

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Amendments to Rules 1007(b)(1)(E) and 1007(b)(3) and (c)
of the Interim Local Rules of Bankruptcy Procedure**

O R D E R

AND NOW, this 13th day of December, 2006, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §§2071(e) and 2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules consistent with the Federal Rules of Civil Procedure and applicable statutes, and in accordance with Federal Rule of Civil Procedure 83 and Rule 9029(a) of the Rules of Bankruptcy Procedure;

AND, it appearing that the judges of the court, on November 20, 2006, approved the interim amendments to Rule 1007(b)(1)(E) of the Interim Local Rules of Bankruptcy Procedure to provide for the filing of payment advices, and also approved amendments to Rule 1007(b)(3) and (c) of the Interim Local Rules of Bankruptcy Procedure to require debtors to receive credit counseling before filing for bankruptcy, as set forth below;

AND, it appearing that there is an immediate need for the amendments to the Local Rules:

***PROPOSED AMENDMENT TO RULE 1007 OF THE
INTERIM RULES OF BANKRUPTCY PROCEDURE***

**Interim Rule 1007. Lists, Schedules, and Statements, and Other Documents;
Time Limits¹**

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(b) **SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.**

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(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

¹ The amendments are proposed to Interim Rule 1007. Therefore, the underlined additions and the strikethrough 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.

counseling requirement, prepared as prescribed by the appropriate Official Form which must include one of the following:

- (A) an attached certificate and debt repayment plan, if any, required by § 521(b);
- (B) a statement that the debtor has received the credit counseling briefing required by § 109(h)(1) but does not have the certificate required by § 521(b);
- (C) a certification under § 109(h)(3); or
- (D) a request for a determination by the court under § 109(h)(4).

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(c) TIME LIMITS. In a voluntary case, the schedules, ~~and~~ statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 15 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) 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 15 days of the entry of the order for relief. ~~The documents required by subdivision (b)(3) shall be filed with the petition in a voluntary case. The statement required by subdivision (b)(7) shall be filed by the debtor within 45 days after the first date set for the meeting of creditors under § 341 of the Code in a chapter 7 case, and no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of a discharge under § 1328(b) in a chapter 13 case. The statement required by subdivision (b)(8) shall be filed by the debtor not earlier than the date of the last payment made under the plan or the date of the filing of a motion for entry of a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). 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, if the debtor has filed a statement under subdivision (b)(3)(B), the documents required by subdivision (b)(3)(A) shall be filed within 15 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 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 § 1328(b). 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) ~~of the Code~~, any extension of time for the filing of the 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, ~~and to~~ 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.

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.

It is hereby

ORDERED, that the proposed amendments to Rules 1007(b)(1)(E) and Rule 1007(b)(3) and (c) of the Interim local Rules of Bankruptcy Procedure are approved and adopted effective immediately. It is further

ORDERED that the Clerk of Court transmit a copy of the amendments to Rule 1007(b)(1)(E) and Rule 1007(b)(3) and (c) of the Interim Local Rules of Bankruptcy Procedure to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rules available to the bar and public.

FOR THE COURT:

HARVEY BARTLE III,
Chief Judge