

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

IN RE:)
)
LOCAL PROCEDURES TO HELP)
IMPLEMENT THE BANKRUPTCY)
ABUSE PREVENTION AND)
CONSUMER PROTECTION ACT)
OF 2005)
)

GENERAL ORDER 2006-01

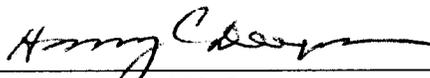
In order to better implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, it is hereby ORDERED that:

(a) If an individual debtor in a voluntary case under Chapter 7 or 13 fails to file documents containing the information required by 11 U.S.C. § 521(a)(1)(A) and (B)(i-iii, v, vi) within 45 days following the date of the petition, unless that deadline has been extended or the trustee files an appropriate motion, the court will issue a notice reflecting the dismissal of the case pursuant to § 521(i)(1) on the 46th day after the date of the petition or as soon thereafter as may be practicable. A debtor or other party in interest who contends such a notice was issued in error may seek relief under Rule 9024(a) of the Federal Rules of Bankruptcy Procedure. In addition to the requirements of Local Bankruptcy Rule B-9023-1, any such motion shall specifically indicate where in the record documents containing the required information may be found, describe how those documents provide all the information required and state the date upon which they were filed.

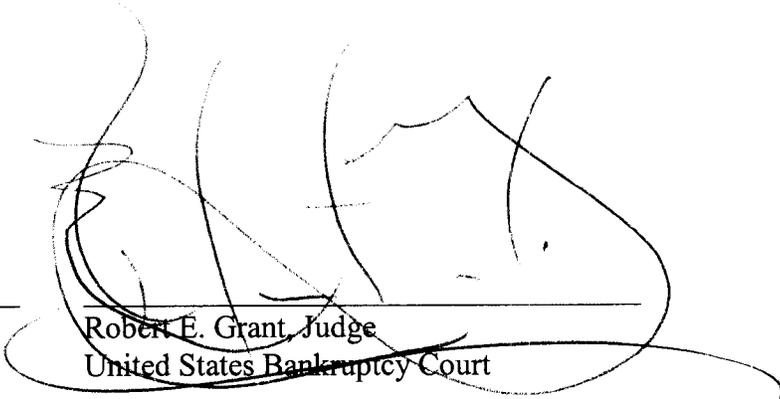
(b) The absence of a notice reflecting dismissal of the case pursuant to § 521(i)(1) indicates that the court believes the debtor has filed the required information, and constitutes a

presumption that such a dismissal has not occurred and that the case may continue to proceed. Notwithstanding the absence of such a notice, a party in interest that contends § 521(i)(1) requires dismissal of the case may file a motion for an order dismissing the case pursuant to § 521(i)(2). Such a motion must be filed electronically, refer to § 521(i)(2) in both the title and the docket text entered by the movant, and be accompanied by an affidavit from movant's counsel. A motion which fails to so refer to § 521(i)(2) will be deemed to be a motion to dismiss for some other cause, a waiver of the court's need to act within 5 days, and will be set for a hearing on notice to all creditors and parties in interest. The affidavit accompanying the motion must (a) indicate that counsel has personally reviewed the docket and every page of every document filed in the case, (b) specifically identify what information required by § 521(a)(1)(A) and (B)(i-iii, v, vi) the debtor has failed to file, (c) specifically describe how the information that has been filed does not provide what is required, and (d) state whether the debtor has sought an extension of time to file the required documents and whether the trustee has filed a motion asking the court to decline to dismiss the case.

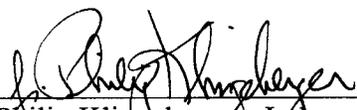
Dated: February 7, 2006



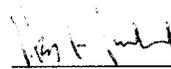
Harry C. Dees, Jr., Chief Judge
United States Bankruptcy Court



Robert E. Grant, Judge
United States Bankruptcy Court



J. Philip Klingeberger, Judge
United States Bankruptcy Court



Kent Lindquist, Judge
United States Bankruptcy Court