

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

Processing Bankruptcy Cases in District Court (Domestic Matter, Civil and Probate Cases) **Standard Operating Procedure**

Version 1.0

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Bankruptcy Procedures for District Court

COURT / DEPARTMENT / DIVISION

This procedure is to be used by District Court staff.

PURPOSE

This procedure is to be used by District Courts when one of three documents is filed:

1. Notice of Bankruptcy
2. Notice of Dismissal of Bankruptcy
3. Notice of Discharge from Bankruptcy

INTRODUCTION

This process begins with an evaluation of the case to determine if it is a Complex or Simple case. This will determine how to proceed with the docketing of the Bankruptcy pleadings. If you are unsure whether a case is Complex or Simple, consult your supervisor. There are two separate procedures in this SOP. Follow the steps for the appropriate category once the initial determination is made.

Complex cases

These cases shall remain open. Complex cases meet one of the following conditions:

- Multiple claims such as Counter Claims, Cross Claims, or Third Party Claims
- Multiple Parties that are not related
- Multiple Parties including businesses or government agencies
- Multiple heirs in a Probate case
- *In Rem* Foreclosure cases
- Domestic Matter cases such as Dissolution, Dissolution with Child(ren), Parentage and Child Support

Codes used for Complex Cases are:

Codes	Description	Case Status Changes to:	Type of Case
8863	Ntc: Notice of Bankruptcy	No change in Case Status; Flags Case	CV, PB, DM
8341	ORD: Bankruptcy Stay Lifted	No change in Case Status; Removes Flag	CV, PB, DM
8340	ORD: Discharge of Bankruptcy	No Change in Case Status; Removes Flag	CV, PB, DM

Simple cases

These cases shall be closed. Simple cases meet one of the following conditions:

- One Plaintiff, One Defendant
- One Plaintiff, Two Defendants (spouses)
- *In Personam* Foreclosure case that is only against a husband and wife
 - If a Counter Claim or Cross Claim are filed in this case, it is a Simple case
- Foreclosure cases that do not distinguish between In Rem or In Personam
 - If there are multiple parties, businesses or government entities, refer back to the instructions for Complex cases

Simple cases can be Reopened if the Bankruptcy Court lifts or dismisses the stay. There is no Reopen fee due if it is done on Bankruptcy Order.

Codes used for Simple cases are:

Codes	Description	Case Status Changes to:	Type of Case
3502	CLS: Notice of Bankruptcy	Final Closed	CV, PB
8340	ORD: Discharge of Bankruptcy	No Change in Case Status	CV, PB, DM
2520	RPN: Bankruptcy Stay Lifted	Reopened; no fee due	CV, PB

Tracking of Domestic Matter cases

Judges can utilize a standard Event Listing Report to track their family cases that have had a Notice of Bankruptcy filed in the case, if they choose to. The judge can customize the time period, for example, if a Judge wants to review them every 60 days. This report can be set up to run automatically. This report can also be emailed automatically to specific individuals (for example to both a Judge and a TCAA). Refer to the SOP for Event Listing Reports.

*Note:

This SOP for Bankruptcy cases is written for manual docketing. Since District Court Domestic Matter, Civil and Probate cases are primarily e-filed, adjust the following procedures for verification and proper usage of docket codes. Docketing will automatically be accomplished through the e-filing process.

