

CHAPTER 11 CASE OPENING in CM/ECF
WHEN DEBTOR IS A PERSON WITH A SMALL BUSINESS
Effective July 28, 2008
Revised May 13, 2013

United States Bankruptcy Court
 District of New Mexico

The following is a flowchart of CM/ECF “Bankruptcy Events” **noted in bold capital letters following the number in parenthesis.** The events are listed in the required sequence for uploading the petition and other pdf and txt files to open a chapter 11 case for a person with a small business. **Notes are listed at the end of the flowchart. The step by step instructions hyperlink in each step takes you directly to the Online Electronic Manual and provides instructions and screen shots for every screen shown in that docket event.**

Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(1) OPEN BK CASE</p> <ul style="list-style-type: none"> - print NEF to paper or pdf to save for your records. The Notice of Electronic Filing, a/k/a “NEF,” will provide the case number. - step by step instructions - click on Search in the CM/ECF main menu bar and type ”upload” into the box to proceed to (2). <p>(see Notes at end of flow chart)</p>	<ul style="list-style-type: none"> - Chapter 11 Petition with Exhibit C (if any) - List of Creditors Holding 20 Largest Unsecured Claims, Form 4 - Summary of Schedules - Statistical summary of certain debts - Schedules A-J - Statement of financial affairs, and - Statement of current monthly income (form B22B). 	the petition pdf file	the signature page pdf file NMLF 902 , OR 2) File the signature page as a separate event. (See Step 3)
<p>(2) UPLOAD LIST OF CREDITORS FILE</p> <ul style="list-style-type: none"> - confirm case number - upload creditor text file - submit - confirm correct number of creditors uploaded - step by step instructions - click on Search in the CM/ECF main menu bar and type ”page” into the box to proceed to (3). 	no document, just the list of creditors as a text file. (see Notes at end of flow chart)	the creditor text file	n/a

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<p>(3) To file the signature page as a separate document, Select SIGNATURE PAGE</p> <ul style="list-style-type: none"> - confirm case number (CM/ECF defaults to the last case number used). - select the party - browse to the pdf file and preview it – <u>if this is correct file, upload it</u> - select the category to which your event relates; highlight misc and click next; check the box to the left of the voluntary petition and click next - click next then click next on the final warning screen - step by step instructions - click on Search in the CM/ECF main menu bar and type "judge/trustee" into the box to proceed to (4). 	<p>Signature page</p> <p>NM LF 902</p> <p>(see Notes at end of flow chart)</p>	<p>the signature page pdf</p>	<p>n/a</p>
<p>(4) JUDGE/TRUSTEE ASSIGNMENT</p> <ul style="list-style-type: none"> - click on Judge/Trustee Assignment for screen display of judge, trustee, 341 meeting date, time and location. - print screen to paper or pdf to save for your records - step by step instructions - click on Search in the CM/ECF main menu bar and type "counseling" into the box to proceed to (5). 	<p>no document</p> <p>(see Notes at end of flow chart)</p>	<p>n/a</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(5a) Select CREDIT COUNSELING RECEIVED: CERTIFICATES SUBMITTED - If box #1 on Exhibit D is checked, this step docket the certificate of counseling.- see also 5a and 5b below.</p> <ul style="list-style-type: none"> - confirm case number - select Certificate of Credit Counseling - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - step by step instructions - click on Search in the CM/ECF main menu bar and type "social" into the box to proceed to (6). 	<p>Certificate of credit and budget counseling and debt repayment plan, if any</p> <p>If this is a joint case and both debtors have checked box #1 on Exhibit D, perform this step for each debtor.</p> <p>See also 5b, 5c or 5d below if box 2, 3, or 4 on Exhibit D is selected.</p> <p>(see Notes at end of flow chart)</p>	<p>certificate of counseling scanned and printed to / saved as pdf file</p>	<p>the certificate of counseling as a separate pdf file</p>
<p>(5b) Select CREDIT COUNSELING RECEIVED: NO CERTIFICATES- If box #2 on Exhibit D is checked, follow steps below to make an entry on the docket report to indicate that the certificate is not yet submitted and to set the 14 day deadline for submission of the certificate. If this is a joint case and both debtors have checked box #2, perform this step for each debtor.</p> <ul style="list-style-type: none"> - confirm case number - select Credit Counseling Received: No Certificates - select party (debtor) - confirm docket entry is correct - click on Next button to submit - print NEF to paper or pdf - step by step instructions - click on Search in the CM/ECF main menu bar and type "social" into the box to proceed to (6). 			

