

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
www.flsb.uscourts.gov

CLERK'S FILING INSTRUCTIONS

GENERAL INFORMATION

GEOGRAPHIC BOUNDARIES*

Southern District of Florida is comprised of the following counties:

Dade, Monroe (Miami Division)

Broward - (Ft. Lauderdale Division)

Palm Beach, Indian River, Okeechobee, Highlands, Martin, St. Lucie - (West Palm Beach Division)

LOCATION OF CLERK'S OFFICES

The Clerk maintains three staffed offices.

<u>Location</u>	<u>Open To the Public</u>	<u>After Hrs. Depository**</u>
Claude D. Pepper Building 51 S.W. 1st Avenue #1517 Miami, Florida 33130 (305) 714-1800	Monday - Friday 9:00 am - 4:30 pm	Monday - Friday 4:30 pm - 5:00 pm 6:00 am - 9:00 am (Lobby)
299 E. Broward Blvd. Room 112 Ft. Lauderdale, FL 33301 (954) 769-5700	Monday - Friday 9:00 am - 4:30 pm	Monday - Friday 4:30 pm - 5:00 pm 7:00 am - 9:00 am (Rear Entrance Lobby)
701 Clematis Street Room 202 West Palm Beach, FL 33401 (561) 514-4100	Monday - Friday 9:00 am - 4:30 pm	Monday - Friday 4:30 pm - 5:00 pm 7:00 am - 9:00 am (Lobby)

*A special "North Dade Chapter 13 Code 5" division has been created for chapter 13 cases whose debtors reside in designated North Dade zip code zones as set forth in Administrative Order 99-8 "Modification of Procedures for Assigning Divisional Venue of Specific North Dade Chapter 13 Cases". These cases are assigned to one of the two judges in the Ft. Lauderdale division rather than the Miami Division. The 341 meetings will be held in Miami while hearings before the judges will be held in Ft. Lauderdale.

** After hour depositories are located in each division of the court and are accessible to the public during the hours listed above. Papers placed in the depository between 4:30 p.m. and 5:00 p.m. and the next morning prior to 9:00 a.m. will be picked up each morning at 9:00 a.m. by clerk's office staff and date stamped with the prior business day's date. Papers dropped in the depository after the 9:00 a.m. pickup will not be picked up by the clerk's office until 9:00 a.m. the following business day. **These depositories are not intended to be used for routine filing of papers.** [See Local Rule 5001-2.]

LOCATION OF FILES

Bankruptcy court and adversary files are located in the clerk's office in the division where the assigned judge is chambered.

SEARCHING FOR DEBTOR INFORMATION

All records are filed in the clerk's office by case number. Case information may also be obtained through the following public access services:

1. PACER (Public Access to Court Electronic Records) - This service is available through dial-up modems at: (305) 536-7492; outside of Miami dial toll free 1-(888) 443-0081. Web PACER is the Internet version of the court's PACER system and may be accessed through our web site: www.flsb.uscourts.gov or directly at: <http://pacer.flsb.uscourts.gov>. To access PACER a login and password is required. You must register through the PACER Billing and Support Center by calling 1-800-676-6856. There is a fee to view or download information from these systems. [See "**Clerk's Instructions for Electronic Public Access Services**" for more information.]

2. VCIS (Voice Case Information System) - This service provides access to general case information through a touch tone telephone: Dial toll free - 1-800-473-0226 or (305) 536-5972, 536-5973, 536-5979, 536-5696.

Web Pacer and the court's web page can be accessed at public query terminals located in each divisional clerk's office. Any discrepancies should be verified with information in the court file. For technical assistance in accessing the PACER/WebPACER Systems contact IT Services at (305) 714-1878, 1853 or 1855.

3. Court Website - Case file location, including NARA's (National Archives and Records Administration) records retrieval accession, box and location numbers along with limited case information can now be obtained via our website. www.flsb.uscourts.gov Retrievable information includes: case type, case number, assigned judge, chapter, date filed, date discharged, date closed, and primary party names - debtor, co-debtor, plaintiff(s) and defendant(s).

