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2 **UNITED STATES BANKRUPTCY COURT**  
3 **DISTRICT OF ARIZONA**  
4

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6  
7 In re )  
8 )  
9 **ADOPTION OF INTERIM** )  
10 **BANKRUPTCY RULES** )  
11 \_\_\_\_\_ )

**GENERAL ORDER NO. 94**

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

14       Whereas, most provisions of the Act are effective October 17, 2005; and

15  
16       Whereas, the Advisory Committee on Bankruptcy Rules has prepared Interim Rules  
17 designed to implement the substantive and procedural changes mandated by the Act; and

18       Whereas, the Committee on Rules of Practice and Procedure of the Judicial Conference  
19 of the United States has also approved these Interim Rules and recommends the adoption of the  
20 Interim Rules to provide uniform procedures for implementing the Act; and

21       Whereas, the general effective date of the Act has not provided sufficient time to  
22 promulgate rules after appropriate public notice and an opportunity for comment;

23       **NOW THEREFORE, IT IS ORDERED** that pursuant to 28 U.S.C. § 2071, Rule 83  
24 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy  
25 Procedure, the attached Interim Rules are adopted by the judges of this Court effective October  
26 17, 2005, to conform with the Act and apply to those cases that are subject to the Act. The  
27 Interim Rules shall remain in effect until further order of the court.  
28

1                   **IT IS FURTHER ORDERED** to implement the notice of preferred addresses  
2 under 11 U.S.C. § 342(e) and (f), that:

- 3                   a.       An entity and a notice provider, to include the Bankruptcy Noticing  
4                   Center, may agree that when the notice provider is directed by the Court  
5                   to give a notice to that entity, the notice provider shall give the notice to  
6                   the entity in the manner agreed to and at the address or addresses the  
7                   entity supplies to the notice provider. That address is conclusively  
8                   presumed to be a proper address for the notice. The notice provider's  
9                   failure to use the supplied address does not invalidate any notice that is  
10                  otherwise effective under applicable law.
- 11                  b.       The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f)  
12                  by a creditor directly with the agency or agencies that provide noticing  
13                  services (currently the Bankruptcy Notice Center) for the Bankruptcy  
14                  Court will constitute the filing of such a notice with the Court.
- 15                  c.       Registration with the National Creditor Registration Service must be  
16                  accomplished through the agency (currently the Bankruptcy Noticing  
17                  Center) that provides noticing services for the Bankruptcy Court. Forms  
18                  and registration information is available at [www.ncrsuscourts.com](http://www.ncrsuscourts.com).

19                   **IT IS FURTHER ORDERED** that the Local Rules of Bankruptcy Procedure apply to  
20 cases subject to the Act as amended herein.

21                   Local Rule 1007-1 is amended as follows:

- 22                   (b)(4) The debtor shall have five calendar days from the filing of the petition to  
23                   file a master mailing list in compliance with the specified requirements.
- 24                   (d)       If an individual debtor fails to file the credit counseling certificate  
25                   required by 11 U.S.C. § 109(h)(1); a certificate describing exigent  
26                   circumstances provided for in § 109(h)(3); or an application to waive  
27                   the credit counseling requirement pursuant to § 109(h)(4) with the  
28                   petition, then the debtor shall have five calendar days from the date of  
                    the filing of the petition to file a certificate or application. Failure to file  
                    a certificate or application within 5 calendar days of the filing of the  
                    petition shall be cause for dismissal of the petition.

1 (e) If a debtor fails to file the Statement of Social Security Number required  
2 by Bankruptcy Rule 1007(f) with the petition, the debtor shall have five  
3 calendar days from the date of the filing of the petition to file the  
4 statement. Failure to file the statement within 5 calendar days of the  
5 filing of the petition shall be cause for dismissal of the petition.

6 Local Rule 1017-2 is amended as follows:

7 (c) A case dismissed for failure of the debtor to timely file a required  
8 document or for failure to appear at the meeting of creditors may be  
9 reinstated on motion of the debtor pursuant to Bankruptcy Rule 9024,  
10 provided that all required documents are filed, or on motion of another  
11 party. The clerk shall not close a dismissed case until 60 days after the  
12 date of dismissal.

13 **IT IS FURTHER ORDERED** that in all cases filed on or after October 17, 2005:

- 14 1. To comply with Code § 521(a)(1)(B)(iv), the debtor shall file a Declaration in the  
15 form attached hereto and check the appropriate box.
- 16 2. Notwithstanding Code § 521(i)(1), no case shall be deemed dismissed except upon  
17 entry of an order of dismissal.
- 18 3. If a party moves for dismissal pursuant to Code § 521(i)(2) and if such motion  
19 specifically requests dismissal within five (5) days, the Court may dismiss the case  
20 without further notice or hearing if the docket is missing one or more of the six (6)  
21 items identified in Code § 521(a)(1)(A) and (a)(1)(B)(i) through (v). If the docket  
22 contains a filing denominated as such but which the moving party contends fails to  
23 include all the contents required by Code § 521(a)(1) or required by the Bankruptcy  
24 Rules, Local Rules or Official Forms, the motion shall identify the alleged deficiency.  
25 The movant shall serve the motion on the debtor and the trustee along with a notice  
26 requiring a response to be filed within fifteen (15) days of service. If no such response  
27 is timely filed, the Court may dismiss the case without further notice or hearing. If a  
28 response is timely filed, the Court will either rule on it or set it for hearing.

1 Declaration of Evidence of Employers' Payments Within 60 Days

- 2        Attached hereto are copies of all payment advices, pay stubs or other evidence  
3 of payment received by the debtor from any employer within 60 days prior to  
4 the filing of the petition;  
5        Debtor has received no payment advices, pay stubs or other evidence of  
6 payment from any employer within 60 days prior to the filing of the petition; or  
7        Debtor has received the following payments from employers within 60 days  
8 prior to the filing of the petition: \$\_\_\_\_\_.

9 Debtor declares the foregoing to be true and correct under penalty of perjury.

10 Date \_\_\_\_\_

\_\_\_\_\_ Signature of Debtor

11 Dated: October 12, 2005

12 \_\_\_\_\_  
13 /s/  
14 Honorable Redfield T. Baum, Chief Judge

15 \_\_\_\_\_  
16 /s/  
17 Honorable George B. Nielsen, Jr.

18 \_\_\_\_\_  
19 /s/  
20 Honorable Sarah Sharer Curley

21 \_\_\_\_\_  
22 /s/  
23 Honorable James M. Marlar

24 \_\_\_\_\_  
25 /s/  
26 Honorable Charles G. Case II

27 \_\_\_\_\_  
28 /s/  
Honorable Randolph J. Haines

\_\_\_\_\_ /s/  
Honorable Eileen W. Hollowell