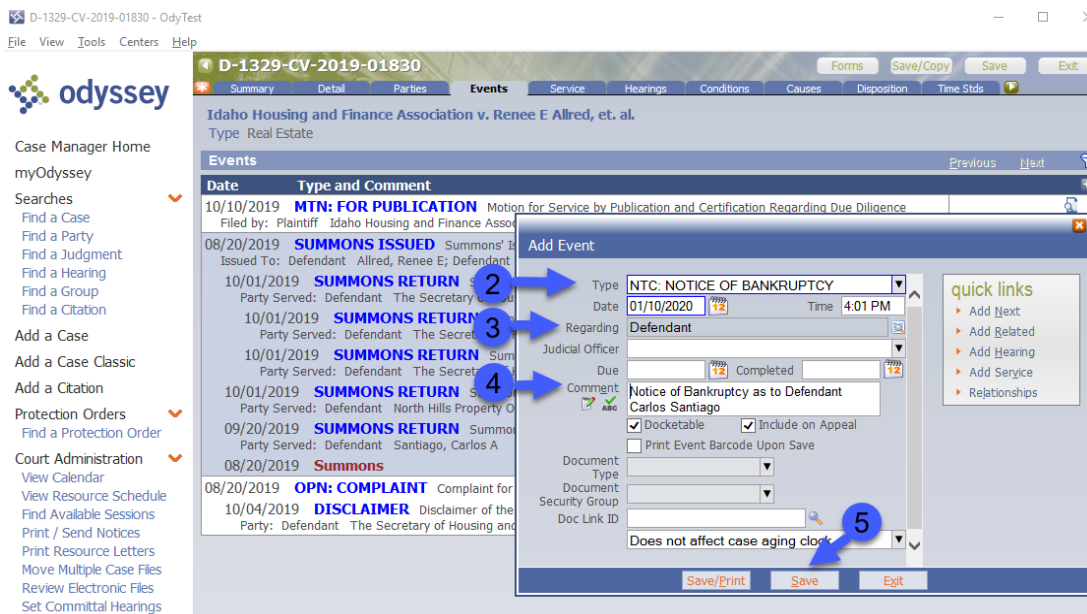
This SOP also includes reopening and closing procedures that require manual entry even if pleadings have been e-filed.

STEPS FOR A COMPLEX CASE

1. Once you receive the **Notice of Bankruptcy**, begin in the Events Tab with the docket entry. Click on the plus sign to add the docket entry.



2. Docket the Notice of Bankruptcy using the code 8863: Ntc: Bankruptcy. This code will not change the case status and the case may proceed.
3. Enter the party name that the Bankruptcy Notice has been filed on behalf of.
4. Follow local business practices for completing the docket entry.
5. Save.



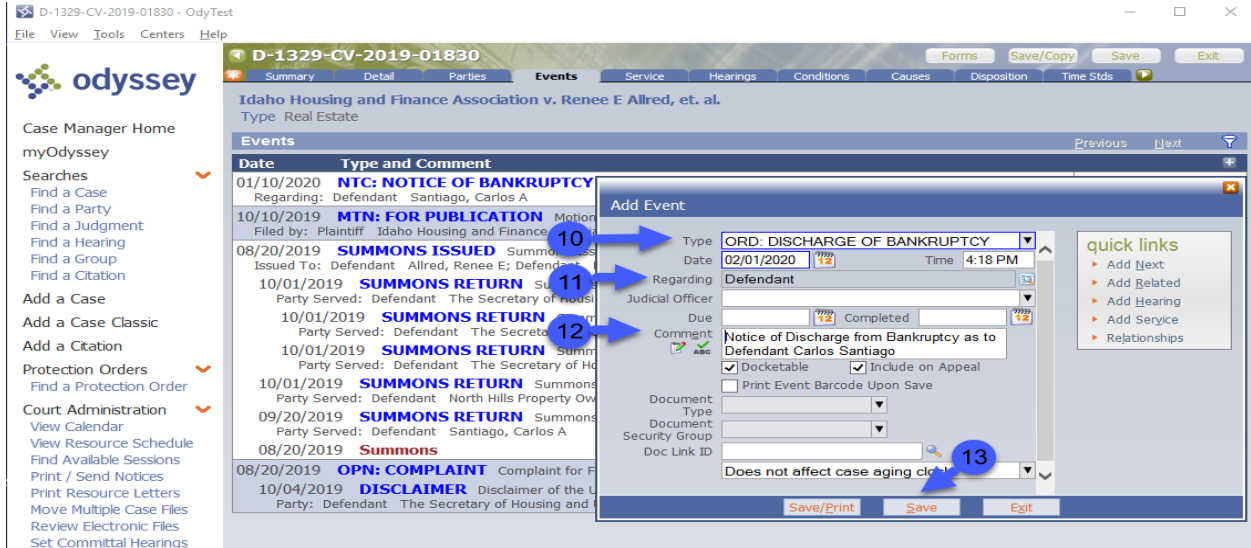
6. If a **Notice of Dismissal of Bankruptcy** is filed, docket using the code 8341 ORD: Bankruptcy Stay Lifted. This will not change the case status and the case may proceed.
7. Enter the party name that the Notice of Dismissal of Bankruptcy is regarding.
8. Follow local business practices to complete the docket entry.
9. Save.

