

***ADMINISTRATIVE PROCEDURES FOR THE
FILING, SIGNING, AND VERIFYING OF
DOCUMENTS BY ELECTRONIC MEANS***

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I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. General Order.

The Clerk will continue to accept filings in paper format, although all parties are encouraged to submit documents by electronic means whenever possible.

Note: At some point in the foreseeable future, it is likely that the Court will require electronic filing of documents by all attorneys authorized to practice before the Court.

B. Registration.

1. **Process.** An attorney admitted to practice before the Court and in good standing may register for an authorization which will permit the electronic filing and retrieval of documents with the Court. Registration forms are available from the Office of the Bankruptcy Clerk or through the Court's website at www.txeb.uscourts.gov and must be signed by the attorney and returned to:

ECF HelpDesk
United States Bankruptcy Court
200 E. Ferguson, Second Floor
Tyler, TX 75702.

2. **Login/Password Assignments.** An approved participant (an "Electronic Filer") will be assigned a login and password combination with which to access the System. Additional login/ password combinations may be authorized by the Clerk. The Electronic Filer shall receive notice of such assignments by electronic mail from the Clerk. Only the Electronic Filer, or an authorized representative, may receive the electronic notice of the assigned login and password combination(s). The Court reserves the right to revoke or to change any assigned login and/or password from time to time as may become necessary.
3. **System Access.** This initial assignment of a login and password combination(s) will initially be utilized for training purposes only and such combinations will not be activated for use on the "live" Electronic Filing System (the "System") until such time as the Electronic Filer has successfully completed all training requirements and has received full authorization to utilize the System.

4. **Consent to Electronic Notice from Court.** By accepting a login and password from the Court, an Electronic Filer waives the right to receive notice by first class mail, including notice issued pursuant to Fed. R. Bankr. P. 2002(a) and 9022 and, in lieu thereof, agrees to receive notice by electronic means from the Court or from any party designated by the Court.

5. **Consent to Electronic Notice from Parties.** By accepting a login and password from the Court, an Electronic Filer also waives the right to service by personal service or by first class mail from interested parties and, in lieu thereof, agrees to service by electronic means from such parties, except with regard to service of process of a summons and complaint in an adversary proceeding under Fed. R. Bank. P. 7004, or the service of a subpoena under Fed. R. Bankr. P. 9016.

6. **Password Security.** Electronic Filers may find it desirable to change their passwords periodically. This can be done as set forth in the User's Manual. In the event that an Electronic Filer believes that the security of an existing password has been compromised, the Electronic Filer shall give immediate notice to the Clerk in order to prevent access to the Court by use of that password. Such notice may be given to the Clerk either by telephone via the number(s) set forth in the User's Manual for such purpose; or by electronic mail to txeb_helpdesk@txeb.uscourts.gov.

7. **Withdrawal.** An Electronic Filer may withdraw from participation in the System by giving written notification to the Clerk. Withdrawal from participation in the System does not withdraw the attorney as counsel of record for any party. Upon receipt of the written notice, the attorney's login/password combination will be immediately canceled and the attorney's name will be deleted from any applicable electronic service list.

8. **Change of Address.** An Electronic Filer must submit an amended registration form to the Clerk in the event of a change in any registration information (e.g., mailing address, e-mail address, etc.).

C. Training.

- 1. Training Prerequisite.** An Electronic Filer must demonstrate the ability to docket pleadings satisfactorily to the Court's training system as a prerequisite to obtaining access to the Court's "live" System. This requirement will not be waived.
- 2. Training Sessions.** The Court will conduct classroom training sessions at each Court location as needed to train prospective Electronic Filers. Generally speaking, the Court will conduct different classes for trustees, debtor attorneys and creditor attorneys. Critical staff members associated with prospective Electronic Filers, such as paralegals and legal secretaries, are strongly encouraged to attend this classroom training.
- 3. Telephonic Training.** Electronic Filers who require only limited access to electronic document filing, such as for proofs of claim only, may not be required to attend classroom training, but instead may receive training assistance over the phone. However, the Clerk reserves the right to require classroom training for any prospective Electronic Filer and those who are, in fact, trained via telephone shall still be required to demonstrate the ability to docket pleadings satisfactorily to the Court's training system prior to gaining access to the Court's "live" system.
- 4. Reciprocity.** Attorneys who are admitted to practice before the Court and have been authorized to file documents by electronic means in other federal districts may become an Electronic Filer in this Court upon a satisfactory demonstration of an ability to docket pleadings satisfactorily to the Court's training system.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing.