OBTAINING COPIES OF COURT RECORDS:

Copies of court records may be obtained from the clerk's office at a cost of \$.50 per page. Certified copies of court records must be obtained from the clerk's office at a cost of \$9.00 for each certified document plus a per page copy charge of \$.50. The fee for a search conducted by the clerk's office is \$26.00 per name or item. Copies of court dockets, proofs of claim or claim registers can be printed from public access terminals at any clerk's office location at a cost of \$.10 per page. Copies and searches may also be requested at a reduced rate through the court's contract copier service: **Judicial Research & Retrieval at (305) 379-3900 in Miami, (954) 832-0111 in Ft. Lauderdale, and (561) 659-7677 in West Palm Beach.**

Copies from closed cases which have been sent to archives (see above item 3 under Searching

for Debtor Information) can be obtained directly from NARA by submitting local form "Request for Copies of Archived Case Files from U.S. Bankruptcy Court, Southern District of Florida".

BANKRUPTCY FORMS AND LOCAL RULES

Official bankruptcy forms (petition, schedules and other related forms) and this court's local rules, administrative orders, local forms, clerk's instructions and guidelines are available on the court's web site, www.flsb.uscourts.gov. Local rule booklets are also available for sale at each divisional clerk's office.

FILING INFORMATION

The Federal Rules of Bankruptcy Procedure and the local rules and administrative orders of this court prescribe the requirements for filing bankruptcy petitions, complaints, and other proceedings in this court. The instructions on the following pages list the papers required by chapter (and type) of petition, complaint or other proceeding. In addition, the information in items 1-10 will also assist you in complying with the filing requirements of this court. A "**Notice To Consumer Debtors of Alternate Chapters**", "**Information for Completing Petitions**" and "**Notice to Pro Se Debtors**" are attached to these instructions.

1. FILING FEES AND SIGNATURES REQUIRED

Payment for filing fees by the debtor must be in the form of cash, money order, or cashier's or "official" check made payable to Clerk, U.S. Court. Attorneys for debtors and non-debtor parties may also pay fees by check. DO NOT SEND CASH THROUGH THE MAIL OR PLACE CASH IN THE AFTER HOURS DEPOSITORIES. Child support creditors seeking fee waivers must file Local Form "**Appearance of Child Support Creditor or Representative**". [See Local Rules 1007-2, 1009-1, 5005-1(C), 5080-1 and 5081-1 and Clerk's Summary of Fees.]

The clerk may refuse to accept for filing any petition or other paper tendered without the required clerk's fees, and any petition which does not contain the required signature(s) and address(es). Other nonconforming papers may be stricken from the court record or returned without filing.

2. INSTALLMENT PAYMENTS

Individual debtors applying to pay the filing fee in installments must comply with the requirements of Local Rule 1006-1 (as amended by Administrative Order 03-5), including that an initial payment of **AT LEAST** \$39.00 must accompany the petition.

The clerk will not accept any voluntary petition presented for filing by a debtor which is accompanied by an "**Application to Pay Filing and Administrative Fees in Installments**" if filing fees remain due from any previous case filed by that debtor unless the application is accompanied by payment of all previously due fees. [See Local Rule 1002-1(B)(1); for chapter 13 debtors see also Local Rule 9013-1(E)(3).]

3. PLACE OF FILING PAPERS

Petitions must be filed in the division to which the case will be assigned divisional venue pursuant to Local Rule 1073-1(A). Adversary complaints must be filed in the division where the judge assigned to the related bankruptcy case is chambered. Proofs of claim should be filed in the divisional clerk's office where the judge assigned to the case is chambered.

Pursuant to Administrative Order 99-8, "North Dade Chapter 13 Code 5" petitions may be filed in either the Miami or Ft. Lauderdale clerk's offices. Subsequent papers for these cases shall be filed in the Ft. Lauderdale Division.

