

5-31-06

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

IN THE MATTER OF:	:	CASE NUMBER
	:	
CHARLES DOUGLAS MCCARVER	:	06-10603-WHD
STEPHANIE ANN MCCARVER,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 13 OF THE
Debtors.	:	BANKRUPTCY CODE

ORDER

On April 18, 2006, the Debtors filed a voluntary petition under Chapter 13 of the Bankruptcy Code. With the petition, the Debtors filed eleven pay advices for the Debtor-husband received weekly during the months of January, February, March, and April 2006. On April 26, 2006, the Debtors filed the instant Motion to Excuse Debtor from Filing Additional Pay Advices. The Debtors ask the Court to excuse them from filing additional pay advices, which the Debtors assert have been lost. The Debtor-husband appears to be missing approximately two of the weekly pay statements received during February and one received during April. Alternatively, if the Court denies the requested relief, the Debtors seek additional time to obtain the missing pay advice. The Motion was filed timely and was served upon the Chapter 13 Trustee, the United States Trustee, and all creditors.

Under section 521(a)(1), "unless the court orders otherwise," the debtor must file "copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor." 11 U.S.C. § 521(a)(1)(iv).¹ Section 521(i) provides that, if "an individual debtor in the a

¹ Rule 1007(c) requires the payment advices be filed with the petition or within 15 days after the petition. See FED. R. BANKR. P. 1007(c).

voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition."

11 U.S.C. § 521(i)(1). However, section 521(i)(1) is subject to the provisions of section 521(i)(3), which permit the Court to "allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period" and the debtor files the request for an extension before the original 45-day period expires. 11 U.S.C. § 521(i)(3).

Whereas no objections have been filed to the Debtors' motion, which was timely filed, and for cause shown, the Debtor's Motion is hereby **GRANTED**. Pursuant to section 521(a)(1), the Court hereby **ORDERS** that the Debtors are not required to file additional payment advices.

IT IS SO ORDERED.

At Newnan, Georgia, this 31 day of May, 2006.



W. HOMER DRAKE, JR.
UNITED STATES BANKRUPTCY JUDGE