UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI

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In Re: Business of the Court

Effective January 5, 2016

Order Adopting Amended Interim Bankruptcy Rule 1007-I

Interim Bankruptcy Rule 1007-I was drafted and recommended for adoption in 2008. On December 15, 2008, this Court adopted Interim Bankruptcy Rule 1007-I. Interim Bankruptcy Rule 1007-I was amended in 2009, 2010, and 2012. The Court adopted the amendments to the rule each time. Interim Bankruptcy Rule 1007-I has been further amended to reflect the extension of the National Guard and Reservists Debt Relief Act on December 18, 2015. The Court is of the opinion that this amendment to Interim Bankruptcy Rule 1007-I should be adopted. Accordingly, it is hereby

ORDERED that amended Interim Bankruptcy Rule 1007-I, set forth below, is hereby adopted in its entirety and made effective as of January 5, 2016.

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

- 1 ****
- 2 (b) SCHEDULES, STATEMENTS, AND OTHER
- 3 DOCUMENTS REQUIRED.
- 4 ****
- 5 (4) Unless either: (A) § 707(b)(2)(D)(I) applies,
- 6 or (B) 707(b)(2)(D)(ii) applies and the exclusion from means
- 7 testing granted therein extends beyond the period specified by Rule
- 8 1017(e), an individual debtor in a chapter 7 case shall file a
- 9 statement of current monthly income prepared as prescribed by the
- 10 appropriate Official Form, and, if the current monthly income
- 11 exceeds the median family income for the applicable state and
- 12 household size, the information, including calculations, required by
- 13 § 707(b), prepared as prescribed by the appropriate Official Form.
- 14 ****
- 15 (c) TIME LIMITS. In a voluntary case, the schedules,
- 16 statements, and other documents required by subdivision (b)(1), (4),
- 17 (5), and (6) shall be filed with the petition or within 14 days
- 18 thereafter, except as otherwise provided in subdivisions (d), (e), (f),

¹ Interim Rule 1007-I has been adopted by the bankruptcy courts to implement the National Guard and Reservists Debt Relief Act of 2008, Public Law No. 110-438, as amended by Public Law No. 114-107. The amended 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 11-year period beginning December 19, 2008.

19 (h), and (n) of this rule. In an involuntary case, the schedules, 20 statements, and other documents required by subdivision (b)(1) shall 21 be filed by the debtor within 14 days after the entry of the order for 22 relief. In a voluntary case, the documents required by paragraphs 23 (A), (C), and (D) of subdivision (b)(3) shall be filed with the 24 petition. Unless the court orders otherwise, a debtor who has filed a 25 statement under subdivision (b)(3)(B), shall file the documents 26 required by subdivision (b)(3)(A) within 14 days of the order for 27 relief. In a chapter 7 case, the debtor shall file the statement required 28 by subdivision (b)(7) within 60 days after the first date set for the 29 meeting of creditors under § 341 of the Code, and in a chapter 11 or 30 13 case no later than the date when the last payment was made by 31 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 33 court may, at any time and in its discretion, enlarge the time to file 34 the statement required by subdivision (b)(7). The debtor shall file 35 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 36 37 motion for a discharge under \S 1141(d)(5)(B), 1228(b), or 1328(b) 38 of the Code. Lists, schedules, statements, and other documents 39 filed prior to the conversion of a case to another chapter shall be 40 deemed filed in the converted case unless the court directs 41 otherwise. Except as provided in \S 1116(3), any extension of time 42 to file schedules, statements, and other documents required under 43 this rule may be granted only on motion for cause shown and on 44 notice to the United States trustee, any committee elected under 45 § 705 or appointed under § 1102 of the Code, trustee, examiner, or 46 other party as the court may direct. Notice of an extension shall be 47 given to the United States trustee and to any committee, trustee, or 48 other party as the court may direct. * * * * * 49 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS 50 51 TEMPORARILY EXCLUDED FROM MEANS TESTING. 52 (1) An individual debtor who is temporarily excluded from 53 means testing pursuant to (0, 2)(D)(ii) of the Code shall file 54 any statement and calculations required by subdivision (b)(4) no 55 later than 14 days after the expiration of the temporary exclusion if 56 the expiration occurs within the time specified by Rule 1017(e) for 57 filing a motion pursuant to \S 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 (n)(1).

SO ORDERED:

Kathy a. Surnatt - States

Chief Judge Kathy A. Surratt-States

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Judge Barry S. Schermer

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Judge Charles E. Rendlen, III

Dated: January 5, 2016