

United States Bankruptcy Court for the  
Northern District of New York, Utica Division  
Bankruptcy Paralegal Program

Kim F. Lefebvre, Esq.  
Clerk of Court

- A. NDNY Local Bankruptcy Rules - **Possible** Effective Date November 1, 2011. We need approval of the United States District Court for the Northern District of New York.
- Still taking comments at [rules\\_comments@nynb.uscourts.gov](mailto:rules_comments@nynb.uscourts.gov) regarding a new form in an individual debtor case, when the creditor seeks relief from the automatic stay based upon a payment default. See LBR 4001-1(b).
  - (b) Motions Involving Real Property in Cases Where the Debtor is an Individual. **If the movant seeks stay relief with respect to a mortgage on real property and the basis for the motion is a payment default**, the movant shall file, as an exhibit to the motion, a completed copy of *Certification of Payment History on the Note and Mortgage Dated \_\_\_\_\_ and Related Information*. See Attachment A.
- B. The proposed rules have changed slightly since publication for comment. The Judges have met and made some revisions and additions.
- An important revision is made at LBR 1005-1 regarding the captions for individual cases.
  - Official Form 1 (Voluntary Petition) requires in the second field “**All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names)**”. The same information is requested for a Joint Individual Debtor. See Attachment B.
  - Official Form 1 also requires that the Type of Debtor be indicated by checking **one** box.
  - You should not include with the individual debtor’s name, the names of separate legal entities (*i.e.*, corporation, partnership, limited liability corporation, etc.). If erroneously included, they appear in the official caption and give the mistaken impression that that separate entity also receives the benefit of an automatic stay and discharge.

- The following proposed local rule is intended to clarify this name requirement in the Official Form 1:

**RULE 1005-1**

**PETITION – CAPTION**

**(a) Individual Petition.** The title of a case for an individual debtor shall include all names used by the debtor during the preceding eight years. This includes trade names, aliases, maiden names, and former married names. An individual debtor **may not** include as a d/b/a on the second line of the voluntary petition, which forms the basis for the caption of the case, the name of a corporation, partnership, limited liability company, limited liability partnership or any other separate and distinct legal entity when prompted to supply “All Other Names used by the Debtor in the last 8 years.” (emphasis added).

**(b) Corporate, Partnership, LLC or LLP Petition.** A corporate, partnership, limited liability corporation or limited liability partnership petition **may not be combined with** the petition of an individual or other separate legal entity. The caption of the petition must state the full and correct title of the entity and the entity’s federal identification number. (emphasis added).

- The Court will *sua sponte* enter an order amending the caption if separate legal entities are erroneously included by the individual debtor in the caption. The order will be entered prior to the notice of the filing of the cases, setting 341 creditors meeting and establishing deadlines.

C. Request for compliance with LBR 9013-1 (Motion Practice). The requirement for paper Chambers Copies to be provided for certain matters:

- **(h) Chambers Copy.** A paper chambers copy is required for the matters listed below. The chambers copy is to be submitted to the Clerk contemporaneously with the electronic filing of the pleading or other document. The copy must be clearly marked as “ECF CASE – CHAMBERS COPY.” The chambers copy need not contain a copy of the original signature. Unless otherwise directed by the Court, copies should be sent via regular mail or hand delivery, not by facsimile.

**(1) Albany Chambers:**

- (A) Notice of motion, motion, application, and certificate of service, except for chapter 13 trustee motion to dismiss, to determine/expunge claim, and to determine value and chapter 7 trustee's final meeting notice;
- (B) Opposition, response, or any pleading relating to a hearing;
- (C) Opposition to disclosure statement in a chapter 11 case;
- (D) Objection to confirmation of a chapter 12 or 13 plan;
- (E) Pretrial statement; and
- (F) Memoranda of law and any pleading and other document filed in regard to a submitted matter.

