

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



IN RE:

**DECEMBER 2010 AMENDMENT TO
INTERIM BANKRUPTCY RULE 1007-I.**

No. 10-GO-06

ORDER AMENDING INTERIM BANKRUPTCY RULE 1007-I

WHEREAS the Court, by General Order No. 09-GO-05, effective December 1, 2009, adopted Interim Bankruptcy Rule 1007-I, which implemented the National Guard and Reservist Debt Relief Act of 2008, 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 Judicial Conference of the United States has approved an amendment to Rule 1007 of the Federal Rules of Bankruptcy Procedure, which will extend the time to file the statement of completion of a course in personal financial management in a Chapter 7 case filed by an individual debtor from 45 days after the first date set for the meeting of creditors to 60 days after the first date set for the meeting of creditors; 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, 2010; and

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

IT IS THEREFORE ORDERED that General Order No. 09-GO-05 is hereby superseded.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 as Exhibit B and incorporated by reference, is hereby adopted for use in all cases filed under Chapter 7 of Title 11 of the United States Code commenced December 1, 2010, through the period as described in the National Guard and Reservist Debt Relief Act of 2008.

IT IS FURTHER ORDERED that this General Order shall take effect on December 1, 2010.

Dated this 1st day of December, 2010.

BY THE COURT:



TERRENCE L. MICHAEL, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT



DANA L. RASURE
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

Interim Rule 1007-I.¹ Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion²

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

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(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.

¹Interim Rule 1007-I was adopted by the bankruptcy courts to implement the National Guard and Reservists Debt Relief Act of 2008, Public Law No: 110-438. The Act, which provides a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces, applies to bankruptcy cases commenced in the three-year period beginning December 19, 2008.

² Incorporates (1) time amendments to Rule 1007 which took effect on December 1, 2009, and (2) an amendment, effective December 1, 2010, which extended the time to file the statement of completion of a course in personal financial management in a chapter 7 case filed by an individual debtor.

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(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 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), (h), and (n) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within ~~45~~ 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than

36 the date of the last payment made under the plan or the date of the
37 filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b),
38 or 1328(b) of the Code. Lists, schedules, statements, and other
39 documents filed prior to the conversion of a case to another chapter
40 shall be deemed filed in the converted case unless the court directs
41 otherwise. Except as provided in § 1116(3), any extension of time to
42 file schedules, statements, and other documents required under this
43 rule may be granted only on motion for cause shown and on notice to
44 the United States trustee, any committee elected under § 705 or
45 appointed under § 1102 of the Code, trustee, examiner, or other party
46 as the court may direct. Notice of an extension shall be given to the
47 United States trustee and to any committee, trustee, or other party as
48 the court may direct.

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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).

EXHIBIT B

Interim Rule 1007-I.¹ Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion²

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(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.

¹Interim Rule 1007-I was adopted by the bankruptcy courts to implement the National Guard and Reservists Debt Relief Act of 2008, Public Law No: 110-438. The Act, which provides a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces, applies to bankruptcy cases commenced in the three-year period beginning December 19, 2008.

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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
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64 (n)(1).