

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

In re

GENERAL ORDER 03- 01

GENERAL ORDER RELATING TO
ELECTRONIC CASE FILING PROCEDURES

Federal Rule of Civil Procedure 5(e) and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029 authorize this Court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means. The Court has reviewed the proposed *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* and it is now

ORDERED THAT:

1. The *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* issued October 3, 2003, including the procedures for registration of attorneys, trustees, and United States Trustees, and for distribution of passwords to permit electronic filing and notice of pleadings and other papers, are hereby approved by the Court.
2. The provisions of this Order shall apply to all cases and proceedings filed electronically or converted to the Electronic Case Filing System, presently pending or subsequently filed in the United States Bankruptcy Court for the Southern District of West Virginia. Amendments to this Order, or to the *Administrative Procedures* adopted by it, may be made from time to time as circumstances and/or suggestions of the Bar demonstrate need.

ENTERED: October 3, 2003



RONALD G. PEARSON, JUDGE

Case Management
CM / ECF
Electronic Case Files

United States Bankruptcy Court
for the
Southern District of West Virginia

**Administrative Procedures for Filing,
Signing, and Verifying Pleadings and
Papers by Electronic Means**
(Effective October 3, 2003)

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Declaration Re: Electronic Filing and Statement of Social Security Number(s) - Exhibit 3

Certificate of Service (Example) - Exhibit 4

I. Use of the Electronic Case Filing System

A. Designation of Cases

Unless otherwise directed by the Court, all cases will be entered into the Electronic Case Filing System (hereafter ECF System) utilized by the Office of the Clerk.

Cross Reference

11 U.S.C. 1930

N.D.W.V. LBR 5005-4.02

B. Eligibility, Registration, Certification, and Passwords

1. Each attorney admitted to practice and currently in good standing in this Court, each trustee, the United States Trustee, and any other party as the Court may permit, shall be eligible to register as a filing user of the Court's ECF System. Filing user is defined as a registered attorney, trustee, or United States Trustee who electronically transmits any pleading or document to the Court.
2. A registration form in the form attached hereto (See Appendix - Exhibit 1) must be submitted for each attorney, trustee and the United States Trustee. An attorney registrant must also provide authorization for credit card payment of filing fees in the form attached hereto. (See Appendix, Exhibit 1-A). All registration forms are to be returned as follows:

United States Bankruptcy Court
Southern District of West Virginia,
ATTN: CM/ECF Registration
300 Virginia Street East, Room 2400,
Charleston, WV, 25301

3. Registration forms will be distributed to each attorney, trustee and the United States Trustee upon certification by the Office of the Clerk of the successful completion of a prescribed training course presented by the Office of the Clerk of this Court or other authorized training program.
4. Upon registration and certification, each registering attorney, trustee and United States Trustee will be assigned a login and password for the ECF System. Each registrant will receive an e-mail message after his/her login and password have been assigned, to insure that the e-mail address has been entered correctly in the ECF System. The registrant may contact the Clerk's Office for activation of his/her live ECF System login and

password. The password information for the live ECF System will be mailed to the registrant by regular, first-class mail or arrangements may be made to pick it up at the Clerk's Office.

5. Registration as a filing user constitutes a request for service and notice electronically pursuant to Fed.R.Bankr.P. 9036.
6. The password required to submit documents to the ECF System serves as the registered user's original signature on all documents electronically filed with the Court. The password also serves as a signature for purposes of Fed.R.Bankr.P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court.
7. Filing users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Misuse of the ECF System login and password may result in revocation of login and password privileges and/or the imposition of sanctions.
8. Once registered, an attorney may withdraw from participation in the ECF System by providing the Clerk of Court with written notice of such withdrawal. Copies of the written notice must also be provided to all registered attorneys, trustees and the United States Trustee who have appeared in a case in which the withdrawing attorney has appeared, and which case remains open at the time of withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the attorney's password and delete the attorney from any applicable electronic service list. *However, this does not authorize the attorney to withdraw as the attorney of record for his/her client.* The attorney must still follow required procedures to withdraw as attorney of record.

