

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON

FILED

2006 JUN 14 PM 3:12

IN RE:

EXCUSING INDIVIDUAL "NON-
CONSUMER" DEBTORS FROM FILING
MEANS TEST FORM

)
)
)
)
)

Administrative Order No. 06-05
JUDGE MARILYN SHEA-STONUM

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AKRON

Pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), certain chapter 7 cases "filed by an individual debtor . . . whose debts are primarily consumer debts" will be dismissed if they are deemed to be an abuse. 11 U.S.C. § 707(b)(1) (2005). To determine whether the filing of a case is abusive, individuals filing chapter 7 are now required to make certain financial calculations and provide such information via the filing of a "Statement of Current Monthly Income and Means Test Calculation" (the "Means Test Form"). See Official Form B22A. The Means Test Form, *inter alia*, must be filed by all debtors unless the Court orders otherwise. 11 U.S.C. §§ 707(b)(2)(C); 521(a)(1)(B)(ii) (2005). Because preparation of the Means Test Form can be onerous and because § 707(b)(1) does not apply to individual "non-consumer" debtors, the Court is entering this Administrative Order to excuse "non-consumer" debtors from filing the Means Test Form.

If an individual filing chapter 7 considers him or herself to be a "non-consumer" debtor (as that term has been defined by the Sixth Circuit Court of Appeals and other applicable case law) and if that individual debtor indicates on the front of his or her petition that the listed debts are "business" in nature, then such individual may file a statement (the "Statement") indicating: (1) that pursuant to this Administrative Order, a Means Test Form is not being filed and (2) that any party in interest may, within twenty days of service of the Statement, request a hearing at which debtor shall show cause why the Means Test Form should not be filed. The Statement shall be served upon all parties in interest including, but not limited to, the United States Trustee - Region 9 and the chapter 7 panel trustee assigned to administer the case. If a hearing is requested, it will be scheduled by the Court in due course and, at such hearing, debtor will be required to demonstrate why he or she should not be considered a "consumer" debtor for purposes of § 707(b)(1). If a hearing is not requested, debtor will be excused from filing the Means Test Form without any further notice and without the entry of a separate order.

IT IS SO ORDERED.


MARILYN SHEA-STONUM
U.S. Bankruptcy Judge