4. REILING AFTER DISMISSAL

If the petition is being filed after dismissal of the debtor's previous case by any bankruptcy court, a copy of the dismissal order and any other orders which set forth the conditions under which the subsequent case may be filed must accompany the petition. [See Local Rule 1002-1(A)(2).]

The clerk will not accept any voluntary petition presented for filing by a debtor who had a prior case dismissed by an order which prohibited the debtor from filing for a period of time that has not yet expired, or where a court order sets forth conditions for reiling and those conditions have not been met. [See Local Rule 1002-1(B)(1).]

5. DEBTORS FILING WITHOUT AN ATTORNEY OR WITH ASSISTANCE FROM A BANKRUPTCY PETITION PREPARER

If the debtor is not represented by an attorney, the debtor should provide the court with a phone number where the debtor can be reached. An attorney is required for all petitions filed by corporations and other business entities. [Local Rule 9010-1(B)(1)].

Bankruptcy petition preparers who prepare documents for filing by debtors must sign the documents and include the preparer's name, address, social security number and telephone number [see 11 USC § 110], and file Local Form "**Disclosure of Compensation of Bankruptcy Petition Preparer**". [See Local Rule 2016-1(D).]

6. FORM OF PETITIONS AND ATTACHMENTS AND OTHER PAPERS FILED WITH THE COURT

All original papers should be 2-hole punched at the top except for the creditor matrix and proof of claim form. The original petition and related papers must have original signatures, where required, be assembled in the order listed, and be securely stapled when presented for filing. All required copies must conform to the original paper. **The number of copies indicated includes an extra copy in order to return a conformed copy to the party filer. Please include an adequate sized stamped self-addressed envelope if return by mail is desired. Please note: There are 2 pages to the petition form. All debtors, regardless of chapter, must complete both pages of the petition.** When filing schedules, file every schedule listed

for that chapter and type (individual or non-individual) even if you will indicate "None" on the document. [See also Local Rules 5005-2, 5005-3, 5005-4, 9004-1, 9004-2, 9011-4, and 9072-1 for additional format requirements and **"Guidelines For Preparing Orders"**.]

7. CREDITOR SERVICE MATRIX

The clerk's office requires that the creditor service matrix be submitted on 3 ½" high-density disk. See **"Clerk's Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments"**.

8. AMENDMENTS TO PETITIONS, SCHEDULES, LISTS, AND STATEMENTS

For information on fee, format and service requirements for submitting amendments to petitions, lists, schedules and statements, see Local Rule 1009-1, the **"Clerk's Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments"** and Local Form **"Debtor's Notice of Compliance with Requirements for Amending Creditor Information"**. Requests for amendments to a debtor's social security number must comply with Local Rule 1009-1(A)(2) and Administrative Order 03-7. If attempting to amend schedules to add creditors after a case is closed, please refer to Local Rule 5010-1(B).

9. COURTESY COPY REQUIRED

Local Rule 5005-2 requires that all papers filed with the court except for those papers listed below be accompanied by a copy designated as **"courtesy copy"** at the bottom of the first page of the paper. This **"courtesy copy"** is **in addition** to the extra copy provided by the filer for receipt and return by the clerk's office as confirmation of the filing.

EXCEPTIONS TO THIS REQUIREMENT INCLUDE PETITIONS, COMPLAINTS AND OTHER PAPERS REFERENCED IN PAGES 7-12 OF THESE CLERK'S FILING INSTRUCTIONS WHICH HAVE THEIR OWN COPY REQUIREMENTS.

THE FOLLOWING PAPERS DO NOT REQUIRE A "COURTESY" COPY:

- ▶ Application by Individual Debtor to Pay Filing and Administrative Fees in Installments
- ▶ Application for **final** compensation
- ▶ Application to withdraw unclaimed funds
- ▶ Assignment/Transfer of Claim
- ▶ Ballots (Ch. 11)
- ▶ Certificate of Compliance by Attorney for Debtor with Local Rule 2083-1(B) Claims Review Requirement (Ch. 13)
- ▶ Certificate of Service (**except for certificates of service of Notices of Hearing**)
- ▶ Certificate of Proponent of Plan on Acceptance of Plan, etc.
- ▶ Debtor's Notice of Compliance With Requirements for Amending Creditor Information