Cross Reference

N.D.W.V. LBR 5005-4.03

Appendix, Exhibits 1-A, 1-B

II. Electronic Filing and Service of Documents

A. Consequences of Electronic Filing of Documents

1. Electronic transmission of a document to the ECF System consistent with these rules, together with the transmission of a *Notice of Electronic Filing* from the Court constitutes:

- a. filing of the document for all purposes of the federal and local rules;
 - b. entry of the document on the docket kept by the Clerk under the Federal Rules of Civil Procedure and the Official Bankruptcy Rules; and
 - c. service under the Federal Rules of Civil Procedure and the Official Bankruptcy Rules upon those filing users who receive the *Notice of Electronic Filing*.
2. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. The filing user must designate a title for the document by selecting the appropriate event title from the categories provided in the ECF System. (Refer to your training manual for a listing of the categories and events.) Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the Clerk's Office.
 3. Filing a document electronically does not alter the filing deadline for that document. The deadline for filing, unless otherwise specifically set, is midnight of the due date (E.S.T.).

Cross Reference

N.D.W.V. LBR 5005-4.04

B. Electronic Service of Documents

1. When a pleading or other document is filed electronically, a *Notice of Electronic Filing* (See Appendix - Exhibit 2) will be automatically generated by the ECF System at the time of filing and sent electronically to the party filing the pleading or other document, as well as to all parties in the case who are registered filing users in the ECF System or have otherwise consented to electronic service.
2. Participants in the ECF System, by receiving a login and password from the Court, agree that the *Notice of Electronic Filing* constitutes service of the filed document under the federal and local rules. Accordingly, if the filing party is a filing user and has filed the document or pleading electronically, it is not necessary for the filing party to provide any additional service with respect to those filing users that received the *Notice of Electronic Filing* from the Clerk.

3. Parties not deemed to have consented to electronic service are entitled to receive service of paper copies of electronically filed documents from the filing user. Service of such paper copies must be made according to the federal and local rules and must be accompanied by the appropriate certificate of service. The certificate of service may be electronically filed with the initial filing.
4. Filing users can rely on the "Mailing Information for a Case", available from the ECF System, to determine which parties have consented to electronic service in a case.
5. Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Official Bankruptcy Rules. The return of service may be filed electronically.

NOTE: Service of a summons and complaint filed in an adversary proceeding or an involuntary bankruptcy proceeding shall continue to be made pursuant to Fed.R.Bankr.P. 7004.

6. Certificates of service must state the manner in which service or notice was accomplished on each party so entitled, and may be filed together with the pleading under one docket number, as provided in subparagraph II(I)(2). Filers may determine which parties have consented to A sample certificate of service is attached to these procedures as Exhibit 4.

Cross Reference

Rule 4 Fed. R. Civ. Pro.

Rule 5 Fed. R. Civ. Pro.

Bankruptcy Rule 7004

Bankruptcy Rule 7005

N.D.W.V. LBR 5005-4.10

Appendix - Exhibit 2

Appendix - Exhibit 4

C. Signatures

1. The user login and password required to submit documents to the electronic filing system shall constitute the signature of that attorney, trustee or United States Trustee for all purposes, including Fed.R.Bankr.P. 9011. No filing user or other person may knowingly permit or cause to permit a filing user's password to be used by anyone other than an authorized agent of the filing user.

2. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's bar registration number, if applicable. Electronically filed documents shall contain an electronic signature of the filer, e.g., *"/s/ Jane Doe."*
3. When the original petition is filed electronically, counsel for the debtor(s) shall cause the debtor(s) to execute a ***Declaration Re: Electronic Filing and Statement of Social Security Numbers(s)*** (See Appendix - Exhibit 3) and shall file the hard copy of the ***Declaration Re: Electronic Filing and Statement of Social Security Number(s)***, containing the original signatures of the debtor(s), within five (5) business days after the electronic filing of the petition. The ***Declaration Re: Electronic Filing and Statement of Social Security Number(s)*** provides the court with verification that the parties understand and agree that the debtor(s) will not receive notice via mail or e-mail and that counsel for the debtor(s) will receive service of process on behalf of the debtor(s) and will provide a copy of all pleadings and information to be filed with or received from the Court to the debtor(s). The ***Declaration Re: Electronic Filing and Statement of Social Security Number(s)*** also provides notice that the debtor(s) have been informed by their attorney of the different chapters that he/she may proceed under and provides verification of the Social Security number information, as required by Bankruptcy Rule 1007(f).
4. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:
 - a. The filing party shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall obtain and have in his or her possession the actual signatures of all parties on the document.
 - b. The filing party shall then file the document electronically, indicating the signatories, e.g., *"/s/Jane Doe," "/s/John Doe,"* etc.
 - c. The filing party shall retain the hard copy of the document containing the original signatures in accordance with subparagraph II(D)(1) below.
5. *Pro Se filers* shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as

provided in 28 U.S.C. § 1746. These documents will be scanned by the Clerk's Office so they may be docketed electronically.

Cross Reference

Rule 11 Fed. R. Civ. Pro.

Bankruptcy Rule 1008

N.D.W.V. LBR 5005-4.09

Appendix - Exhibit 3

D. Retention Requirements

1. The original, paper copy of the bankruptcy petition, lists, schedules, statements, amendments, pleadings, affidavits, and any other documents which must contain original signatures, or which require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be retained by counsel for the proponent of an electronically filed document for a period of no less than seven (7) years after the closing of the case and shall be available for inspection upon request by the Court, the United States Trustee's Office, the case trustee and/or their designees.
2. The Office of the Clerk shall maintain the *Declaration Re: Electronic Filing and Statement of Social Security Number(s)* pursuant to federal requirements for record retention, but not for less than ten (10) years after the closing of the case.

Cross Reference

N.D.W.V. LBR 5005-4.08

E. Creditor Matrix

The creditor matrix is prepared with word processing software in a single column format with a 1" left margin (not centered). Type must be single spaced with a double space separating one creditor from the next. The city, state and zip must all be on the last line. The word processing file is saved as a text (.txt) file and uploaded to the ECF System per the User's Manual.

Cross Reference

N.D.W.V. LBR 5005-4.01

F. Fees Payable to the Clerk

Attorneys shall be required to provide authorization for credit card payment of prescribed filing fees at the time of registration for an ECF login and password. Attorneys who elect to electronically file a pleading that must be accompanied by a fee shall pay that fee using the credit card module provided in the ECF System.

Cross Reference

11 U.S.C. 1930

N.D.W.V. LBR 5005-4.02

Exhibit 1-A

G. Assignment of Case Numbers

Main bankruptcy cases will be assigned case numbers in CM/ECF according to the county in which the debtor(s) reside. Cases filed by debtor(s) who reside outside of the Southern District of West Virginia will be assigned a case number in the Charleston Division. Adversary proceedings will be assigned case numbers in CM/ECF according to the division assigned to the related main bankruptcy case. Venue will be assigned according to General Order 98-03, unless accompanied by a Motion to Change Venue.

H. Orders

1. Electronic Submission of Proposed Orders

- a. Proposed orders submitted with electronically filed pleadings shall be saved as a PDF file through Acrobat Distiller and shall be submitted as an *Attachment* to the document being filed.
- b. Proposed orders submitted electronically without an accompanying pleading, e.g., reflecting the Court's ruling at a hearing, shall be saved as a PDF file through Acrobat Distiller and shall be filed using the event, "Proposed Order" from the "Miscellaneous" category of events.

2. Electronic Entry of Orders

Any order entered electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

3. Electronic Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the electronic filing system, the Clerk will transmit to filing users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by the Federal Rules of Civil Procedure and the Official Bankruptcy Rules. The Clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Civil Procedure.

