

(ORIGINAL)

UNITED STATES BANKRUPTCY COURT
WESTERN DIVISION

FILED

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE

JED G. WEINTRAUB
CLERK OF COURT
WESTERN DISTRICT OF TENN.

STANDING ORDER
Regarding Duties of Bankruptcy Debtors
No. 05-0004

Pursuant to the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, among the duties of a bankruptcy debtor is the duty to file with the court certain documents unless the court orders otherwise. *See* 11 U.S.C. § 521(a)(1). In this judicial district, bankruptcy debtors shall timely file a list of all creditors, a schedule of assets and liabilities, a schedule of income and current expenditures, a statement of the debtor's financial affairs, and, in Chapter 7 cases, Official Bankruptcy Form 22A - Statement of Current Monthly Income and Means Test Calculation. In addition, in cases filed by individuals whose debts are primarily consumer debts, bankruptcy debtors, if no attorney is indicated, and bankruptcy petition preparers, shall file the certificate identified in section 521(a)(1)(B)(iii) indicating that the debtor has received from the clerk the notice identified in section 342(b). Attorneys for debtors need not file this certificate with the court, but must maintain the certificate in their own files.

Pursuant to local bankruptcy rule, a bankruptcy debtor has an additional duty to file with the petition a mailing matrix, in form specified by the clerk, which contains the names and addresses of all creditors and interested parties.

In addition, pursuant to 11 U.S.C. § 343, a bankruptcy debtor has a duty to appear and submit to examination under oath at the meeting of creditors.

In Chapter 11 cases, a debtor in possession has a duty to file a plan as soon as practicable. In Chapter 12 and 13 cases, a bankruptcy debtor has a duty to timely file a plan. In Chapter 13 cases, a bankruptcy debtor has a duty to commence making payments not later than thirty days after the date of the filing of the plan or the order for relief, whichever is earlier.

In this judicial district, the filing of the matrix will be considered timely if it is filed within five days after the entry of the order for relief, the filing of schedules and the statement of financial affairs will be considered timely if they are filed within fifteen days after the entry of the order for relief, and in Chapter 13 cases, the filing of a plan will be considered timely if the plan is filed within fifteen days after the filing of the petition. An extension of time to perform these duties may be granted, for cause, upon motion filed within the original period specified in this order.

In Chapter 11 cases, the filing of a plan will be considered timely if the plan is filed within 120 days after the date of the order for relief, except in small business cases, in which the plan will be considered timely if it is filed within 180 days after the date of the order for relief.

In Chapter 12 cases, the plan shall be filed within 90 days after the date of the entry of the order for relief unless the court grants an extension of time based upon circumstances for which the

debtor should not justly be held accountable. *See* 11 U.S.C. 1221.

Pursuant to 11 U.S.C. § 105(a) and this court's inherent power and duty to manage its dockets, failure of any debtor to timely file the mailing matrix within five days after the entry of the order for relief, or within any extension granted by the court, and/or failure of any debtor to attend the meeting of creditors, may result in the dismissal of the bankruptcy case without further notice. In addition, failure by any debtor in a case under Chapter 13 to timely file a plan or to timely commence making payments may result in the conversion or dismissal of the bankruptcy case without further notice.

Pursuant to 11 U.S.C. § 521(i), failure of an individual debtor in a voluntary case under Chapter 7 or 13 to file all of the information required by section 521(a)(1) as modified by this order within 45 days after the date of the filing of the petition may result in the automatic dismissal of the bankruptcy case effective on the 46th day after the date of the filing of the petition.

Notices provided by the clerk of the commencement of a bankruptcy case shall give notice of the potential for automatic dismissal of the bankruptcy case should the bankruptcy debtor fail to timely perform the duties specified in this order.

In this judicial district, the debtor need not file with the court the additional documents identified at section 521(a)(1)(B) without explicit order of the court. Specifically, the debtor need not file copies of payment advices, statements of the amount of monthly net income, or statements disclosing reasonably anticipated increases in income or expenditures.

Upon request made by the United States trustee, the case trustee, any creditor or other party in interest, bankruptcy debtors shall provide copies of the excluded documents to the requesting party without further order of this court or formal discovery request, unless the production of these documents is excused by protective order.

Standing Order No. 97-0001 is hereby vacated in its entirety and replaced by this standing order.

It is SO ORDERED, effective October 17, 2005.

ENTER FOR THE COURT



David S. Kennedy
Chief United States Bankruptcy Judge

Dated: October 6, 2005