



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO  
José V. Toledo Post Office & Courthouse Federal Building  
300 Recinto Sur St, Suite 109  
San Juan, Puerto Rico 00901

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## Notice to the Bar and the Public

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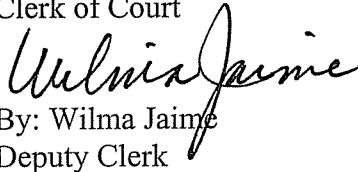
**Re: Extension of the Exemption From the Application of the  
Means-Test for Certain Members of the Reserve and National Guard**

On January 3<sup>rd</sup>, 2012, the Court entered General Order 12-01 adopting Interim Rule 1007-I, which includes an updated footnote reflecting the extension of time embodied in the Act of 2011 and establishing December 18, 2015 as the expiration date of the temporary exemption from the application of the means-test for certain Reservists and members of the National Guard.

The General Order is hereby attached.

In San Juan, Puerto Rico, this 4th day of January, 2012.

María de los Angeles González  
Clerk of Court

  
By: Wilma Jaime  
Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

GENERAL ORDER 12-01

EXTENSION OF THE EXEMPTION FROM  
THE APPLICATION OF THE MEANS-TEST  
FOR CERTAIN MEMBERS OF THE RESERVE  
AND NATIONAL GUARD

ORDER

WHEREAS, the National Guard and Reservist Debt Relief Extension Act of 2011 was signed on December 13, 2011. Such Act exempts for an additional 4-year period, from the application of the means-test presumption of abuse under Chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, as provided by the National Guard and Reservist Debt Relief Act of 2008.

WHEREAS, upon the recommendation of the Judicial Conference of the United States, through General Order 08-02, Interim Rule 1007-I was adopted in order to implement the National Guard and Reservist Debt Relief Act of 2008 to be effective on December 19, 2008, applicable for a three-year period.

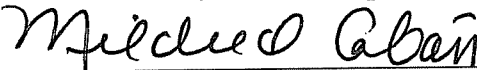
NOW THEREFORE, pursuant to the National Guard and Reservist Debt Relief Extension Act of 2011, we adopt attached Interim Rule 1007-I which includes an updated footnote reflecting the extension of time embodied in the Act of 2011 and establishing December 18, 2015 as the expiration date of the temporary exemption from the application of the means-test for certain Reservists and members of the National Guard.

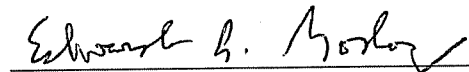
SO ORDERED.

In San Juan, Puerto Rico, this 3<sup>rd</sup> day of January 2012.

  
Enrique S. Lamoutte, Chief U.S. Bankruptcy Judge

  
Brian K. Tester, U.S. Bankruptcy Judge

  
Mildred Caban Flores, U.S. Bankruptcy Judge

  
Edward A. Godoy, U.S. Bankruptcy Judge

**Interim Rule 1007-I.<sup>1</sup> Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion<sup>2</sup>**

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.

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<sup>1</sup>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. 112-64. 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 seven-year period beginning December 19, 2008.

<sup>2</sup> Incorporates (1) time amendments to Rule 1007 which took effect on December 1, 2009, and (2) an amendment, effective December 1, 2010, which extended the time to file the statement of completion of a course in personal financial management in a chapter 7 case filed by an individual debtor.

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\* \* \* \* \*

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  
18 thereafter, except as otherwise provided in subdivisions (d), (e), (f),  
19 (h), and (n) of this rule. In an involuntary case, the list in  
20 subdivision (a)(2), and the schedules, statements, and other  
21 documents required by subdivision (b)(1) shall be filed by the  
22 debtor within 14 days of the entry of the order for relief. In a  
23 voluntary case, the documents required by paragraphs (A), (C), and  
24 (D) of subdivision (b)(3) shall be filed with the petition. Unless  
25 the court orders otherwise, a debtor who has filed a statement under  
26 subdivision (b)(3)(B), shall file the documents required by  
27 subdivision (b)(3)(A) within 14 days of the order for relief. In a  
28 chapter 7 case, the debtor shall file the statement required by  
29 subdivision (b)(7) within 60 days after the first date set for the  
30 meeting of creditors under § 341 of the Code, and in a chapter 11 or  
31 13 case no later than the date when the last payment was made by  
32 the debtor as required by the plan or the filing of a motion for a  
33 discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The  
34 court may, at any time and in its discretion, enlarge the time to file  
35 the statement required by subdivision (b)(7). The debtor shall file  
36 the statement required by subdivision (b)(8) no earlier than the date

37 of the last payment made under the plan or the date of the filing of a  
38 motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b)  
39 of the Code. Lists, schedules, statements, and other documents  
40 filed prior to the conversion of a case to another chapter shall be  
41 deemed filed in the converted case unless the court directs  
42 otherwise. Except as provided in § 1116(3), any extension of time  
43 to file schedules, statements, and other documents required under  
44 this rule may be granted only on motion for cause shown and on  
45 notice to the United States trustee, any committee elected under  
46 § 705 or appointed under § 1102 of the Code, trustee, examiner, or  
47 other party as the court may direct. Notice of an extension shall be  
48 given to the United States trustee and to any committee, trustee, or  
49 other party as the court may direct.

50 \* \* \* \* \*

51 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS  
52 TEMPORARILY EXCLUDED FROM MEANS TESTING.

53 (1) An individual debtor who is temporarily excluded from  
54 means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file  
55 any statement and calculations required by subdivision (b)(4) no  
56 later than 14 days after the expiration of the temporary exclusion if  
57 the expiration occurs within the time specified by Rule 1017(e) for  
58 filing a motion pursuant to § 707(b)(2).

59 (2) If the temporary exclusion from means testing under

60 § 707(b)(2)(D)(ii) terminates due to the circumstances specified in  
61 subdivision (n)(1), and if the debtor has not previously filed a  
62 statement and calculations required by subdivision (b)(4), the clerk  
63 shall promptly notify the debtor that the required statement and  
64 calculations must be filed within the time specified in subdivision  
65 (n)(1).

#### COMMITTEE NOTE

This rule is amended to take account of the enactment of the National Guard and Reservists Debt Relief Act of 2008, which amended § 707(b)(2)(D) of the Code to provide a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces. This exclusion applies to qualifying debtors while they remain on active duty or are performing a homeland defense activity, and for a period of 540 days thereafter. For some debtors initially covered by the exclusion, the protection from means testing will expire while their chapter 7 cases are pending, and at a point when a timely motion to dismiss under § 707(b)(2) can still be filed. Under the amended rule, these debtors are required to file the statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of their exclusion.

Subdivisions (b)(4) and (c) are amended to relieve debtors qualifying for an exclusion under § 707(b)(2)(D)(ii) from the obligation to file a statement of current monthly income and required calculations within the time period specified in subdivision (c).

Subdivision (n)(1) is added to specify the time for filing of the information required by subdivision (b)(4) by a debtor who initially qualifies for the means test exclusion under § 707(b)(2)(D)(ii), but whose exclusion expires during the time that a motion to dismiss under § 707(b)(2) may still be made under Rule 1017(e). If, upon the expiration of the temporary exclusion, a debtor has not already filed the required statement and calculations, subdivision (n)(2) directs the clerk to provide prompt notice to the debtor of the time for filing as set forth in subdivision (n)(1).