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<p>(5c) Select BANKRUPTCY, then select MOTIONS/APPLICATIONS - If box #3 on Exhibit D is checked, file the motion regarding exigent circumstances.</p> <ul style="list-style-type: none"> - confirm case number - select Determination re exigent circumstances Sec 109 (h)(3)(A)(motion) - select party (debtor) - browse to the motion pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on Next button to submit - print NEF to paper or pdf - step by step instructions - click on Search in the CM/ECF main menu bar and type "social" into the box to proceed to (6). 	<p>Motion for Determination that Debtor's Certification of Exigent Circumstances Which Warrant a Waiver of Requirement for Budget and Credit Counseling Prior to Filing Petition is Satisfactory</p> <p>Use NM Form 504 when 11 U. S. C. § 109 (h) (3) (A) applies</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 504 as pdf file</p>	<p>none</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(5d) Select BANKRUPTCY, then select MOTIONS/APPLICATIONS - If box #4 on Exhibit D is checked, file the motion regarding exemption from credit counseling requirement.</p> <ul style="list-style-type: none"> - confirm case number - select Determination re exemption per Sec 109 (h)(4) (motion) - select party (debtor) - browse to the motion pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on Next button to submit - print NEF to paper or pdf - step by step instructions - click on Search in the CM/ECF main menu bar and type "social" into the box to proceed to (6). 	<p>Motion for Determination that Debtor is Unable to Complete Requirements for Budget and Credit Counseling</p> <p>Use NM Form 505 when 11 U. S. C. § 109 (h) (4) applies</p> <p>(see Notes at end of flow chart)</p>	<p>NM Form 505 as pdf file</p>	<p>none</p>

