of process under Fed. R. Bankr. P. 7004, registration to file electronically constitutes the participant’s consent to receive notice and service by electronic means and is a written waiver of service by other means (e.g. first-class mail). For registered participants, notice through the Court’s ECF System constitutes service of the documents referenced in the~~ The only exceptions to the general guideline that notice is sent to all full participants are (1) private events (B21 Form and Expenses Re: FVPS) which neither generate a Notice of Electronic Filing.

~~C. Certificate of Service~~

~~The certificate of service should indicate on whom the document was served and the manner of service. If service is made through the ECF System, it is sufficient for the certificate of service to state that service was made by the ECF~~ nor appear on the public Docket Report and (2) restricted access events (Tax Documents) which generate a Notice of Electronic Filing and to show the names of those served without listing each participant’s e-mail address. ~~When some parties are served in paper and others by electronic means through ECF, the certificate of service may delineate those served electronically from those served by other means and provide addresses only for those served by other means. Alternatively, if addresses are provided for all parties, including those served through ECF, it is sufficient to state: “The following parties were served by U.S. Mail, postage-prepaid unless served electronically through ECF.” Attorneys can identify which attorneys will receive electronic service in any particular case by using the “Mailings Information for a Case” feature under “Utilities.” (See further instruction in Section III. A. above).~~

~~D. Service of Summons~~

~~Nothing herein shall be construed to eliminate the necessity of serving a summons and complaint in accordance with the Federal Rules of Civil Procedure and Federal Rules of Bankruptcy Procedure 7004.~~

IV. SIGNATURES

~~A. Login Constitutes Signature~~

~~The user login and password required to transmit documents to the System serve as the filing user's signature on all electronic documents filed with the Court. They also serve as a signature for the purposes of Fed. R. Bankr. P. 9011, for the Rules of this Court, and for any other purpose for which a signature is required in connection with proceedings before the Court. The filing or submission of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document. The filing of a stipulation or other document requiring signatures of more than one party constitutes a representation by the filer that all parties whose signatures are represented on the document have, in fact, signed the document.~~

~~B. Format~~

~~appear on the public Docket Report but do not make the PDF image of the document accessible to the public.~~

Signatures

Format

No signatures are required to appear on documents filed electronically. The Court does not require a “/s/” or other indicia of signature for the attorney’s, the debtor’s, or other signature. The filer’s login and password serve as the filer’s signature and representation concerning others’ signatures as stated in paragraph A.

~~C. Retention~~

~~The person filing or submitting any document required to be signed by the debtor(s) or by other entity(ies), must retain the original signed document for a period of two (2) years after the closing of the case unless the Court orders a different period. Such documents include those signed under penalty of perjury, those requiring verification under Fed. R. Bankr. P. 1008, and those containing an unsworn declaration as provided in 28 U.S.C. § 1746. On request of the Court, or any party in interest, or when the signature is at issue, the filer must provide original documents for review.~~

~~V. FEES~~

~~A.~~

Fees

Credit/Debit Cards

Electronic filing requires use of a credit/debit card to pay filing fees. ECF ~~Version 2.3~~ permits filers to apply charges directly to a credit/debit card using secured Internet access ~~without having a credit/debit card “on file” with the Court.~~ Instructions for internet credit

card payment are ~~included in Appendix A-7~~ available on the Court's web site under CM/ECF.

B. Delinquent Fees

When a fee is required with any pleading or document filed electronically, and the fee is not simultaneously paid with a credit/debit card because the credit/debit card is rejected, the filer must deliver the required fee to the Court within two (2) business days of the Court's issuance of the Order and Notice of Failure to Pay Filing Fee Through Internet or the Court will automatically dismiss the case or deny the pleading for failure to pay the required fee.

C. Installment Fee Applications

~~When permitted in individual cases, Installment Fee Applications may be filed electronically to address the filing fee required for new petitions.~~

VI. ORDERS

A. Time of Submission

~~Proposed orders must be submitted simultaneously with filing any motion or pleading, except for matters submitted on "negative notice," or as otherwise permitted by the Court.~~

~~Orders on motions that may be filed on "negative notice" shall be submitted to the Court with a certificate of no response or resolution after expiration of the last date for serving and filing objections to the underlying pleading.~~

B. Non-payment of fees will not be tolerated by this Court. Any instances of repetitious non-payment will be addressed immediately by the Clerk of Court and may result in revocation of electronic filing privileges.

Orders

Manner of Submission

1. E-mail Transmission. Proposed orders shall be submitted to the Court by e-mail as an attached document in WordPerfect or Word format and shall be sent to the e-mail address that corresponds with the Judge assigned to the case

~~referenced in the proposed order. The number of orders attached to an e-mail message is not limited. However, the combined size of the e-mail may not exceed 30 MB.~~

Send orders to:
~~Chief Judge Barta -~~ BartaOrders@moeb.uscourts.gov
~~Judge Schermer -~~ Chief Judge Schermer - Scher

“no hearing necessary.”

~~C. Entry of Orders and Service~~

~~1.~~

~~1. **Entry.** All orders, decrees, and judgments of the Court will be docketed electronically by the Court in accordance with these procedures. Any order docketed by the Court and transmitted through the ECF System without the original signature of the judge has the same force and effect as if the judge had affixed the judge’s signature to a paper copy of the order.~~

~~2.~~

~~2. **Service.** Upon the entry of an order, decree, or judgment, the System will send an e-mail notification of the entry of the order to all registered participants in the case. For an interim period, the Court will also mail a hard copy of the order~~

~~through the Bankruptcy Noticing Center (BNC) to those parties designated on the order’s service list.~~

~~VII. APPEALS~~

~~A. Documents Required for Appeal~~

~~1. Appeals to the Bankruptcy Appellate Panel. The notice of appeal must be filed in PDF format. The order being appealed does not need to be attached to the notice of appeal because the filer must “link” the notice to the order. No other filing is required with the Bankruptcy Court.~~

~~2. Appeals to the District Court. The notice of appeal must be filed in PDF format. The order being appealed does not need to be attached to the notice of appeal because the filer must “link” the notice to the order. The District Court Civil Cover Sheet and Tracking Sheet, must be filed as PDF documents and must be attached to, or part of, the Notice of Appeal. (These forms are available from the District Court’s website). The Designation of Record and Statement of Issues on Appeal must be filed in PDF format. The appellant and appellee are responsible for delivering hard copies of all documents, pleadings, exhibits, and transcripts referenced in the Designation of Record to the District Court when such documents are due. Such documents should NOT be filed in paper or electronic format with the Bankruptcy Court.~~

~~VIII. PUBLIC ACCESS TO THE DOCKET SYSTEM~~

~~A.~~

Automatic Wage Order Program

The Court has developed an Automatic Wage Order Program for processing wage orders, which does not require the ECF filer to file a PDF. The instructions on how to use the program are available on the Court’s web site under CM/ECF.