- ▶ Debtor's Notice of Filing Payroll and Sales Tax Reports (Ch. 11)
- ▶ Debtor in Possession Reports (Ch. 11)
- ▶ Discovery Material
- ▶ Final Report and Motion for Final Decree Closing Case (Ch.11) "Master Service List" (Ch. 11)
- ▶ Motion for Clerk's Entry of Default
- ▶ Notice of Deposit of Funds with the US Bankruptcy Court Clerk
- ▶ Notice of Voluntary Conversion
- ▶ Notice of Rule 2004 Exam
- ▶ Notice of Appearance
- ▶ Notice of Sale
- ▶ Notice of Withdrawal of Claim
- ▶ Pretrial Compliance
- ▶ Proofs of Claim
- ▶ Reaffirmation Agreements
- ▶ Report of Mediator
- ▶ Rule 1019 Report
- ▶ Service of Process (Returns)
- ▶ Subpoenas
- ▶ Trustee's Interim/Final Report (Ch. 7 & 11)
- ▶ Trustee's Report of No Distribution (Ch. 7)
- ▶ Trustee's Report of Sale
- ▶ Trustee's Notice of Final Dividends to Creditors
- ▶ Trustee's Notice of Abandonment
- ▶ Trustee's Notice of Deposit of Funds with the US Bankruptcy Clerk
- ▶ Trustee's Notice to Debtor of Due Date (Ch. 13)
- ▶ Trustee's Report of Non-Compliance (Ch. 13)
- ▶ Trustee's Final Report (Ch. 13)

IF IN DOUBT, INCLUDE A COURTESY COPY

10. DOCUMENTS REQUIRED BY CHAPTER OR PROCEEDING TYPE

Following is a list by chapter or type of proceeding of the documents (and number of copies and format of submission) required in this court. Certain documents are required at the time of initiating the filing and are indicated by an "*". The other required documents may be either filed at the time of the initial filing or by the deadlines stated in the federal statutes, rules and local rules and orders. Please make sure you are using the most current version of the Official and local forms. If seeking joint administration of chapter 7 or 11 cases upon initial filing, please refer to Local Rule 1015-1.

CHAPTER 7 (Attorney needed for Non-Individual Cases)

Original and 5 Copies - Filing Fee: \$209.00

[Note: Only 1 copy (for return to filer) required when filing amendments]

Assemble papers as listed below into 6 separate packets, two hole punch original papers at the top and staple each set.

- *1. Voluntary Petition (attorney for consumer debtor must sign Exhibit B in petition on second page)
2. Summary of Schedules
3. Schedule A - Real Property
4. Schedule B - Personal Property
5. Schedule C - Property Claimed as Exempt (Individual Cases Only)
6. Schedule D - Creditors Holding Secured Claims
7. Schedule E - Creditors Holding Unsecured Priority Claims
8. Schedule F - Creditors Holding Unsecured Nonpriority Claims
9. Schedule G - Executory Contracts and Unexpired Leases
10. Schedule H - Codebtors
11. Schedule I - Current Income of Individual Debtor (Individual Cases Only)
12. Schedule J - Current Expenditures of Individual Debtor (Individual Cases Only)
13. Unsworn Declaration Concerning Debtor's Schedules
14. Statement of Financial Affairs
15. Chapter 7 Individual Debtor's Statement of Intention
- *16. List of Creditors (if schedules are not filed with the petition)

Additional Requirements (Filed separately)

1. Local Form “**Disclosure of Compensation of Attorney for Debtor**” or Local Form **Disclosure of Compensation of Bankruptcy Petition Preparer** (if debtor is assisted by a petition preparer).
[File original document separately and attach five copies to the packet copies above.]
- *2. Corporate Ownership Statement (as required by Bankruptcy Rule 1007(a)(1))
(Original and two copies which includes copy for return to filer)
- *3. Local Form “Statement of Social Security Number” (required for all individual debtors).
This document will not be placed in the public records.
- *4. BANCAP Matrix on 3½" high-density disk

CHAPTER 9

Original and 5 Copies - Filing Fee: \$839.00

[Note: Only 1 copy (for return to filer) required when filing amendments.]