- 1. Scope.** Except as stated otherwise below, an Electronic Filer may file by electronic means a petition, complaint, motion, objection, comment, response, memorandum of law, proof of claim, or other document in connection with a case assigned to the System. Such document must be in PDF format at the time of submission to the System.

2. **Methodology.** Any such document, together with attachments as outlined below, shall be electronically filed under one docket entry and the Electronic Filer will be responsible for designating a title for the document by utilizing one of the docket event categories authorized by the System.
3. **Certificate of Service.** Any required certificate of service shall be included in the main document.
4. **Proposed Order as Attachment.** Any required proposed order shall be submitted as an attachment to the main document.
5. **Attachments.** Any affidavit, exhibit, or other supplemental material submitted in support of any document to be filed shall be submitted as an attachment to the main document.
6. **PDF File Limitations.** No single PDF file, whether containing a document or an attachment, may exceed forty (40) pages in length. Documents and/or attachments in excess of forty pages must be divided into multiple PDF files and accurately described to the Court. If a document, together with any attachments thereto, exceed one hundred (100) pages in length, please call the Clerk for guidance prior to filing such document by electronic means.
7. **Motions for Continuance.** A motion for continuance of a scheduled hearing or trial may be filed by electronic means no later than one day prior to the scheduled hearing date.
8. **Motions for Leave.** A motion for leave of court to file a document may be filed by electronic means. The document requiring leave of court shall be submitted as an attachment to the main document. Upon receipt of an order granting leave, an Electronic Filer shall file the authorized document electronically.
9. **Motions to Place Documents Under Seal.** A motion to file a document under seal may **NOT** be filed electronically.

10. **Supplemental Final Reports.** A trustee's supplemental final report, if accompanied by canceled original checks, may not be filed electronically.

11. **Adversary Complaint and Summons.** A complaint, with a proposed summons as an attachment, may be filed electronically with the Court. Because service of the summons by electronic means is precluded under the Federal Rules, the Court will print the proposed summons, affix the appropriate signature and seal upon it, and issue the executed original to the filing party by mail.

12. **Emergency and Expedited Hearing Requests.** Documents which require the immediate attention of the Court, such as requests for emergency or expedited hearings, may also be filed electronically. Upon filing such a request, an Electronic Filer shall immediately notify the Courtroom Deputy for that division by telephone or by e-mail. Telephone and e-mail information for the Courtroom Deputy in each division are as follows:

Beaumont & Lufkin Divisions: Debra Theriot
Phone: (409) 839-2617, ext. 225
Email: Debra_Theriot@txeb.uscourts.gov

Paris, Sherman & Shirley Rasco
Texarkana Divisions: Phone: (972) 509-1240, ext. 226
Email: Shirley_Rasco@txeb.uscourts.gov.

Tyler & Marshall Divisions: Chasha Traylor
Phone: (903) 590-1212, ext. 237
Email: Chasha_Traylor@txeb.uscourts.gov

13. **Designation of Appellate Record.** A designation of the items to be included in the record on appeal pursuant to Fed. R. Bankr. P. 8006 may be made electronically. However, copies of the designated documents to be delivered to the Clerk pursuant to LBR 8006 shall be delivered in a paper format, with the format of all subsequent filings to be determined by the District Court.

- 14. Unavailability of System.** If there is a technical failure of the Court's System which renders it inaccessible to an Electronic Filer on the last day prescribed under any applicable rule for the timely filing of a document, such prescribed period shall be extended until the end of the next business day after access to the System has been restored.

Exception: The Court is without authority to relieve a party from the operation of any applicable statute of limitations based upon the unavailability of the Court's System.

B. Service.

- 1. Notice of Electronic Filing.** Whenever a document is filed by electronic means in accordance with these procedures, the System will automatically generate for the Electronic Filer a "Notice of Electronic Filing" at the time of docketing in a format substantially conforming to Exhibit "A."
- 2. Fulfillment of Service Requirements.** The System will serve either the "Notice of Electronic Filing" or, if so elected by the recipient, a "Daily Summary Report of Bankruptcy Filings" containing notice of the electronic filing of the document, upon all parties who have consented to electronic service. The service of the "Notice of Electronic Filing" or the "Daily Summary Report of Bankruptcy Filings" upon such parties is the equivalent of service of the document upon such parties by first class mail, postage prepaid, by the Electronic Filer.
- 3. Service of Paper Documents.** The Electronic Filer must serve the document in paper format upon the debtor(s), if required, and upon all other parties entitled to service who are not registered for electronic service.
- 4. Electronic Service of Summons/Complaint Prohibited.** Service of a summons and complaint under Fed. R. Bankr. P. 7004 or of a subpoena under Fed. R. Bankr. P. 9016 may **NOT** be accomplished by electronic means.

