UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN AND WESTERN DISTRICTS OF ARKANSAS

General Order Number 22

ORDER CONCERNING PROOFS OF CLAIM AND THE ELECTRONIC FILING OF PROOFS OF CLAIM AND AUTHORIZING THE CLERK TO REGISTER NON-ATTORNEYS IN CM/ECF

This Order expands the use of the Court's Electronic Case Files ("ECF") system by permitting creditors to file proofs of claim, transfers of claim, and other pleadings the Clerk of Court may designate electronically without the involvement of an attorney. Heretofore the court has permitted only attorneys to file documents electronically. Several large entities that file numerous proofs of claim in cases in this court have expressed an interest in being able to file those claims electronically, and the court concludes that access to ECF for limited purposes should be made available to creditors.

1. Claims for Post-Petition Interest. Creditors sometimes file claims that include post-petition interest as a means of estimating an amount necessary to provide adequate protection or because the claim is believed to be oversecured. This practice is unnecessary and conflicts with the instructions in the official proof of claim form (Official Form 10), which tells the creditor to state the "Total Amount of Claim at Time Case Filed," not what the claim would be at some time in the future. Hence, in stating the amount of a claim in section 4 of Official Form10, **a creditor must not include post-petition interest**, notwithstanding a good faith and accurate belief that the claim is oversecured so as to give rise to a right to payment of post-petition interest or that the creditor is entitled to adequate protection. The Bankruptcy Code provides adequate means of dealing with these rights apart from the proof of claim.

2. Exhibits to Proofs of Claim. Official Form 10 instructs filers (1) to attach copies of supporting documents to the proof of claim, but (2) if the documentation is voluminous, to attach summaries. In the ECF environment, proofs of claim are scanned and the images converted to documents in Adobe Corporation's Portable Document Format ("PDF"). Imaged PDF

documents are much larger files than text based counterparts of equal length and hence take longer to file and longer to retrieve for viewing. For this reason, the court encourages creditors to file with the proof of claim only those attachments that are necessary to show the basis for the amount of the claim, the basis for any secured claim, and documents that clearly establish a perfected security interest as set out in the attached "Procedures For Electronic Filing By Persons Who Are Not Attorneys." Thus, a creditor should not file invoices with its claim but rather just a summary of invoices. An excerpted exhibit must be clearly and prominently identified as an excerpt. A creditor that files an excerpted exhibit must make available the complete exhibit immediately upon request by a party or the court. Creditors filing excerpts of exhibits pursuant to this Order do so without prejudice to the right to file with the court additional exhibits or complete exhibits. **3. Signatures on Proofs of Claim and Transfers of Claims and Notification.** Proofs of Claim, Transfers of Claim, or other pleadings electronically filed should contain an image of any signature(s) therein or indicate the signature by putting "/s/ " and the name of the signatory where the original signature occurs. For example: /s/ John Doe.

4. Notices Concerning Proofs of Claim, Including Transferred Claims. Official Form 10 includes a space for the "Name and address where notices should be sent." To the right of that part of the form, there are check boxes, including one that reads: "Check box if the address differs from the address on the envelope sent to you by the court." In providing that information, the creditor agrees that an objection to a claim and a notice of hearing on that objection may be served on the entity and at the address stated or if no entity and address are stated, on the creditor at its address for notices provided in Fed. R. Bank. P. 2002(h).

The name and address of the transferee shown on a transfer of claim shall be deemed the mailing address designated by the transferee to which notices concerning the transferred proof of claim, including objections to the claim and notices of hearings concerning the claim, should be sent.

5. Form of Transfer of Claim. A transfer of a claim for which a proof of claim has been filed shall state the claim number(s), as shown in this court's ECF Claims Register, for the transferred claim. For Chapter 13 cases, the claim number, as shown by the Chapter 13 Trustee's records, shall also be stated on the transfer of claim.