- *1. Voluntary Petition
- *2. List of Creditors Holding 20 Largest Unsecured Claims (accompanied by unsworn declaration)

Additional Requirements (Filed separately)

*minimum initial filing requirements

1. List of Creditors (deadline for filing set by court)
2. Plan
3. Local Form “**Disclosure of Compensation of Attorney for Debtor**”

CHAPTER 11 (Attorney Needed for Non-Individual Cases)

Original and 6 Copies - Filing Fee: \$839.00

[Note: Only 1 copy (for return to filer) required when filing amendments.]

Assemble papers as listed below into 7 separate packets, two hole punch original papers at the top and staple each set.

- *1. Voluntary Petition
- *2. Exhibit "A" (Non-Individual Cases Only)
- *3. List of Creditors Holding 20 Largest Unsecured Claims (accompanied by unsworn declaration)
4. Summary of Schedules
5. Schedule A - Real Property
6. Schedule B - Personal Property
7. Schedule C - Property Claimed as Exempt (Individual Cases Only)
8. Schedule D - Creditors Holding Secured Claims
9. Schedule E - Creditors Holding Unsecured Priority Claims
10. Schedule F - Creditors Holding Unsecured Nonpriority Claims
11. Schedule G - Executory Contracts and Unexpired Leases
12. Schedule H - Codebtors
13. Schedule I - Current Income of Individual Debtor (Individual Cases Only)
14. Schedule J - Current Expenditures of Individual Debtor (Individual Cases Only)
15. Unsworn Declaration Concerning Debtor's Schedules
16. Statement of Financial Affairs
17. List of Equity Security Holders (Non-Individual Cases Only)
- *18. List of Creditors (if schedules not filed with petition)

Additional Requirements (Filed separately)

1. Local Form “**Disclosure of Compensation of Attorney for Debtor**” or Local Form **Disclosure of Compensation of Bankruptcy Petition Preparer** (if debtor is assisted by a petition preparer). [File original document separately and attach six copies to copy packets above).
- *2. BANCAP Matrix on 3 ½" high-density disk
3. Plan and Disclosure Statement (original and “**courtesy copy**”)
4. Pursuant to Local Rule 2081-1, chapter 11 debtors, except individual debtors not engaged in business, are required to file within 15 days after filing the petition, a certified report containing financial information regarding payroll and sales taxes using Local Form “**Debtor’s Notice of Filing Payroll and Sales Tax Reports**”. Only the original (with certificate of service included) need be filed with the court.
- *5. Corporate Ownership Statement (as required by Bankruptcy Rule 1007(a)(1)) (Original and two copies which includes copy for return to filer)
- *6. Local Form “Statement of Social Security Number” (required for all individual debtors). This document will not be placed in the public records.

*minimum initial filing requirements

CHAPTER 12 (Attorney Needed for Non-Individual Cases)

NOTE: The ability to file under or convert a case to chapter 12 is the subject of ongoing Congressional legislative activities. Thus, depending upon the current legislative and executive activity, chapter 12 may or may not be in effect. Prior to filing a petition under chapter 12 or attempting to convert a case to chapter 12, please verify whether chapter 12 has been reinstated at the time you wish to proceed under chapter 12. Currently, chapter 12 expired on January 1, 2004 and cases may neither be filed under or converted to chapter 12.

Original and 6 Copies - Filing Fee: \$239.00

[Note: Only 1 copy (for return to filer) required when filing amendments.]

Assemble papers as listed below into 7 separate packets, two hole punch all original papers at the top and staple each packet.