Cross Reference

Rule 77(d) Fed. R. Civ. Pro.

Bankruptcy Rule 9022

N.D.W.V. LBR 5005-4.05

N.D.W.V. LBR 5005-4.11

I. Attachments and Exhibits

1. **Electronically filed documents may not exceed fifty (50) pages in length.** Documents that exceed fifty (50) pages shall be separated into sections, each of which shall contain no more than fifty (50) pages. The first section shall be filed as the main document, with the succeeding 50-page sections filed as attachments to the main document.
2. All documentation that is part of a pleading shall be electronically filed together as one document; e.g., the motion, notice of motion, and certificate of service. Exhibits not prepared in a word processing format must be scanned and electronically filed as attachments to the main document. Proposed orders shall be filed as an attachment as provided in subparagraphs II(H)(1) and (2).
3. A filing user may submit as exhibits only those excerpts of the referenced document that are directly material to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such, and the complete exhibit must be made available forthwith to interested parties, counsel, and/or the Court upon request and at the filer's cost (and must be available in the courtroom at any hearing pertaining to the matter). A filing user who files excerpts of exhibits pursuant to this subparagraph does so without prejudice to the right to file additional excerpts or the complete exhibit with the Court at any time. Responding/opposing parties may timely file additional excerpts or the complete exhibit if they believe they are directly material.

4. Excerpts of exhibits may not be filed in connection with a matter to be heard on an expedited basis and the full exhibits must be filed with the motion, application, pleading, etc.
5. Any document that requires leave of the Court to be filed, such as a document to be filed out of time or to amend, shall be attached as an exhibit to the motion requesting leave to file or requesting the court to reopen the case.

Cross Reference

N.D.W.V. LBR 5005-4.06

J. Technical Failures

If a System failure occurs during the regular operating hours of the Clerk's Office (8:30 a.m. to 5:00 p.m.), parties unable to electronically file documents that are due that day shall contact the Clerk's Office to ascertain an alternative method of filing. If a System failure occurs outside of the regular operating hours of the Clerk's Office, parties unable to electronically file documents that are due that day must call the Clerk's office prior to 10:00 a.m. of the next business day to ascertain an alternative method of filing. In the event of a power failure or other situation which makes it impossible for the Clerk's Office or filing party to access the internet, filings may be made using paper format.

Cross Reference

N.D.W.V. LBR 5005-4.12

III. Exceptions to Electronic Filing (Conventional Filing)

The following shall not be filed electronically: (A) documents filed by non-registered attorneys, parties in interest, and pro se debtors; (B) sealed documents, trial exhibits, and transcripts; and (C) proof of claims.

A. Documents Filed by Non-Registered and Pro Se Filers

Non-registered filers and debtors without legal representation may file and serve documents in paper form in accordance with the federal and local rules. All paper filings will be scanned and converted to electronic (PDF) format by the Clerk. For this to be accomplished efficiently, the following should be observed:

1. Paper used must be of a 20 lb. weight to allow it to be readily scanned by a high speed scanner - no coated, heavy or curling paper, no onion skin;

2. No double-sided pages;
3. No staples or bindings;
4. No carbon copies;
5. No tabbed exhibits;
6. Documents must be letter size - 8-1/2 x 11 inches;
7. The left margin of the matrix must be approximately 1" from the left edge of the paper and all entries must be lined up with the left margin.
8. Typeface must be Courier, CG Times or Times New Roman Font, 12 point type.

B. Sealed Documents, Trial/Contested Matter Exhibits, and Transcripts

The following documents shall be filed in paper form and not electronically unless specifically authorized by the Court. These documents will not be scanned and will not be available for viewing via the ECF System.