Public Access to the Docket System

Internet Access with a Password

—Any person with a valid PACER login and password may access the System at the Court's Internet site: <http://www.moeb.uscourts.gov>. A PACER login and password can be secured by contacting the PACER Service Center at **1-800-676-6856** or online at <http://pacer.psc.uscourts.gov>.

B. E-mail Notification, "Free Look," and Daily Summary

The System will send an e-mail notification to all registered full participants in a case providing a for all non-private events. A link to view the document filed is provided on the e-mail notification, except for restricted access events where the document would be inaccessible. Participants are not charged for a one-time "free-look" (i.e. initial retrieval, download, viewing or printing of a document) when the document is accessed directly from the e-mail notification. —Using the "Utilities" option menu, and specifically, the "Maintain your User Account" and "E-mail Notification" feature "E-mail information" feature within the "Maintain Your ECF Account" menu option, attorneys can elect to receive either e-mail notification throughout the day each time a document is filed or a daily summary report sent at midnight each night, listing all cases by name, number and document name. In addition, attorneys can receive e-mail notification on cases in which they are not a participant by using the Email information feature referenced previously. However, if an attorney is not a participant in the case, PACER fees will be charged to view the document. Limited users are not provided the "free-look" access.

C. Public Access at the Court

—The public will have electronic access to view bankruptcy records at no charge at the courthouse in St. Louis, Missouri during regular business hours. A fee will be charged for printed copies. The Court provides a computer and scanning stations at the public intake counter for filing electronically.

~~D. Hard Copies and Certified/Exemplified Copies~~

~~—Hard copies and Certified/Exemplified copies of electronically filed documents may be purchased through the Clerk's Office. The fee for copying, certification, and/or exemplification will be in accordance with the fees imposed by 28 U.S.C. §1930. United States Bankruptcy Court~~

~~Eastern District of Missouri~~

~~ELECTRONIC CASE FILING (ECF) SYSTEM~~

~~<https://ecf.moeb.uscourts.gov>~~

~~Full Participant Registration Form and User Agreement~~

~~This form is to be used by attorneys to register for FULL FILING PRIVILEGES. Full Filing Privileges allow the user to file documents with the United States Bankruptcy Court for the Eastern District of Missouri via the Internet using the Court's ECF system. Each attorney desiring to file pleadings or other papers electronically must complete and sign this Participant Registration Form and User Agreement. To register for an account on the Court's ECF system, please provide the information requested below:~~

~~Name (Last, First, Middle): _____~~

~~Last four digits of Social Security Number: _____~~

~~State Bar ID #: _____ State of Admission: _____~~

~~Eastern District of Missouri Bar #: _____~~

~~Firm Name: _____~~

~~Firm Address: _____~~

~~Firm City, State and Zip: _____~~

~~Phone Number: _____ FAX Number: _____~~

~~E-Mail Address: _____~~

~~Send Notice to These Additional E-Mail Addresses: _____~~

~~_____~~

~~Send Electronic Notice (only check one): _____ Each Filing _____ End of Day Summary~~

By submitting this registration form, participant agrees to the following:

1. ~~This ECF system is used to file and view electronic documents, docket sheets, and notices in the U.S. Bankruptcy Court for the Eastern District of Missouri. NOTE: This is a restricted Web site for official court business only. Unauthorized entry or use, or any use that attempts to circumvent access controls or the PACER billing processes is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged. Any prohibited activities or usage may result in immediate withdrawal of access privileges, referral for prosecution, and/or permanent suspension of filing and use privileges in this Bankruptcy Court.~~
2. ~~Federal Rule of Bankruptcy Procedure 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the Court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to participant identifies that participant to the Court each time participant logs-on to the ECF system. The use of participant's password constitutes the signature of participant for purposes of Federal Rule Bankruptcy Procedure 9011 on any document or pleading filed electronically using participant's password. Therefore, participant must protect and secure the password issued by the Court.~~
3. ~~Participant must select and activate a new password in the ECF system if an employee or associate of participant who has been authorized to use participant's login and password no longer serves in such a capacity. If participant has any reason to suspect the password has been compromised, it is participant's duty to change the password immediately.~~
4. ~~Participant agrees to maintain a current and active e-mail address to receive notification from the ECF system. Participant also agrees to maintain a current postal address to receive notification from the Bankruptcy Noticing Center.~~
5. ~~Participant agrees that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures and/or require verification under Federal Rule Bankruptcy Procedure 1008, or an unsworn declaration as provided in 28 U.S.C. Section 1746, must be maintained by the participant who filed the document for a period not less than two years after the case is closed. If the party who filed the document is not represented by counsel or is not yet a participant in the ECF system, it is the party's responsibility to maintain the document. The Court's two year retention requirement is not meant to supersede any requirements imposed by a local or state bar or the Rules of Professional Conduct that may require a longer period of retention.~~
6. ~~Participant agrees that registration for the use of the ECF system constitutes: (1) written consent to receive notice electronically and waiver of the right to receive notice by first-class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Bankruptcy Procedure 7005; (2) consent to electronic service and waiver of the~~

~~right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Bankruptcy Procedure 7005, except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Federal Rule of Bankruptcy Procedure 9022. Notice by electronic means is complete as contemplated by Federal Rule of Bankruptcy Procedure 9036.~~

- ~~7. Participant will file documents using the Court's ECF system. However, to simply view information on a specific case, participant must access the Court's records through the Public Access to Court Electronic Records (PACER) Service Center. Therefore, a PACER login is required in addition to the ECF system password issued by the Court. To register for PACER participant must complete the online form or submit a registration form which is available on the PACER website (<http://pacer.psc.uscourts.gov>).~~
- ~~8. Participant agrees to abide by the local rules and procedures of U.S. Bankruptcy Court of the Eastern District of Missouri concerning the use of the ECF system. The Court's rules and procedures can be located on the Court's website at www.moeb.uscourts.gov.~~

