## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS GENERAL ORDER 12 - 0031

IT APPEARING THAT the full Court met in executive session on Thursday, November 29, 2012 and adopted Interim Bankruptcy Rule 1007-I, Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion; and

 $\label{eq:total conditions} \textbf{IT FURTHER APPEARING THAT Interim Rule 1007-I was amended on December 1, 2010;}$  and

IT FURTHER APPEARING THAT the Advisory Committee on Bankruptcy Rules and the Committee on Rules of Practice and Procedures together recommend that district courts amend Interim Rule 1007-1 to provide a temporary exclusion from the bankruptcy means test for certain reservists and members of the National Guard; therefore

IT IS HEREBY ORDERED THAT the full Court, which met in Executive Session on November 29, 2012, approved the amendment to Interim Rule 1007-1, and

IT IS FURTHER ORDERED THAT all other provisions of General Order 09-001 as amended by General Order 10-012 remain in effect

**ENTER:** 

FOR THE COURT

Chief Judge

Dated at Chicago, Illinois this 5th day of December, 2012

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 (b) SCHEDULES, STATEMENTS, AND OTHER 2 DOCUMENTS REQUIRED. 3 \* \* \* \* \* 4 (4) Unless either: (A)  $\S 707(b)(2)(D)(I)$  applies, 5 or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means 6 testing granted therein extends beyond the period specified by Rule 7 1017(e), an individual debtor in a chapter 7 case shall file a 8 statement of current monthly income prepared as prescribed by the 9 appropriate Official Form, and, if the current monthly income 10 exceeds the median family income for the applicable state and 11 household size, the information, including calculations, required by 12 § 707(b), prepared as prescribed by the appropriate Official Form. 13 14

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. 112-64. 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 seven-year period beginning December 19, 2008.

<sup>&</sup>lt;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, and (3) a conforming amendment, effective December 1, 2012, which removed an inconsistency created by the 2010 amendment.

(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 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

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

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

61	subdivision (n)(1), and if the debtor has not previously filed a
62	statement and calculations required by subdivision (b)(4), the clerk
63	shall promptly notify the debtor that the required statement and
64	calculations must be filed within the time specified in subdivision
65	(n)(1).