1. **Sealed Documents** - The motion to file documents(s) under seal may be filed electronically. Once the Order granting said motion has been entered, the actual sealed document(s) shall be prepared in paper form and submitted to the Clerk of Court with a copy of the Order attached to the document(s) under seal.
2. **Trial/contested matter exhibits** - Trial/contested matter exhibits shall be submitted, maintained and exchanged outside of the ECF System in a manner that comports with local and federal rules and any applicable pretrial or scheduling Order. Exhibit lists submitted prior to trial and/or final hearing in a contested matter may be filed electronically.
3. **Transcripts** - Transcripts shall be filed in paper form and submitted to the Clerk's Office for filing.

C. Claims

Proof of claims may not be filed electronically. Claims and exhibits/attachments shall be submitted to the Clerk's Office in paper form using Form B10, with exhibits/attachments reduced in size to 8-1/2 x 11" and one-sided. All claims filed will be scanned and docketed by the Clerk's Office.

Cross Reference

Rule 5(e) Fed. R. Civ. Pro.

Bankruptcy Rule 5005(a)(2)

N.D.W.V. LBR 5005-4

N.D.W.V. LBR 5005-4.07

IV. Public Access to Electronic Records**A. Pacer**

For a fee, any person or organization may access electronically filed records at the Court's internet site by obtaining a PACER login and password at the online site, <http://pacer.psc.uscourts.gov>, or by calling the PACER Service Center at 1-800-676-6856. Those who have PACER access but who are not filing users may retrieve docket sheets and documents, but they may not file documents.

B. Motion to Limit Electronic Access

In connection with the filing of any material in an action assigned to the ECF System, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

C. Privacy Requirements

Information posted on the system must not be downloaded for uses inconsistent with the privacy requirements of federal law.

D. Public Access at the Court

The public will have electronic access to bankruptcy records at no charge in the Charleston Clerk's Office. Electronic Bankruptcy records can be reviewed in the Clerk's Office at 300 Virginia Street East, Room 2400, Charleston, West Virginia during regular business hours (Monday through Friday - 8:30 am to 5:00 pm).

E. Paper Copies and Certified/Exemplified Copies

Paper copies and Certified/Exemplified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours Monday through Friday - 8:30 am to 5:00 pm - or by mailing in a request to the Clerk's Office at 300 Virginia Street East, Room 2400, Charleston, WV, 25301, and designating the document(s) by title or docket number. If requesting through the

mail, a self-addressed, stamped return envelope large enough to hold the requested documents and the proper fee must be provided for mailing of the copy work. The fee for copying, certification and/or exemplification will be in accordance with 28 U.S.C. § 1930. You may call the Clerk's Office at 304-347-3000 to obtain the current fees charged.

Cross Reference

N.D.W.V. LBR 5005-4.13

APPENDIX

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Exhibit 1

Case Management/Electronic Case Files
Attorney/Trustee/United States Trustee Registration Form
LIVE ECF System

I request that the U. S. Bankruptcy Courts for the Southern District of West Virginia, issue me a login and password so that I can use the Court's Electronic Case Filing System (ECF). I have successfully completed attorney / trustee / United States Trustee training in the class held at the location, date and time listed below.

I understand that the use of my login and password serves as and constitutes my signature. I agree to protect and secure my password and I will immediately notify the Court if I have any reason to suspect that my password has been compromised in any way.

I further agree to abide by all of the rules and regulations in the *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* currently in effect, and any changes and additions that may be made to these procedures in the future.

(PLEASE TYPE ONLY)

Class Location, Date and Time: _____

First/Middle/Last Name: _____

Social Security Number: _____

Bar ID# #: _____ State: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____ FAX Phone Number: _____

