

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

In Re:

ADOPTION OF INTERIM  
BANKRUPTCY RULE

\* ADMINISTRATIVE

\* ORDER NO. 06-04

\*

\*

\*

\* Dated September 27, 2006

\*

\* \* \* \* \*

On April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) was enacted into law; and

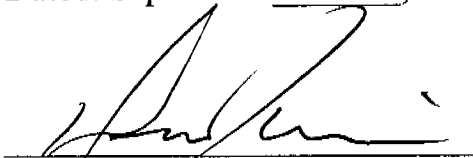
By Administrative Order 05-02 this Court previously adopted Interim Rules approved by the Judicial Conference to implement the Act.

The Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has approved a Revised Interim Rule 1007 (October 1, 2006) and recommends its adoption so as to provide revised uniform procedures throughout the country for implementing the Act; and

NOW, THEREFORE, IT IS ORDERED that:

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 revised Interim Rules 1007 (October 1, 2007), is adopted without change by the judges of this Court to be effective October 1, 2006, to conform to the Act. For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply. The Interim Rules shall remain in effect until further order of the court.

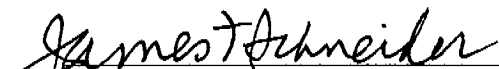
Dated: September 27, 2006.

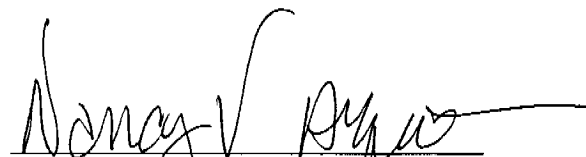



Duncan W. Keir, Chief Judge





Paul Mannes, Judge

  
James F. Schneider, Judge

  
Nancy V. Alquist, Judge

  
Wendelin I. Lipp, Judge

  
Thomas J. Catliota, Judge

  
Robert A. Gordon, Judge

*4. Text of Amendment to Proposed Interim Rule 1007.*

**Interim Rule 1007. Lists, Schedules, and Statements, and Other Documents; Time Limits<sup>1</sup>**

1 \* \* \* \* \*

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

4 \* \* \* \* \*

(3) Unless the United States trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, an individual debtor must file the ~~certificate and debt repayment plan, if any, required by § 521(b), a certification under § 109(h)(3), or a request for a determination by the court under § 109(h)(4).~~ a statement of compliance with the credit counseling requirement, prepared

\* The amendments are proposed to Interim Rule 1007. Therefore, the underlined additions and the strikeout deletions are to the Interim Rule adopted by the courts on or about October 17, 2005, and not to the existing national rule. This amendment is intended to operate along with the adoption of the amendments to Official Form 1, the voluntary petition.

12       as prescribed by the appropriate Official Form which must  
13       include one of the following:

14               (A) an attached certificate and debt repayment  
15       plan, if any, required by § 521(b);

16               (B) a statement that the debtor has received the  
17       credit counseling briefing required by § 109(h)(1) but does  
18       not have the certificate required by § 521(b);

19               (C) a certification under § 109(h)(3); or

20               (D) a request for a determination by the court  
21       under § 109(h)(4).

22                               \* \* \* \* \*

23               (c) TIME LIMITS. In a voluntary case, the schedules,  
24       and statements, and other documents required by subdivision  
25       (b)(1), (4), (5), and (6) shall be filed with the petition or  
26       within 15 days thereafter, except as otherwise provided in  
27       subdivisions (d), (e), (f), and (h) of this rule. In an  
28       involuntary case, the list in subdivision (a)(2), and the  
29       schedules, statements, and other documents required by

30 subdivision (b)(1) shall be filed by the debtor within 15 days  
31 of the entry of the order for relief. ~~The documents required by~~  
32 ~~subdivision (b)(3) shall be filed with the petition in a~~  
33 ~~voluntary case. The statement required by subdivision (b)(7)~~  
34 ~~shall be filed by the debtor within 45 days after the first date~~  
35 ~~set for the meeting of creditors under § 341 of the Code in a~~  
36 ~~chapter 7 case, and no later than the last payment made by the~~  
37 ~~debtor as required by the plan or the filing of a motion for~~  
38 ~~entry of a discharge under § 1328(b) in a chapter 13 case.~~  
39 ~~The statement required by subdivision (b)(8) shall be filed by~~  
40 ~~the debtor not earlier than the date of the last payment made~~  
41 ~~under the plan or the date of the filing of a motion for entry of~~  
42 ~~a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). In~~  
43 a voluntary case, the documents required by paragraphs (A),  
44 (C), and (D) of subdivision (b)(3) shall be filed with the  
45 petition. Unless the court orders otherwise, if the debtor has  
46 filed a statement under subdivision (b)(3)(B), the documents  
47 required by subdivision (b)(3)(A) shall be filed within 15 days

48       of the order for relief. In a chapter 7 case, the debtor shall file  
49       the statement required by subdivision (b)(7) within 45 days  
50       after the first date set for the meeting of creditors under § 341  
51       of the Code, and in a chapter 13 case no later than the date  
52       when the last payment was made by the debtor as required by  
53       the plan or the filing of a motion for a discharge under  
54       § 1328(b). The debtor shall file the statement required by  
55       subdivision (b)(8) no earlier than the date of the last payment  
56       made under the plan or the date of the filing of a motion for  
57       a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of  
58       the Code. Lists, schedules, statements, and other documents  
59       filed prior to the conversion of a case to another chapter shall  
60       be deemed filed in the converted case unless the court directs  
61       otherwise. Except as provided in § 1116(3), any extension of  
62       time for the filing of the schedules, statements, and other  
63       documents required under this rule may be granted only on  
64       motion for cause shown and on notice to the United States  
65       trustee, ~~and to~~ any committee elected under § 705 or

66 appointed under § 1102 of the Code, trustee, examiner, or  
67 other party as the court may direct. Notice of an extension  
68 shall be given to the United States trustee and to any  
69 committee, trustee, or other party as the court may direct.

### COMMITTEE NOTE

Subdivision (b)(3) of the rule is amended to require the debtor to file an Official Form relating to the credit counseling requirement provided by the 2005 amendments to § 109. Official Form 1 includes statements that warn the debtor of the consequences of failing to comply with the credit counseling requirement. The rule also provides that the debtor may file a statement that the debtor has received credit counseling but has not yet received a certificate from the credit counseling provider. Subdivision (c) is amended to permit the debtor to file the certificate and debt repayment plan within 15 days after the filing of the petition if a Rule 1007(b)(3)(B) statement is filed.

Other changes are stylistic.

- C. Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and New Exhibit D to Official Form 1 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

**The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the following amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and new Exhibit D to Official Form 1 for submission to the Judicial Conference with a request that they be made effective October 1, 2006.**

*1. Synopsis of Proposed Amendments:*

Proposed amendments to seven Official Forms and one new Official Form, which the Advisory Committee recommends for adoption in October 2006, are summarized below. The forms and committee notes follow the summary. Some of the forms which have multiple parts are treated together, under a single form number, while others are treated as separate forms. This different