

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

In re:

Administrative Order 04-8

**ADOPTION OF AMENDED LOCAL RULES
AND CLARIFICATION OF STATUS OF
ADMINISTRATIVE ORDERS**

In accordance with Bankruptcy Rule 9029 and Rule 87.1, Local Rules, U.S. District Court, Southern District of Florida, the court has undertaken a review of the local rules. Pursuant to Title 28, United States Code, § 2077(b), the court appointed an advisory committee for the study of the rules of practice of the court. The court has considered the committee's recommendations, given notice and the opportunity for public comment pursuant to 28 U.S.C. § 2071(b), Bankruptcy Rule 9029 and Rule 83, Federal Rules of Civil Procedure, considered the comments received and unanimously determined to adopt the proposed amendments and **ORDERS** as follows:

1. The new amended local rules are adopted and shall apply to all pending and future cases effective July 1, 2004.

2. In conjunction with the adoption of the amended local rules, the following new or amended Local Forms and Court Guidelines have been approved for use in all pending cases and shall be issued with a July 1, 2004 revision date:

- a. Local Form "Order Establishing Procedures to Permit Monthly Payment of Interim Fee Applications of Chapter 11 Professionals" (**LF-91**);
- b. Local Form "Rights and Responsibilities Agreement Between Chapter 13 Debtor(s) and Chapter 13 Debtor(s)' Attorney for Cases Filed in the United States Bankruptcy Court, Southern District of Florida" (**LF-90**);
- c. Local Form "Summary of Professional Fee Applications" (**LF-89**);
- d. Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors Pursuant to Local Rule 2016-1(b)(2)(A) (CG-6);
- e. Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases (CG-1);

- f.** Guidelines for Motions Seeking Authority to Use Cash Collateral and Motions Seeking Approval of Postpetition Financing (CG-7); and
- g.** Guidelines for Reimbursement to Chapter 7 Trustees for Costs Without Prior Court Order Pursuant to Local Rule 2016-1(a) (CG-4).

3. Upon the effective date of the new amended local rules, the following previously issued administrative orders are, as applicable, rendered moot or have been replaced, through incorporation, in whole or as modified, in the new amended local rules or administrative orders issued in conjunction with the amended local rules:

- a.** AO 02-1 “Adoption of Amended Local Rules and Clarification of Status of Administrative Orders”;
- b.** AO 03-1 “Order Clarifying Deadline In Reinstated Cases for Filing Motions to Dismiss or for Serving Notices of Hearings Pursuant to Bankruptcy Rule 1017(e)”;
- c.** AO 03-3 “Order Clarifying Scope of Permissible Joinder of Parties in Adversary Proceedings”;
- d.** AO 03-4 “Order Supplementing Local Rule 5001-2(C) Regarding Court Security and Electronic Devices”;
- e.** AO 03-5 “Amendment to Local Rule 1006-1(A)(1) to Reflect Increase in Minimum Initial Filing Fee Installment Payment”;
- f.** AO 03-6 “Order Temporarily Closing Miami Division Office From November 17 to November 21”;
- g.** AO 03-7 “Implementation of Federal Judiciary’s Policy on Privacy and Public Access”;
- h.** AO 04-1 “Appointment of Standing Advisory Committee for the Study of the Rules of Practice and Internal Operating Procedures of the Court”;
- i.** AO 04-2 “Order Amending Local Rule 2090-2(b)(1) Relating to Attorney Disciplinary Proceedings”;
- j.** AO 04-3 “Order Clarifying Copy and Service Requirements In Chapter 13 Cases”;
- k.** AO 04-4 “Guidelines for Filing Corporate Ownership Statements”;

- I. AO 04-5 “Order Amending Local Rule 3015-3(a) with Respect to Valuation of Collateral Securing Claims in Chapter 13 Cases”; and
- m. AO 04-6 “Proposed Amended Local Rules - Opportunity for Public Comment”.

4. The following current administrative orders have not been incorporated into the amended local rules and will remain in effect as administrative orders:

- a. AO 98-2 - “Order Establishing New Compensation Rate for Mediators and Clarifying Effective Date of New Rate”;
- b. AO 99-8 - “Modification of Procedures for Assigning Divisional Venue of Specified “North Dade” Chapter 13 Cases”;
- c. AO 02-2 “Status of Administrative Order 99-2 “Modification of Chapter 13 Confirmation Procedures”;
- d. AO 02-3 “Registry Fund Fees”;
- e. AO 03-2 “Adoption of Ten Percent Increase to Transcript Fee Rates”;
and
- f. AO 04-7 “Order Directing Payment to Tax Certificate Holders in Chapter 13 Cases and Directing Tax Collector to Account for All Payments”.

5. In accordance with 28 U.S.C. § 2071(d), Bankruptcy Rule 9029 and Rule 83, Federal Rules of Civil Procedure, the Clerk of Court shall furnish a copy of the amended local rules and forms and guidelines to the Eleventh Circuit Judicial Council and the Director of the Administrative Office of the United States Courts. Furthermore, the Clerk of Court shall give appropriate public notice of the adoption of the new local rules, forms and guidelines and arrange for copies of the new rules to be made available to the public.

ORDERED in the Southern District of Florida on June 1, 2004.

/s _____
ROBERT A. MARK
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court