

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:

ADOPTION OF INTERIM BANKRUPTCY RULE 1007-1 and AMENDED Official Form B22A

AMENDED 2008 STANDING ORDER NO. 2 - Effective December 1, 2009

Whereas this court promulgated 2008 Standing Order No. 2 adopting Interim Bankruptcy Rule 1007-1 to be effective December 19, 2008, this court now amends this standing order effective December 1, 2009 to adopt subsequent changes to Bankruptcy Rule 1007-1 which supersede selected provisions in the Interim Bankruptcy Rule.

Whereas, on October 20, 2008, the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438 (the Act) was enacted into law; and

Whereas, provisions of the Act modifying provisions of the Bankruptcy Code are effective December 19, 2008; and

Whereas, the Advisory Committee on Bankruptcy Rules has requested approval of Interim Rule 1007-1, Lists Schedules, Statements, and Other Documents; Time Limits and an amendment to Official Form 22A, Statement of Current Monthly Income and Means Test Calculation to implement the substantive and procedural changes mandated by the Act including temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called to active duty or homeland defense activity after September 11, 2001, for at least 90 days; and

Whereas, acting on behalf of the Judicial Conference, the Executive Committee has approved the Revision of Form 22A and the transmission of the Interim Rule to the district courts with a recommendation that it be adopted through a local rule or standing order; and

Whereas, the general effective date of the Act has not provided sufficient time to promulgate rules after appropriate public notice and an opportunity for comment; and

Whereas, the Statutory Time Period Technical Amendments Act of 2009 has been enacted effective December 1, 2009 to modify time deadlines in Rule 1007-1 of the Federal Rules of Bankruptcy Procedure which supersede the time deadlines in Interim Bankruptcy Rule 1007-1.

NOW THEREFORE, pursuant to 28 U.S.C. section 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim rule is

adopted as modified by the Statutory Time Period Technical Amendments Act of 2009 by a majority of the judges of this court to be effective December 19, 2009 to conform with the Act. This Interim rule shall remain in effect for cases commenced in the three-year period beginning December 19, 2008, consistent with the new Act or until further order of the court.

DATED: 9/25/09

/s/ Dennis R. Dow
Dennis R. Dow, Chief Bankruptcy Judge

DATED: 9/25/09

/s/ Arthur B. Federman
Arthur B. Federman, Bankruptcy Judge

DATED: 9/25/09

/s/ Jerry W. Venters
Jerry W. Venters, Bankruptcy Judge

Interim Rule 1007-I. Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion¹

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

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(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.

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(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),

¹ 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.

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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).