**(2) Syracuse Chambers:**

- (A) Notice of motion, motion, application and certificate of service;
- (B) Chapter 7 final meeting notice;
- (C) Any pleading filed in an adversary proceeding;
- (D) Pretrial statement;
- (E) Memoranda of law and any pleading or other document filed in regard to a submitted matter;
- (F) Any document regarding an appeal;
- (G) Withdrawal of reference; and
- (H) Any objection pursuant to Fed. R. Bankr. P. 9033.

**(3) Utica Chambers:**

- (A) Notice of motion, motion, application and certificate of service;
- (B) Chapter 7 final meeting notice;
- (C) Any pleading filed in an adversary proceeding;
- (D) Pretrial statement;
- (E) Memoranda of law and any pleading or other document filed in regard to a submitted matter;
- (F) Any document regarding an appeal;
- (G) Withdrawal of reference; and
- (H) Any objection pursuant to Fed. R. Bankr. P. 9033.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re  
[Set forth here all names including married, maiden,  
and trade names used by debtor within last 8 years.]  
Debtor

Case No.  
Chapter

Employer's Tax Identification No(s). [if any]  
Last four digits of Social Security No(s):  
\_\_\_\_\_

**CERTIFICATION OF PAYMENT HISTORY ON THE NOTE AND MORTGAGE  
DATED \_\_\_\_\_ AND RELATED INFORMATION**

[Name] of full age, employed as [position] by [employer], hereby certifies the following information:

Mortgage Recorded on: [ ], in [ ] County, in Book [ ] at Page [ ]

Property Address:

Mortgage Holder:

Movant's relationship to Mortgage Holder:

Mortgagor(s)/Debtor(s):

Bankruptcy Petition filed on:

First Post-Petition Mortgage Payment Due:

**POST-PETITION PAYMENT HISTORY:**

	Amount Due	Date Payment Was Due	How Payment was Applied (Mo./Yr.)	Amount Received	Date Payment Received	Check or Money Order Number
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						

9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
TOTAL						

**MONTHLY POST-PETITION PAYMENTS PAST DUE:**

[Number of Payments Past Due] multiplied by [Monthly Payment Amount, Exclusive of Late Charges and Other Charges] \$ [            ] = \$ [            ] Due as of [Date].

Itemize Past-Due Late Charges and Other Additional Charges Below. Attach a separate sheet, if necessary.

Type of Charge	Date Incurred	Relative to Payment Due On	Amount
Total Additional Charges Amount Due			\$

**EACH CURRENT MONTHLY PAYMENT IS COMPRISED OF:**

Principal..... \$  
Interest.....  
R.E. Taxes.....  
Insurance.....  
Late Charge.....

Other..... (Specify)  
TOTAL..... \$

If the monthly payment has changed during the pendency of the case, please explain (attach a separate sheet, if necessary):

**MONTHLY PRE-PETITION PAYMENTS PAST DUE:**

[Number of Payments Past Due] [From Date] [To Date] multiplied by [Monthly Payment Amount Inclusive of Late Charges and Other Charges]

\$ [ ] = \$ [ ] Due as of [Date]

**REQUIRED ATTACHMENTS TO MOTION**

Please attach the following documents to your motion and indicate the exhibit number associated with the documents.

- (1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with the complete and legible copy of the mortgage and any assignments of the note and mortgage in the chain of title from the original mortgagee to the current moving party. (Exhibit \_\_\_\_.)
- (2) Copies of documents establishing that Movant's interest in the real property or cooperative apartment was perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office of the Register of the county the property or cooperative apartment is located in. (Exhibit \_\_\_\_.)

**CERTIFICATION FOR BUSINESS RECORDS**

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS FORM AND/OR ANY EXHIBITS ATTACHED TO THIS FORM (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1 AND 2 IMMEDIATELY ABOVE) IS DERIVED FROM RECORDS KEPT IN THE COURSE OF REGULARLY CONDUCTED ACTIVITY, MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS, AND WERE MADE BY REGULARLY CONDUCTED ACTIVITY AS REGULAR PRACTICE.

