

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

In re: Business of the Court

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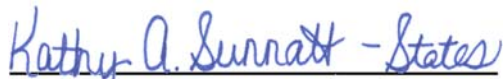
General Order No. 20-2

Interim Rule of Bankruptcy Procedure 1007-1

The National Guard and Reservists Debt Relief Extension Act of 2019, an amendment to the National Guard and Reservists Debt Relief Act of 2008, 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. This temporary exclusion applies to bankruptcy cases commenced in the 15-year period beginning December 19, 2008. To implement the exclusion, Interim Rule 1007-I was transmitted to the courts for adoption as a local rule by the Judicial Conference's Advisory Committee on Bankruptcy Rules.

Therefore, effective March 11, 2020, the Eastern District of Missouri Bankruptcy Court shall adopt Interim Rule of Bankruptcy Procedure 1007-1 as promulgated by the Judicial Conference's Advisory Committee on Bankruptcy Rules. A copy of this rule is attached.

SO ORDERED



KATHY A. SURRATT-STATES
Chief U.S. Bankruptcy Judge



Barry S. Schermer
United States Bankruptcy Judge



CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Dated: March 11, 2020

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

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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

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. 116-53. 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 15-year period beginning December 19, 2008.

18 thereafter, except as otherwise provided in subdivisions (d), (e), (f),
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
36 of 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
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 § 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.

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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
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 § 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).