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<p>(6) Select STATEMENT OF SOCIAL SECURITY NUMBER</p> <ul style="list-style-type: none"> - confirm case number - select Statement of Social Security Number - select party (debtor) - browse to the statement of ssn pdf file - preview the pdf file – <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on Next button to submit - print NEF to paper or pdf - step by step instructions - click on Search in the CM/ECF main menu bar and type "spouse" into the box to proceed to (7a or 7b) 	<p>Statement of Social Security number</p> <p>Use Form B21</p> <p>(see Notes at end of flow chart)</p>	<p>statement of social security number signed by debtor(s), scanned and printed to / saved as pdf file.</p>	<p>none</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(7a) Select Certification that Debtor has No Spouse</p> <ul style="list-style-type: none"> - confirm case number - select Certification that Debtor has No Spouse - select party (debtor) - browse to the stmt no spouse pdf file - preview the pdf file - <u>if this is correct file, upload it</u> - confirm docket entry is correct - click on Next button to submit - print NEF to paper or pdf - <u>step by step instructions</u> - click on Search in the CM/ECF main menu bar and type "disclosure of compensation" into the box to proceed to (8) 	<p>Certification that Debtor has no Spouse</p> <p>Use <u>NM LF Form 900</u>.</p> <p>See 7b below for disclosing non-filing spouse</p> <p>(see Notes at end of flow chart)</p>	<p><u>NM LF Form 900</u> signed by debtor, scanned and saved as / printed to pdf file.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(7b) Select BANKRUPTCY, then MISCELLANEOUS</p> <ul style="list-style-type: none"> - confirm case number - select Statement Disclosing Non-Filing Spouse - select party (debtor) - browse to the disclosure of non-filing spouse pdf file. - preview the pdf file - <u>if this is correct file, upload it</u> - search non-filing spouse ssn or name. - if name is in database, confirm correct address; if address <i>already in the database</i> is incorrect or if party in the database has no address, Create New Party. - at the Party Information screen, enter only first, middle, and last name, address PO or street, city, zip - select the ROLE Non-Filing Spouse (nfs:pty) - DO NOT ENTER ssn, phone number, email address or alias for the non-filing spouse. - select End Party Selection. - confirm docket entry is correct - click on Next button to submit - print NEF to paper or pdf - step by step instructions - click on Search in the CM/ECF main menu bar and type "disclosure of compensation" into the box to proceed to (8) 	<p>Statement Disclosing Non-Filing Spouse</p> <p>Use NM LF Form 901.</p> <p>(see Notes at end of flow chart)</p>	<p>NM LF Form 901 signed by debtor, scanned and saved as / printed to pdf file</p>	<p>none</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(8) Select DISCLOSURE OF COMPENSATION</p> <ul style="list-style-type: none"> - confirm case number - select Disclosure of Compensation - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - step by step instructions - click on Search in the CM/ECF main menu bar and type "compliance" into the box to proceed to (9). 	<p>Disclosure of Compensation of Attorney for Debtor</p> <p>Use Form B203</p> <p>(see Notes at end of flow chart)</p>	<p>the disclosure of compensation form saved as a pdf file.</p>	<p>n/a</p>
<p>(9) Select CERTIFICATE OF COMPLIANCE</p> <ul style="list-style-type: none"> - confirm case number - select Certificate of Compliance - select party (debtor) - at the screen prompt, "Comply with what?," enter "LR 1002-1(b) re sending non-filing spouse information to creditors" - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM/ECF main menu bar and type "balance" into the box to proceed to (10). 	<p>Certificate of Compliance with Local Rule 1002-1 (a)(2) Regarding Notice of Non-filing Spouse Information</p> <p>NM LF 900 or NM LF 901</p> <p>(see Notes at end of flow chart)</p>	<p>NM LF 900 or NM LF 901 saved as a pdf file</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(10) Select BALANCE SHEET FOR SMALL(CH 11 SMALL BUSINESS)- confirm case number</p> <ul style="list-style-type: none"> - select Balance Sheet (Ch 11Small Business) - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM/ECF main menu bar and type "flow" into the box to proceed to (11). 	<p>most recent balance sheet</p>	<p>balance sheet scanned and saved as a pdf file.</p>	<p>n/a</p>
<p>(11) Select CASH FLOW STATEMENT (CH 11 SMALL BUSINESS)</p> <ul style="list-style-type: none"> - confirm case number - select Cash Flow Statement (Ch 11 Small Business) - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM/ECF main menu bar and type "operations" into the box to proceed to (12). 	<p>cash flow statement</p>	<p>cash flow statement scanned and saved as a pdf file.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(12) Select STATEMENT OF OPERATIONS</p> <ul style="list-style-type: none"> - confirm case number - select Statement of Operations - select party (debtor) - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM/ECF main menu bar and type "tax documents" into the box to proceed to (13). 	<p>statement of operations</p>	<p>statement of operations scanned and saved as a pdf file.</p>	<p>n/a</p>
<p>(13) Select TAX DOCUMENTS (Chpt. 11 Small Bus. Only)</p> <ul style="list-style-type: none"> - confirm case number - select Tax Documents (Chpt. 11 Small Bus. Only) - select party (debtor) - upload pdf file - At the screen prompt, "Please Enter the Four Digit Tax Year for Which this Return Applies," type in year of return - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM/ECF main menu bar and type "statement" into the box to proceed to (14). 	<p>most recent federal income tax return</p> <p>NOTE: the "tax documents" is NOT a private event. This means that any PACER user will be able to view the image. Privatize the document prior to filing. To view the document, a person must file a motion with the Court for access to the document image.</p>	<p>balance sheet scanned and saved as a pdf file.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(14) Select STATEMENT PURSUANT TO SEC. 1116(1)(B) (CH 11 SMALL BUSINESS)</p> <ul style="list-style-type: none"> - confirm case number - select Statement Pursuant to Sec. 1116(1)(B) (Ch 11 Small Business) - select party (debtor) - upload pdf file - At the screen prompt, "Statement of?" type "Debtor that documents required by Section 1116 do not exist or have not been filed with the IRS;" - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Search in the CM/ECF main menu bar and type "employ" into the box to proceed to (15). 	<p>statement that no balance sheet, statement of operations, or cash-flow statement has been prepared, and no Federal tax return has been filed (11 USC §1116 (1)(B))</p>	<p>statement saved as a pdf file.</p>	<p>n/a</p>