Internet E-Mail Address: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This ECF System is for use only in cases permitted by the U. S. Bankruptcy Courts for the Southern District of West Virginia.
2. At this time, the requirements for filing, viewing, and retrieving case documents are: 32MB of memory; internet access of at least 56k (high speed connections such as DSL will improve performance, AOL does not work with CM/ECF); scanner; software which includes Windows 95 or higher (or a MAC), Netscape Navigator version 4.7 and Microsoft Internet Explorer 5.0 or higher; internet browser configured with 128 bit encryption, Java Script enabled, and session cookies enabled.
3. Filer is defined as a registered attorney, trustee, or United States Trustee, who electronically transmits any pleading or document to the Court.
4. Pursuant to Federal Rules of Civil Procedure 11, every pleading, motion, and other document (except list, schedules, statement or amendments thereto) generated and filed electronically shall be signed by the filer in the form of "/s/ John Doe" on the signature line. A filer's password issued by the court combined with the

filer's identification, serves as and constitutes the attorney's, trustee's or the United States Trustee's signature. Therefore, the filer must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney, trustee or the United States Attorney to change their password and immediately notify the Automation Manager.

5. An attorney's registration will constitute a waiver in law of conventional service of documents. The registered attorney agrees that the CM/ECF-generated notice of electronic filing will constitute service of the electronic filing on behalf of the client.
6. The undersigned attorney, trustee or United States Trustee agrees to abide by the most recent General Order, *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* and all technical and procedural requirements set forth therein.

DATE

APPLICANT'S SIGNATURE

TITLE (Attorney, Trustee, or United States Trustee)

Please return this form to:

U. S. Bankruptcy Court
Southern District of West Virginia
Attn: CM/ECF Registration
300 Virginia Street East, Room 2400
Charleston, WV 25301

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Exhibit 1-A

CREDIT CARD BLANKET AUTHORIZATION FORM
(FOR ATTORNEY USE - PRINT OR TYPE ONLY)

I hereby authorize the United States Bankruptcy Court for the Southern District of West Virginia to charge the credit card(s) identified below for payment of fees, costs and expenses which are incurred by myself or the authorized users which I have listed below. This form must be signed by the person whose signature appears on the back of the credit card.

Individual or Firm Name (print): _____

Address on card. Street or POB _____

City, State, Zip: _____

Telephone Number: _____ Facsimile Number: _____

Credit Card Holder Name: _____

Names of persons within your firm who are authorized to use the credit card(s)/account number(s) which you have provided:

American Express Account No.: _____ Exp. Date: _____

Visa Account No.: _____ Exp. Date: _____

MasterCard Account No. _____ Exp. Date: _____

American Express Account No.: _____ Exp. Date: _____

Name of person who you wish to receive receipts for payment: _____

In the event the charge against this account is denied, you will be notified immediately to make payment in cash, money order or certified check. Any abuse of this privilege may result in your removal from the credit card program.

AUTHORIZED SIGNATURE

DATE

This form will remain on file in a secure location with this office and will remain in effect until specifically revoked in writing by the person with authority to cause such revocation and/or the expiration date of the card has passed. It is the responsibility of the law firm named above to complete a new credit card blanket authorization when a credit card has been renewed, revoked, canceled or stolen and when a person or persons are added or deleted from this authorization.

Please return completed form to: United States Bankruptcy Court,
Southern District of West Virginia
Attn: CM/ECF Registration
300 Virginia Street East, Room 2400
Charleston, WV 25301

**EXAMPLE OF NOTICE OF ELECTRONIC FILING
GENERATED BY THE ECF SYSTEM WHEN A DOCUMENT IS FILED**

File a Motion:

2:03-bk-20780 George Allen Washington and Elizabeth Marie Washington

U.S. Bankruptcy Court
Southern District of West Virginia

Notice of Electronic Filing

The following transaction was received from William R. Wooton entered on 6/24/2003 at 3:58 PM EDT and filed on 6/23/2003

Case Name: George Allen Washington and Elizabeth Marie Washington

Case Number: 2:03-bk-20780

Document Number: 17

Docket Text:

Motion by Creditor GMAC to Lift Automatic Stay upon 2002 Corvette with Notice of Motion and with Certificate of Service. Objections Due: 7/8/2003. Receipt # CC, Fee Paid \$75 (gjb,)

