

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

NEW PROCEDURES EFFECTIVE MARCH 20, 2003 IN THE PHOENIX OFFICE

As a result of the mandatory electronic filing effective March 20, 2003, for cases maintained in the Phoenix office (which includes cases heard by the judge in Prescott) the following new procedures apply.

1. FILING A NEW PETITION

File on paper the petition, with the required number of copies (include the filing fee). If a corporate case, you may file on paper any corporate resolution. If a Chapter 11 case, you may also file on paper any Exhibit A and the List of 20 Largest Unsecured Creditors if filed with the petition. You may also submit with the petition on paper the Declaration Re: Electronic Filing signed by the debtors. That Declaration (sample attached) is required to be filed no later than ten days after your electronic filing of the schedules and statements. The original paper Declaration with the debtors' original signatures is to be filed with the court. The clerk's office will scan and docket the Declaration.

Even if prepared, do not file the schedules, statements, plan or mailing list on paper with the petition. The case will be opened on ECF the next business day after the filing, unless the petition was placed in the overnight box, then it will be opened on ECF the second business day after filing.

After the case is opened by the clerk's office on ECF, you can then electronically file the schedules, statements and any Chapter 13 plan. Please see the separate instructions for uploading a mailing list into ECF. If you are filing the schedules within 10 days of the filing of the petition, you do not have to create in PDF and file a separate mailing list. You are required to upload the mailing list into ECF and can do so by extracting a properly formatted file (txt) from the schedules prepared in your bankruptcy software. This is something you must do, the clerk's office cannot upload the creditors from the schedules you file with the court.

Until September 1, 2003, you are required to furnish a paper copy of the schedules and statements filed to the case trustee assigned the case.

2. MAILING LISTS, SCHEDULES, AMENDMENTS TO MAILING LISTS OR SCHEDULES

If filing a mailing list or schedules, or an amendment to either, for a case that was commenced prior to March 20, 2003, the requirement that you also upload the mailing list or add the creditors individually to ECF does apply. See the separate instructions for uploading or adding creditors into ECF.

The instructions for uploading or adding creditors to the case in ECF can be found at the bankruptcy court's web site, www.azb.uscourts.gov by clicking on the Electronic Case Filing link, selecting Reference Manuals and then selecting ECF Adding or Uploading Creditors Instructions.

3. FILING AN ADVERSARY

File on paper the adversary complaint or Notice of Removal. Please include a disk with the complaint or notice of removal and any exhibits attached in PDF format. Include any required filing fee. The clerk's office will assign an Adversary Number, issue any summons you have provided and open the adversary on ECF. If you are filing an adversary that includes an application for a Temporary Restraining Order or a Motion for an Expedited Hearing, you may include that application/motion and any order but need to also provide the application/motion on a disk in PDF format.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re

)
)
)
)
)
)
)

BANKRUPTCY CASE NO.

Debtor(s)

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER:

I [We] _____ and _____, the undersigned debtor(s), corporate officer or partnership member, hereby declare under penalty of perjury that the information I have given my attorney and the information provided in the electronically filed petition, statements and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules to the United States Bankruptcy Court. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk once all schedules and statements have been filed electronically but, in no event, no later than 5 calendar days after the schedules and statements are filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed pursuant to 11 U.S.C. § 707(a)(3) without further notice.

G [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in the petition.

DATED: _____

Signed: _____
Debtor

Joint Debtor

(If joint case, both spouses must sign)

Authorized Corporate Officer or Partnership Member

PART II - DECLARATION OF ATTORNEY:

I declare as follows: The debtor(s) will have signed this form before I submit the petition, schedules and statements. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court and have complied with all other requirements in the most recent Interim Operating Order. If an individual, I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter.

DATED: _____

Attorney for Debtor(s)

Exhibit 1

(FILE ORIGINAL WITH COURT. DO NOT FILE ELECTRONICALLY)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA - PHOENIX OFFICE

NOTICE TO ATTORNEYS WHO REPRESENT DEBTORS REGARDING THE MAILING LIST

Effective with new bankruptcy petitions filed March 20, 2003, in the Phoenix Office (this includes cases heard in Prescott), the debtor(s)' attorney is to file only the petition on paper, with the required number of copies of the petition. No paper mailing list is to be filed. After the petition has been filed and the case opened on ECF by the clerk's office, the debtor(s)' attorney is required to upload the mailing list of creditors into the ECF case. Detailed instructions are available at the court's web site, www.azb.uscourts.gov, under ECF - Adding or Uploading Creditors Instructions, at the Reference Manuals link under Electronic Case Filing.

Most bankruptcy software permits a mailing list to be extracted from the schedules in the format required for uploading into ECF. The mailing list should be uploaded immediately after you have electronically filed the schedules and statements. A separate mailing list document does not need to be filed if the schedules and statements are filed within 10 days (the time by which a mailing list must be filed) after the filing of the petition and you upload the mailing list into ECF at that time.

If you do not electronically file the schedules and statements and upload the creditors within the 10 day period by which a mailing list must be filed, then you will need to electronically file (in pdf format) the mailing list as a separate document. You will also need to upload the creditors (in txt format) on that mailing list into ECF.

If filing an amendment to the schedules or mailing list that adds creditors or changes an address, you will need to add the those creditors to the ECF mailing list. Since you cannot edit an existing creditor address, if the amendment changes a creditor address, you will need to add the creditor at the new address. When filing an amendment, under Creditor Maintenance, you can either add each creditor using the Enter individual creditors option or add all of the newly listed or changed address creditors at once using the Upload a creditor matrix file. If using the upload option, please be sure to upload only the newly list or changed creditors, please do not re-upload creditors who are already on the ECF mailing list.

Please do not upload a mailing list or add creditors to ECF unless you are also electronically filing the schedules, an amendment to the schedules, a mailing list or an amendment to the mailing list.

The requirement that the debtor(s)' attorney upload the mailing list into ECF also applies to those cases filed prior to March 20, 2003, in which a mailing list was not filed prior to March 20, 2003.

CLERK, U.S. BANKRUPTCY COURT