I FURTHER CERTIFY THAT THE COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THE MOTION AS REQUIRED BY PARAGRAPHS 1 AND 2 IMMEDIATELY ABOVE, ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL

**UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK, UTICA DIVISION  
Bankruptcy Paralegal Program – September 22, 2011**

**I. Rationale for Proper Service**

An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.

*Mullane v. Central Hanover Bank & Trust Company*, 339 U.S. 306, 314  
(1950) (citing cases)

- To give the Bankruptcy Court personal jurisdiction over a respondent;
- To meet the fundamental requirement of due process by affording the respondent reasonable notice and an opportunity to be heard; and
- To ensure finality of orders and judgments.

**II. Timeframes Generally**

**A. Motions/Answering Papers/Requests for Withdrawal or Adjournment**

1. Effective 12/1/09, deadlines changed to increments of 7 days.
  - ❖ Please see Administrative Order No. 09-09, which includes a helpful table summarizing the applicable timeframes for certain matters.
  - ❖ The day of service or mailing is excluded when computing the notice period.
2. Answering papers to a motion must be served and filed at least 7 days prior to the scheduled hearing date and must be filed no later than 4 p.m. on the 7<sup>th</sup> day.
3. Adjournment requests must be filed no later than 2 p.m. on the day prior to the scheduled hearing using the form available on the Court's Web site.

4. Settlement notices relating to contested motions must be filed no later than 2 p.m. on the day prior to the scheduled hearing.

### III. Service of Pleadings in a Contested Matter – Federal Rules of Bankruptcy Procedure 7004 and 9014

- Rule 9014 of the Federal Rules of Bankruptcy Procedure provides that Federal Rule of Bankruptcy Procedure 7004 applies in contested matters. Generally speaking, whenever there is an actual dispute in a bankruptcy case that is not required to be resolved via an adversary proceeding, the litigation to resolve that dispute is a contested matter. Contested matters include, but are not limited to, matters involving relief from stay under 11 U.S.C. § 362, avoidance of a lien under 11 U.S.C. § 522(f), objections to claims, dismissal or conversion of a case, objections to confirmation of a plan, and valuation of security.
- With a few exceptions, service under Federal Rule of Bankruptcy Procedure 7004 may be made by first class United States mail.

#### A. Service Upon an Individual

1. Rule 7004(b)(1) provides for service upon an individual other than an infant or incompetent by mailing a copy of the summons and complaint **to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.**

#### B. Service Upon a Domestic or Foreign Corporation or Upon a Partnership or Other Unincorporated Association

1. Rule 7004(b)(3) provides for service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, by mailing a copy of the summons and complaint **to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process** and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.
  - ❖ The proper address for a corporation or its agent can generally be obtained at a state's department of state Web site or at the corporate entity's Web site. For example, a search for a New York corporation or business entity or its registered agent may be conducted via the New York State Department of State, Division of Corporation's Web site, which is accessible at <http://www.dos.ny.gov/corps/index.html>.
  - ❖ If service is made via the registered agent, be sure to reference the name of the entity upon which service is intended or relief is sought.



- ❖ Be mindful to use the precise name of the entity against which you are seeking relief.
- ❖ Where service must be made to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process, Judge Davis does not require service upon the actual individual holding that position. It is sufficient to address the mailing as follows:

ABC Corporation  
ATTN: CEO

The following is also acceptable, but is not required by Judge Davis:

ABC Corporation  
ATTN: John Doe, CEO

C. Service Upon the United States, any Officers or Agency of the United States

1. Rule 7004(b)(4) provides for service upon the United States by mailing a copy of the summons and complaint **addressed to the civil process clerk at the office of the United States attorney for the district in which the action is brought** and by mailing a copy of the summons and complaint to the **Attorney General of the United States at Washington, District of Columbia**, and in any action attacking the validity of an order of an officer or an agency of the United States not made a party, by also mailing a copy of the summons and complaint to that officer or agency.
2. Rule 7004(b)(5) provides for service upon any officer or agency of the United States, by mailing a copy of the summons and complaint to the United States as prescribed in paragraph (4) of this subdivision and also to the officer or agency. If the agency is a corporation, the mailing shall be as prescribed in paragraph (3) of this subdivision of this rule.