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<p>(15) Select EMPLOY (MOTION) OR EMPLOY (CH 11 FIRST DAY MOTION) as appropriate</p> <ul style="list-style-type: none"> - confirm case number - select Employ (,motion) or Employ (Ch11 First Day Motion) - select party (debtor) - At the screen prompt, "Enter name of person to be employed?," type name of attorney, e.g., Perry Mason - At the screen prompt, "Enter type of position," type 'Attorney for Debtor(s)' - upload pdf file - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Bankruptcy in CM/ECF menu bar to proceed to (16). 	<p>Motion to Employ Attorney for Debtor</p> <p>Note: The affidavit in support of Motion to Employ should be attached to the Motion.</p>	<p>the motion to employ saved as a pdf file.</p> <p>affidavit signed, scanned, saved as pdf file. Note: the affidavit may be uploaded as an attachment to the motion.</p>	<p>n/a</p>

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Select Event from the Bankruptcy Menu	Description/Name of Document	File to upload	Attachment
<p>(16) Select DEADLINE TO FILE OBJECTIONS (NOTICE)</p> <ul style="list-style-type: none"> - confirm case number - select Deadline to File Objections (Notice) - upload pdf file - check the box “Refer to existing event?” - select category “Motion,” and click NEXT - check the box next to the Motion to Employ attorney for debtor - at the screen prompt, “Date Notice Served on,” type in the date served as xx/xx/xxxx - at the screen prompt, “Objection Due Date,” type in date objections are due as xx/xx/xxxx - confirm docket entry is correct - submit - print NEF to paper or pdf to save for your records - click on Bankruptcy in CM/ECF menu bar or log out of CM/ECF. 	<p>Notice of Deadline to File Objections to motion to employ</p>	<p>notice saved as pdf file</p>	<p>n/a</p>

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NOTES:

(1) Open Voluntary BK Case

- (a) Refer to the CM/ECF procedure “[Open a Bankruptcy Case](#)” for detailed instructions.
- (b) **Notice of Electronic Filing**: CM/ECF creates a Notice of Electronic Filing (NEF) at the end of each document filing process and automatically sends the NEF via e-mail to attorneys on the case who are registered ECF users at their e-mail address(es) entered in CM/ECF. The NEF includes the time and date of filing, the case number and the docket text for the petition docket entry. The NEF lists the names and e-mail addresses of attorneys to whom the e-mail was sent and, therefore, serves as the certificate of notice for attorneys who are registered ECF users. The NEF contains a hyperlink to the document pdf file. Viewing the document pdf file via this hyperlink constitutes the attorney’s free copy of the document.

The NEF also lists the names and mailing addresses of parties and attorneys on the case who are not registered users (and, therefore, would not receive notice via e-mail). E-filers are responsible for mailing paper copies of filed documents to the parties and attorneys who are not registered users, if entitled to notice, and for filing a certificate of service with the Clerk’s Office of having done so.

- (c) **The petition pdf file should include only the documents listed in the Description/Name of Document column for event (1). All other case initiation documents are filed separately as indicated in this flow chart.** Please note that although Exhibit D directs debtor to attach the certificate of credit counseling to it, these instructions do not require e-filers to include a copy of the certificate of credit counseling in the petition pdf file. Instead, e-filers should file the certificates separately as indicated in step (5a) using the docket event “Credit Counseling Received: Certificates Submitted” on the Miscellaneous menu. If debtor checked box #2 on Exhibit D, the certificate must be filed within 14 days of the filing of the petition, using the same event described in step (5b).
- (d) **Debtors must sign the signature page.** Use of s/debtor name typed on the line is not acceptable. [Form NM LF 902](#) is for a **complete** Chapter 7, 11, 12, or 13 cases. Once the form is signed, scan and save it as a pdf file.

(2) Upload Creditor Matrix

- (a) Be sure your file is saved as an ASCII DOS TEXT FILE
- (b) If you have problems with the creditor upload, call the CM/ECF help desk at 348-2500 (toll free 866-291-6805), option #3.

