

Filed in U.S. Bankruptcy Court  
Atlanta, Georgia

NOV 24 2010

By: M. Regina Thomas, Clerk  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA

IN RE:

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GENERAL ORDER NO. 12-2010

ADOPTING AMENDED INTERIM  
BANKRUPTCY RULE 1007-I

**ORDER**

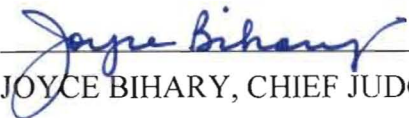
On December 15, 2008, the Court entered General Order 10-2008 to adopt Interim Bankruptcy Rule 1007-I implementing the National Guard and Reservists Debt Relief Act of 2008. This Act excludes certain members of the National Guard and Reserves from mean testing in chapter 7 bankruptcy cases commenced in the three-year period beginning December 19, 2008. On December 2, 2009, the Court entered General Order 11-2009 which vacated General Order 10-2008 and adopted Interim Rule 1007-I as amended in December 2009. Amended Interim Bankruptcy Rule 1007-I accounted for changes to certain deadlines contained in Bankruptcy Rule 1007 which took effect on December 1, 2009.

Whereas Bankruptcy Rule 1007 will be revised effective December 1, 2010 and Interim Bankruptcy Rule 1007-I will be amended accordingly, this Court hereby adopts amended Interim Bankruptcy Rule 1007-I when it becomes effective on December 1, 2010. General Order No. 11-2009 shall stand vacated as of December 1, 2010. The specific changes in Interim Bankruptcy Rule 1007-I are to 1) Subdivision 1007-I(a)(2) wherein the

time for a debtor to file a list of creditors in an involuntary case has been **shortened from 14 days to 7 days** after the entry of an order for relief, and 2) Subdivision 1007-I(c) wherein the time for an individual Chapter 7 debtor to file a statement of completion of a course on personal financial management has been **extended to 60 days from 45 days** after the first date set for the meeting of the creditors.

Attached as Exhibit A is a red-lined version of amended Interim Bankruptcy Rule 1007-I. Attached as Exhibit B is a clean version of amended Interim Bankruptcy Rule 1007-I.

IT IS SO ORDERED, this 24<sup>th</sup> day of November, 2010.

  
JOYCE BIHARY, CHIEF JUDGE  
UNITED STATES BANKRUPTCY JUDGE  
FOR THE COURT

## EXHIBIT A

**Interim Rule 1007-I.<sup>1</sup> Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion<sup>2</sup>**

1 (a) CORPORATE OWNERSHIP STATEMENT,  
2 LIST OF CREDITORS AND EQUITY SECURITY  
3 HOLDERS, AND OTHER LISTS.

4 \* \* \* \* \*

5 (2) *Involuntary Case*. In an involuntary case,  
6 the debtor shall file, within ~~14~~ 7 days after entry of the  
7 order for relief, a list containing the name and address of  
8 each entity included or to be included on Schedules D, E,  
9 F, G, and H as prescribed by the Official Forms.

10 \* \* \* \* \*

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

13 \* \* \* \* \*

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<sup>1</sup>Interim 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.

<sup>2</sup> 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.

14 (4) Unless either: (A) § 707(b)(2)(D)(i) applies, or  
15 (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing  
16 granted therein extends beyond the period specified by Rule  
17 1017(e), an individual debtor in a chapter 7 case shall file a  
18 statement of current monthly income prepared as prescribed by the  
19 appropriate Official Form, and, if the current monthly income  
20 exceeds the median family income for the applicable state and  
21 household size, the information, including calculations, required by  
22 § 707(b), prepared as prescribed by the appropriate Official Form.

23 \* \* \* \* \*

24 (c) TIME LIMITS. In a voluntary case, the schedules,  
25 statements, and other documents required by subdivision (b)(1),  
26 (4), (5), and (6) shall be filed with the petition or within 14 days  
27 thereafter, except as otherwise provided in subdivisions (d), (e), (f),  
28 (h), and (n) of this rule. In an involuntary case, the list in  
29 subdivision (a)(2), and the schedules, statements, and other  
30 documents required by subdivision (b)(1) shall be filed by the  
31 debtor within 14 days of the entry of the order for relief. In a  
32 voluntary case, the documents required by paragraphs (A), (C), and  
33 (D) of subdivision (b)(3) shall be filed with the petition. Unless  
34 the court orders otherwise, a debtor who has filed a statement  
35 under subdivision (b)(3)(B), shall file the documents required by  
36 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 the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

\* \* \* \* \*



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

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

68 (2) If the temporary exclusion from means testing under §  
69 707(b)(2)(D)(ii) terminates due to the circumstances specified in  
70 subdivision (n)(1), and if the debtor has not previously filed a  
71 statement and calculations required by subdivision (b)(4), the clerk  
72 shall promptly notify the debtor that the required statement and  
73 calculations must be filed within the time specified in subdivision  
74 (n)(1).

