05-BR-002

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To <Rules_Support@ao.uscourts.gov>
cc
bcc
Subject Proposed Interim Bankruptcy Rule 1007(b)(4) and Official Form

If I read proposed Interim Bankruptcy Rule 1007(b)(4) correctly, it requires the debtor to file means-test calculations only if the debtor's current monthly income is greater than the applicable median family income. The proposed Official Bankruptcy Form "Statement of Current Monthly Income and Means Test Calculation" implements that proposed rule by excusing the debtor from completing Parts IV, V, and VI of the Form if the debtor's income does not exceed the median.

While it makes perfect sense to limit the required calculations to those whose income is above the relevant median, isn't that inconsistent with new section 707(b)(2)(C), which seems to require that every individual debtor whose debts are primarily consumer debts furnish calculations about whether a presumption arises? Perhaps your answer is something like this: if the debtor's income is below the relevant median, calculations showing that income are all that are necessary to show that the presumption doesn't arise.

I'd appreciate your reply. Thank you.

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