

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:
Administration of
11 U.S.C. § 341(a) Meetings.

Misc. No. 11-001

STANDING ORDER RELATING TO 11 U.S.C. § 341(a) MEETINGS

This matter is before the Court in connection with establishing procedures for the fair and efficient administration of matters pending in the United States Bankruptcy Court for the District of New Mexico.

THE COURT FINDS AND CONCLUDES:

A. Bankruptcy Code § 341(a), 11 U.S.C. § 341(a), provides that “[w]ithin a reasonable time after the order for relief in a case under this title, the United States trustee shall convene and preside at a meeting of creditors.”

B. Rule 2003(a), Fed. R. Bankr. P., requires that, except as otherwise provided in 11 U.S.C. § 341(e), in a chapter 7 case and chapter 11 case the United States trustee shall call a meeting of creditors to be held no fewer than 21 and no more than 40 days after the order for relief; in a chapter 12 case no fewer than 21 and no more than 35 days after the order for relief; and in a chapter 13 case no fewer than 21 and no more than 50 days after the order for relief. Bankruptcy Rule 2003 further provides that if “the United States trustee designates a place for the meeting which is not regularly staffed by the United States trustee or an assistant who may preside at the meeting, the meeting may be held not more than 60 days after the order for relief.”

C. In the District of New Mexico, the United States trustee has designated four places for the meeting of creditors to be held pursuant to 11 U.S.C § 341(a) that are not regularly

staffed by the United States trustee or an assistant who may preside at the meeting. Those places are Farmington, Las Cruces, Roswell, and Santa Fe, New Mexico.

D. Accordingly, in those four places, pursuant to Rule 2003(a), Fed. R. Bankr. P., the meetings of creditors in chapter 7, chapter 11, chapter 12, and chapter 13 cases may be held not more than 60 days after the order for relief.

E. Rule 2002(a)(1), Fed. R. Bankr. P., provides that, with certain exceptions, the Clerk of Court, or some other person as the Court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of the meeting of creditors under § 341 or § 1104(b) of the Bankruptcy Code. Rule 9006(c)(1), Fed. R. Bankr. P., provides that the Court, for cause shown, may in its discretion, with or without motion or notice, order that the 21-day notice period be reduced.

F. New Mexico is the fifth largest state in the United States measured by square miles. There is only one district of the Bankruptcy Court in New Mexico, and there are no divisions within that district. Several chapter 7 trustees, chapter 12 trustees, the standing chapter 13 trustee, and staff attorneys or analysts employed by the United States trustee, must travel from Albuquerque, New Mexico or other cities in New Mexico to the four named meeting places.

G. Further, at the four named meeting places there are a limited number of days when any particular chapter 7 trustee or the chapter 13 trustee conducts meetings of creditors.

H. There are times when circumstances warrant shortening the 21-day notice period for meetings of creditors specified in Bankruptcy Rule 2002(a)(1). Those circumstances include, but are not limited to, shortening the notice period:

(1) To mitigate the hardship on trustees and employees of the United States trustee of traveling to the field sites for meetings of creditors when the number of meetings to be held on a particular date is low; and

(2) In cases in which service of the Notice of Commencement of Case is delayed for various reasons, to permit meetings of creditors to occur within the required time without terminating the appointment of a chapter 7 trustee and appointing a different trustee in his or her place.

I. It is appropriate, when such situations arise, for the Clerk of the Bankruptcy Court for the District of New Mexico (“Clerk”) to have the authority, on a case by case basis, to give fewer than 21-days’ notice of the meeting of creditors held pursuant to 11 U.S.C. § 342(a). The Court, therefore, for cause shown, will reduce the time for giving notice of meetings of creditors as set forth below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the minimum notice period is reduced from 21 days to 18 days for the Clerk to give notice of the meeting of creditors pursuant to Rule 2002(a)(1), Fed. R. Bankr. P., in those cases in which, in the reasonable discretion of the Clerk, it is necessary for the efficient administration of the case. The Clerk is directed to enter a text only entry on the docket in the case when the time is reduced from 21 days to 18 days.

IT IS FURTHER ORDERED that a notice of the meeting of creditors may be shortened to fewer than 18 days only by order of the Court entered in the case in which the notice is given.

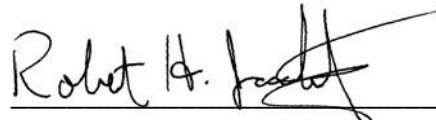
IT IS FURTHER ORDERED that the Standing Order for Extension of Time To Hold 11 U.S.C. § 341(a) Meetings filed on December 8, 1987 in Misc. No. 270a is hereby revoked and

superceded by this Standing Order Relating To 11 U.S.C. § 341(a) Meetings docketed on March 4, 2011 in Misc. No. 11-001.

BY THE COURT

Handwritten signature of James S. Starzynski in black ink, written over a horizontal line.

Honorable James S. Starzynski
Chief United States Bankruptcy Judge

Handwritten signature of Robert H. Jacobvitz in black ink, written over a horizontal line.

Honorable Robert H. Jacobvitz
United States Bankruptcy Judge

Date entered on docket: March 3, 2011