❖ Contact information for the U.S. Attorney's Office for the Northern District of New York is accessible at <http://www.justice.gov/usao/nyn/contact.html>.

❖ Contact information for the U.S. Attorney General is accessible at <http://www.justice.gov/contact-us.html>.

D. Service Upon a State or Municipal Corporation or Other Governmental Organization Thereof Subject to Suit

1. Rule 7004(b)(6) provides for service upon a state or municipal corporation or other governmental organization thereof subject to suit by mailing a copy of the summons and complaint **to the person or office upon whom process is**

**prescribed to be served by the law of the state in which service is made** when an action is brought against such a defendant in the courts of general jurisdiction of that state, **or in the absence of the designation of any such person or office by state law, then to the chief executive officer thereof.**

- ❖ Service information for the New York State Office of the Attorney General is accessible at <http://www.ag.ny.gov/serviceag.html>.
- ❖ Service information for the New York State Department of Taxation and Finance is accessible at [http://www.tax.ny.gov/pit/file/mail\\_details.html](http://www.tax.ny.gov/pit/file/mail_details.html).

#### E. Service Upon the Debtor

1. Rule 7004(b)(9) provides for service upon the debtor, after a petition has been filed by or served upon the debtor and until the case is dismissed or closed, by mailing a copy of the summons and complaint **to the debtor at the address shown in the petition** or to such other address as the debtor may designate in a filed writing.

#### F. Service Upon the United States Trustee

1. Rule 7004(b)(10) provides for service upon the United States Trustee, when the United States Trustee is the trustee in the case and service is made upon the United States Trustee solely as trustee, by mailing a copy of the summons and complaint **to an office of the United States Trustee or another place designated by the United States trustee in the district where the case under the Code is pending.**

#### G. Service Upon An Insured Depository Institution.

1. Service upon an insured depository institution is governed by Rule 7004(h) (as opposed to Rule 7004(b)). Rule 7004(h) provides that service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by **certified mail addressed to an officer of the institution** unless—

- (1) the institution has appeared by its attorney, in which case the attorney shall be served by first class mail;
- (2) the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or
- (3) the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.

- ❖ To determine whether an entity is a federally insured depository, you may search the Federal Depository Insurance Corporation's

Web site, which is accessible at <http://www2.fdic.gov/idasp/main.asp>.

#### H. Practice Tips

1. With respect to a claim objection, service must be made in compliance with Rule 7004 and 9014 and also upon the named individual designated on the proof of claim. This requirement is included in Proposed Local Bankruptcy Rule 3007-1. These requirements are obviated only where service can be made on the attorney of record who has filed a notice of appearance on the claimant's behalf in the case.
2. With respect to a § 522(f) judicial lien avoidance motion, service must be made in compliance with Rule 7004 and also upon the attorney of record who is listed on the judgment. Please note that even in the absence of an attorney, it may be insufficient to serve the judgment creditor at the address listed on the judgment alone.
3. Remember to file your certificate of service within seven (7) days of effecting service and no later than seven (7) days prior to the return date of the hearing in compliance with Local Bankruptcy Rules 2002-1(c) and 9013-1(c) and, where applicable, indicate the source of service information if, for example, you referenced a particular Web site.
4. The Court generally will not enter a default order granting a motion seeking relief against a particular entity unless service was made on that entity in accordance with Rule 7004.