#### COMMITTEE NOTE

This rule is amended to take account of the enactment of the National Guard and Reservists Debt Relief Act of 2008, which amended § 707(b)(2)(D) of the Code to provide a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces. This exclusion applies to qualifying debtors while they remain on active duty or are performing a homeland defense activity, and for a period of 540 days thereafter. For some debtors initially covered by the exclusion, the protection from means testing will expire while their chapter 7 cases are pending, and at a point when a timely motion to dismiss under § 707(b)(2) can still be filed. Under the amended rule, these debtors are required to file

the statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of their exclusion.

Subdivisions (b)(4) and (c) are amended to relieve debtors qualifying for an exclusion under § 707(b)(2)(D)(ii) from the obligation to file a statement of current monthly income and required calculations within the time period specified in subdivision (c).

Subdivision (n)(1) is added to specify the time for filing of the information required by subdivision (b)(4) by a debtor who initially qualifies for the means test exclusion under § 707(b)(2)(D)(ii), but whose exclusion expires during the time that a motion to dismiss under § 707(b)(2) may still be made under Rule 1017(e). If, upon the expiration of the temporary exclusion, a debtor has not already filed the required statement and calculations, subdivision (n)(2) directs the clerk to provide prompt notice to the debtor of the time for filing as set forth in subdivision (n)(1).



## EXHIBIT B

**Interim Rule 1007-I.<sup>1</sup> Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion<sup>2</sup>**

1 (a) CORPORATE OWNERSHIP STATEMENT,  
2 LIST OF CREDITORS AND EQUITY SECURITY  
3 HOLDERS, AND OTHER LISTS.

4 \* \* \* \* \*

5 (2) *Involuntary Case*. In an involuntary case,  
6 the debtor shall file, within 7 days after entry of the  
7 order for relief, a list containing the name and address of  
8 each entity included or to be included on Schedules D, E,  
9 F, G, and H as prescribed by the Official Forms.

10 \* \* \* \* \*

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

13 \* \* \* \* \*

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<sup>1</sup>Interim 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.

<sup>2</sup> 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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33 (D) of subdivision (b)(3) shall be filed with the petition. Unless  
34 the court orders otherwise, a debtor who has filed a statement  
35 under subdivision (b)(3)(B), shall file the documents required by  
36 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 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 the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

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60 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS

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67 filing a motion pursuant to § 707(b)(2).

68 (2) If the temporary exclusion from means testing under §  
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70 subdivision (n)(1), and if the debtor has not previously filed a  
71 statement and calculations required by subdivision (b)(4), the clerk  
72 shall promptly notify the debtor that the required statement and  
73 calculations must be filed within the time specified in subdivision  
74 (n)(1).

COMMITTEE NOTE

This rule is amended to take account of the enactment of the National Guard and Reservists Debt Relief Act of 2008, which amended § 707(b)(2)(D) of the Code to provide a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces. This exclusion applies to qualifying debtors while they remain on active duty or are performing a homeland defense activity, and for a period of 540 days thereafter. For some debtors initially covered by the exclusion, the protection from means testing will expire while their chapter 7 cases are pending, and at a point when a timely motion to dismiss under § 707(b)(2) can still be filed. Under the amended rule, these debtors are required to file

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Subdivisions (b)(4) and (c) are amended to relieve debtors qualifying for an exclusion under § 707(b)(2)(D)(ii) from the obligation to file a statement of current monthly income and required calculations within the time period specified in subdivision (c).

Subdivision (n)(1) is added to specify the time for filing of the information required by subdivision (b)(4) by a debtor who initially qualifies for the means test exclusion under § 707(b)(2)(D)(ii), but whose exclusion expires during the time that a motion to dismiss under § 707(b)(2) may still be made under Rule 1017(e). If, upon the expiration of the temporary exclusion, a debtor has not already filed the required statement and calculations, subdivision (n)(2) directs the clerk to provide prompt notice to the debtor of the time for filing as set forth in subdivision (n)(1).