

Bankruptcy Noticing Center Returned Mail Enhancement

Effective June 28, 2010, the Bankruptcy Noticing Center contractor will bypass the printing and mailing of notices to addresses identified by the United States Postal Service (USPS) as undeliverable. This service will eliminate unnecessary postage and print costs as well as the time-consuming follow-up activities required by court personnel.

Following standard bulk mailing industry practices, and in order to comply with USPS discounted automated first class mail guidelines, the BNC will cross-reference every incoming case mailing list with the USPS National Change of Address (NCOA) database to determine the validity of each address recipient on the mailing list. Reasons that the BNC may bypass the printing and mailing of a notice to a recipient on the case mailing list include:

- incomplete address
- addressee moved to a foreign address
- addressee moved and left no forwarding address
- post office box closed
- forwarding order expired

Prior to the courts' migration to CM/ECF Release 4.0,¹ the BNC contractor will mail a notification to the debtor, or debtor's attorney for courts that do not utilize the CM/ECF Reduced Paper Module, when a notice is bypassed. The bypass notification will: (1) include a copy of the notice that the BNC did not mail to the undeliverable address; (2) identify the recipient and the undeliverable address; (3) instruct the debtor or debtor's attorney to immediately mail the undelivered notice to the recipient at a corrected address; (4) advise that the BNC will not mail future notices to the undeliverable address; and (5) include space on the notification for the debtor or debtor's attorney to insert a

¹Once a court has migrated to CM/ECF Release 4.0, the BNC contractor will email bypass notifications to the debtor's attorney, eliminating print and postage charges associated with undeliverable addresses. Additionally, in CM/ECF Release 4.0, the BNC contractor will email the debtor's attorney or mail the *pro se* debtor notification when a forwarding order is determined to be on file with the USPS. This will provide an opportunity for the debtor's attorney or debtor to verify and correct the mailing address filed with the court before the forwarding order expires. Additional details about the CM/ECF Release 4.0 process will be provided in a separate memorandum.

corrected address for the recipient. The bypass notice also will provide the corrected address identified by the USPS, if available.

The Certificate of Notice will continue to reflect when a notice to a recipient is bypassed, will include the reason for the bypass, and will indicate that the debtor or debtor's attorney was notified of the bypass.

The BNC contractor will continue to mail notices to undeliverable addresses in the following situations: (1) the address is for a debtor;² or (2) the address is a creditor's preferred address as registered with the BNC National Creditor Registration Service (NCRS), pursuant to 11 U.S.C. § 342(f), or with the court, pursuant to 11 U.S.C. § 342(e).

- If the NCOA database indicates that a preferred address is subject to a forwarding order to a new address, the BNC contractor will place a message on the address page of the court notice advising the preferred address recipient that the USPS will only forward mail for a limited period of time. Therefore, the creditor will need to contact the BNC to update the preferred address to reflect any changes.
- If mail to the preferred address is undeliverable and the creditor is in the NCRS database, the BNC contractor will attempt to contact the creditor by email or phone to obtain a corrected address.

A national, non-customizable BNC bypass notice will be used. The new bypass notice will be used in all instances in which the BNC will bypass a notice from printing and mailing. Samples of the new bypass notices are included on the following pages.

²When a court migrates to CM/ECF Release 4.0, the BNC contractor will notify the debtor's attorney, if applicable, by email when an NCOA match applies to the debtor's address.

SAMPLE BNC BYPASS NOTICE TO DEBTOR'S ATTORNEY

June 24, 2010

From: United States Bankruptcy Court

RE: U.S. Courts, Bankruptcy Noticing Center - Undeliverable Notice, Case Number: 09-00912

TO THE DEBTOR'S ATTORNEY:

The attached notice could not be mailed to the notice recipient(s) listed below because the United States Postal Service (USPS) has determined that one or more addresses in the case mailing list are undeliverable.

Please be advised that dischargeability of a debt may be affected if a creditor fails to receive certain notices.

NOTE: You must immediately send a copy of the attached notice to the recipient(s) listed below. No further notices will be mailed to the notice recipient(s) listed below until the address is updated in accordance with local court policy using this form, a separate notice of change of address, and/or an amended schedule. This form cannot be used to add a new creditor not previously listed on the debtor's schedules.

If this form is used by your court in place of filing a separate notice of change of address and/or an amended schedule, you must: 1) locate the correct address and forward the attached notice to each creditor; 2) list each updated address below; 3) sign and date the form; and 4) file this form with the court.

UNDELIVERABLE ADDRESS: Price Modern of Washington, 9700A Martin Luther King Jr HW, Lanham, MD 20706

Reason: Forwarding address with USPS: 4400 FORBES BLVD STE A, LANHAM MD 20706-4447 Forwarding order has expired.

UPDATED ADDRESS:

Table with 4 empty columns for updated addresses.

Signature of Debtor or Debtor's Attorney

Date

SAMPLE BNC BYPASS NOTICE TO DEBTOR

June 24, 2010

From: United States Bankruptcy Court

RE: U.S. Courts, Bankruptcy Noticing Center - Undeliverable Notice, Case Number: 09-00857

TO THE DEBTOR:

The enclosed notice could not be mailed to the notice recipient(s) listed below because the United States Postal Service (USPS) has determined that one or more addresses in the case mailing list are undeliverable.

Please be advised that dischargeability of a debt may be affected if a creditor fails to receive certain notices. You should consult an attorney with any legal questions you might have.

NOTE: You must immediately send a copy of the enclosed notice to the recipient(s) listed below. No further notices will be mailed to the notice recipient(s) listed below until the address is updated in accordance with local court policy using this form, a separate notice of change of address, and/or an amended schedule. This form cannot be used to add a new creditor not previously listed on your schedules.

If this form is used by your court in place of filing a separate notice of change of address and/or an amended schedule, you must: 1) locate the correct address and forward the enclosed notice to each creditor; 2) list each updated address below; 3) sign and date the form; and 4) file this form with the court.

UNDELIVERABLE ADDRESS: HSBC, PO BOX, 15524, WILMINGTON, DE 19850

Reason: Forwarding order has expired.

UPDATED ADDRESS:

Table with 4 columns for updated address information.

UNDELIVERABLE ADDRESS: NCC, PO BOX, 18036, HAUPPAUGE, NY 11788-8836

Reason: P.O. Box has closed.

UPDATED ADDRESS:

Table with 4 columns for updated address information.

UNDELIVERABLE ADDRESS: UNITED AUTO CREDIT, 9932 MAIN, ST., FAIRFAX, VA. 22031

Reason: Forwarding address with USPS: 18191 VON KARMAN AVE STE 300, IRVINE CA 92612-7106 Forwarding order has expired.

UPDATED ADDRESS:

Table with 4 columns for updated address information.

Debtor's Signature

Date