#### IV. **Non-Inclusive List of Proposed Local Bankruptcy Rules Containing Important Timeframes**

- A. Proposed Local Bankruptcy Rule 2015-2 titled "Debtor in Possession Duties – Chapter 11 Affidavit"
- B. Proposed Local Bankruptcy Rule 3007-1(b), (c), (d), (e) titled "Claims and Objections to Claims"
- C. Proposed Local Bankruptcy Rule 3015-1(b)(2), (e), (f), (i)(1) titled "Chapter 13 – Plan"
- D. Proposed Local Bankruptcy Rule 3015-2(a) titled "Chapters 12 and 13 – Objections to Confirmation"

- E. Proposed Local Bankruptcy Rule 3018-1(b) titled “Ballots – Voting on Chapter 11 Plan”
- F. Proposed Local Bankruptcy Rule 3020-1 titled “Chapter 11 – Confirmation of a Plan”
- G. Proposed Local Bankruptcy Rule 3021-1(b) titled “Chapter 11 – Affidavit of Post-Confirmation Disbursements”
- H. Proposed Local Bankruptcy Rule 3022-1(b)(1), (b)(2), (c) titled “Chapter 11 – Final Report and Motion for a Final Decree”
- I. Proposed Local Bankruptcy Rule 5011-1(c) titled “Withdrawal of a Case or Proceeding (Withdrawal of Reference)”
- J. Proposed Local Bankruptcy Rule 6004-1(a) titled “Sale of Estate Property”
- K. Proposed Local Bankruptcy Rule 6004-3(c) titled “Chapters 12 and 13 – Sale or Other Disposition of Estate Property”
- L. Proposed Local Bankruptcy Rule 7004-1(b) titled “Summons”
  - 1. Service of a summons must be made within 14 days of its issuance pursuant to Rule 7004(e). If service is not made within this timeframe, the plaintiff must submit a written request to the Clerk of Court for reissuance of the summons.
  - 2. Please note that upon the filing of an adversary complaint or a third party complaint, the summons will be automatically generated and docketed through the CM/ECF system.
- M. Proposed Local Bankruptcy Rule 7055-1(a) titled “Default Judgment”
  - 1. Clarifies that obtaining a default judgment from the Court requires a two-step process.
    - a. Obtain a Clerk’s Entry of Default pursuant to Federal Rule of Civil Procedure 55(a), made applicable by Federal Rule of Bankruptcy Procedure 7055, by filing an affirmation in support of entry of default.
    - b. If the plaintiff’s claim is not for a sum certain (which is generally the case), within 45 days after default, file an application or motion for default judgment. If the motion is granted, an order granting the motion and a separate default judgment must be uploaded.

- ❖ If the motion is not timely made, Chambers will issue an order to show cause as to why the action should not be dismissed for failure to prosecute.

N. Proposed Local Bankruptcy Rule 9013-1(c), (e), (f), (g) titled “Motion Practice”

O. Proposed Local Bankruptcy Rule 9018-1(e) titled “Filing Under Seal”

1. Please note that sealed documents will be retained by the Clerk’s Office for 60 days after closure of the case or adversary proceeding. The burden is on the submitting party to request return of the document within that timeframe.

P. Proposed Local Bankruptcy Rule 9037-1 titled “Transcript Redaction”

**V. Federal Bankruptcy Rule Amendments (Effective December 1, 2011)**

A. Rule 2003 – Requires the filing of a statement upon adjourning a meeting of creditors or equity security holders in order to ensure that record clearly reflects whether the meeting of creditors was concluded or continued to a future date.

B. Rule 3001 – Prescribes in greater detail the supporting information required to accompany certain proofs of claim and allows for the imposition of penalties in the event the information is not provided.

1. The Rule requires creditors to provide additional information in individual debtor cases, including an itemized statement of the interest, fees, expenses, and other charges incurred pre-petition. This applies to claims based on open-end or revolving credit arrangements.
2. If the claim is secured by a security interest in the individual debtor’s property, the creditor must also provide a statement of the amount necessary to cure any pre-petition default and, for home mortgage claims, a statement of any escrow account must also be provided. A secured creditor’s non-compliance may result in a court order prohibiting the creditor from presenting any omitted information as evidence in a contested matter or adversary proceeding and/or awarding attorneys’ fees.

C. Rule 3002.1 – New Rule implements § 1322(b)(5), which permits a Chapter 13 debtor to cure a home mortgage default and maintain ongoing post-petition payments during the course of the debtor’s plan.