6. ECF Access. The CM/ECF software now permits the court to increase the number of groups of users, making it possible to limit the features available to a particular group. Hence, the court is now able to craft limited access to CM/ECF for the ministerial functions. Giving creditors limited access to CM/ECF for these purposes will further advance the goals of reducing or eliminating costs and delays associated with paper files and making detailed case information available to attorneys and the public at low cost over the Internet.

The Judges of this court have reviewed proposed administrative procedures for registering persons who are not attorneys and the entities that employ them ("Procedures For Electronic Filing By Persons Who Are Not Attorneys"), a copy of which is attached to this Order as Exhibit A. These procedures, as limited by this Order, are consistent with, and further the responsibility of, the Clerk of this court for the control of the court's docket under Fed. R. Bank. P. 5005, including safeguarding the integrity of the court's docket and filed documents and are therefore APPROVED and incorporated herein by reference.

7. Procedures for Electronic Filing of Proofs of Claim and Transfers of Claims. No person or entity shall cause a proof of claim or transfer of claim to be filed electronically without the express authorization of the individual whose signature or "/s/ *name*" appears on the electronically filed document and the entity on whose behalf the document is being filed. The imaged signature or "/s/ *name*" of an individual who authorizes the electronic filing of a proof of claim or transfer of claim shall constitute that individual's signature for purposes of Fed. R. Bank. P. 9011 and of 18 U.S.C. §§152 and 3571. When an individual creditor or employee or agent of any creditor to whom the Clerk issues a log-in and password files a proof of claim or transfer of claim, that individual certifies that (1) he or she is authorized to file the proof of claim

or transfer of claim by the entity on whose behalf the document is being filed, (2) the creditor is the same entity stated on that individual's application to use the CM/ECF system, and (3) the individual whose signature appears on the proof of claim or transfer of claim has authorized the filing of that document. No individual registered to use the ECF system to file only proofs of claim and transfers of claims shall knowingly permit or cause to permit the password assigned to that individual to be utilized by any other person.

IT IS SO ORDERED.

Dated: October 1, 2002

JAMES G. MIXON
CHIEF UNITED STATES BANKRUPTCY JUDGE

AUDREY R. EVANS
UNITED STATES BANKRUPTCY JUDGE

ROBERT F. FUSSELL
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
EASTERN AND WESTERN DISTRICTS OF ARKANSAS

Procedures For Electronic Filing
By Persons Who Are Not Attorneys

May 13, 2002

Exhibit A
to General Order No. 22

PROCEDURES

I. REGISTRATION

1. Forms. An individual or entity, including a governmental entity, ("Creditor") desiring to file electronically proofs of claim (hereinafter referred to as "EPOC" and/or transfers of claims (hereinafter referred to as "ETC") or other pleadings the Clerk of Court designates in cases filed in this court should complete and submit the Creditor Registration Form appended hereto as Attachment 1, United States Bankruptcy Court, P.O. Box 3777, Little Rock, AR 72203-3777, Attn: ECF Help Desk. In addition, at least one employee or agent of a Creditor who is to be responsible for uploading/entering into the ECF system for that creditor ("Filer") must complete and submit the Filer Registration Form appended hereto as Attachment 2. The court may require a Creditor or Filer to resubmit an executed registration form from time to time as terms and conditions for using the Electronic Case Filing System change.

2. Training/Prior Registration With Another Court. Filers will be required to successfully complete an on-line tutorial using the Court's Internet site or Filer must list, on the Filer Registration Form, other ECF courts the Filer has been granted access for filing.

3. Safeguarding Password. Each Filer approved by the court will receive a password. Filers may find it desirable to change their court-assigned passwords periodically, which they may do by mailing a request to the Clerk. Any Filer having reason to believe that the security of an existing password has been compromised or that a threat to the court's computer system may exist shall immediately notify the Clerk of Court, Chief Deputy Clerk or Director of Automation by telephone and confirm the notice in writing, so as to prevent possible unauthorized access to the court's computer system.