C. Signatures.

- 1. Signature Requirements.** A document filed by electronic means shall either:
(a) contain a scanned image of any manual signature affixed thereto or;
(b) display an “/s/” with the name typed in the location at which the signature would otherwise appear such as:

/s/ Jane Doe; OR

/s/ Jane Doe, Notary Public; OR

/s/ Jane Doe, President, ABC Corporation.

- 2. Signature for Rule 9011 Purposes.** The filing of any document using a login/password combination issued by the Court shall constitute an Electronic Filer’s signature for purposes of signing the document under Fed. R. Bankr. P. 9011. No person shall knowingly utilize or cause another person to utilize the password of an Electronic Filer unless such a person is an authorized employee of the Electronic Filer’s law firm.

- 3. Declarations for Electronic Filing.** Within five (5) business days of the filing by electronic means of a bankruptcy petition, list, schedule, or statement that requires verification under Fed. R. Bankr. P. 1008, the Electronic Filer shall file with the Court in paper format the appropriate “Declaration for Electronic Filing,” substantially conforming either to Exhibit “B-1,” “B-2,” or “B-3,” which has been executed by the debtor or by the authorized representative of the debtor. Such Declaration shall be thereafter maintained by the Clerk in paper format by date of entry as opposed to case number.

- 4. Filing of Signed Third-Party Documents.** Except as otherwise set forth in the exceptions below, in other sections of this Appendix, or as otherwise ordered by the Court, within five (5) business days of the filing by electronic means of an affidavit or other document which requires the original signature of any party other than the Electronic Filer, the Electronic Filer shall file the originally executed document with the Court.

Exception¹: Reaffirmation agreements containing the original signatures of the parties must be maintained by the Electronic Filer for a period of not less than one year after the case is closed and, upon request, must be provided to the Court or other parties for review.

Exception²: If an objection to claim containing negative notice language and an affidavit of a party other than the Electronic Filer is filed by electronic means pursuant to Parker Local Regulation 3007, that original affidavit must be maintained by the Electronic Filer for a period of not less than one year after the case is closed and, upon request, must be provided to the Court or other parties for review.

Exception³: Signatures on agreed or court-directed orders submitted by electronic means as governed by Section II(E)(4) of this Appendix.

D. Fees Payable to the Clerk.

For document filings that require a fee, an application for authorization of credit card payment must be completed through the registration process. Until such time as online credit card processing through a third party becomes available, no Electronic Filer may electronically file a document that requires a filing fee without an approved application for authorization of credit card payment on file with the Clerk.

E. Submission of Agreed and Court-Directed Orders and Judgments.

- 1. Availability of Electronic Submission.** The submission of orders and judgments to the Court, whether by agreement of the parties prior to a scheduled hearing or trial, or pursuant to a directive of the Court issued at the conclusion of a hearing or trial, may be accomplished by electronic means.
 - (a) For orders pertaining to contested matters, the “Upload for Agreed and Court-Directed Orders” link in the “Bankruptcy Event” section of the System should be utilized.
 - (b) For judgments or orders pertaining to adversary proceedings, the “Upload for Agreed and Court-Directed Orders and Judgments” link in the “Adversary Event” section of the System should be used.

2. **No Cover Sheet.** Notwithstanding Parker Local Regulation 9022(a), no cover sheet shall be required for the submission of any agreed or post-hearing order or judgment by electronic means.
3. **Affixing Signatures.** Required signatures of parties or their respective attorneys on any agreed order or judgment may be documented through any means authorized under section II(C)(1) of this Appendix.
4. **Signature With Permission.** If the “/s/ ” signature option authorized by section II(C)(1) is utilized to document the agreement of a non-filing party to an order or judgment, the Electronic Filer shall note that the signature of the non-filing party is affixed “with permission” and the Electronic Filer shall retain the document actually evidencing the consent of the non-filing party for a period of not less than one year after the case is closed and, upon request, must be provided to the Court or other parties for review.
5. **Submission Prior to Hearing (Judge Parker).** If an agreed order or judgment which completely resolves all matters in dispute is submitted to the Court by electronic means at any time prior to a scheduled hearing or trial, the scheduled hearing or trial shall be canceled and the attendance of the parties at that scheduled hearing or trial shall be excused. Parker Local Regulation 9022(d) regarding the presentation of agreed orders during docket week shall be inapplicable to the submission of agreed orders by electronic means.
6. **Submission Prior to Hearing (Chief Judge Sharp).** If an agreed order or judgment which completely resolves all matters in dispute is submitted to the Court by 8:00 a.m. on the day prior to a scheduled hearing or trial, the scheduled hearing or trial shall be canceled and the attendance of the parties at that scheduled hearing or trial shall be excused.