The following document(s) are associated with this transaction:
(None)

2:03-bk-20780 Notice will be electronically mailed to:

Charles I. Jones, Jr.
Post Office Box 2393
Charleston, WV 25328-2393

2:03-bk-20780 Notice will not be electronically mailed to:

Campbell, Woods, Bagley, Emerson, McNeer & Herndon
300 Summers Street
Charleston, WV 25301

William W. Pepper
8 Hale Street
Charleston, WV 25301

William R. Wooton
P.O. Box 2600
Beckley, WV 25802-2600

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Exhibit 3

In re:

_____, Case No. _____

_____, Chapter _____

Debtor(s).

**DECLARATION RE: ELECTRONIC FILING
AND STATEMENT OF SOCIAL SECURITY NUMBER(S)**

PART I - DECLARATION OF PETITIONER(S):

I [We] _____ and _____, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that the information I have given or will give my attorney and the information provided in the electronically filed petition, statements and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this *Declaration Re: Electronic Filing and Statement of Social Security Number(s)* is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later than five (5) business days after the petition has been filed.

I [We] hereby designate my attorney, whose signature, name, address, West Virginia State Bar No., telephone and fax numbers are set forth below, as my agent to receive service of process and service of all pleadings in all proceedings, including adversary actions and contested matters, pursuant to Bankruptcy Rule 7004(b)(8), in this Court arising in this case. This designation shall expire upon entry of the final decree.

[If petitioner is an individual and has chosen to file under chapter 7, 11, 12 or 13] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter _____. I request relief in accordance with the chapter specified in the petition.

[If petitioner is an individual]

(Name of debtor):

(Check the appropriate box and, if applicable, provide the required information.)

has a Social Security Number and it is: _____ - _____ - _____ (if more than one, state all.)

does NOT have a Social Security Number.

(Name of joint debtor):

(Check the appropriate box and, if applicable, provide the required information.)

has a Social Security Number and it is: _____ - _____ - _____ (if more than one, state all.)

does NOT have a Social Security Number.

Signed: _____
(Debtor) (Date)

Signed: _____
(Joint Debtor) (Date)

[If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Signed: _____
(Authorized Corporate Officer, Partner, or Member) (Date)

PART II - DECLARATION OF ATTORNEY:

I declare under penalty of perjury that I have reviewed the above debtor's[s'] petition, schedules, and statements and certify that the information is complete and correct to the best of my knowledge. The debtor(s) signed this Declaration before I submitted the petition, schedules and statements. I will give the debtor(s) a copy of all pleadings and information to be filed with, or received from, the United States Bankruptcy Court, and have complied with all other requirements in General Order 03-__, the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means*, and this Court's Local Rules. If an individual, I have informed the petitioner(s) that he and/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. This declaration is based upon all information of which I have knowledge.

Dated: _____

Signed: _____

Attorney for Debtor(s), WV State Bar #
Attorney Address/E-mail Address
Attorney Phone No./Fax No.

(FILE ORIGINAL WITH THE COURT - DO NOT FILE ELECTRONICALLY)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

In re:

George Allen Washington and
Elizabeth Marie Washington

Case No. 03-20780

Debtor(s).

Chapter 7

CERTIFICATE OF SERVICE

I, William R. Wooton, counsel for GMAC, hereby certify that I served a true and correct copy of the Motion to Lift Automatic Stay dated June 23, 2003, on each of the parties and at the addresses set forth below either electronically, where noted, or via U.S. mail, postage prepaid, on the 23rd day of June, 2003.

Dated: June 23, 2003.

/s/ William R. Wooton

William R. Wooton, Esquire

Attorney for GMAC

{Address}

{Phone Number}

Charles I. Jones, Jr. (served electronically)
Post Office Box 2393
Charleston, WV 25328-2393

Campbell, Woods, Bagley, Emerson, McNeer & Herndon
300 Summers Street
Charleston, WV 25301

William W. Pepper
8 Hale Street
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