

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

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In re:

Administrative Order 08-1

**ADOPTION OF AMENDED LOCAL RULES
AND CLARIFICATION OF STATUS OF
LOCAL FORMS, COURT GUIDELINES,
CLERK'S INSTRUCTIONS AND
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 effective June 2, 2008 and shall apply to all pending, new and reopened cases and proceedings, except those local rules resulting from a provision of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 shall not apply to those cases and proceedings to which the Act does not apply.

2. In conjunction with the adoption of the amended local rules, all local forms, internal court forms, guidelines and clerk's instructions were reviewed and, where necessary, revised to conform to the amended local rules and to reflect stylistic changes agreed to by the court. In addition, the following new Local Forms and Court Guidelines have been approved for use in all pending cases. All new and existing local forms, court guidelines and clerk's instructions of this court shall be identified with a date of issuance of June 2, 2008. Documents dated earlier than June 2, 2008, should not be used after June 1, 2008.

- a. Local Form Chapter 11 Small Business Case "Disclosure Statement";
- b. Local Form Chapter 11 Small Business Case "Plan of Reorganization";
- c. Local Form "Debtor's Response to [Name of Secured Creditor] Notice of Fees and Costs Incurred";
- d. Local Form "Debtor's Response to [Name of Secured Creditor] Notice of Payment Change";

- e. Local Form “Debtor’s Statement Re: 11 U.S.C. §522(q)(1) Applicability, Payment of Domestic Support Obligations, Applicability of Financial Management Course and Notice of Deadline to Object” (for use in individual chapter 11 and 12 cases);
- f. Local Form “Declaration Regarding Payment Advices”;
- g. Local Form “Individual Debtor Certificate for Confirmation Regarding Payment of Domestic Support Obligations and [For Chapter 11 Cases] Filing of Required Tax Returns” (for use in individual chapter 11 and 12 cases);
- h. Local Form “Motion to Deem Mortgage Is Current”;
- i. Local Form “Notice of Fees and Costs Incurred”;
- j. Local Form “Notice of Payment Change”;
- k. Local Form “Order Confirming Mortgage Is Current”;
- l. Local Form “Trustee’s Notice Regarding Mortgage Status”;
- m. Guidelines For Motions For Relief From the Automatic Stay; and
- n. Guidelines for Prepackaged Chapter 11 Cases.

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. The provision in Administrative Order 06-8, with respect to this court’s adoption of the amendment to Interim Bankruptcy Rule 1007, is hereby reaffirmed and adopted in this order.

- a. AO 02-2 “Status of Administrative Order 99-2 “Modification of Chapter 13 Confirmation Procedures”;
- b. AO 04 -7 “Order Directing Payment to Tax Certificate Holders in Chapter 13 Cases and Directing Tax Collector To Account for All Payments”;
- c. AO 04-11 “New Local Form to Accompany Emergency Motions, Expedited Motions in Chapter 11 Cases and Late Filed Papers”;
- d. AO 05-1 “Chapter 11 Case Management Summary”;

- e. AO 05-2 “Implementation of Case Management/Electronic Case Files (CM/ECF) System”;
- f. AO 05-05 “Order Adopting Interim Local Rules and Procedures In Conjunction with Implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005”;
- g. AO 05-6 “Chapter 13 Pre-confirmation Payments”;
- h. AO 05-7 “Modification of Procedures for Abandonment of Property in Chapter 13 Cases”;
- i. AO 06-3 “Order Amending Provisions of Administrative Order 05-2 “Implementation of Case Management/Electronic Case Files (CM/ECF) System””;
- j. AO 06-4 “Order Amending Local Rule 5001-2(C) Regarding Court Security and Electronic Devices”;
- k. AO 06-5 “Order Amending Provisions of Administrative Order 05-5 Addressing Clerk’s Notice Under 11 U.S.C. §362(l)(4)(B)”;
- l. AO 06-6 “Order Establishing Procedures for Implementing “Automatic Dismissal” Provision Under 11 U.S.C. §521(i)”;
- m. AO 06-7 “Order Rescinding Administrative Order 06-4 In Order to Issue Further Clarifying Amendments to Local Rule 5001-2(C) Regarding Court Security and Electronic Devices”;
- n. AO 06-8 “Order Adopting Amended Interim Bankruptcy Rule 1007 and Order Amending Provision of Administrative Order 05-5 Addressing Requirement To Obtain Consumer Credit Counseling Prior to Filing Bankruptcy”;
- o. AO 06-10 “Order Establishing Deadlines for Attorneys to Register for CM-ECF Training Courses and Waiving Mandatory Registration Requirements for Certain Attorneys”;
- p. AO 06-11 “Issuance of Chapter 13 Discharges”;
- q. AO 07-1 “Order Establishing Procedure to Obtain Order Confirming Termination of Automatic Stay under 11 U.S.C. §362(c)(1)”;
- r. AO 07-3 “Order Implementing Elimination of After Hours Filing Depositories”;

- s. AO 07-4 "Order Amending Local Rules Affecting Debtors' Motions to Convert Cases under 11 U.S.C. §706(a)"; and
- t. AO 07-6 "Order Amending Administrative Order 07-4 to Correct Scrivener's Error".

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 02-3 "Registry Fund Fees";
- c. AO 05-4 "Adoption of Interim Bankruptcy Rules";
- d. AO 07-2 "Order Establishing Procedures For Referrals of Certain Suspected Bankruptcy Crimes";
- e. AO 07-5 "Policy on Electronic Availability of Transcripts of Court Proceedings"; and
- f. AO 07-8 "Adoption of Revised Schedule of Transcript Fee Rates".

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 to be made available to the public. In addition to issuance of the official version of the amended local rules adopted by this order, the Clerk of Court shall also publish an unofficial version that only includes the actual text of the local rules without any notes or commentary.

ORDERED in the Southern District of Florida on May 2, 2008.

/s
PAUL G. HYMAN
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court