

NOTICE TO THE BANKRUPTCY BAR

August 18, 2006

OFFICIAL AND PROCEDURAL FORM MODIFICATIONS

Official Forms

Amendments to certain official forms are pending approval by the Judicial Conference and will thereafter be effective October 1, 2006. Draft copies of the amendments are available at <http://www.uscourts.gov/bankform/index.html>. Amendments include changes to:

1. Official Form 1, Voluntary Petition; Official Form 5, Involuntary Schedule; and Official Form 6, Schedules. These changes implement statistical reporting requirements of the 2005 Bankruptcy Act that take effect on October 17, 2006. These reporting requirements will also be incorporated into a new version 3.1 of CM/ECF (see below).
2. New Exhibit D to Official Form 1 highlights debtor's obligation to seek credit counseling.
3. Official Form 9G and Official Form 9H - adds "family fisherman" to the category of debtors eligible for relief. Official Form 9I - provides notice of potential for IRS to file a claim based on the debtor's income tax return *after* the deadline for filing a proof of claim in a Chapter 13 case.
4. Official Forms 22A and 22C - stylistic changes.
5. Official Form 23 - amended to require the debtor to verify completion of an instructional course on personal financial management by including the number of the certificate of completion.

Director's Procedural Forms - EFFECTIVE AUGUST 1, 2006

1. New Director's Form B202: Statement of Military Service - parties to a bankruptcy case who might be eligible for relief under the Servicemembers Civil Relief Act of 2003 may complete this form and file with the Court.
2. Amended Director's Forms B240 - Reaffirmation Agreement. Amendments were made to include the creditor's name on the first page of the form, include a box on the first page to alert the court if there is a presumption of undue hardship, and other revisions to track the language of the statute. Exhibit A to Local Rule 4008-1 will be amended to reflect these changes.
3. Amended Director's Form B271 (Final Decree).
4. Amended Director's Form B 281 - Appearance of Child Support Creditor or Representative. Issued to implement s. 304 of the 1994 Reform Act, which provides that a child support creditor or representative may make appearances under the relaxed rules provided therein if they meet the requirements.

NOTICING

The Court has received inquiries requesting access to the BNC-maintained preferred creditor address database through the National Creditor Registration Service (NCRS). It appears that there are no current plans to provide unrestricted access to the BNC NCRS database. Section 342 indicates which addresses are to be used by the debtor and which addresses should be used by the court for noticing.

A real-time cross-check with the BNC NCRS database is performed when creating mailing labels through CM/ECF, and registered preferred addresses are substituted on the mailing list used by the BNC and on CM/ECF produced mailing labels. A registered preferred address may also be overridden for specific cases. Procedures for overriding a registered preferred address are set forth in SC LBR 2002-1(b). An enhancement may be forthcoming that clearly identifies preferred address substitutions at the bottom of each mailing list produced through CM/ECF. However, it remains the responsibility of each party to determine the proper address to be used for noticing. Additional questions may be directed to the Clerk's Office or referred to the NCRS.

UPCOMING CM/ECF MODIFICATIONS

In early September and early October, the Court will be upgrading CM/ECF to versions 3.0 and 3.1. Below is a summary of some of the changes that may impact the bar. More details as needed will be forthcoming as well as updates on any necessary training.

3.0

New features and various “bug” fixes.

Some of the changes you will notice:

- * Case Opening (e.g. radio buttons to choose type of debtor)
- * Adversary Opening (ability to choose more than one nature of suit)
- * Pleadings (allows two part motion option)
- * Claims (different process/numbering for amended claims; batch creditor filing option; Claim NEF will include link to image; more detailed claims history)
- * Case/Claims Edits (NEF of modifications)
- * Duplicate docket entries (prohibited double click)
- * Public Access Enhancements (disassociate ECF login with PACER login)

3.1

Per BAPCPA effective 10/17/06, additional information will need to be reported by the Court will be collected through CM/ECF entries.

Some of the changes you will notice:

- * Additional case opening statistical data
- * New or changed events to capture required data
- * New Official or Director Forms (i.e., new cover sheet for adversaries)
- * New Natures of Suit and disposition codes

Changes to 3.1 will require extensive revamping of the CM/ECF dictionary and may require training for users.

PLEASE CONTACT YOUR BANKRUPTCY SOFTWARE VENDOR FOR UPGRADES.