

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

**STANDING ORDERS REGARDING IMPLEMENTATION OF THE BANKRUPTCY
ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005 (BAPCPA),
AMENDED**

Filing of Payment Advices Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that copies of all payment advices or other evidence of payment received by the debtor within 60 days before the date of the filing of the petition from any employer of the debtor, (1) shall not be filed with the court unless otherwise ordered, and (2) shall be provided to the trustee at least seven days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. At the time of transmittal to the trustee, the attorney for the debtor shall enter an event on the docket indicating that the payment advices have been transmitted. *Pro se* debtors and non-electronic filers shall file a written certification that the payment advices have been transmitted to the trustee.

Chapter 13 Pre-confirmation Adequate Protection Payments

It is hereby ORDERED, effective as to all Chapter 13 cases filed on or after October 17, 2005, as follows:

- (1) Payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) shall be made directly by the debtor to the lessor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the lessor, both before and after confirmation. The trustee shall be authorized and entitled to receive the usual commission on these payments.
- (2) Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(c) shall be made directly by the debtor to the secured creditor if the debtor's plan so provides or if no plan provision addresses payment of the secured claim. If the plan provides for payment of the secured claim by the trustee, the debtor shall make all payments, including adequate protection payments, to the trustee, and the trustee shall pay the amounts provided by the plan to the secured creditor, both before and after confirmation. The trustee shall be authorized and entitled to receive the usual commission on these payments.

**Implementation of Notice of Preferred Addresses Under 11 U.S.C. § 342 (e) and (f)
And National Creditor Register Service**

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

- (1) An entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. Such address/es is/are conclusively presumed to be proper for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.
- (2) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342 (f) by a creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such a notice with the Court.
- (3) Registration with the National Creditor Registration Service must be accomplished through the agency that provides noticing services for the Bankruptcy Court. Forms and registration information is available at www.ncrsuscourts.com
- (4) A local form for use by creditors in filing notice of preferred address under 11 U.S.C. § 342 (e) is available on the Court's website at www.meb.uscourts.gov

Tax Information Required to Be Provided under 11 U.S.C. § 521

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

- (1) All tax information provided in accordance with 11 U.S.C. § 521 shall be redacted as follows:
 - **Social Security numbers.** If an individual's social security number is included, only the last four digits of that number should appear;
 - **Names of minor children.** If a minor child(ren) is/are identified by name, only the child(ren)'s initials should appear;
 - **Dates of birth.** If an individual's date of birth is included, only the year should appear; and
 - **Financial account numbers.** If financial account numbers are provided, only

the last four digits of these numbers should appear.

- (2) To gain access to a debtor's tax information under 11 U.S.C. § 521(f), the United States Trustee, trustee, or party in interest, including a creditor, must:
 - (A) file a written request that a debtor file copies of tax returns with the Court pursuant to 11 U.S.C. § 521(f), which must be served on the debtor and debtor's counsel, if any;
 - (B) file a motion with the Court, which should include:
 - a description of the movant's status in the case, to allow the Court to ascertain whether the movant may properly be given access to the requested tax information;
 - a description of the specific tax information sought;
 - a statement indicating that the information cannot be obtained by the movant from any other sources; and
 - a statement showing a demonstrated need for the tax information.

Filing of Official Bankruptcy Form 22 Upon Conversion of Case

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

In cases of individual debtors converted to chapters 11 or 13, the debtor shall file Official Bankruptcy Form 22 (applicable for the chapter converted to) within 15 days of the date of the order converting the case. In cases converted to chapter 7 from chapters 11, 12 or 13, unless otherwise ordered by the court, the debtor shall file the Official Bankruptcy Form 22A, "Statement of Current Monthly Income and Means Test Calculation for Use in Chapter 7."

Expenses Under the Family Violence Prevention and Services Act or Other Applicable Federal Law Declared on the Statement of Current Monthly Income

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

No documentation substantiating expenses for protection against family violence declared on the Statement of Current Monthly Income shall be accepted by the Court absent a Court Order requiring them to be filed. Any such documentation ordered to be filed shall be filed under seal, according to the standard procedures of this Court.

Reaffirmation Agreements

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

Form B240 of the Revised Director's Procedural Forms Implementing the BAPCPA is hereby adopted for filing in the District of Maine. No Reaffirmation Agreement will be effective unless it is filed on the Form B240. The form is available at www.uscourts.gov/rules/revised_forms.html

Debtors Asserting an Exception to the Limitation of the Automatic Stay Under § 362(l) and Procedure for Receiving Rent Deposits

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

Any deposit of rent made by or on behalf of a debtor pursuant to § 362(l)(1)(B) must be in the form of a certified check or money order payable to the order of the lessor, and delivered to the Clerk of Court upon filing of the petition and the Certification made under § 362(l)(1)(A), and

The debtor must file a copy of the Judgment of Eviction together with the petition, and

Upon the Clerk's receipt of a certified check or money order payable to the order of the lessor, with a copy of the Judgment of Eviction, tendered by a Debtor pursuant to § 362(l)(1), the Clerk is directed to promptly transmit the certified check or money order to the Lessor by mail to the address listed in the petition and to record information from the check and notice of its transmittal to the lessor on the docket.

Certification Regarding Domestic Support Obligations or Lack Thereof

It is hereby ORDERED, effective as to cases filed on or after October 17, 2005, that

Pursuant to § 1328 (a), this Court shall not grant a discharge to a debtor under Chapter 13 who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation unless such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid. The debtor shall serve a copy of the certification upon any domestic support obligee, and file a certificate of service with the Court indicating that the debtor has made service of the certification upon the domestic support obligee.

A debtor under Chapter 13 who is not under a requirement to pay a domestic support

obligation must certify to the absence of such requirement.

The certification shall be submitted on the following form, which is available on the Court's website as a fillable .pdf:

**UNITED STATES BANKRUPTCY COURT
District of Maine**

IN RE :

Case No.

Date:

Chapter 13

Certification Regarding Domestic Support Obligations or Lack Thereof

I, _____, having made the final payment
Debtor Name (enter full name)

under my Chapter 13 Plan on _____, do hereby certify that:
(Date)

- I am not required by a judicial or administrative order to pay a domestic support obligation; *or*
- I am required by a judicial or administrative order to pay a domestic support obligation and all amounts payable under such order or such statute that were due on or before this date (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid.

I declare under penalty of perjury that the foregoing is true and correct

Signature of Debtor

Date

Penalty for making a false statement:

Fine up to \$250,000 or imprisonment for up to 5 year, or both. 18 U.S.C. §152 and §3571

/s/ Louis H. Kornreich

LOUIS H. KORNREICH
Chief U.S. Bankruptcy Judge

December 22, 2005

Date

/s/ James B. Haines, Jr.

JAMES B. HAINES, JR.
U.S. Bankruptcy Judge

December 22, 2005

Date