The screenshot displays the Odyssey Case Manager interface for case D-1329-CV-2019-01830. The main window shows the 'Events' tab with a list of events. A pop-up 'Add Event' form is open, showing the following details:

- Type:** ORD: BANKRUPTCY STAY LIFTED
- Date:** 01/11/2020
- Time:** 9:22 AM
- Regarding:** Defendant
- Comment:** Notice of Bankruptcy Stay Lifted as to Defendant Carlos Santiago
- Starts case aging clock:** (checkbox)

Blue arrows and numbers 6, 7, 8, and 9 point to the 'Type', 'Regarding', 'Comment', and 'Starts case aging clock' fields respectively. The interface also includes a sidebar with navigation options and a top menu bar with 'Forms', 'Save/Copy', 'Save', and 'Exit' buttons.

10. If a **Notice of Discharge from Bankruptcy** is filed, docket using the code 8340: ORD: Discharge of Bankruptcy. This will not change the case status and the case may proceed.
11. Enter the party name that the Notice of Discharge is regarding.
12. Follow local business practices to complete the docket entry.
13. Save.

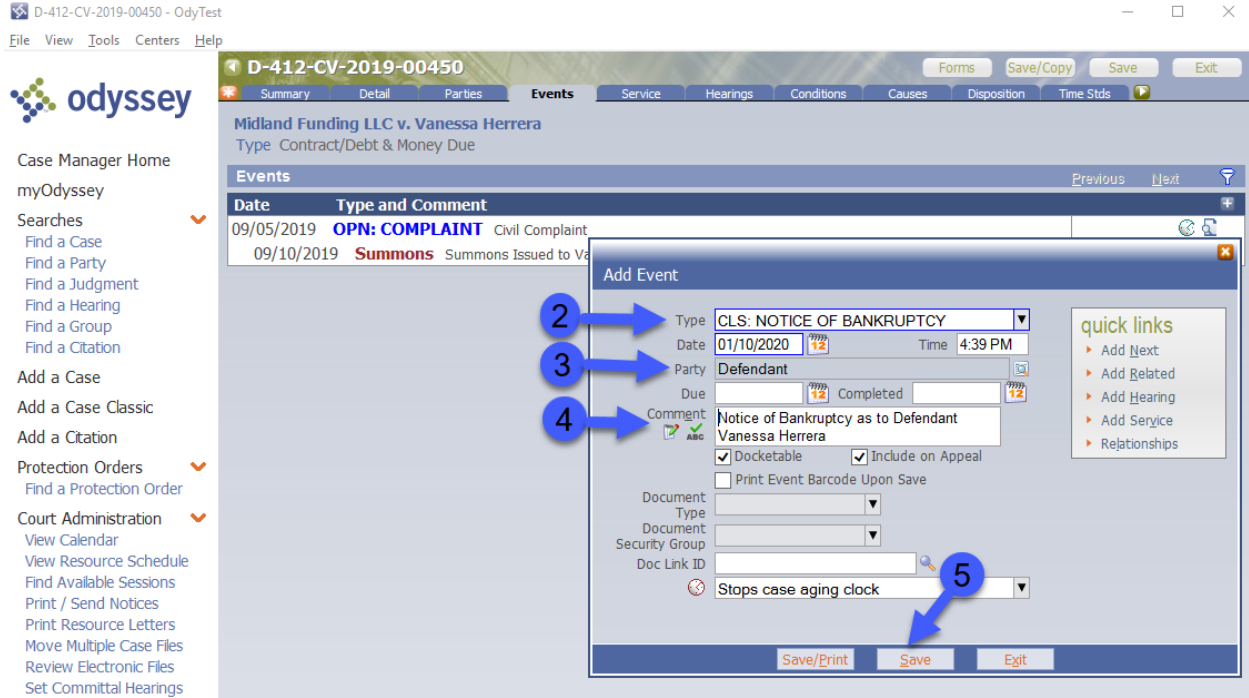


STEPS FOR SIMPLE CASE

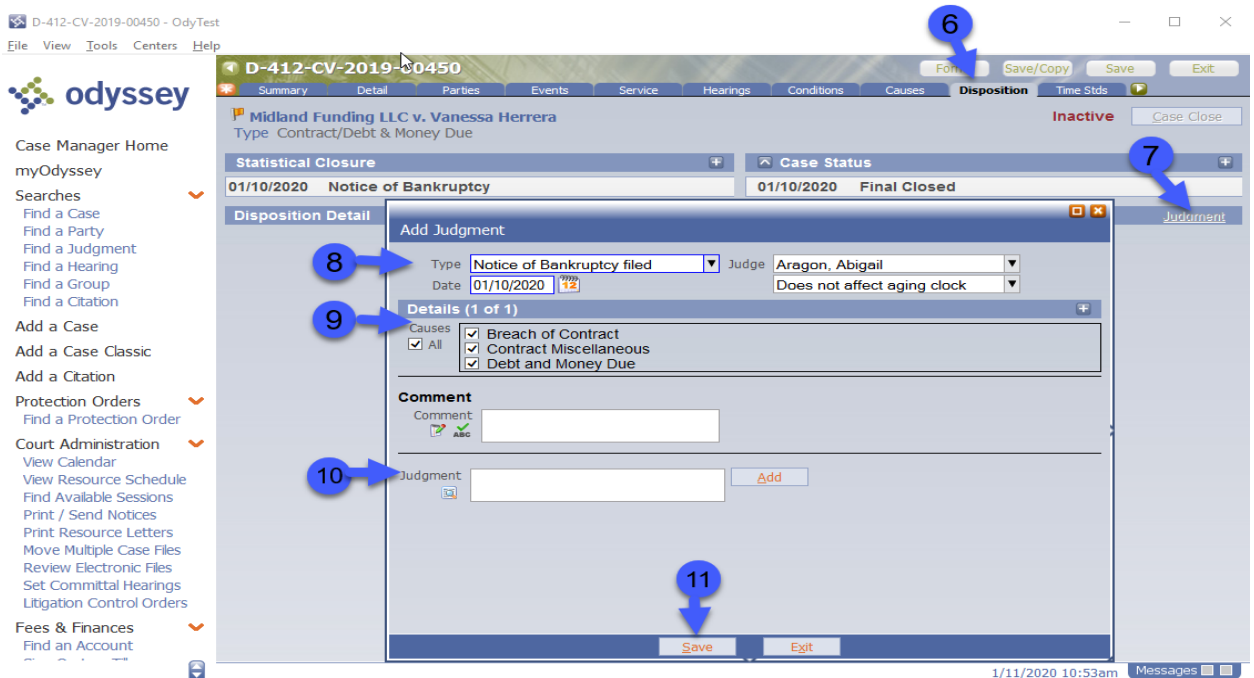
1. Once you receive the **Notice of Bankruptcy**, begin in the Events Tab with you docket entry. Click on the plus sign to add the docket entry.



