

ECFiler Update

April 2013

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Fee Schedule effective 5/1/2013 -- Attached

Bankruptcy Code Dollar Amount Adjustment Table -- Attached

Fee Schedule Changes

The Bankruptcy Court Fee Schedule will change on May 1, 2013. A copy of the Fee Schedule is attached.

Two changes have been made as directed by the United States Judicial Conference. A Twenty-five Dollar (\$25.00) fee will be assessed for transferring a claim. The fees for Reopening a Chapter 9 or 15 case were increased to \$1,167.00.

Automatic Adjustment in Certain Dollar Amounts in the Bankruptcy Code

On April 1, 2013, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision in Title 28 of the United States Code became effective. The amended dollar amounts will apply to cases filed on or after April 1, 2013.

In the Bankruptcy Reform Act of 1994, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and Pub. L. No. 110-406 (2008), Congress provided for the automatic adjustment of these dollar amounts at three-year intervals. The relevant provisions are codified in 11 U.S.C. § 104(a). The amended dollar amounts will affect, among other matters:

- the eligibility of a debtor to file under Chapters 12 and 13 of the Bankruptcy Code
- certain maximum values of property that a debtor may claim as exempt
- the maximum amount of certain claims entitled to priority
- the calculation of the means test for Chapter 7 debtors
- the duration of a Chapter 13 plan
- the definition of a small business debtor
- the minimum aggregate value of claims needed to commence an involuntary bankruptcy
- the value of "luxury goods and services" deemed to be nondischargeable
- where the trustee may commence certain proceedings to recover a money judgment or property

Seven of the Official Bankruptcy Forms and two of the Director's Forms contain references to several of the affected dollar amounts. These forms will be amended April 1, 2013, and will apply to cases filed on or after that date. The revised forms incorporating the changes will be posted on the bankruptcy forms pending amendment page of the Judiciary's website at http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx. The forms are:

- Official Form 1, Voluntary Petition
- Official Form 6C, Schedule of Property Claimed as Exempt
- Official Form 6E, Schedule of Creditors Holding Claims Entitled to Priority
- Official Form 7, Statement of Financial Affairs
- Official Form 10, Proof of Claim
- Official Form 22A, Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
- Official Form 22C, Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13)
- Director's Form 200, Required Lists, Schedules, Statements and Fees
- Director's Form 283, Chapter 13 Debtor's Certifications Regarding Domestic

Support Obligations and Section 522(q)

A table reflecting the updated dollar amounts is attached.

Please ensure that any software you use to prepare bankruptcy filings has been updated to reflect these changes.

Census Bureau Median Family Income Figures

The U.S. Trustee Program has announced that adjusted Census Bureau State Median Family Income figures were posted on the U.S. Trustee program website on March 15, 2013. The new figures are applied to petitions filed after April 1, 2013.

Links on the Court's local website have been directed to the new figures.

Lost CM/ECF Features

Some attorneys have recently reported the loss of the CM/ECF Toolbar when logging into CM/ECF. The toolbar went missing after updating Windows Internet Explorer.

The problem is corrected when using IE Compatibility View. According to Microsoft:

This can be caused by a compatibility problem between your version of Internet Explorer and the site you're on. When Internet Explorer senses a compatibility issue you'll see the Compatibility View button on the Address bar. To turn Compatibility View on, click the **Compatibility View** button to the make the icon change from a gray outline to a solid blue color.

Once you turn on Compatibility View, Internet Explorer will automatically show that site in Compatibility View each time you visit. You can turn Compatibility View off by tapping or clicking the button again, so the icon changes from a solid blue to a gray outline.

Taken from http://windows.microsoft.com/en-us/internet-explorer/use-compatibility-view#ie=ie-10-win-7 on 4/12/2013.

Certificates of Service

Revised Local Rule 2002-1 F requires that Certificates of Service include the docket entry number of the document served.

The Court Clerk's Office has sent courtesy emails to attorneys who failed to include the docket entry in their certificates of service. Corrective entries will be docketed in the future.

Corrective entries will be docketed for failure to file a mailing matrix if the certificate of service states that service was made to the matrix.

Motions and Applications for Ex Parte Orders

Local Rule 9013-1 L 5 requires that a request for relief presented ex parte must be based upon an affidavit. The provision states:

5. Ex Parte Orders. In each case of a request for relief presented ex parte, no order shall be entered unless it is based upon an affidavit. The affidavit shall show cause for the ex parte action requested and for the specific relief requested and shall state whether the party has made a previous ex parte request for relief in the case. In addition, the person seeking the relief must certify that the opposing party either consents, objects, or despite diligent efforts made in good faith, specifying such efforts, neither counsel for the party against whom the relief is requested, nor the party, in the event such party is not represented by counsel of record, could be contacted and advised that the relief would be sought. The movant must state the applicable statute, rule or other authority authorizing the ex parte relief requested.

When filing a request for relief ex parte, including an application to redact personally identifiable information, the request for relief must be based upon an affidavit.

✓ Summons Executed CM/ECF Event

The Court staff consistently finds that the wrong event is used to file a return of summons in an adversary proceeding.

Please use Adversary Events > Complaint & Summons > Summons Service Executed (or Unexecuted). Do not use the Certificate of Service or Affidavit of Service events to file a return of summons.

Remember to use the Search feature on the CM/ECF tool bar when attempting to locate filing events or call the CM/ECF Help Line at (405) 609-5719.

Order Margins

The Local Rules effective 1/1/2013 contain an error. Local Form 9 requires that orders contain a 3 inch margin at the top for signature by the judge. This message should require a 4 inch margin.

Certificate of Credit Counseling/Exhibit D Joint Filings

A Certificate of Credit Counseling and an Exhibit D can be filed correctly together by accessing the Bankruptcy > Other events. Select Certificate of Credit Counseling. Depress the Control (Ctrl) key on your keyboard and select Exhibit D. Both events are added to the Selected Events category.

These steps need not be followed when using case upload at case opening.

To avoid corrective entries, please ensure that the course was completed as required by the Western District of Oklahoma.

Attorney Signature Blocks

Ensure that your signature blocks conform to Local Rule 9004-1 D by including your full name, state bar number, address, email address, telephone number, facsimile number (if applicable), and name of party or parties represented.

New CM/ECF Events

The following new events have been added to CM/ECF:

Application for Approval to Appoint Examiner/Trustee Motion to Hold in Abeyance Motion to Appoint an Examiner (Chapter 11) Notice of Proposed Distribution of Funds (Chapter 11) Chapter 11 First Day Motions Motion for Joint Administration (Chapter 11)

Amended Chapter 12 or 13 Plans

Pursuant to Local Rule 3015-1 A, a certificate of service must be filed with an Amended Chapter 12 or 13 Plan:

RULE 3015-1 FILING, OBJECTION TO CONFIRMATION, AND MODIFICATION OF A PLAN IN CHAPTER 12 OR CHAPTER 13

A. Service of Plan. To be served by the Court, a chapter 12 or chapter 13 plan must be filed with the petition. If a plan is not filed contemporaneously with the petition, the filing attorney shall serve the plan on all creditors and parties in interest and shall file a certificate of service complying with Local Rule 9009-1.D. See Local Rule 2002-1.B and C.