

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

In re:

INTERIM RULE 1007-I PROVIDING
FOR EXPIRATION OF TEMPORARY
MEANS TESTING EXCLUSION

Administrative Order
08-002


ORDER ADOPTING INTERIM RULE 1007-I

Whereas, The National Guard and Reservists Debt Relief Act of 2008 ("Act"), Pub.L. 110-438, provides a temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called to active duty or homeland defense activity after September 11, 2001, for at least 90 days.

Whereas, the Judicial Conference has approved, for adoption by courts Interim Rule 1007-I in order to implement the Act.

NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to Fed. R. Bankr. P. 9029, the provisions of Interim Rule 1007-I, attached hereto as Exhibit A, are adopted effective December 19, 2008, until such time that Fed. R. Bankr. P. 1007 is amended in accordance with the Act.

DONE AND ORDERED this December 18, 2008.


LEWIS M. KILLIAN, JR.
United States Bankruptcy Judge

CLERK
BANKRUPTCY COURT
NORTH/DIST. FLA
PENSACOLA, FLA

08 DEC 18 PM 12:17

FILED

Interim Rule 1007-I. Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion

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2 (b) SCHEDULES, STATEMENTS, AND OTHER
3 DOCUMENTS REQUIRED.

4 * * * * *

5 (4) Unless either: (A) § 707(b)(2)(D)(i) applies, or
6 (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing
7 granted therein extends beyond the period specified by Rule 1017(e),
8 an individual debtor in a chapter 7 case shall file a statement of
9 current monthly income prepared as prescribed by the appropriate
10 Official Form, and, if the current monthly income exceeds the median
11 family income for the applicable state and household size, the
12 information, including calculations, required by § 707(b), prepared
13 as prescribed by the appropriate Official Form.

14 * * * * *

15 (c) TIME LIMITS. In a voluntary case, the schedules,
16 statements, and other documents required by subdivision (b)(1), (4),
17 (5), and (6) shall be filed with the petition or within 15 days
18 thereafter, except as otherwise provided in subdivisions (d), (e), (f),
19 and (h), and (n) of this rule. In an involuntary case, the list in
20 subdivision (a)(2), and the schedules, statements, and other

21 documents required by subdivision (b)(1) shall be filed by the debtor
22 within 15 days of the entry of the order for relief. In a voluntary
23 case, the documents required by paragraphs (A), (C), and (D) of
24 subdivision (b)(3) shall be filed with the petition. Unless the court
25 orders otherwise, a debtor who has filed a statement under
26 subdivision (b)(3)(B), shall file the documents required by
27 subdivision (b)(3)(A) within 15 days of the order for relief. In a
28 chapter 7 case, the debtor shall file the statement required by
29 subdivision (b)(7) within 45 days after the first date set for the
30 meeting of creditors under § 341 of the Code, and in a chapter 11 or
31 13 case no later than the date when the last payment was made by the
32 debtor as required by the plan or the filing of a motion for a discharge
33 under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at
34 any time and in its discretion, enlarge the time to file the statement
35 required by subdivision (b)(7). The debtor shall file the statement
36 required by subdivision (b)(8) no earlier than the date of the last
37 payment made under the plan or the date of the filing of a motion for
38 a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code.
39 Lists, schedules, statements, and other documents filed prior to the
40 conversion of a case to another chapter shall be deemed filed in the
41 converted case unless the court directs otherwise. Except as provided
42 in § 1116(3), any extension of time to file schedules, statements, and

43 other documents required under this rule may be granted only on
44 motion for cause shown and on notice to the United States trustee,
45 any committee elected under § 705 or appointed under § 1102 of the
46 Code, trustee, examiner, or other party as the court may direct.
47 Notice of an extension shall be given to the United States trustee and
48 to any committee, trustee, or other party as the court may direct.

49 * * * * *

50 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS
51 TEMPORARILY EXCLUDED FROM MEANS TESTING.

52 (1) An individual debtor who is temporarily excluded from
53 means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any
54 statement and calculations required by subdivision (b)(4) no later
55 than 14 days after the expiration of the temporary exclusion if the
56 expiration occurs within the time specified by Rule 1017(e) for filing
57 a motion pursuant to § 707(b)(2).

58 (2) If the temporary exclusion from means testing under §
59 707(b)(2)(D)(ii) terminates due to the circumstances specified in
60 subdivision (n)(1), and if the debtor has not previously filed a
61 statement and calculations required by subdivision (b)(4), the clerk
62 shall promptly notify the debtor that the required statement and
63 calculations must be filed within the time specified in subdivision
64 (n)(1).