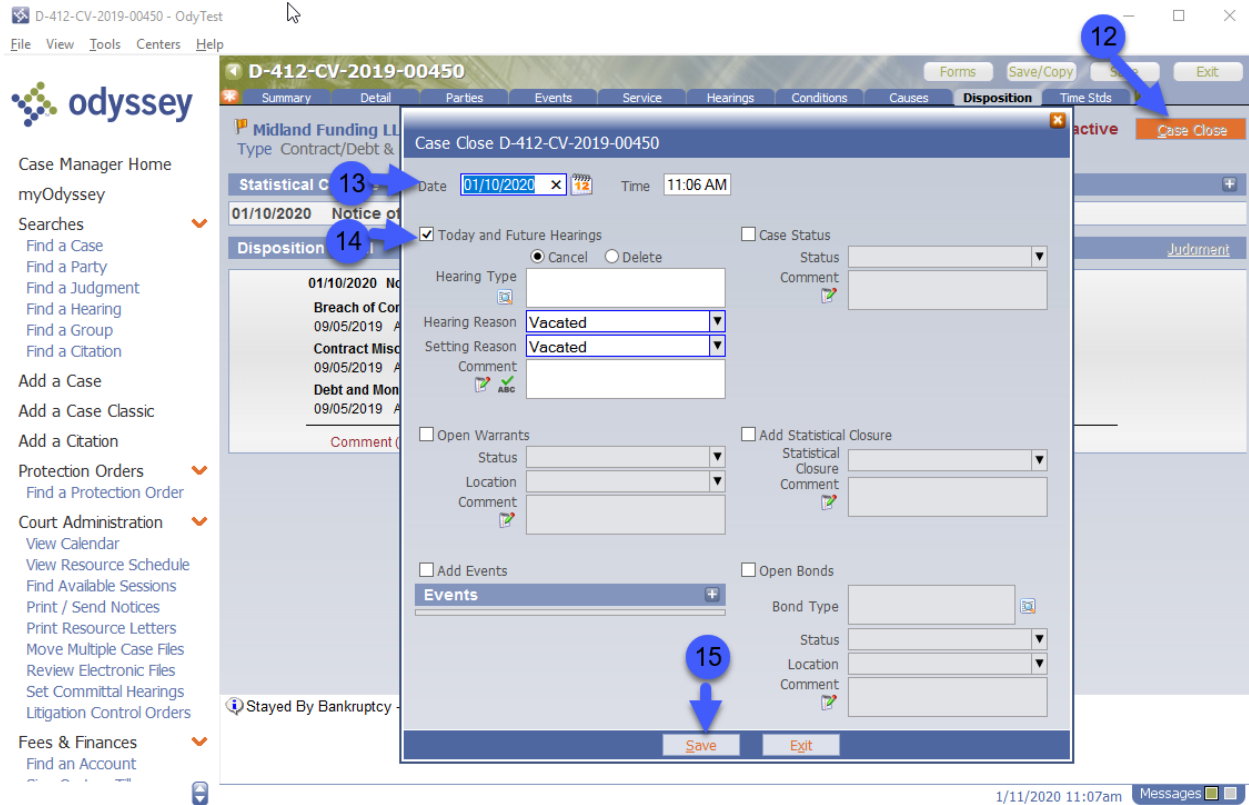
2. Docket the Notice of Bankruptcy using the code 3502 CLS: Notice of Bankruptcy.
3. Enter the party name that the Bankruptcy Notice has been filed on behalf of.
4. Follow local business practices to complete the docket entry.
5. Save.



6. Proceed to Disposition Tab.
7. Click on Judgment.
8. Select type of Notice of Bankruptcy Filed.
9. Click on all causes.
10. Right click your mouse in the Judgment section to get to the option to Delete the Component. Click and Delete.
11. Save.



12. Click on Case Close.
13. Verify date matches the filed date on the Notice of Bankruptcy.
14. Follow your local business rules as this step may vary in certain districts. Verify Today and Future Hearings is checked and Cancel is marked. The Hearing Reason and Setting Reason should both be marked as Vacated.
15. Save.