Applicant Name (please print)

Applicant Signature

Date

Please return to: ECF Registration

U.S. Bankruptcy Court
Eastern District of Missouri
111 S. 10th Street, 4th Floor
St. Louis, MO 63102

United States Bankruptcy Court

Eastern District of Missouri

ELECTRONIC CASE FILING (ECF) SYSTEM

<https://ecf.moeb.uscourts.gov>

Limited Participant Registration Form and User Agreement

~~This form is to be used by NON-ATTORNEYS to register for LIMITED FILING PRIVILEGES. Limited Filing Privileges allow the user to file selected documents with the United States Bankruptcy Court for the Eastern District of Missouri via the Internet using the Court's ECF system. To register for LIMITED electronic filing privileges, please complete and return this Limited Participant Registration Form and User Agreement. Each person desiring limited filing privileges must complete and return a separate Limited Participant Registration Form and User Agreement. [Note: A limited user will NOT receive e-mail notification of documents filed in the case. An attorney must register for FULL ECF filing privileges, which will include e-mail notifications, by completing a Full Participant Registration Form and User Agreement].~~

Name (Last, First, Middle): _____

Last four digits of Social Security Number: _____

Firm/Company Name: _____

Firm/Company Address: _____

Firm/Company City, State and Zip Code: _____

Phone Number: _____ FAX Number: _____

E-Mail Address: _____

~~By submitting this registration form, participant agrees to the following:~~

- ~~1. This ECF system is used to file and view electronic documents, docket sheets, and notices in the U.S. Bankruptcy Court for the Eastern District of Missouri. NOTE: This is a restricted Web site for official court business only. Unauthorized entry or use, or any use that attempts to circumvent access controls or the PACER billing processes is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged. Any prohibited activities or usage may result in immediate withdrawal of access privileges, referral for prosecution, and/or permanent suspension of filing and use privileges in this Bankruptcy Court.~~

~~2. Pursuant to Federal Rule of Bankruptcy Procedure 9011, every pleading, motion, and other paper (except lists, schedules, statement or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The unique password issued to participant identifies that participant to the Court each time participant logs-on to the ECF system. The use of participant's password constitutes the signature of participant for purposes of Federal Rule Bankruptcy Procedure 9011 on any document or pleading filed electronically using participant's password.~~

~~3. Participant must select and activate a new password in the ECF system if an employee or associate of participant who has been authorized to use participant's login and password no longer serves in such a capacity. If participant has any reason to suspect the password has been compromised, it is participant's duty to change the password immediately.~~

~~4. Participant agrees to maintain a current postal address to receive notification from the Bankruptcy Noticing Center.~~

~~5. As a participant with limited filing privileges, participant will have access to perform the following transactions:~~

- ~~a. Proof of Claim~~
- ~~b. Creditor's Request for Service/Notice~~
- ~~c. Notice of Transfer of Claim~~
- ~~d. Reaffirmation Agreements~~

~~6. Participant will file documents by using the Court's ECF system. However, to simply view information on a specific case, participant must access the Court's records through the Public Access to Court Electronic Records (PACER) Service Center. Therefore, a PACER login is required in addition to the ECF password issued by the Court. To register for PACER participant must complete the online form or submit a registration form which is available on the PACER website (<http://pacer.psc.uscourts.gov>).~~

~~7. Participant agrees to abide by the local rules and procedures of U.S. Bankruptcy Court of the Eastern District of Missouri concerning the use of the ECF system. The Court's rules and procedures can be located on the Court's website at www.moeb.uscourts.gov.~~

Applicant Name (please print) _____ Applicant Signature _____

Date _____

Please return to: ECF Registration

~~U.S. Bankruptcy Court
Eastern District of Missouri
111 S. 10th Street, 4th Floor
St. Louis, MO 63102~~

~~UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI~~

~~INSTRUCTIONS FOR CM/ECF MATRIX~~

~~Dana C. McWay
Clerk Of Court~~

~~Dated: May 1, 2003~~

POLICY STATEMENT FOR CREDITOR MATRIX

~~Preparing and filing the creditor matrix shall conform to the established Matrix Instructions provided by the Court. The matrix may not be accepted as filed if the matrix is not in proper format.~~

INSTRUCTIONS FOR FILING CREDITOR MATRIX FOR CM/ECF

~~In order to ensure your matrix is in proper format for use with the CM/ECF system, your matrix must be prepared following these guidelines. Your cooperation is essential. Unless the matrix is filed by uploading it electronically through ECF, you must file a printed matrix following this format and simultaneously submit the matrix electronically on a diskette or compact disk (CD):~~

- ~~1. Names and addresses should be typed in a single column, left-justified with a one-inch margin, rather than in three columns (see example attached). The document must have no less than 1 inch margins at the top, bottom, and sides of the page.~~
- ~~2. Word processing software may be used to create the file. The text MUST be created in Courier 10 pitch. The file MUST be saved as ASCII-DOS text. The file MUST be named creditor.txt.~~
- ~~3. Each name/address must consist of no more than five (5) total lines, with at least one blank line between each of the name/address blocks. If the address has only two lines, DO NOT leave a blank line between the first and second line. A blank line indicates two separate addresses.~~

~~Example: Steve Smith, Jr.
1114 Market St.
Suite 704
St. Louis, MO 63101~~

- ~~4. City, State and Zip code MUST be on the last line. Nine digit zip codes should be typed with a hyphen separating the two groups of digits.~~
- ~~5. Each line must be 40 characters or less in length.~~
- ~~6. Official U.S. Postal Service state abbreviations are required.~~
- ~~7. Only one space is required between city, state and zip code.~~
- ~~8. DO NOT include the following parties. (They were formally required on creditor matrices). These names will be retrieved automatically and added to the matrix. In Chapter 13 cases, the Missouri Department of Revenue MUST be included on the matrix.~~