F. Consequences of Electronic Filing.

When a document has been transmitted to the System in a manner consistent with these Procedures and the System has generated to the Electronic Filer a responsive “Notice of Electronic Filing,” the document is filed as of the date and time noted on such Notice. A document is filed on a particular day if the transmission of the document is completed prior to midnight in the Central time zone.

III. PUBLIC ACCESS TO THE DOCKET

A. Internet Access.

Any person or organization, may access the Court’s Internet site at: www.txeb.uscourts.gov. Utilizing the Court’s Internet site to obtain access to the documents and dockets maintained by the Clerk will require registration with the Pacer Billing Center (1-800-676-6856) at www.psc.uscourts.gov. and, in accordance with the mandate of the Judicial Conference of the United States, a user fee will be charged, except that parties who are served with a document through the use of the “Notice of Electronic Filing” generated by the Court’s transmission facilities have one opportunity to view, save, or print that document without charge by utilizing the hyperlink which will appear in that Notice.

B. Public Access at the Court.

Public access to the information maintained by the Clerk in an electronic format can be obtained without charge in each divisional office of the Clerk during regular business hours, excluding federal holidays and extraordinary circumstances (i.e. delayed openings due to inclement weather).

C. Conventional Copies and Certified Copies.

Conventional copies and certified copies of documents maintained in an electronic format may be purchased in each divisional office of the Clerk during business hours. The fee for copying and certification is prescribed by 28 U.S.C. §1930.

Miscellaneous:

01-61211 Walter Earl Smith

Notice of Electronic Filing

The following transaction was received from Lee Sammons entered on 9/30/2002 at 4:07 PM CDT and filed on 9/26/2002

Case Name: Walter Earl Smith

Case Number: 01-61211

Document Number: 57

Docket Text:

2185.00 Disclosure of Compensation by Attorney For Debtor. Amount Charged \$ 1785.00. Amount Paid \$ 400.00. Filed by Walter Earl Smith. (nj,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename://txeb_tyler_2a/vol1/user/scanned/njohnson/C0927084724.PDF

Electronic document Stamp:

[STAMP bkecfStamp_ID=995489823 [Date=9/30/2002] [FileNumber=1656025-0]
[6e0dec8c5b58898fe4759313235095dc5a29dde0db24dea920fc8def81a9e4b10267
257bfc535233875d0fff2eb9c7c0e93489ca1191b456b29d821454ac0529]]

01-61211 Notice will be electronically mailed to:

01-61211 Notice will not be electronically mailed to:

Tobin K. Clark
The Ramsey Law Firm, P.C.
P. O. Box 201347
Arlington, TX 76006

Michael Gross
P. O. Box 7097
Tyler, TX 75711
Neil_Johnson@txeb.uscourts.gov

Michael Gross
P. O. Box 7097
Tyler, TX 75711
hmgTexas@Tyler.net

Lee Sammons
3301 Golden Road
Suite 211
Tyler, TX 75701

June 23, 2003

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS

IN RE:

Debtor(s)

§
§
§
§
§

Case No. _____

Chapter _____

**DECLARATION FOR ELECTRONIC FILING OF BANKRUPTCY
PETITION, LISTS, STATEMENTS, AND SCHEDULES**

PART I: DECLARATION OF PETITIONER:

As an individual debtor in this case, or as the individual authorized to act on behalf of the corporation, partnership, or limited liability company seeking bankruptcy relief in this case, I hereby request relief as, or on behalf of, the debtor in accordance with the chapter of title 11, United States Code, specified in the petition to be filed electronically in this case. I have read the information provided in the petition, lists, statements, and schedules to be filed electronically in this case and ***I hereby declare under penalty of perjury*** that the information provided therein is true and correct. I understand that this Declaration is to be filed with the Bankruptcy Court within five (5) business days after the petition, lists, statements, and schedules have been filed electronically. I understand that a failure to file the signed original of this Declaration will result in the dismissal of my case.