1. Requires a home mortgage claimholder to provide at least 21 days’ to the debtor, debtor’s counsel, and the trustee of any change in the payment amount, including any change that results from an interest rate or escrow account adjustment. This notice will be filed as a supplement to the proof of claim.

2. Requires a home mortgage claimholder to file and serve on the debtor, debtor's counsel, and the trustee an itemized notice of all post-petition fees, expenses, or charges related to the claim within 180 days after they are incurred. This notice will be filed as a supplement to the proof of claim.
  3. Places the onus on the trustee (or debtor) to file and serve on the home mortgage claimholder, the debtor, and debtor's counsel a notice stating that the debtor has paid in full the amount required under the debtor's plan to cure any default (the "Notice of Final Cure Payment") within 30 days after the debtor completes the plan payments.
  4. Requires the home mortgage claimholder to file and serve on the debtor, debtor's counsel, and the trustee a statement indicating whether it agrees that the debtor has fully cured the default and whether the debtor is current with post-petition ongoing payments ("Response to Notice of Final Cure Payment") within 21 days of service of the Notice of Final Cure Payment. This will also be filed as a supplement to the proof of claim.
  5. The debtor or trustee, if they object to the Response to Notice of Final Cure Payment, may file a motion for a determination of whether the debtor has cured the default and paid all required post-petition amounts within 21 days of service of the Response to Notice of Final Cure Payment.
- ❖ The history, purpose, and full text of the Rules may be obtained at the United States Courts' Web site, which is accessible at <http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules.aspx>.

**UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK, UTICA DIVISION  
Bankruptcy Paralegal Program**

**Tips from Chambers**

- Always include the specific statutory basis in the Notice of Motion, Motion and Order. Please refer to Local Bankruptcy Rule 9013-1(a)(2).
- Motion to Avoid Lien pursuant to 11 U.S.C. §522(f): The Court requires evidence of value at the time of filing. Schedule A will not be considered as proper evidence of value.
- Always call Chambers before filing an Order to Show Cause or Order Shortening Time.
- Orders to Show Cause or Shorten Time should give a time frame for objections, state where the hearing will take place and indicate who will be served and the manner of service.
- In order to determine whether a matter should be scheduled for a Utica calendar date or a CourtCall calendar date, please look at the County of Residence of the debtor on the first page of the Petition.
- When requesting an adjournment, withdrawal or settlement notification for motion calendar related matters, please make sure to choose the Local Form for Utica. It is imperative that consent of all interested parties has been obtained. The form must be sent to all interested parties. If consent is not obtained, you must follow the procedure set forth in Local Bankruptcy Rule 9013-1(j).
- Unless otherwise order by the court, any oral order of the court, including any order resulting from a default motion under Local Rule 9013-4(b), shall be reduced to writing and submitted no later than 30 days from the date of ruling. Failure to comply with this rule is cause for the court to vacate its oral order and deny the relief requested.

## HOW TO ELECTRONICALLY FILE A TRANSCRIPT REQUEST

- Go to our Internet site: [www.nynb.uscourts.gov](http://www.nynb.uscourts.gov)
- Under Fillable Bankruptcy Forms (in left column)
- Choose Administrative Office Forms - AO 435 - Transcript Order

Enter on case using:

*Bankruptcy > Other > Request for Transcript*

*or*

*Bankruptcy > Appeal > Request for Transcript re: Appeal*

(NOTE: it is very important the correct entry be used so that your request gets processed timely.)



**TRANSCRIPT ORDER**

Please Read Instructions:

1. NAME		2. PHONE NUMBER		3. DATE	
4. MAILING ADDRESS			5. CITY		6. STATE
8. CASE NUMBER		9. JUDGE		DATES OF PROCEEDINGS	
				10. FROM	11. TO
12. CASE NAME			LOCATION OF PROCEEDINGS		
		13. CITY		14. STATE	
15. ORDER FOR					
<input type="checkbox"/> APPEAL		<input type="checkbox"/> CRIMINAL		<input type="checkbox"/> CRIMINAL JUSTICE ACT	
<input type="checkbox"/> NON-APPEAL		<input type="checkbox"/> CIVIL		<input type="checkbox"/> BANKRUPTCY	
				<input type="checkbox"/> OTHER	