- ~~_____ a. Debtor~~
 - ~~_____ b. Joint Debtor~~
 - ~~_____ c. Attorney for Debtor(s)~~
 - ~~_____ d. Office of the U.S. Trustee~~
 - ~~_____ e. Case Trustee~~
- ~~9. When filing in paper format, you must also submit the matrix as a text file on diskette or compact disk (CD). The diskette should be 3.5" DOS formatted to 1.44M or 720K. The CD must be IBM compatible.~~
- ~~10. Only ONE creditor matrix may be put on a single diskette or CD.~~
- ~~11. Each diskette must be identified with the debtor's name on a label.~~
- ~~12. Diskettes and CDs will be discarded after the data has been uploaded into the automated system.~~
- ~~13. You MUST file a "Verification of Creditor Matrix" in accordance with Local Rules.~~

INSTRUCTIONS FOR AMENDED MATRIX

- ~~1. An amended matrix MUST be submitted in single-column format as described above.~~
- ~~2. List ONLY those creditors to be added or those with an address change. DO NOT submit a complete new matrix with previously submitted creditors. The amended matrix MUST be attached to a Memorandum as required by Local Rule 1009-1 and MUST include a Verification of Creditor Matrix.~~
- ~~3. To amend a matrix, the attorney must file the amended matrix in PDF format with an appropriate cover memorandum and verification, and MUST either add the additional creditor(s) using the Creditor Maintenance event or upload a new matrix in .txt format.~~

AVOID

- ~~1. Unreadable type faces such as proportionally-spaced fonts, or exotic fonts (such as Olde English or script). Use only Courier 10-point font.~~
- ~~2. Incorrect computer settings which will cause unreadable lists. Make certain your computer is set correctly.~~
- ~~3. Typing anything other than the names and addresses in proper column format on any page of the matrix. Do not include lines, debtor name, page numbers, or anything else on the matrix.~~

- ~~4. Using all upper case letters (ALL CAPS). Use upper and lower case letters.~~
- ~~5. Listing account numbers or attention lines on the last line of the address; put this information on the second line of the address.~~

~~Example Creditors List: Courier 10 Pitch
(the preferred type to be used in typing matrices for CM/ECF)~~

~~Household Finance
P.O. Box 1234
Springfield, IL 60189~~

~~St. Peter's Hospital
789 Hospital Road
St. Louis, MO 63048~~

~~Jonathan R. Smith
1111 Market St.
Suite 121~~

~~St. Louis, MO 63101~~

~~John Doe
10345 Collier Ave.
St. Louis, MO 63103~~

~~Al's Auto Sales
8904 Grand Ave.
St. Louis, MO 64209~~

~~Famous Barr
c/o John Smith
121 Blue Bird Lane
St. Louis, MO 63101~~

~~David Jones and Company
Acct. 123456789
234 Sunny Drive
St. Louis, MO 63401~~

FORM 21. STATEMENT OF SOCIAL SECURITY NUMBER

[Caption]

STATEMENT OF SOCIAL SECURITY NUMBER(S)

A. Name of Debtor (enter Last, First, Middle):

(Check the appropriate box and, if applicable, provide the required information)

Debtor has a Social Security Number and it is: _____
(If more than one, state all)

Debtor does not have a Social Security Number.

A. Name of Joint Debtor (enter Last, First, Middle):

(Check the appropriate box and, if applicable, provide the required information)

Joint Debtor has a Social Security Number and it is: _____
(If more than one, state all)

Joint Debtor does not have a Social Security Number.

I declare under penalty of perjury that the foregoing is true and correct.

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor Date

**Joint debtors must provide information for both spouses.
Penalty for making a false statement. Fine of up to \$250,000 or up to 5 years imprisonment**

or both. 18 U.S.C. § 152 and 3571. ~~Creating Portable Document Format (PDF) Files~~

~~There are two ways to convert documents into PDF (Portable Document Format) files. They can be created from documents that are in a word processing format, or they can be created utilizing scanning equipment and Adobe Acrobat software. This module will guide you through the process of converting a word processing document to PDF format. Since there are various brands of scanning equipment used by many attorneys, we can only refer you to your equipment user's guide and Adobe Acrobat manual for further instructions when converting to PDF by scanning the document.~~

~~Converting Word Processing Documents to PDF Format~~

~~(Note: This example demonstrates the process using WordPerfect. However, if you have MS Word, you may apply the same steps provided below)~~

~~STEP 1 Type document in word processing; save to hard drive.~~

~~STEP 2 With the document open on the screen, click on *File* from the drop down menu and select the *Print* option.~~

~~STEP 3 The *Print* dialog box displays.~~

- ~~◆ Click on the down arrow ▼ to the right of Current printer: field. Note: In MS Word, you would click on the down arrow ▼ to the right of Name: within the Printer dialog box.~~

~~STEP 4 A list of available printers displays.~~

- ~~◆ Click to highlight and select the Acrobat PDF Writer printer.~~

- ~~◆ Click the [Print] button to create the PDF formatted document.~~

~~Note: The file will not actually print out; instead the document will be translated into PDF format.~~

~~STEP 5 The PDF File Save As dialog box displays.~~

- ~~◆ Navigate to the appropriate folder (directory) chosen for saving the PDF image.~~

- ~~◆ Click inside the File name: box and type the name chosen for the image.~~

~~Note: The *.pdf* extension will automatically be added to the filename you~~

~~type. (i.e., if you name your file: hallmotn, the file will be saved with the name: hallmotn.pdf).~~

◆ Click the [Save] button.

Important:

~~An Adobe PDF image file has now been created, and will be associated with the docket event during the docketing process.~~

~~The PDF image cannot be viewed or altered in the word processing program. You will, however, be able to view the image during docketing to assure that you are associating the correct image with the docket event.~~

~~The original text document remains on your hard drive as originally saved.~~

~~If you need to make changes to a document that has already been turned into an image (but not yet docketed), delete the incorrect PDF image file. Re-open the text document in word processing and make the necessary changes. Save the corrected text document and then re-create the PDF image file.~~

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
_____ DIVISION**

In re ~~DEBTOR NAME~~ _____)
_____) Case No. ___ - _____ - ___
_____) Chapter ____
_____ Debtor(s). _____)

EXHIBIT SUMMARY

Pursuant to L.B.R. 9040-1, the following exhibits are referenced in support of _____
_____ (the motion, pleading, or claim to be filed). Copies of these exhibits
will be provided as required by Local Rules:

- _____ 1
- _____ 2
- _____ 3

_____ Signature Block
_____ (See L.B.R. 9011-1)

(The Exhibit Summary is to be attached to and filed with the motion, pleading, or claim to which it relates. Pursuant to L.B.R. 9040-1, the Exhibit Summary shall describe the exhibits in sufficient detail to permit the Court and parties to evaluate the factual elements relevant to the motion, pleading, or claim. The description shall include the following, when applicable:

- _____ 1. *basis for the debt, including date;*
- _____ 2. *balance of the indebtedness; and*
- _____ 3. *date and manner of perfection, including book and page number, certificate of title, or UCC-1 recording.*

If exhibit(s) is/are two pages or less in length, the exhibit(s) may be filed in place of an Exhibit Summary.) _____

~~APPENDIX A-6~~

~~United States Bankruptcy Court
for the
Eastern District of Missouri~~

~~ON-LINE CREDIT CARD
ATTORNEY MANUAL~~

~~(Revised: August 2004)~~

~~APPENDIX A-7~~

~~I. Background~~

~~The CM/ECF On-Line Credit Card module is designed to allow filers to pay filing fees interactively as part of the electronic filing process. Attorney filers can choose to pay after every transaction or can simply make one payment at the end of the day for all transactions.~~

~~H. Opening a New Bankruptcy Case~~

~~The CM/ECF On-Line Credit Card module can accommodate new cases that are to be fully paid at the time of filing or that are filed as installment cases.
After you submit this screen~~

~~You will receive this screen...~~

~~Make no change to the dollar amount if the full filing fee is being paid. Enter 0.0 if there is no installment payment at the time of filing the new petition. If there is an installment payment made at the beginning of the case, enter the partial payment amount as 50.00, if hypothetically, the payment amount is \$50.00. To modify the amount, it is necessary to select Installment as the Fee status at the SARD screen.~~

~~APPENDIX A-7~~

~~At the end of your transaction, you will receive a list of all filings with fees due. If you are done for the day, select "Pay Now." If you have more cases or pleadings requiring fees to file, select "Continue Filing."~~

~~IF YOU DETECT AN ERROR~~ If there is an error on the summary of current charges screen, ~~DO NOT~~ select the Pay Now option. Contact Dana LaRosa, Financial Specialist of the Bankruptcy Court, at telephone number (314) 244-4902, so the error can be corrected before an incorrect charge is made to your credit card.

~~IF YOU CONTINUE FILING~~ You will receive an opportunity to Pay Now after each subsequent transaction or you may pay at the end of the day using the Utilities menu option, Internet Payments Due. (See Section VI.)

~~III. Paying Your Filing Fees~~

~~If the Pay Now option is chosen, the filer will be electronically connected to the U.S. Treasury site. The filer will be prompted for card type, card number and expiration date as shown below:~~

~~Plastic Card~~

~~Payment~~

~~steps~~

~~1. Select~~

~~— Payment~~

~~— Type~~

~~2. Enter~~

~~— Payment~~

~~— Information — 3. Authorize — Payment /~~

~~— Payment~~

~~— Summary~~

~~4. Payment~~

~~— Confirmation~~

~~All of the fields which have a red asterisk next to them are required fields. However, the only fields that the user should have to modify or add information themselves are the Card Type, Card Number, and Expiration Date. The rest of the required information for the user's address is~~

~~APPENDIX A-7~~

~~pulled from the user's CM/ECF account. If this information does not appear automatically, please review your account information through Maintain Your ECF Account in the Utilities menu. If the payee fails to provide the credit card number, the month of expiration of the credit card, and the year of expiration of the credit card, the following messages will appear:~~

~~*Errors were found in your request.*~~

~~*— Please enter the expiration month of the card.*~~

~~*— Please enter the Card Number.*~~

~~*— Please enter the expiration year of the card.*~~

~~*Please correct these errors and attempt the action again.*~~

~~When the credit card transaction is approved, the following screen will appear:—~~

:

~~If everything appears to be acceptable on the screen, the authorization box should be checked. If the user wants a confirmation e-mail sent to their address, the two e-mail address lines should be~~

~~APPENDIX A-7~~

~~filled in with the user's e-mail address. However, all that is necessary to accept the screen is for the user to click the authorization box and then click Make Payment. If there are mistakes on this screen, Edit should be clicked to take the user back to the Payment Information screen to make the necessary changes. If the user decides that they do not want to authorize payment at this time, Cancel should be clicked.~~

~~When the Make Payment option is clicked and the credit card transaction is approved, the following message will appear:~~

~~Additionally, a receipt entry will be posted to the case(s) that have been paid:~~

~~08/11/2004 2 Receipt of filing fee for Voluntary Petition (Chapter 7)(03-40254) [misc,volp7a]
_____ (209.00). Receipt number 29330, amount \$ 209.00. (U.S. Treasury) (Entered:
_____ 08/11/2004)~~

~~IV. Filing a Motion~~

~~The CM/ECF credit card module works similarly for motions and notices which require fees. The only difference is that it is impossible to modify the fee amount through an attorney login. For a complete list of all filing fees, please go to the court web site at www.moeb.uscourts.gov and go to the General Office Information, Filing Fees.~~

~~V. Reports~~

~~Two new reports are available under Utilities: Internet Payment History and Internet Payments Due.~~

~~APPENDIX A-7~~

~~Internet Payment History~~ allows an attorney who has Internet payment privileges to review his/her completed credit card payments over any specified time period.

~~Internet Payments Due~~ allows an attorney who has Internet payment privileges to pay immediately all outstanding fees without docketing another pleading or opening another case. This report displays details for each pending fee. Use this report if you are done filing for the day and forgot to select the Pay Now option on your last filing.

