

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:)
)
ADOPTION OF INTERIM)
BANKRUPTCY RULE 1007-I)
)

STANDING ORDER

WHEREAS, the National Guard and Reservists Debt Relief Act of 2008 (The Act) has been enacted into law; and

WHEREAS, Interim Rule 1007-I, which is designed to implement the changes made by The Act on an interim basis, was approved by the Executive Committee of the Judicial Conference of the United States and recommended for adoption by the Executive Committee; and

WHEREAS, Interim Rule 1007-I as originally promulgated was amended effective December 1, 2009, was further amended effective December 1, 2010, was further amended effective December 13, 2011, was further amended effective December 1, 2012, and was further amended effective December 18, 2015; and

WHEREAS, Interim Rule 1007-I, as amended effective December 18, 2015, has been amended again effective August 23, 2019;

NOW, THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, Interim Rule 1007-I, as amended effective August 23, 2019, is adopted by the judges of this Court and, consistent with The Act, shall be effective only to cases commenced in the fifteen-year period beginning December 19, 2008. The current version of Interim Rule 1007-I, a copy of which is attached hereto, shall remain in effect until further order of the Court, and this order shall supersede all Orders Regarding Adoption of Interim Bankruptcy Rule 1007-I previously entered by the Court.

IT IS SO ORDERED this 3rd day of February, 2020.


Lena M. James
Chief United States Bankruptcy Judge


Catharine R. Aron
United States Bankruptcy Judge


Benjamin A. Kahn
United States Bankruptcy Judge

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

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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 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.

thereafter, except as otherwise provided in subdivisions (d), (e), (f),
(h), and (n) of this rule. In an involuntary case, the schedules,
statements, and other documents required by subdivision (b)(1) shall
be filed by the debtor within 14 days after 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
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 subdivision (n)(1), and if the debtor has not previously filed a statement and calculations required by subdivision (b)(4), the clerk shall promptly notify the debtor that the required statement and calculations must be filed within the time specified in subdivision (n)(1).