16. TRANSCRIPT REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested)

PORTIONS	DATE(S)	PORTION(S)	DATE(S)
<input type="checkbox"/> VOIR DIRE		<input type="checkbox"/> TESTIMONY (Specify Witness)	
<input type="checkbox"/> OPENING STATEMENT (Plaintiff)			
<input type="checkbox"/> OPENING STATEMENT (Defendant)			
<input type="checkbox"/> CLOSING ARGUMENT (Plaintiff)		<input type="checkbox"/> PRE-TRIAL PROCEEDING (Specy)	
<input type="checkbox"/> CLOSING ARGUMENT (Defendant)			
<input type="checkbox"/> OPINION OF COURT			
<input type="checkbox"/> JURY INSTRUCTIONS		<input type="checkbox"/> OTHER (Specify)	
<input type="checkbox"/> SENTENCING			
<input type="checkbox"/> BAIL HEARING			

17. ORDER

CATEGORY	ORIGINAL (Includes Certified Copy to Clerk for Records of the Court)	FIRST COPY	ADDITIONAL COPIES	NO. OF PAGES ESTIMATE	COSTS
ORDINARY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
14-Day	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
EXPEDITED	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
DAILY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
HOURLY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
REALTIME	<input type="checkbox"/>	<input type="checkbox"/>			

CERTIFICATION (18. & 19.)  
By signing below, I certify that I will pay all charges  
(deposit plus additional).

ESTIMATE TOTAL  
0.00

18. SIGNATURE	PROCESSED BY
19. DATE	PHONE NUMBER
TRANSCRIPT TO BE PREPARED BY	COURT ADDRESS

ORDER RECEIVED	DATE	BY	DEPOSIT PAID	TOTAL CHARGES	0.00
DEPOSIT PAID			DEPOSIT PAID		
TRANSCRIPT ORDERED			TOTAL CHARGES		0.00
TRANSCRIPT RECEIVED			LESS DEPOSIT		0.00
ORDERING PARTY NOTIFIED TO PICK UP TRANSCRIPT			TOTAL REFUNDED		
PARTY RECEIVED TRANSCRIPT			TOTAL DUE		0.00

## INSTRUCTIONS

### GENERAL

**Use.** Use this form to order the transcription of proceedings. Complete a separate order form for each case number for which transcripts are ordered.

**Completion.** Complete Items 1-19. Do *not* complete shaded areas which are reserved for the court's use.

**Order Copy.** Keep a copy for your records.

**Mailing or Delivering to the Court.** Mail or deliver the original, and two copies of this form to the Clerk of Court.

**Deposit Fee.** The court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

**Deliver Time.** Delivery time is computed from the date of receipt of the deposit fee or for transcripts ordered by the federal government from the date of receipt of the signed order form.

**Completion of Order.** The court will notify you when the transcript is completed.

**Balance Due.** If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

### SPECIFIC

Items 1-19. These items should always be completed.

Item 8. Only one case number may be listed per order.

Item 15. Place an "X" in each box that applies.

Item 16. Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of transcript as are needed.

Item 17. *Categories.* There are six (6) categories of transcripts which may be ordered. These are:

*Ordinary.* A transcript to be delivered within thirty (30) calendar days after receipt of an order. (Order is considered received upon receipt of the deposit.)

*14-Day.* A transcript to be delivered within fourteen (14) calendar days after receipt of an order.

*Expedited.* A transcript to be delivered within seven (7) calendar days after receipt of an order.

*Daily.* A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.

*Hourly.* A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

*Realtime.* A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment.

**NOTE:** Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the 14-day *delivery* rate, and if not completed and delivered within 14 calendar days, payment would be at the ordinary delivery rate.

*Ordering.* Place an "X" in each box that applies. Indicate the number of additional copies ordered.

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*First Copy.* First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

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Item 18. Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

Item 19. Enter the date of signing.

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