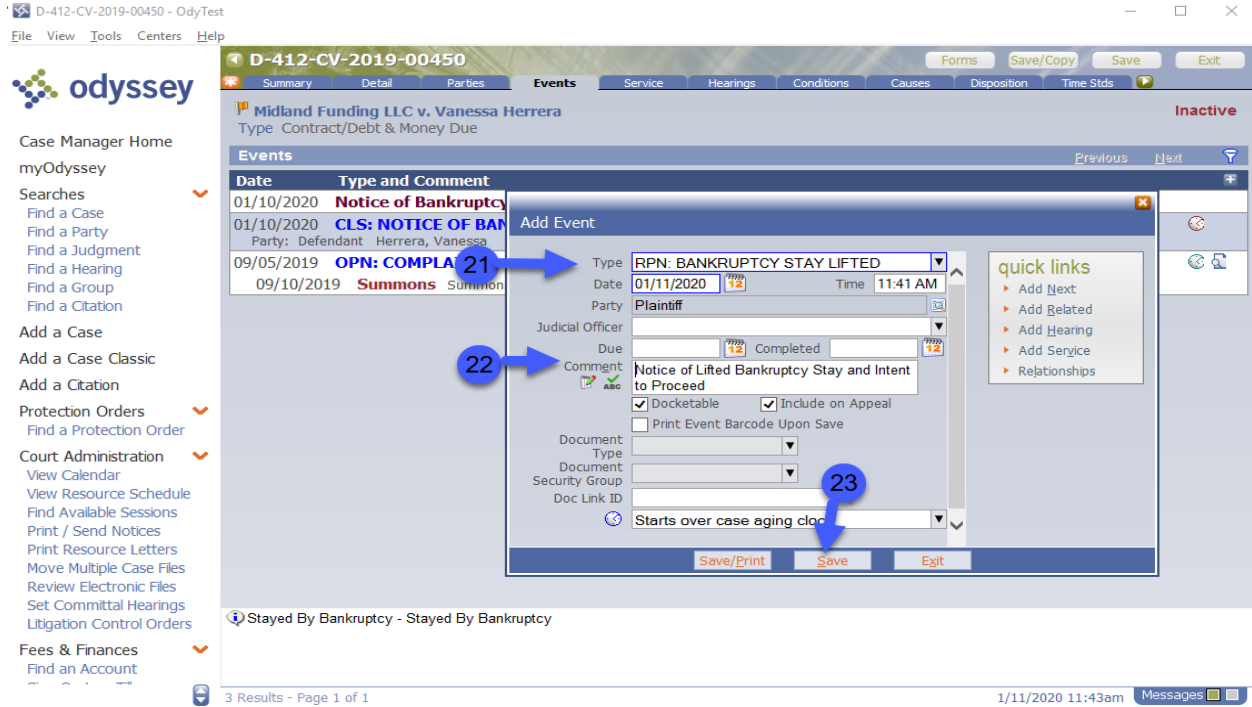
16. Verify your case status shows Final Closed



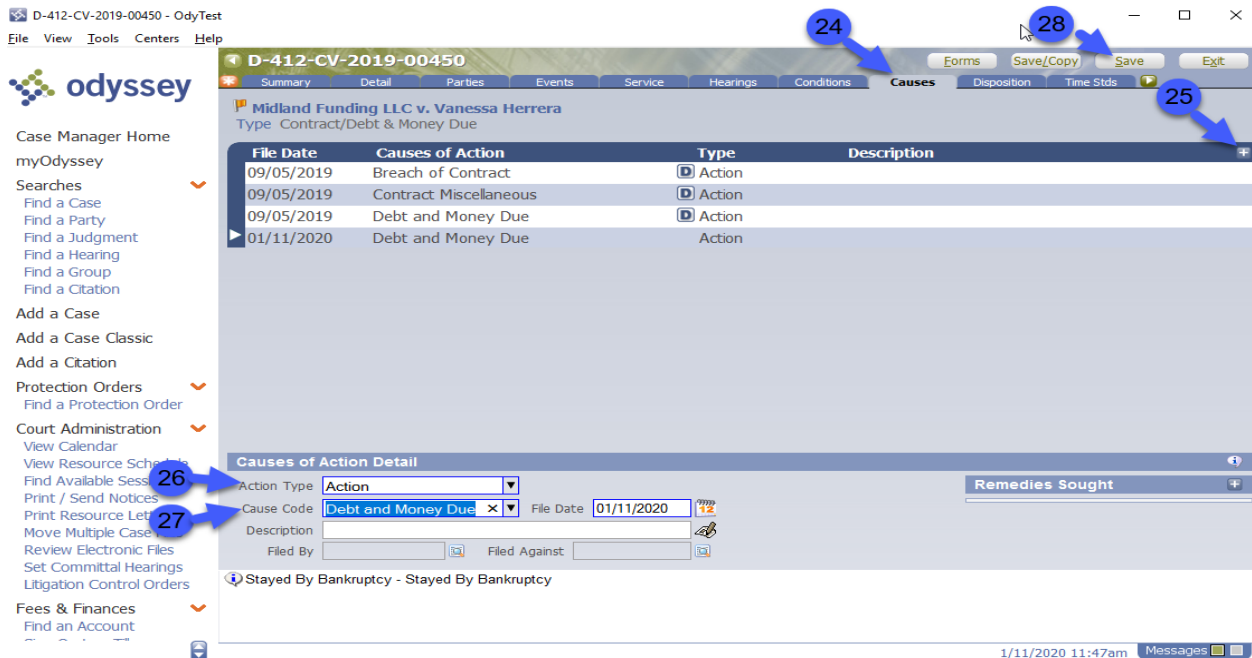
17. If a **Notice of Discharge of Bankruptcy** is filed, docket using the code 8340 ORD: Discharge of Bankruptcy. This will not change case status.
18. Select the party name that the Notice of Discharge relates to.
19. Follow local business practices to complete the docket entry.
20. Save.