[Only include for Chapter 7 individual petitioners whose debts are primarily consumer debts] – I am an individual whose debts are primarily consumer debts and who has chosen to file under chapter 7. I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each chapter, and choose to proceed under chapter 7.

[Only include if petitioner is a corporation, partnership or limited liability company] – I hereby further declare under penalty of perjury that I have been authorized to file the petition, lists, statements, and schedules on behalf of the debtor in this case.

Date: _____.

John Doe, Debtor
Soc. Sec. No. _____

Jane Doe, Joint Debtor
Soc. Sec. No. _____

OR

John Doe, Position/Capacity

PART II: DECLARATION OF ATTORNEY:

I declare ***under penalty of perjury*** that: (1) I will give the debtor(s) a copy of all documents referenced by Part I herein which are filed with the United States Bankruptcy Court; and (2) I have informed the debtor(s), if an individual with primarily consumer debts, that he or she may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Date: _____.

A. Lawyer, Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS

IN RE:

§
§
§
§
§

Case No. _____

Debtor(s)

Chapter _____

**DECLARATION FOR ELECTRONIC FILING OF
BANKRUPTCY PETITION AND MASTER MAILING LIST (MATRIX)**

PART I: DECLARATION OF PETITIONER:

As an individual debtor in this case, or as the individual authorized to act on behalf of the corporation, partnership, or limited liability company seeking bankruptcy relief in this case, I hereby request relief as, or on behalf of, the debtor in accordance with the chapter of title 11, United States Code, specified in the petition to be filed electronically in this case. I have read the information provided in the petition and in the lists of creditors to be filed electronically in this case and ***I hereby declare under penalty of perjury*** that the information provided therein is true and correct. I understand that this Declaration is to be filed with the Bankruptcy Court within five (5) business days after the petition and lists of creditors have been filed electronically. I understand that a failure to file the signed original of this Declaration will result in the dismissal of my case.

[Only include for Chapter 7 individual petitioners whose debts are primarily consumer debts] – I am an individual whose debts are primarily consumer debts and who has chosen to file under chapter 7. I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each chapter, and choose to proceed under chapter 7.

[Only include if petitioner is a corporation, partnership or limited liability company] – I hereby further declare under penalty of perjury that I have been authorized to file the petition and lists of creditors on behalf of the debtor in this case.

Date: _____.

John Doe, Debtor
Soc. Sec. No. _____

Jane Doe, Joint Debtor
Soc. Sec. No. _____

OR

John Doe, Position/Capacity

PART II: DECLARATION OF ATTORNEY:

I declare ***under penalty of perjury*** that: (1) I will give the debtor(s) a copy of all documents referenced by Part I herein which are filed with the United States Bankruptcy Court; and (2) I have informed the debtor(s), if an individual with primarily consumer debts, that he or she may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Date: _____.

A. Lawyer, Attorney for Debtor

Exhibit B-3 to Appendix 5005: If filing schedules/statements subsequent to petition date or amendments of petition, matrix, schedules or statements.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS

IN RE: _____ §
§
§ Case No. _____
§
Debtor(s) § Chapter _____

**DECLARATION FOR ELECTRONIC FILING OF AMENDED PETITION,
ORIGINAL/AMENDED BANKRUPTCY STATEMENTS AND SCHEDULES,
AND/OR AMENDED MASTER MAILING LIST (MATRIX)**

As an individual debtor in this case, or as the individual authorized to act on behalf of the corporation, partnership, or limited liability company named as the debtor in this case, ***I hereby declare under penalty of perjury*** that I have read

- the original statements and schedules to be filed electronically in this case
- the voluntary petition as amended on the date indicated below and to be filed electronically in this case
- the statements and schedules as amended on the date indicated below and to be filed electronically in this case
- the master mailing list (matrix) as amended on the date indicated below and to be filed electronically in this case

and that the information provided therein is true and correct. I understand that this Declaration is to be filed with the Bankruptcy Court within five (5) business days after such statements, schedules, and/or amended petition or matrix have been filed electronically. I understand that a failure to file the signed original of this Declaration as to any original statements and schedules will result in the dismissal of my case and that, as to any amended petition, statement, schedule or matrix, such failure may result in the striking of the amendment(s).

- [Only include if petitioner is a corporation, partnership or limited liability company]* – I hereby further declare under penalty of perjury that I have been authorized to file the statements, schedules, and/or amended petition or amended matrix on behalf of the debtor in this case.

Date: _____.

John Doe, Debtor
OR
John Doe, Position/Capacity

Jane Doe, Joint Debtor