

Filed in U.S. Bankruptcy Court  
Atlanta, Georgia

DEC 02 2009

M. Regina Thomas, Clerk

By:

Deputy Clerk

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

**IN RE:**

:  
:  
:  
:  
:  
:  
:

**GENERAL ORDER NO. 11-2009**

**ADOPTING AMENDED INTERIM  
BANKRUPTCY RULE 1007-I**


**ORDER**

On December 15, 2008, the Court entered General Order 10-2008 which adopted 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 means testing in chapter 7 bankruptcy cases commenced in the three-year period beginning December 19, 2008.

Interim Bankruptcy Rule 1007-I includes time deadlines contained in Bankruptcy Rule 1007 which will be effective December 1, 2009 as part of a comprehensive package of changes to time period computation in the Federal Rules of Bankruptcy Procedure, Bankruptcy related statutes and Bankruptcy Forms approved by the Judicial Conference of the United States on September 16, 2008. Accordingly, Interim Rule 1007-I, as adopted in General Order No. 10-2008, is amended to reflect the time computation changes in Bankruptcy Rule 1007. The material change is that the 15-day periods in Interim Bankruptcy Rule 1007-I (c) are changed to 14-day periods.

Attached as Exhibit A is a copy of amended Interim Bankruptcy Rule 1007-I marked to show the changes to the Interim Rule. Attached as Exhibit B is a clean version of amended Interim Bankruptcy Rule 1007-I.

IT IS SO ORDERED, this 2<sup>nd</sup> day of December, 2009.

  
\_\_\_\_\_  
JOYCE BIARY, CHIEF JUDGE  
UNITED STATES BANKRUPTCY JUDGE  
FOR THE COURT

# **Exhibit “A”**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

\* \* \* \* \*

(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),

---

<sup>1</sup> 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).

## **Exhibit “B”**



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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

\* \* \* \* \*

(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 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

21 by subdivision (b)(1) shall be filed by the debtor within 14 days of  
22 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 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).