

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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In re:

Case No.
Chapter 7

_____ Debtor _____/

**ORDER CONVERTING CASE UNDER CHAPTER 7
TO CASE UNDER CHAPTER 13 (AFTER HEARING)**

The Court conducted a hearing on _____ on the debtor's motion to convert this case to a case under chapter 13 pursuant to 11 U.S.C. §706(a). The motion was served on required parties in accordance with local rule 9013-1(D)(3)(h). The debtor is eligible to be a debtor under chapter 13 since the case has not previously been converted under 11 U.S.C. § 1112, § 1208 or § 1307 and the Court otherwise finds that conversion is justified.

It is **ORDERED** that:

1. This chapter 7 case is converted to a case under chapter 13.

2. The chapter 7 trustee shall file, within 30 days of the date of this order:
 - a. a final accounting for all receipts and disbursements made in the chapter 7 case; and
 - b. a report on the administration of the case pursuant to 11 U.S.C. §704(9).
3. The chapter 7 trustee forthwith shall turn over to the debtor, all records and property of the estate remaining in the chapter 7 trustee's custody and control.
4. The debtor shall provide notice to affected parties of the deadline set pursuant to Local Rule 1019-1(J)(1) for filing by a nongovernmental unit a request for payment of an administrative expense.
5. The debtor shall file, within 14 days from the date of this order and if such documents have not already been filed, the statements, schedules, Official Form(s) 122C-1 "Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period", 122C-2 "Chapter 13 Calculation of Your Disposable Income", and, if required, payment advices or the required statement regarding payment advices. [see Bankruptcy Rule 1007(b), Bankruptcy Rules 1007(b)(1) and 1007(c), Local Rules 1007-1(E), 1007-2, 1009-1(D), 1019-1(C) and 1019-1(L)]; and
6. The debtor shall file, within 14 days from the date of this order, a chapter 13 plan using the Local Form required by Local Rule 3015-1(B)(1). Amendments to the plan shall be filed by the deadline set forth in Local Rule 3015-2.
7. If the chapter 7 filing fee was waived, the debtor shall pay the full chapter 13 filing fee of \$_____ or file a local form application to pay the fee in installments within 14 days after entry of this order.

8. The debtor shall commence plan payments to the chapter 13 trustee within 30 days from the date of this order in the manner prescribed by that trustee as required by Local Rule 3070-1(A). If, at the first meeting of creditors, the debtor is not current in plan payments under the plan as originally filed, the chapter 13 trustee may submit a proposed order dismissing the debtor's chapter 13 case and the case may be dismissed without further notice of hearing. Dismissal shall be with prejudice to the debtor filing any bankruptcy case for a period of 180 days from entry of the order of dismissal (see Local Rule 3070-1(C)(1)).
9. The debtor shall file, no later than the date of the last payment made as required by the plan or the filing of a motion for entry of a discharge under 11 U.S.C. § 1328(b), "Certification About a Financial Management Course" (Official Form 423) [See Bankruptcy Rules 1007(b)(7)(A) and (c)] (unless the course provider files a certificate of completion on the debtor's behalf).
10. Failure of the debtor to comply with the provisions of this order may result in dismissal of this case without further hearing or notice.

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Submitted by:

Copies to:

The clerk shall serve a copy of this order on the Debtor, Attorney for Debtor, Chapter 7 Trustee and the Chapter 13 Trustee.