

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**IMPORTANT NOTICE TO THE BAR AND PUBLIC
CONCERNING COURT ISSUANCE OF ORDERS TO SHOW CAUSE**

To streamline the processing of cases, the Board of Judges for the Bankruptcy Court for the District of New Jersey has approved the issuance of Orders to Show Cause in the following instances:

- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Comply with D.N.J. LBR 1006-1, Payment of Filing Fees in Installments,
- Order to Show Cause Why Case Should Not be Converted or Dismissed Due to Debtor's Ineligibility to be a Debtor under Chapter 13 of the Bankruptcy Code,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Meet Credit Counseling Requirements,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Make Installment Payment(s) or Pay Miscellaneous Filing Fees (formerly Notice of Hearing for Failure to Pay Filing Fee),
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to File Documents (formerly Notice of Missing Documents and Notice of Dismissal if Documents are Not Timely Filed),
- Order to Show Cause Why Case Should Not be Dismissed for Corporate Debtor's Failure to Obtain Counsel.

This new process is effective October 1, 2017. Each Order to Show Cause can be resolved by complying with the underlying requirements. Debtors who file written objections to an Order to Show Cause or request a hearing must appear at the date and time indicated.

A sample of each *Order to Show Cause* is attached.

Date: September 15, 2017

Jeanne A. Naughton, Clerk

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Judge: _____

Chapter: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO COMPLY WITH
D.N.J. LBR 1006-1, PAYMENT OF FILING FEES IN INSTALLMENTS**

The court having noted that the debtor filed a petition on _____, and has failed to comply with the Court's local rule, D.N.J. LBR 1006-1, Payment of filing Fees in Installments as noted below:

- Debtor has not paid the filing fee in the amount of _____ in full at the time of the filing of the petition.
- Debtor has not submitted an Application for Individuals to Pay the filing Fee in Installments.
- Debtor has submitted an Application for Individuals to Pay the filing Fee in Installments, but has not paid with the petition the first installment payment in an amount equal to at least 25% of the filing fee.

It is hereby

ORDERED that the following document and/or fee must be submitted to the clerk on or before _____ or the case will be dismissed,

- Filing in the amount of \$_____.
- Application for Individuals to Pay the Filing Fee in Installments.
- Initial installment payment in the amount of \$_____.
- Balance of initial installment payment in the amount of \$_____.

If you object to dismissal you may file a written objection or request for a hearing with the Clerk of the Bankruptcy Court at the address above. The objection or request must be received by the Clerk no later than _____.

If an objection or request for a hearing is filed, you or your attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Judge: _____

Chapter: 13

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE CONVERTED
OR DISMISSED DUE TO DEBTOR'S INELIGIBILITY TO BE A
DEBTOR UNDER CHAPTER 13 OF THE BANKRUPTCY CODE**

The Court having noted that the debtor is a corporation, or other form of legal entity, and that it has filed a petition under Chapter 13 of the Bankruptcy Code, and that the debtor is ineligible to be a debtor under Chapter 13, it is hereby

ORDERED that the debtor must file with the Clerk the documents necessary to convert this case to chapter 7 or 11 by _____ or the case will be dismissed.

If you object to conversion or dismissal you may file a written objection or request for a hearing with the Clerk of the Bankruptcy Court at the address above. The objection or request must be received by the Clerk no later than _____.

If an objection or request for hearing is filed, you or your attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Judge: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED FOR DEBTOR'S FAILURE TO
MEET CREDIT COUNSELING REQUIREMENTS**

The Court having noted the debtor(s)'s failure to comply with the credit counseling requirements of the Bankruptcy Code as indicated below,

- The debtor joint debtor did not file a Certificate of Credit Counseling with the petition and has not requested an exemption from the credit counseling requirement and has not filed a request for a temporary waiver of the credit counseling requirement,
- The debtor joint debtor filed a Certificate of Credit Counseling after filing the petition that indicates that the debtor(s) participated in credit counseling after filing their petition, and has not filed a request for a temporary waiver of, or exemption from the credit counseling requirement,
- The debtor joint debtor filed a Certificate of Credit Counseling indicating that the debtor(s) participated in credit counseling more than 180 before the filing of the petition.

It is hereby

ORDERED that the debtor joint debtor shall file with the Clerk at the address above, a Certificate of Credit Counseling indicating that they participated in a credit counseling briefing within the 180 days prior to the filing of their petition by _____ or the case will be dismissed.

If you object to dismissal you may file a written objection or request for a hearing with the Clerk of the Bankruptcy Court at the address above. The objection or request must be received by the Clerk no later than _____.

If an objection or request for a hearing is filed, you or your attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

Dated: _____

United States Bankruptcy Judge

rev.9/1/17

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Judge: _____

Chapter: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR DEBTOR'S FAILURE TO MAKE INSTALLMENT
PAYMENT(S) OR PAY MISCELLANEOUS FILING FEES**

The Court having noted that:

An order directing the payment of filing fees in installments was entered in the above case, and that the payment due on _____ in the amount of \$ _____ has not been received by the Clerk,

The debtor filed a _____ on _____ that requires the payment of a fee in the amount of \$ _____, and that the fee has not been received by the Clerk,

It is hereby

ORDERED that the fee in the amount indicated above must be received by the Clerk on or before _____ or your case will be dismissed. If you object to dismissal you may file a written objection or request for a hearing with the Clerk of the Bankruptcy Court at the address above. The objection or request must be received by the Clerk no later than

_____.

If an objection or request for a hearing is filed, you or your attorney must appear at a hearing that will be held before the Honorable _____ on:

Date:

Time:

Location:

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Judge: _____

Chapter: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR DEBTOR'S FAILURE TO FILE DOCUMENTS**

The Court having noted that the debtor filed a petition on _____ and did not file the following documents:

The court having noted that the debtor's case was converted to Chapter 13 on _____, and that the Court's local form, *Chapter 13 Plan and Motions* has not been filed,

It is hereby

ORDERED that the above document(s) must be received by the Clerk on or before _____ or the case will be dismissed.

If you object to dismissal you may file an *Application to Extend Time to File Missing Documents* or a written request for a hearing with the Clerk of the Bankruptcy Court at the address above. The *Application* or request must be received by the Clerk no later than _____.

If an *Application to Extend Time to File Missing Documents* is filed, the Court will either grant or deny your request and enter an order.

If you file a written request for a hearing, you or your attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Chapter: _____

Judge: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED FOR CORPORATE
DEBTOR'S FAILURE TO OBTAIN COUNSEL**

The Court having noted that the debtor is a corporation or other form of separate legal entity and is not represented by an attorney, it is hereby

ORDERED that the Debtor must file with the Clerk proof that they have retained counsel, including any application and/or disclosures required in connection with the retention of such counsel, by _____ or the case will be dismissed.

If you object to dismissal you may file a written objection or request for a hearing with the Clerk of the Bankruptcy Court at the address above. The objection or request must be received by the Clerk no later than _____.

If an objection or request for hearing is filed, you or your attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

Dated: _____

United States Bankruptcy Judge