- *1. Voluntary Petition
2. Summary of Schedules
3. Schedule A - Real Property
4. Schedule B - Personal Property
5. Schedule C - Property Claimed as Exempt (Individual Cases Only)
6. Schedule D - Creditors Holding Secured Claims
7. Schedule E - Creditors Holding Unsecured Priority Claims
8. Schedule F - Creditors Holding Unsecured Nonpriority Claims
9. Schedule G - Executory Contracts and Unexpired Leases
10. Schedule H - Codebtors
11. Schedule I - Current Income of Individual Debtor (Individual Cases Only)
12. Schedule J - Current Expenditures of Individual Debtor (Individual Cases Only)
13. Unsworn Declaration Concerning Debtor's Schedules
14. Statement of Financial Affairs
- *15. List of Creditors (if schedules are not filed with the petition)

Additional Requirements (Filed separately)

1. Local Form "**Disclosure of Compensation of Attorney for Debtor**" or Local Form **Disclosure of Compensation of Bankruptcy Petition Preparer** (if debtor is assisted by a petition preparer).
[File original document separately and attach six copies to copy packets above.]
- *2. Corporate Ownership Statement (as required by Bankruptcy Rule 1007(a)(1))
(Original and two copies which includes copy for return to filer)
- *3. Local Form "Statement of Social Security Number" (required for all individual debtors).
This document will not be placed in the public records.
- *4. BANCAP Matrix on 3½" high-density disk

CHAPTER 13

Note to Chapter 13 Debtors - You must start making plan payments to the chapter 13 trustee

*minimum initial filing requirements

30 days after you file your petition. [See Local Rule 3070-1.] At the time you file your plan you must also serve the trustee with evidence of your income (including your tax return for the prior year and your last 3 pay stubs). **DO NOT FILE THESE DOCUMENTS OR A CERTIFICATE OF SERVICE OF THESE DOCUMENTS WITH THE COURT.** [See Local Rule 2083-1(A).] The local form "Rights and Responsibilities Agreement" must be entered into by the attorney and debtor but is not filed with the court (see Chapter 13 Guidelines for Compensation for Chapter 13 Attorneys).

Original and 3 Copies - Filing Fee: \$194.00

[Note: Only 1 copy (for return to filer) required when filing amendments]

Assemble papers listed below into 4 separate packets, two hole punch all original papers at the top and staple each packet.

- *1. Voluntary Petition
2. Summary of Schedules
3. Schedule A - Real Property
4. Schedule B - Personal Property
5. Schedule C - Property Claimed as Exempt
6. Schedule D - Creditors Holding Secured Claims
7. Schedule E - Creditors Holding Unsecured Priority Claims
8. Schedule F - Creditors Holding Unsecured Nonpriority Claims
9. Schedule G - Executory Contracts and Unexpired Leases
10. Schedule H - Codebtors
11. Schedule I - Current Income of Individual Debtor
12. Schedule J - Current Expenditures of Individual Debtor
13. Unsworn Declaration Concerning Debtor's Schedules
14. Statement of Financial Affairs
- *15. List of Creditors (if schedules are not filed with the petition)

Additional Requirements (Filed separately)

1. Local Form "**Disclosure of Compensation of Attorney for Debtor**" or Local Form **Disclosure of Compensation of Bankruptcy Petition Preparer** (if debtor is assisted by a petition preparer).
[File original document separately and attach three copies to copy packets above.]
- *2. BANCAP Matrix on 3½" high-density disk.
3. Local Form Chapter 13 Plan (original and 3 copies)
[See also Local Rule 3070-1 for deadline for debtor to commence payments to the chapter 13 trustee.]
4. See chapter 13 trustee suggestions for additional requirements.
- *5. Local Form "Statement of Social Security Number" (required for all individual debtors).
This document will not be placed in the public records.

INVOLUNTARY PETITIONS (joint involuntary petitions are not permitted)

[See Local Rule 1003-1(B).]