The screenshot displays the Odyssey Case Management System interface. The main window shows the case details for 'Midland Funding LLC v. Vanessa Herrera' (Case No. D-412-CV-2019-00450). The 'Events' tab is active, showing a list of events. A dialog box titled 'Add Event' is open, allowing the user to create a new event. The event type is set to 'ORD: DISCHARGE OF BANKRUPTCY'. The date is '01/11/2020' and the time is '11:21 AM'. The event is related to the 'Defendant' party. The comment field contains 'Notice of Discharge of Bankruptcy as to Defendant Vanessa Herrera'. There are checkboxes for 'Docketable' (checked), 'Include on Appeal' (checked), and 'Print Event Barcode Upon Save' (unchecked). The 'Save' button is highlighted with a blue circle and arrow labeled '20'. Other blue circles and arrows labeled '17', '18', and '19' point to the 'Type', 'Regarding', and 'Comment' fields respectively. The 'quick links' panel on the right provides additional options like 'Add Next', 'Add Related', 'Add Hearing', 'Add Service', and 'Relationships'. The status bar at the bottom shows '3 Results - Page 1 of 1' and the date/time '1/11/2020 11:22am'.

21. If a **Notice of Lifting Stay or Dismissal of Bankruptcy** is filed, docket using the code 2520 RPN: Bankruptcy Stay Lifted. This will place the case in "Reopen" Status. There is no fee due for reopening a case in this situation.
22. Follow local business practices to complete the docket entry.
23. Save.



24. Click on Causes tab.
25. Click on Plus sign to add Cause of Action.
26. Select appropriate Action type.
27. Select appropriate Cause(s) of Action using the date the Reopen was filed.
28. Save.



29. Verify case status is Reopened

The screenshot shows the Odyssey case management interface for case D-412-CV-2019-00450. The case title is 'Midland Funding LLC v. Vanessa Herrera'. The status is 'Reopened', which is highlighted by a blue circle with the number 29 and an arrow. Other case details include: Filed 09/05/2019, Type 'Contract/Debt & Money Due', Court Unit 'San Miguel County', Judicial Officer 'Aragon, Abigail', and Hearing Officer 'Aragon, Abigail'. The financial balance is 0.00. Below the case details, there is a table of causes and a section for most recent events and hearings.

Causes		Dispositions	
1.	Breach of Contract	Action	09/05/2019
2.	Contract Miscellaneous	Action	09/05/2019
3.	Debt and Money Due	Action	09/05/2019
4.	Debt and Money Due	Action	01/11/2020

Most Recent Events & Hearings		Class Doctm	statistical closure
01/11/2020	RPN: BANKRUPTCY STAY LIFTED Party: Plaintiff Midland Funding LLC		01/10/2020 Notice of Bankruptcy