(3) Signature Page - [NM Form 901](#)

- (a) If you use an automatic upload program, set the program to docket the Signature Page as a separate document.
- (b) If you are manually opening the case, you may docket the Signature Page as detailed in step 3, or, you may file the Signature Page as an

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attachment to the voluntary petition.

(4) Judge/Trustee Assignment

- (a) Creditors must be uploaded before you can run the judge/trustee assignment. If there is an error, call the CM/ECF help desk at 348-2500 (toll free 866-291-6805), option #3.
- (b) Refer to the CM/ECF procedures "[Judge/Trustee Assignment](#)" for a list of creditor meeting locations by zip code, special considerations relating to meeting locations and scheduling.

(5a), (5b), (5c), (5d) Documents relating to requirement to complete credit counseling prior to filing

- (a) If box #1 on Exhibit D is checked, submit certificates as described in step (5a). **You do not need to submit NM Form 503.** If you submit the certificates for both debtors as one pdf file in a joint case, be sure to select both debtors as parties on the Select Party screen in CM/ECF so that both debtor names will appear in the docket entry.
- (b) If box #2 on Exhibit D is checked because debtor has completed budget and credit counseling but does not have certificates. Follow the instructions in step (5b). The docket entry you make here will set a 14 day deadline for the debtor to file the certificates. If you do not make the docket entry, you will receive a notice of error from the Clerk's Office. Follow the instructions in step (5a) to file the certificates within 14 days.
- (c) If box #3 is checked, use [NM Form 504](#) and follow the instructions in step (5c).
- (d) If box #4 is checked, use [NM Form 505](#) and follow the instructions in step (5d).

(6) Statement of Social Security Number(s)

- (a) Debtors must sign the Statement of Social Security Number. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

(7a) Certification that Debtor has No Spouse, pursuant to New Mexico Local Bankruptcy Rule 1002-1. New Mexico Local Rule 1002-1 requires an individual debtor in a non-joint case to disclose marital status, and if married, the name and address of the non-filing spouse at the time of filing the petition as well as all schedules and statements, even if they are filed after the petition. The following local form is provided to accommodate debtor's compliance with the local rules:

- (a) Use [NM LF Form 900](#) to declare debtor's marital status **when debtor is not married.**
- (b) Debtor signature is required on this form. Use of s/debtor name typed on the line is not acceptable. Once the form is signed, scan and save it as a pdf file.

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- (7b) **Statement Disclosing Non-Filing Spouse, pursuant to New Mexico Local Bankruptcy Rule 1002-1.** New Mexico Local Rule 1002-1 requires an individual debtor in a non-joint case to disclose marital status, and if married, the name and address of the non-filing spouse at the time of filing the petition as well as all schedules and statements, even if they are filed after the petition. The following local form is provided to accommodate debtor's compliance with the local rules:
- (a) Use [NM LF Form 901](#) when a debtor who has a non-filing spouse to file the petition as well as all schedules and statements filed after the petition.
 - (b) Debtor signature is required on this form. Use of s/debtor name typed on the line is not acceptable.
- (8) **Disclosure of Compensation of Attorney for Debtor**
- (a) Disclosure of compensation of attorney for debtor pursuant to 11 U. S. C. § 362(a) and Fed. R. Bankr. P. 2016(b) is required in all cases.
 - (b) Use procedural form B203.
 - (c) This form does not require the signature of the debtor(s).

Revision history: On July 28, 2008, the flowchart was changed to allow for the Affidavit in Support of the Motion to Employ to be submitted with the Motion to Employ - included in the motion pdf file or uploaded as an attachment to the motion.

November 30, 2009 - the flowchart was changed to conform to the new deadlines, to incorporate the search feature, and to provide instruction for the signature page as a separate document for use with the automated upload features on many bankruptcy software packages.

August 2, 2010 - the flowchart was changed to conform to the new local rules and to update local form numbers. ac

May 13, 2013 - complete review and overhaul including step by step instructions (hyperlinks to the Online Electronic Manual and forms), upgrade to CM/ECF version 5.1, and new form numbers - ac