2016-01

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FILED
JAN 7 - 2016
DANNY L. MILLER, CLERK
BY _____ DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT**
**SOUTHERN DISTRICT OF MISSISSIPPI**

**Standing Order Adopting Interim Bankruptcy Rule 1007-I**

Whereas, the *National Guard and Reservists Debt Relief Extension Act of 2008*, Pub. L. No. 110-438, excludes certain members of the National Guard and Reserves from means testing in chapter 7 bankruptcy cases commenced within the four-year period beginning December 19, 2008, as extended from time to time and having now been extended an additional four years through December 18, 2019, Pub. L. No. 114-107 (as extended, the "Act"); and

Whereas, the Advisory Committee on Bankruptcy Rules requested approval of an amendment to Bankruptcy Rule 1007-I to implement the Act; and

Whereas, the Executive Committee of the Judicial Conference of the United States approved the transmission of Interim Rule 1007-I to the courts with a recommendation that it be adopted through a local rule or standing order.

**IT IS, THEREFORE, ORDERED** that the attached Interim Bankruptcy Rule 1007-I be, and is hereby, adopted in the Southern District of Mississippi and is applicable to chapter 7 cases filed on or after December 19, 2015, through December 18, 2019.

**SO ORDERED**, *nunc pro tunc*, to December 18, 2015.

Edward Ellington
United States Bankruptcy Judge

Neil P. Olack
United States Bankruptcy Judge

Katharine M. Samson
United States Bankruptcy Judge

**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

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[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.

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.
49 * * * * *
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 than14 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).