~~VI. Security~~

~~Your browser must support 128-bit Encryption. To determine whether your current browser supports 128-bit encryption, take the following steps:~~

~~Microsoft Internet Explorer 5.5~~

- ~~1. Click on the "Help" tab on your menu bar at the top of the screen~~
- ~~2. Scroll down and select "About Internet Explorer."~~
- ~~3. A small window will appear in the center of your screen indicating the version, as well as the encryption or cipher strength of your browser (either 40-bit, 56-bit or 128-bit). If the screen indicates you have a 40-bit or 56-bit version, or if it doesn't indicate the encryption level, you will need to upgrade to a version with 128-bit encryption.~~

~~Netscape Navigator/Communicator 4.x~~

- ~~1. Click on the "Help" tab on your menu bar at the top of the screen.~~
- ~~2. Scroll down and select "About Navigator" or "About Communicator."~~
- ~~3. A screen will appear that lists the details of your browser. Look for a section on the left and toward the middle that begins "Contains encryption software from RSA Data Security, Inc...." If the next paragraph begins, "This version supports U.S. security....," your browser has 128-bit encryption. If it says that you have international security, your browser has 40-bit or 56-bit encryption and you will need to upgrade to a version with 128-bit encryption.~~

~~APPENDIX A-7~~

~~Instructions to Enter B21 Form Event in CM/ECF~~

~~Introduction - According to Rule 1007(f), a Social Security Verification Form (Form B21) must be submitted with every new petition filed by an individual debtor. The Court had previously required attorneys to submit the B21 Form via e-mail. Because some e-mail packages did not successfully communicate with the Court's e-mail package, the Court has created a new private event within CM/ECF called B21 Form for use in submitting the Social Security Verification Form. A private event generates a confirmation receipt of the Notice of Electronic Filing but neither generates a Notice of Electronic Filing e-mail nor appears on the Public Docket Report. The B21 Form event is also a Batch event which means the event can be entered in multiple cases at one time. It provides the same docket text for each case but permits a separate PDF attachment to be made for each case number entered.~~

Instruction - Steps on how an attorney should docket the B21 Form event follows:

I. Finding Batch Category - The Batch category is found under the Bankruptcy Events menu and is named Attorney Batch Filings (Multiple Cases and Documents). An example of how the Bankruptcy Events menu displays is provided below with the Batch category highlighted in red. Click on Attorney Batch Filings to move to the next screen.

H. Case Number(s) to Enter - The user must enter the case number(s) in which the B21 Form(s) will be attached. Since this is a Batch event, multiple case numbers can be entered at the case number screen. It is also acceptable to enter just one case number. An example is provided below of how the screen appears with two case numbers entered. After the case number(s) is/are entered, the user clicks Continue to move to the next screen.

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III. Selection of Event - The user then selects the B21 Form event to be docketed to the case(s) selected in the prior screen. Because only one event will appear, the user must simply highlight B21 Form and click Continue. An example is provided below.

IV. Browsing of PDF(s) - The user will then receive a screen in which the user must browse and choose a PDF version of the B21 Form for each case number selected. Each browse option must have a PDF attachment or the user will not be able to continue to next screen. It is important for the user to open each PDF prior to attaching it to the case to prevent the wrong B21 Form from being attached. Once all of the browse options are complete, the user should click Continue to move the next screen. See example below of the browse screen.

-

APPENDIX A-8

~~V. Modify Docket Text - The only modification a user should make to the docket text would be to include the word Amended if this is not the original B21 Form being submitted. For that purpose, a box is available at the front of the text in which the word Amended can be selected. For original submissions of the B21 Form, no modification of the docket text is necessary. The user clicks Continue to move to the next screen. An example of this screen is provided below.~~

~~APPENDIX A-8~~

~~VI. Final Docket Text - The user then receives the final docket text. Once Continue is clicked, the transaction is complete and the user cannot make any changes to the entry. An example of this screen is provided below.~~

~~VII. Notice of Electronic Filing Receipt - The user will receive a confirmation receipt of the Notice of Electronic Filing for this transaction after final entry of the event. Because the event is private, no e-mail of the Notice of Electronic Filing is generated. To retain a copy of the receipt, the user can print a copy or save to an electronic file of the screen shown below.~~

~~APPENDIX A-8~~

~~APPENDIX A-8~~

APPENDIX

Guidelines for Compensation of Professionals

*Chronology of Events in a Typical Case
Common Deadlines and Time Limits¹*

EVENT/TIME/RULE/STATUTE/INITIAL MATTERS
Petition Filed

=====

~~Interim Trustee Rejection or Acceptance~~
~~5 days (after notice of appointment) Fed.R.Bankr.P. 2008~~
~~Schedules, Statements 15 days Fed.R.Bankr.P. 1007(c)~~
~~Deadline for Filing of Statement of Intention (if necessary)~~

~~30 days after petition or by date of § 341 meeting (whichever is earlier) 11 U.S.C. § 521(2)(A)~~

§ 341 MEETING

~~Section 341 meeting -~~
~~Ch. 7, Ch. 11~~
~~Set within 20 - 40 days~~
~~Fed.R.Bankr.P. 2003(a)~~

~~Section 341 meeting -~~
~~Ch. 12 20 - 35 days Fed.R.Bankr.P. 2003(a)~~

~~Section 341 meeting -~~
~~Ch. 13 20 - 50 days Fed.R.Bankr.P. 2003(a)~~

~~Notice to Court of date for Meeting of Creditors - Ch. 11 No later than 5 days after receipt of
the petition *L.B.R. 2002-2 C.~~

~~Deadline for objection to exemptions 30 days (after conclusion of § 341 meeting or after filing
supplemental schedules or any amendment to exemptions)
Fed.R.Bankr.P. 4003(b)~~

DISCHARGE

~~Deadline for §§ 523(c) or 727(a) complaint, or § 707(b) motions~~
~~60 days (after first date set for section 341 meeting)~~
~~Fed.R.Bankr.P. 1017(e)(1)~~

~~4004(a), 4007(c)~~

~~Discharge Forthwith (after expiration of time for complaint to discharge) Fed.R.Bankr.P.
4004(c)~~

~~Extended deadline to object to discharge in a Ch. 7 case and object to dischargeability in a Ch. 7, 11 or 12 case~~

~~60 days after the rescheduled § 341 meeting if continued before commenced L.B.R. 2003-1 D. CLAIMS~~

~~Bar date for filing proofs of claim - Ch. 7, 13, 12~~

~~90 days (after first date set for § 341 meeting or after notice of assets in Ch. 7 cases)~~

~~Fed.R.Bankr.P. 3002(c)~~

~~Fed.R.Bankr.P. 3002(c)(5)~~

~~Bar date for filing proofs of claim - Ch. 11 Date set by Court and 30 days after notice to newly added creditors, or after order on rejection or avoidance~~

~~L.B.R. 3002-1 B. 3~~

~~L.B.R. 3002-1 D.~~

~~Bar date for filing governmental proof of claims 180 days (after the relief ordered) Fed.R.Bankr.P. 3002(c)(1)~~

