

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

**THE NATIONAL GUARD AND
RESERVISTS DEBT RELIEF ACT 2008**

Conforming Time Computation
Amendment, Effective 12/1/09

GENERAL ORDER ADOPTING INTERIM BANKRUPTCY RULE 1007-1

Whereas, on October 20, 2008, the National Guard and Reservists Debt Relief Act of 2008 was enacted into law; and

Whereas, the Act provides a temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called for no less than 90 days to active duty or homeland defense activity following September 11, 2001; and

Whereas, the amendment to § 707(b)(2)(D) of the Bankruptcy Code will be effective on December 19, 2008, which is 60 days after enactment; and

Whereas, the amendment applies only to cases commenced in the three-year period beginning on the effective date of the Act; 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;

NOW THEREFORE, pursuant to 28 USC § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim Rule 1007-1 is adopted in its entirety without change by the Board of Judges of this Court to be effective December 19, 2008 to conform with the Act.

IT IS FURTHER ORDERED that this General Order shall become effective as of December 1, 2009, and that notice to the bar and public shall be given by posting of this General Order on the Court's Website: www.njb.uscourts.gov .

Dated: November 25, 2009

/s/ Judith H. Wizmur
HON. JUDITH H. WIZMUR
CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Interim Rule 1007-I. Lists, Schedules, Statements, and Other Documents; Time Limits;

Expiration of Temporary Means Testing Exclusion

(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 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 45 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).