

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re: COURT ADMINISTRATIVE MATTERS:  
Proposed New Rules and Amendments to New Mexico  
Local Bankruptcy Rules

Misc. No. 18-001

**NOTICE OF PROPOSED AMENDMENTS  
TO NEW MEXICO LOCAL BANKRUPTCY RULES**

Pursuant to 28 U.S.C. § 2071, Fed.R.Civ.P. 83, Fed.R.Bankr.P. 9029, and Administrative Order No. 84-0324 of the United States District Court for the District of New Mexico authorizing the Bankruptcy Court to make local rules governing practice and procedure in bankruptcy cases and adversary proceedings in this district, the United States Bankruptcy Court for the District of New Mexico hereby gives notice of the following proposed new rules and amendments to the New Mexico Local Bankruptcy Rules:

1. 1009-1 Amendments to Schedules – added a new subsection c) to require debtors to file an amendment to the mailing list to add creditors or other parties in interest if the schedules are not filed with the petition and the original mailing list does not include all of the creditors listed in the schedules; revised subsection (d) to coordinate with the requirements of new subsection (c).
2. 3015-2(c) Extension of Deadline to Object to the Plan – Trustees Only – revised subsection (c) to clarify the extended deadline for the Chapter 13 trustee to object to confirmation.
3. 3015-2(d) Motions and Service of Motions in Chapter 13 Plan – revised to require that all preconfirmation motions be included in the plan, unless ordered otherwise based on good cause
4. 3015-2(f) Requirements for Confirmation – deleted last two sentences regarding certification of compliance with Code § 1325(a)(8) and (9) as unnecessary.
5. 4002-3 Certificate and Post-Petition Tax Returns in Chapter 13 Cases – deleted rule as no longer necessary.
6. 5005-2 Electronic Filing – deleted subsections (a) and (d) as unnecessary and revised subsection (f) due to the December 1 changes to Fed. R. Bankr. P. 5005, which makes electronic filing mandatory for attorneys unless the court allows non-electronic filing for good cause.
7. 5073-1 Photography Recording Devices and Broadcasting – re-named rule as “Cell Phones, Cameras, and Recording Devices”; adopts the corresponding

United States District Court Rule because the Bankruptcy Court is now located in the District Courthouse.

8. 7007-2 Sur-replies – new rule prohibiting the filing of sur-replies without prior court permission.

The amendments to NM LBR 1009-1 address the discrepancy that arises when debtors do not file their schedules and statement of financial affairs with the petition and the mailing list filed with the petition does not include all of the creditors and parties in interest listed in the schedules and statement of financial affairs. The amendment to NM LBR 3015-2(c) fixes a firm date for the Chapter 13 trustee's extended deadline to object to confirmation. The Court's move to the Pete V. Domenici United States Courthouse necessitated the change to NM LBR 5073-1 so that the Bankruptcy Court's rules regarding the use of cell phones and cameras in the courthouse are consistent with rules of the United States District Court. New LBR 7007-2 parallels a similar United States District Court local rule and is intended to be consistent with current practice before the Bankruptcy Court.

A redlined copy of the proposed additional amendments to the New Mexico Local Bankruptcy Rules and the proposed new rules is available at the Office of the Clerk of the United States Bankruptcy Court and posted on the Bankruptcy Court's website: [www.nmb.uscourts.gov](http://www.nmb.uscourts.gov).

Pursuant to 28 U.S.C. § 2071(b), the United States Bankruptcy Court for the District of New Mexico invites public comment on the proposed amendments and new rules outlined above. All comments will remain anonymous to the judges and chambers staff. Comments can be made by email to [web\\_ntp@nmb.uscourts.gov](mailto:web_ntp@nmb.uscourts.gov). Or, written comments may be sent by mail to Lana Merewether, Clerk, United States Bankruptcy Court, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 360, Albuquerque, NM 87102.

The deadline for submitting comments is **January 31, 2019**.

Dated: December 20, 2018