~~Minimum notice of bar date -~~

~~Ch. 11, 920 days Fed.R.Bankr.P. 2002(a)(7)~~

~~Fed.R.Bankr.P. 3003(c)~~

~~Exchange copies or proof of claim and exhibits 7 days after request L.B.R. 3001-1 B.~~

~~Hearings on claim objections, Ch. 7, 12, 11 30 days notice L.B.R. 3007-1 A.~~

~~Responses to claim objections, Ch. 7, 12, 11 15 days before hearing L.B.R. 3007-1 A.~~

~~Hearings on claim objections, Ch. 13 30 days Negative Notice * L.B.R. 3007-1 B.~~

~~Responses to claim objections, Ch. 13~~

~~20 days after service L.B.R. 3007-1 B.~~

ATTORNEY COMPENSATION

~~Attorney 2016(b) disclosure~~

~~With petition and within 15 days of additional fees~~

~~L.B.R. 2016-1 A.~~

~~Objections to compensation,~~

~~Ch. 7, 12, 13 20 days after service of application L.B.R. 2016-1 C. 1~~

~~Objections to compensation,~~

~~Ch. 11 10 days before hearing L.B.R. 2016-1 C. 2~~

~~Notice of hearing on applications for compensation, Ch. 7, 12, 13 30 days Negative~~

~~Notice L.B.R. 2016-1 D. 1~~

~~Notice of hearing on applications for compensation, Ch. 11 30 days minimum L.B.R. 2016-1 D.~~

~~2~~

~~L.B.R. 2016-2 C.~~

~~CHAPTER 12~~

~~Objections to confirmation,~~

~~Ch. 12~~

~~21 days after service of plan~~

~~L.B.R. 3015-1 C.~~

~~Debtor to tender \$500.00 to~~

~~Ch. 12 trustee No later than 5 days after appointment of trustee L.B.R. 2015-1 A.~~

~~Service of Ch. 12 confirmation order~~

~~5 days after entry L.B.R. 3015-1 D.~~

~~CHAPTER 13~~

~~Ch. 13 Plan~~

~~15 days~~

~~Fed.R.Bankr.P. 3015(b)~~

~~Debtor must begin making payments under proposed Ch. 13 plan 30 days after filing of plan 11~~

~~U.S.C. § 1326(a)(1)~~

~~Objections to Ch. 13 confirmation 21 days after conclusion of 341 meeting * L.B.R. 3015-4 F.~~

~~Hearings on confirmation of amended Ch. 13 plan, and deadline for objections 21 days after~~

~~service of plan L.B.R. 3015-4 G.~~

~~L.B.R. 3015-4 H.~~

~~Hearings on motions to amend confirmed plans and deadline for objections 21 days after~~

~~service of plan L.B.R. 3015-5 B.~~

~~L.B.R. 3015-5 C.~~

~~Turnover of collateral in a Ch. 13 case 45 days after petition L.B.R. 3015-3 D.~~

~~CHAPTER 11~~

~~End of exclusive period for~~

~~Ch. 11 debtor to file plan~~

~~120 days~~

~~11 U.S.C. § 1121(c)(2) Notice of the hearing on disclosure statement and objection deadline,~~

~~Ch. 11 25 days notice Fed.R.Bankr.P. 2002(b)(1), 3017(a)~~

~~L.B.R. 3017-1 B.~~

~~Notice of confirmation hearing and objection deadline, Ch. 11 25 days Fed.R.Bankr.P.~~

~~2002(b)(2)~~

~~L.B.R. 3017-1 D:~~

~~Objections to disclosure statement, Ch. 115 days before hearing L.B.R. 3017-1 C:~~

~~Summary of Ch. 11 ballots 3 days before confirmation hearing L.B.R. 3020-1 A:~~

~~Preservation of Ch. 11 ballots 2 years after confirmation L.B.R. 3020-1 B:~~

~~Objections to Ch. 11 plan 5 days before hearing L.B.R. 3020-1 C:~~

~~Service of Ch. 11 confirmation order 5 days after entry L.B.R. 3020-1 D:~~

~~Application for final decree,~~

~~Ch. 113 months after order of confirmation (or status report every 4 months thereafter)~~

~~L.B.R. 3022-1 A:~~

~~Objections to application for final decree 30 days after service of application L.B.R. 3022-1 B:~~

~~Proposed hearing agenda,~~

~~Ch. 112 days before hearing L.B.R. 9013-3 B:~~

MOTIONS & MISC

~~Hearings on motions for relief~~

~~20 days notice~~

~~L.B.R. 4001-1 B:~~

~~Response to motion for relief 5 days before hearing L.B.R. 4001-1 D:~~

~~Response to motions to avoid lien 20 days after service L.B.R. 4003-2 B:~~

~~Hearings on motion to avoid lien 10 days Negative Notice *L.B.R. 4003-2 B:~~

~~Objections to final report,~~

~~Ch. 12, 7, 1330 days after service L.B.R. 5009-1 A, B, C:~~

~~Withdrawal of reference 10 days after last pleading L.B.R. 5011-1 A:~~

~~Response to motion to withdraw reference 10 days after service L.B.R. 5011-1 B:~~

~~Objections to abandonment of assets 15 days after trustee's report L.B.R. 6007-1~~

~~Responses to motions for summary judgment 20 days after service L.B.R. 7056-1 E:~~

~~Replies to responses to motions for summary judgment 5 days after service L.B.R. 7056-1 F:~~

~~Service by mail, facsimile, or electronic transmission 3 additional days L.B.R. 9006-1 A:~~

~~Responses to motions, generally (when set for hearing) 5 days before hearing L.B.R. 9013-1 B:~~

~~Responses to motions, generally (when set on negative notice) 20 days after service L.B.R. 9013-1 B:~~

~~Memoranda of law 5 days before hearing L.B.R. 9013-1 D:~~

~~Demand for jury trial 10 days after last pleading L.B.R. 9015-1 A.
Response to demand for jury trial 10 days after service of demand L.B.R. 9015-1 B.~~

~~Schedules and Statements in a converted case No later than 15 days after entry of conversion order*
L.B.R. 1019-1 A.~~

~~Matrix in a converted case No later than 5 days after entry of conversion order* L.B.R. 1019-1 A.~~

