

NOTICE

In October 2012, the Judiciary's Bankruptcy Noticing Center (BNC) contractor will begin accepting, processing, and securely disposing of notices that would otherwise be returned to the bankruptcy courts by the United States Postal Service (USPS). The service will eliminate nearly all manual processing of returned mail currently performed by court personnel, and will provide timely notification to debtors' attorneys of returned notices. This procedural change in processing returned mail is required by the Administrative Office of the U.S. Courts (AOUSC) as a cost-containment measure and is projected to save the judiciary \$1.2 million annually.

Currently, BNC returned mail goes either to the court or to debtors' attorneys. As a cost-savings and efficiency measure, bankruptcy courts have been urged to have most returned mail sent to the debtor's attorney, which provides notice that a better address for such recipient should be provided to the court. This procedure is not changing. What does change, however, is that mail currently directed for return to the bankruptcy courts will now be handled in one facility through the new centralized return mail program.

Under the terms of the revised contract, the BNC contractor will have two business days from receipt to process the returned mail, and the contractor's system will auto-generate a Notice of Returned Mail email notification to the debtor's attorney, with a copy of the notice as a PDF attachment, advising of the returned mail by the USPS. If no attorney email address is available or if the debtor is pro se, the Notice of Returned Mail will be sent by U.S. mail to the attorney or pro se debtor, as appropriate.

Thus, debtors' attorneys will receive returned mail in bankruptcy cases in two different ways: regular USPS mail for the majority of items where the return address is the debtor's attorney, and email Notices of Returned Mail for returned mail that would have been sent back to the bankruptcy court.

A sample Notice of Returned Mail is provided below. This is the new PDF attachment that debtors' attorney will receive from the BNC. Please note this generic Notice, drafted by the BNC, does not correctly identify address amendment procedures in the Northern District of Ohio. Even though this form notice does not correctly reflect procedures in the Northern District of Ohio, the court cannot change it. Pursuant to [LBR 1007-2\(c\)](#), address changes are treated as schedule amendments. As such, notification to the court of updated addresses must be made by Schedule form amendment along with a verification (electronic signature) by the debtor, and a certificate of service. There is no filing fee charged for schedule amendments made only to change a scheduled creditor's address. The court does not re-send notices already issued based on later address changes from the debtor or debtor's attorney. Debtors' attorneys must also upload the new address(es) into the case database.

The sample notice suggests the debtor or debtor's attorney may indicate an amended address and send the deficiency form to the clerk for processing. As explained, this is not the correct procedure in the Northern District of Ohio to change a creditor's address. Instead, debtors' attorneys must follow the schedule amendment procedure outlined above. If you have any questions about the new returned mail procedures, please contact the Help Desk at your divisional office. Help Desk phone numbers can be found on the Electronic Case Filing menu of the Court's website at www.ohnb.uscourts.gov.

Kenneth J. Hirz
Clerk

Date of Issuance: October 5, 2012

Returned Mail Notice to Debtor/Debtor's Attorney

March 12, 2011

From: United States Bankruptcy Court, district

Re: U.S. Courts, Bankruptcy Noticing Center- Returned Mail Notice

In re: Case Name, Case Number 05-12336, judge's initials

TO THE DEBTOR/DEBTOR'S ATTORNEY:

The attached document was mailed to the notice recipient(s) listed below via the U.S. Postal Service, and it was returned to the Bankruptcy Noticing Center as undeliverable. Please be advised that dischargeability of a debt may be affected if a creditor fails to receive certain notices. You should determine whether the address should be updated. **NOTE: THIS FORM CANNOT BE USED TO ADD A NEW CREDITOR NOT PREVIOUSLY LISTED ON YOUR SCHEDULES.**

If this form is used by the court in place of filing a separate notice of change of address and/or an amended schedule: 1) determine the updated address and send the attached document to the notice recipient; 2) list the updated address below; 3) sign and date the form; and 4) file this form with the court. Please type or print legibly.

Notice Recipient's Address on Envelope Returned to the Bankruptcy Noticing Center:

Bart Simpson Company

301 Maple Avenue

Springfield, Illinois 28123-1204

THE UPDATED ADDRESS IS :

Signature of Debtor or Debtor's Attorney

Date

The Bankruptcy Noticing Center does not respond to messages regarding returned mail notification. Please contact the U.S. Bankruptcy Court where the case is pending with questions or comments.

Figure 1 - Notice of Returned Mail Format