

N.D.W.V. LBR 5075-1

Clerk - Delegated Functions Of.

(a) The Clerk of the Bankruptcy Court, or his or her authorized designee, may reject for filing any petition, list, schedules, pleadings, claims or other papers or electronic filing that contain the following deficiencies, except that such rejection by the office of the Clerk may be suspended, altered, or rescinded by the Court for cause shown:

1. Petitions.

A. Where not accompanied by the proper filing fee or an application to pay in installments.

B. Except in cases of emergency, where not accompanied by a properly completed mailing matrix.

C. Where not verified by signature of the attorney or not containing an unsworn declaration with signature of all debtors, or not filed in compliance with N.D.W.V. LBR Part V.

D. Where two or more individuals are listed, or two or more entities listed, except that married persons may file joint petitions.

2. Adversary Proceedings.

A. Where not accompanied by the proper filing fee.

3. Claims.

A. Where the claim does not contain the caption of the case or the case number.

B. Where not properly signed by the claimant or an authorized agent.

4. Motions and Other Pleadings

A. Where offered for filing by a corporation or its agent or employee.

(b) Requests for Judicial Review

Where a proponent of a proposed filing objects to any rejection to filing by the Clerk or his or her designee, the proponent may request that the Clerk receive as lodged but not filed the proposed filing. The proponent shall, by written motion, request judicial review by the Court of the rejection and appropriate relief. Such motion for judicial review shall be filed within seventy-two (72) hours of the rejected filing.

Cross Reference

N.D.W.V. LBR Parts V, VII
N.D.W.V. LBR 1074-1 (corp.)