Original and 3 Copies - Filing Fee: Same as chapter fee

*minimum initial filing requirements

- *1. Involuntary Petition [see Local Rule 1003-1(A)]
- *2. Local Form “**Summons to Debtor in Involuntary Case**”

SECTION 304 ANCILLARY PETITION

Original and two copies - Filing Fee: \$839.00

- *1. Voluntary Petition
- *2. Local Form “**Summons in Section 304 Ancillary Proceeding**”

MOTIONS TO REOPEN CASES

Original and two copies - (includes “courtesy copy” and copy for return to filer)

1. **To add a creditor in chapter 7 no asset cases:** No filing fee is required provided debtor files an adversary complaint as required by Local Rule 5010-1(B); amended schedules must be accompanied by a \$26 fee and filed in accordance with Local Rule 1009-1(C) and (D).
2. **To avoid a judicial lien:** Chapter 7 filing fee \$155; chapter 13 filing fee \$155; and chapter 11 filing fee \$800. **If case has been archived a \$45 archive retrieval fee is required.** See also Local Rule 5010-1 (F).
3. **To correct an administrative clerk’s error or for actions related to the debtor’s discharge:** No fee required.

ADVERSARY PROCEEDING

Original and one copy (complaint only) - Filing Fee: \$150.00

[Note: No fee required if filed by chapter 7/13 debtors.]

- *1. Local Form “**Adversary Proceeding Cover Sheet**” [See Local Rule 7003-1(A)]
- *2. Original Complaint [See Local Rule 7003-1(B)]
- *3. Local Form “**Summons and Notice of Pretrial/Trial in an Adversary Proceeding**” (only one summons form will be issued in multiple defendant cases). [See Local Rule 7004-2.]
- *4. Local Form “**Order Setting Filing and Disclosure Requirements for Pretrial and Trial**” (specific to the judge assigned to the case). [See Local Rule 7016-1(B).]
- *5. Corporate Ownership Statement as required by Bankruptcy Rule 7007-1. (Original and two copies which includes copy for return to filer)

REGISTRATION OF JUDGMENT FROM ANOTHER DISTRICT

[See also Local Rule 7069-1]

Original and one copy - Filing Fee: \$39.00

- *1. Certified copy of Judgment (including Bill of Costs entered)

*minimum initial filing requirements

- *2. Local Form "**Certification of Judgment for Registration in Another District**" or certified copy of an order allowing the judgment to be registered in this district.

WRIT OF EXECUTION [See also Local Rule 7069-1]

Original and one copy

- *1. Writ to U.S. Marshal
- *2. Motion for Writ of Execution
- *3. Certified copy of the judgment (including any Bill of Costs entered)

WRIT OF GARNISHMENT Required Registry Deposit \$100.00
[See also Local Rule 7069-1(D)]

Original and one copy

- *1. Writ of Garnishment
- *2. Motion for Writ of Garnishment
- *3. Proposed Order (when required by Florida law)
- *4. Certified copy of the judgment (including any Bill of Costs entered)
- *5. Local Form Notice Pursuant to Florida Statute 77.041 to Defendant of Right Against Garnishment of Wages, Money and Other Property

OTHER MISCELLANEOUS PROCEEDINGS (ex.: contested subpoenas)

Original and one copy - Filing Fee: \$39.00

- *1. Pleading

If subpoena, see Local Forms **Subpoena in Adversary Proceeding** and **Subpoena in Bankruptcy Proceeding**.

CLAIMS

Original and one copy

All **original** proofs of claim must be filed with the court unless the court directs otherwise. If you wish to receive an acknowledgment from the clerk that your claim has been filed, you must include a copy of your claim with an adequate size self-addressed envelope containing sufficient postage so that the clerk may return a date-stamped copy of your claim to you.

In chapter 13 cases, the creditor must also serve a copy of the claim, **including all attachments**, on the debtor, attorney for debtor, and the trustee. (See Local Rule 3002-1(E)).

Transfer of claims - see Local Rule 3001-1(C).

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

NOTICE TO CONSUMER DEBTORS
OF ALTERNATIVE CHAPTERS

The purpose of this notice is to acquaint you with the four chapters of federal Bankruptcy Code under which you may file a bankruptcy petition. Bankruptcy law is complicated and not easily described. Therefore, you may wish to seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Neither the judge nor the court's employees may provide you with legal advice. This notice is posted in the clerk's office pursuant to 11 U.S.C. § 342(b) and Local Rule 1075-1.