II. ELECTRONIC FILING OF PROOFS OF CLAIM AND TRANSFERS OF CLAIMS

Creditors, their Responsible Persons (as defined below) and their Filers participating in the electronic filing of proofs of claim and/or transfers of claims shall comply with the following

instructions and procedures.

1. Form of Proof of Claim. Each EPOC must conform to Official Form 10 with respect to the information requested by that form, subject to the instructions concerning attachments below. EPOCs may be prepared and submitted as text documents (as opposed to scanned or imaged documents) in PDF format, provided that an image of the signature of the employee or agent who is authorized to submit the EPOC for filing and who in submitting the EPOC for filing certifies its accuracy (the "Responsible Person") is embedded in the text based document. The Filer and the Responsible Person do not have to be the same individual. The form of the proof of claim must include below the signature line the admonition at the bottom of Official Form 10 that

"***Penalty for presenting fraudulent claim*: Fine of up to $500,000 or imprisonment up to 5 years, or both. 18 U.S.C. §§ 152 and 3571**."

2. Form of Transfer of Claim. A transfer of a claim shall state the claim number or numbers of the proofs of claim, as shown in the Court's ECF Claims Register, for each transferred claim. For Chapter 13 cases, the claim number, as shown by the Chapter 13 Trustee's records, shall also be stated on the transfer of claim.

3. Attachments. Any document to be filed electronically as an exhibit to an electronically filed proof of claim shall be redacted so as to include in the exhibit only the portion minimally necessary to explain the basis of the claim. For example, attach summaries of accounts, not copies of invoices, and attach only those portions of documents evidencing a secured claim necessary to compute the amount of the claim and demonstrate the interest in the collateral, i.e., a note and critical portions of security deeds, mortgages and security agreements, such as pages showing recording information, parties to the instrument or agreement, signatures, grants of liens or security interests and collateral descriptions. An excerpted exhibit must be clearly and prominently identified as an excerpt, and the creditor must make available the complete exhibit immediately upon request by a party or the court. A creditor should include all exhibits to a

proof of claim in the same PDF document with the proof of claim (and hence not use the attachment feature in ECF) unless the total number of pages created by scanning documents exceeds 15 pages. Creditors filing excerpts of exhibits pursuant to this order do so without prejudice to the right to file with the court additional exhibits or complete exhibits.

4. Signatures. An image of the signature of the Responsible Person or "/s/ *responsible person*" must appear on each EPOC/ETC. In filing each EPOC/ETC, the Filer certifies that (1) he or she is authorized to file the proof of claim or transfer of claim by the entity on whose behalf the document is being filed, (2) the creditor is the same entity stated on that individual's application to use the CM/ECF system, and (3) the Responsible Person whose signature appears on the proof of claim or transfer of claim has authorized the filing of that document. The Responsible Person who directs the filing of an EPOC/ETC bears the same responsibility for the proof of claim and information provided therein as would be the case if the proof of claim or transfer of claim were filed in paper form.

5. Change of Address. If the address used by the Clerk to mail notices to a Creditor is not the address to which the Creditor desires that notices be sent concerning a proof of claim, including objections to that claim, the Creditor should (1) direct a Filer for that creditor to create a new creditor record in the course of filing the EPOC and (2) flag the fact that name and/or address have been changed in the Remarks block on the screen for recording information about the claim.

Attachment 1

CREDITOR REGISTRATION FORM

UNITED STATES BANKRUPTCY COURT
EASTERN & WESTERN DISTRICTS OF ARKANSAS

CREDITOR REGISTRATION FORM

Entities filing in cases pending in the U.S. Bankruptcy Court for the Eastern and Western Districts of Arkansas ("Creditors") that desire to be authorized to file documents electronically should complete this registration form and submit it to the Clerk of the Court.

