

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF DEFICIENT
CASES TENDERED FOR FILING

GENERAL PROCEDURE ORDER NUMBER 2002-4

THIS MATTER arises *sua sponte* upon the need to improve the commencement and administration of new cases tendered for filing, to establish additional procedures for ensuring compliance with Title 11, United States Code, the Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules, and to discourage the commencement of bankruptcy cases that are deficient and defective as to substantive requirements established therein.

WHEREAS 11 U.S.C. 521(1) requires that the debtor “shall file a list of creditors, and unless the court orders otherwise, a schedule of assets and liabilities . . . and a statement of the debtor’s financial affairs”; and

WHEREAS Fed.R.Bankr.P. 1007(a)(1) requires that in a voluntary case, the debtor “shall file with the petition a list containing the name and address of each creditor unless the petition is accompanied by a schedule of liabilities”; and

WHEREAS Fed.R.Bankr.P. 1007(c) requires that “the schedules and statements, other than the statement of intention, shall be filed with the petition in a voluntary case, or if the petition is accompanied by a list of all the debtor’s creditors and their addresses, within 15 days thereafter”; and

WHEREAS Local Bankruptcy Rule 102(b) and the Instructions Regarding Creditors Matrix (Mailing Matrix) attached thereto and referenced therein, as amended by General Procedure Order No. 2001-7 entered by the Court on August 1, 2001, requires that the list of the names and addresses of the creditors required by 11 U.S.C. 521(1) be saved in the format of a ASCII Dis Text file type and filed with the Court on a 3 ½" diskette in lieu of printed paper; and

WHEREAS failure by the Debtor to file these statements, schedules and mailing matrix via diskette violates the requirements of Title 11, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and impedes the ability of the Clerk to file and timely administer the case in accordance with Rules 2002(a)(1) and 2003, Federal Rules of Bankruptcy Procedure; it is therefore

ORDERED that upon receipt of a voluntary petition tendered for filing under Title 11 that is not accompanied by either (1) the statement of financial affairs and schedules or (2) the list of names and addresses of creditors in a properly formatted and readable mailing matrix diskette pursuant to 11 U.S.C. 521(1) and Fed.R.Bankr.P. 1007(a)(1), the Clerk shall

(1) not accept the petition for filing, and

(2) forthwith return said petition to the petitioner or attorney appearing on behalf of the petitioner with a notice setting forth the reasons why the petition was not accepted for filing; and it is

FURTHER ORDERED that this Order shall become effective June 17, 2002.

Dated: May 13, 2002.

BY THE COURT:

Donald E. Cordova, Chief Judge

Sidney B. Brooks, Judge

A. Bruce Campbell, Judge

Elizabeth E. Brown, Judge