~~Objection to Rule 2004 motions~~

~~No later than 5 days after service of the motion L.B.R. 2004-1 C.~~

~~ADVERSARIES~~

~~Proof of service of summons
10 days before hearing date~~

~~L.B.R. 7004-1 B.~~

~~Exchange exhibits and witness list 10 days before trial L.B.R. 7016-1 A.~~

~~Deliver exhibits and witness lists to court 3 days before trial L.B.R. 7016-1 A.~~

~~Objections to exhibits 3 days before trial L.B.R. 7016-1 B.~~

~~Settlement conference No later than 2 weeks after answer L.B.R. 7016-1 C.~~

~~Deadline for discovery responses (when trial summons issued) 20 days after service L.B.R. 7026-1 C.~~

~~MEDIATION~~

~~Select a mediator~~

~~7 days after order of mediation~~

~~L.B.R. 9019-1 A. 2~~

~~Memorandum regarding mediation 14 days after order for mediation L.B.R. 9019-1 A. 3~~

~~Mediator's report 5 days after mediation L.B.R. 9019-1 A. 4~~

~~Statement of position for mediator 5 days before mediation L.B.R. 9019-1 E.~~

~~Stipulation for settlement following mediation~~

~~10 days after mediator's report L.B.R. 9019-1 G. REINSTATEMENTS~~

~~Motions to reinstate~~

~~10 days after entry of dismissal order~~

~~L.B.R. 9024-1 A.~~

~~Motions to reinstate after dismissal for failure to make~~

~~Ch. 13 plan payments and payment to trustee 10 days after entry of dismissal order L.B.R. 9024-~~

~~2-A.~~

~~Ch. 13 trustee's response to motion to reinstate 10 days after service of motion L.B.R. 9024-2 A.~~

EXHIBITS

~~Exchange of exhibits, when requested
7 days after request*
L.B.R. 9040-1 C.~~

~~Delivery of exhibits to court, when at issue 3 days before hearing L.B.R. 9040-1 C.~~

ORDERS

~~Proposed orders, except Negative Notice*
At filing of motion, etc.
L.B.R. 9050-1 A.~~

~~Alternative proposed order 3 days after tender of disputed order L.B.R. 9050-1 A.~~

~~Proposed orders on Negative Notice Matters
After expiration of time for response or after hearing
L.B.R. 9050-1 A. NEGATIVE NOTICE~~

~~Hearings on Negative Notice (compel abandonment, avoid liens, final report, and dismiss Ch.
13)
10 days
L.B.R. 9061-1 D. 1~~

~~Hearings on Negative Notice (convert, Ch. 7 or 11; dismiss, Ch. 7, 11, 12; fee applications, Ch.
7, 12, 13; and in Ch. 13: tax refund, incur debt, sell) 20 days L.B.R. 9061-1 D. 2~~

~~Hearings on Negative Notice (Ch. 13 claim objections) 30 days L.B.R. 9061-1 D. 3~~

~~Certification of no response (Negative Notice) 5 days after response deadline L.B.R. 9061-1 E.~~

Guidelines for Compensation of Professionals

Pursuant to ~~Local Rule~~L.R. 2016-1, the following Guidelines for Compensation of Professionals apply in all bankruptcy cases in the Eastern District of Missouri except as noted for certain fees in Chapter 13 cases.

- A. Time Records in Support of Fee Applications.** Time records for which compensation is sought should be kept contemporaneously with the services provided and must identify the professional performing the task, the professional's hourly rate, and the length of time of the task expressed in tenths (1/10ths) of an hour. Services may not be "lumped" together unless distinct tasks performed in a project do not exceed .5 hours on a daily basis. All time entries must include a detailed description of the services performed organized in chronological order. All applications must contain activity descriptions with sufficient detail to allow the Court to determine if the requested time and service is actual, reasonable and necessary.
- B. Content of Application.** All applications for compensation must:
1. Contain information about the applicant, including:
 - a. the date the bankruptcy petition was filed,
 - b. date the order of employment was approved,
 - c. identification of party represented,
 - d. terms and conditions of employment and compensation, including sources and amount of any retainer, and
 - e. the time period covered by the application.
 2. Indicate:
 - a. whether the application is interim or final;
 - b. the dates of previous orders on interim applications,
 - c. the amounts requested and allowed,
 - d. the amounts paid and any amounts remaining unpaid.
 3. Provide information on the status of the case including, in Chapter 11 cases:
 - a. whether all quarterly fees have been paid,
 - b. whether all monthly operating reports have been filed, and
 - c. the amount of cash on hand or deposit.

Items 1-3 may be provided in summary format ~~following or supplementing~~using Local Forms 4 ~~and~~or 5, "~~Summary of Fee Applications~~as applicable."²²

4. Address the twelve factors from Johnson v. Georgia Highway Express, Inc., 488 F2d 718 (5th Cir. 1974) -with a brief narrative of significant events in case during the period covered by the application and a summary of major activity under each project category.

5. Include time records as an exhibit.

C. Time Limitations and Descriptions. Time entries should follow the following format:

1. conferences and telephone calls should identify the participants and primary subject of the communication;
2. drafting or reviewing documents should identify the document involved by title or subject matter;
3. research should describe the research performed and its purpose;
4. court hearings should describe the purpose of the hearing and if more than one professional attends a hearing or conference, the application must explain the need for multiple attendees; and
5. travel shall be limited to 50% of the professional's hourly rate; actual work performed during travel is excluded from this limitation.

D. Expenses. Supporting documentation is required to be retained for all expenses in excess of \$25.00. Copies of supporting documentation should not be filed or served with application except, when requested, copies should be served on the Office of the United States Trustee.

1. Allowed Expenses

- copying/duplication costs
- long-distance phone charges
- postage
- facsimile charges reflecting long distance telephone charges
- deposition and transcript fees
- filing fees
- witness fees
- service fees and other court costs
- travel expenses - including reasonable meal and lodging costs
- transportation (air - coach, taxi fares, parking, tolls, and non-local mileage at IRS rate)——

- 2. Excluded Expenses.** The following are overhead expenses and are not compensable without consent of the Court: all continuous administrative or general costs of operating applicant's office, including word processing, secretarial time and overtime, paralegal overtime, office supplies, rent, utilities, equipment, furnishings, insurance, monthly cellular phone charges, library fees, taxes, messenger/express mail delivery charges, and computer research charges.