"Firm" is the name of the Creditor entity on whose behalf an employee or agent ("Filer") is to be issued a login and password and authorized to file electronically. Complete a separate form for each separate corporate or other distinct legal entity.

Firm Name: _____

Firm Address: _____

Firm Federal Tax ID #: _____

Contact Person: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

By submitting this registration form, the undersigned Creditor agrees as follows:

1) Rule 9011 of the Federal Rules of Bankruptcy Procedure and Official Form 10 require that every proof of claim be signed by the person authorized to submit the proof of claim for filing ("Responsible Person"). Creditor will direct each of its Filers and each of its Responsible Persons to read and to comply with the orders and procedural directions of the Court concerning the electronic filing of proofs of claim.

2) If a Filer ceases to be an employee or agent of the Creditor or for any other reason ceases to be authorized to file electronically on behalf of the Creditor, the Creditor will promptly notify the Clerk.

3) The undersigned has read General Order 19.

4) Registration shall constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first class mail, postage prepaid.

The undersigned certifies under penalty of perjury that he or she is properly authorized to submit this Creditor Registration Form on behalf of the Firm identified above.

Dated: _____

_____
Signature

_____
Office or Position with the Creditor Firm

Address and telephone
(if different from information
provided above)

_____

_____

_____

Please return to:
Attn: ECF Help Desk
United States Bankruptcy Court
P.O. Box 3777
Little Rock, AR 72203-3777

Attachment 2

FILER REGISTRATION FORM

UNITED STATES BANKRUPTCY COURT
EASTERN & WESTERN DISTRICTS OF ARKANSAS

FILER REGISTRATION FORM

To register for an account on the Court's Electronic Filing System, please provide the information requested below. "Firm" is the name of the entity on whose behalf the Filer is to be authorized to file electronically. If Filer is employed by more than one entity in the same group of entities, attach a continuation sheet with the information requested for each such entity.

First/Middle/Last Name: _____

Firm Name: _____

Firm Address: _____

Firm Federal Tax ID #: _____

Filer's Voice Number: _____

Filer's FAX Number: _____

Filer's E-Mail Address: _____

Other ECF Courts You Are Registered With: _____

_____

_____

By submitting this registration form, the undersigned Filer agrees as follows:

1) Rule 9011 of the Federal Rules of Bankruptcy Procedure and Official Form 10 require that every proof of claim be signed by the person authorized to submit the proof of claim for filing ("Responsible Person"). Filer will check to be sure an image of the signature of the Responsible Person or "/s/ *responsible person*" is attached to or part of each proof of claim filed electronically. The unique password issued to an Filer registered to use the ECF system identifies that Filer to the court each time that the Filer logs on to the ECF system. The use of a Filer's password serves as and constitutes the signature of the Filer for purposes of indicating an understanding of and agreement to comply with the orders and procedural directions of the court concerning the electronic filing of proofs of claim. Therefore, a Filer must protect and secure the password issued by the court. If any reason exists to suspect the password has been compromised in any way, it is the duty and responsibility of the Filer to notify the court immediately. The court will thereafter immediately delete that password from the electronic filing system and issue a new password.

2) If the Filer ceases to be an employee of the Creditor on whose behalf the Filer was authorized to file or ceases for any reason to be authorized to file electronically for that Creditors, the Filer will immediately inform the Clerk of the Court in writing that the Filer is no longer an authorized Filer and will cease using the logon and password issued to that Filer. If any of the information provided by Filer on this form changes, Filer will promptly send an amended

registration form to the Clerk with the then current information.

3) The undersigned has read General Order 19.

Dated: _____

_____
Applicant's Signature

Approved:

_____
Signature of Authorized Supervisor of Applicant

_____
Office or Position with the Creditor Firm

Address and telephone
(if different from information
provided above)

_____

_____

_____

Please return to:
Attn: ECF Help Desk
United States Bankruptcy Court
P.O. Box 3777
Little Rock, AR 72203-3777