

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA**



IN RE:

**AMENDMENT OF INTERIM
BANKRUPTCY RULE 1007-I.**

No. 09-GO-05

ORDER AMENDING INTERIM BANKRUPTCY RULE 1007-I

Whereas the Judicial Conference of the United States has approved an amendment to Rule 1007 of the Federal Rules of Bankruptcy Procedure; and

WHEREAS the Supreme Court of the United States has adopted the amendment proposed by the Judicial Conference and transmitted the same to Congress pursuant to the Rules Enabling Act; and

WHEREAS, absent further action by Congress, the amendment to Rule 1007 of the Federal Rules of Bankruptcy Procedure will become effective December 1, 2009; and

WHEREAS the Court, by General Order No. 09-GO-02, adopted Interim Bankruptcy Rule 1007-I for use in all cases filed under Chapter 7 of Title 11 of the United States Code commenced during the three-year period beginning December 19, 2008; and

WHEREAS the Court has determined that amendments to Interim Bankruptcy Rule 1007-I, as attached hereto, are necessary to conform to the changes to Rule 1007 of the Federal Rules of Bankruptcy Procedure.

IT IS THEREFORE ORDERED that General Order No. 09-GO-02 is hereby superseded.

IT IS FURTHER ORDERED that Interim Bankruptcy Rule 1007-I (Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing

Exclusion), attached hereto and incorporated by this reference, is hereby adopted for use in all cases filed under Chapter 7 of Title 11 of the United States Code commenced during the three-year period beginning December 19, 2008.

IT IS FURTHER ORDERED that this General Order shall take effect on December 1, 2009.

Dated this 7th day of October, 2009.



DANAL L. RASURE
UNITED STATES BANKRUPTCY JUDGE



TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE

Interim Rule 1007-I. Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion¹

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

* * * * *

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

* * * * *

(c) TIME LIMITS. In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within ~~15~~ 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f),

¹ New material is underlined; matter to be omitted is lined through.

19 (h), and (n) of this rule. In an involuntary case, the list in subdivision
20 (a)(2), and the schedules, statements, and other documents required
21 by subdivision (b)(1) shall be filed by the debtor within ~~15~~ 14 days
22 of the entry of the order for relief. In a voluntary case, the documents
23 required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall
24 be filed with the petition. Unless the court orders otherwise, a debtor
25 who has filed a statement under subdivision (b)(3)(B), shall file the
26 documents required by subdivision (b)(3)(A) within ~~15~~ 14 days of the
27 order for relief. In a chapter 7 case, the debtor shall file the statement
28 required by subdivision (b)(7) within 45 days after the first date set
29 for the meeting of creditors under § 341 of the Code, and in a chapter
30 11 or 13 case no later than the date when the last payment was made
31 by the debtor as required by the plan or the filing of a motion for a
32 discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court
33 may, at any time and in its discretion, enlarge the time to file the
34 statement required by subdivision (b)(7). The debtor shall file the
35 statement required by subdivision (b)(8) no earlier than the date of
36 the last payment made under the plan or the date of the filing of a
37 motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b)
38 of the Code. Lists, schedules, statements, and other documents filed
39 prior to the conversion of a case to another chapter shall be deemed
40 filed in the converted case unless the court directs otherwise. Except

41 as provided in § 1116(3), any extension of time to file schedules,
42 statements, and other documents required under this rule may be
43 granted only on motion for cause shown and on notice to the United
44 States trustee, any committee elected under § 705 or appointed under
45 § 1102 of the Code, trustee, examiner, or other party as the court may
46 direct. Notice of an extension shall be given to the United States
47 trustee and to any committee, trustee, or other party as the court may
48 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).