Chapter 7: Liquidation Total Fee \$209 (\$155 filing fee plus \$39 administrative fee plus \$15 trustee surcharge)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.
3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to a valid security interest. Your attorney can explain the options that are available to you.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income
Total Fee \$194 (\$155 filing fee plus \$39 administrative fee)

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three years, but not more than five years. Your plan must be approved by the court before it can take effect.
3. Under chapter 13, unlike chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain other debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

Chapter 11: Reorganization Total Fee \$839 (\$800 filing fee plus \$39 administrative fee)

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer Total Fee \$239 (\$200 filing fee plus \$39 administrative fee)

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm. **Please note: The ability to file under or convert a case to chapter 12 is the subject of ongoing Congressional legislative activities. Thus, depending upon the current legislative and executive activity, chapter 12 may or may not be in effect. Prior to filing a petition under chapter 12 or attempting to convert a case to chapter 12, please verify whether chapter 12 has been reinstated at the time you wish to proceed under chapter 12. Currently, chapter 12 expired on January 1, 2004 and cases may neither be filed under or converted to chapter 12.**

Copies of this notice and additional information on the different bankruptcy chapters are available in the clerk's office

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

INFORMATION FOR COMPLETING PETITIONS

To: All Potential or Current Debtors

In addition to the other informational guidelines supplied by the clerk's office, please review the following items to ensure that your papers are prepared in the correct format using the correct forms and that other clerk's instructions are followed. These procedures apply only to cases filed in the Southern District of Florida.

THE STAFFS OF THE JUDGES' AND CLERK'S OFFICES ARE NOT PERMITTED TO ASSIST YOU WITH PREPARING YOUR PETITION OR OTHER DOCUMENTS, OR PROVIDE YOU WITH LEGAL ADVICE.

General Information

1. This court is the United States Bankruptcy Court for the Southern District of Florida.
2. Debtors paying their own filing fees must pay by cash, money order or cashier's or "official" check. Attorneys for debtors and non-debtor parties may also pay fees by check. Do not send cash through the mail. Non cash payments must be made payable to "Clerk, U.S. Court". [See Local Rule 5081-1.]
3. Only individual debtors (including joint petitions filed by a husband and wife) may apply to pay the filing fee in installments. You must use the form available from the clerk's office and not the form in the bankruptcy kit you purchased. Both debtors, if joint petition, must sign the application. A minimum installment payment of \$39 is required. [See Local Rule 1006-1.] Self addressed stamped envelopes must also be submitted as directed on the local form.
4. If a husband and wife are filing a joint petition, only one filing fee is required.

Petition

1. The Official Form Petition consists of two pages which must be completed fully by debtors. Make sure you are using the most recent version of the official forms. As of December 1, 2003, the new forms only require submission of the last 4 digits of the social security number. All individual debtors must submit a local form "Statement of Social Security Number" at the time the petition is filed. This document will not be placed in the public records.
2. An individual and a corporation, trust or partnership cannot file in the same petition. Separate petitions must be filed. [See also Local Rule 1015-1 for joint administration.]
3. A corporation, trust or partnership filing a petition must be represented by an attorney. [See Local Rule 9010-1(B)(1).]
4. If you have not filed any prior bankruptcy case within the last six years, you must indicate "NONE" in that section.

5. The statistical/administrative information requested on the bottom left hand corner of the first page must be completed. If complete schedules are not filed with the petition, please estimate this information.
6. For a joint petition, wherever signatures are required, both husband and wife must sign, even if the form you are using does not provide enough lines for both to sign.
7. When providing the required extra copies of the petition, schedules, etc. you may sign the original and then make photocopies to provide the required conformed copies. This way you do not have to sign each copy.
8. All originals and copies must be legible (including handwritten papers).

Creditor Service Matrix

Follow the instructions contained in “**Clerk's Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments**” (CI-3). The matrix must be submitted on a 3 ½" high density disk. Do not follow the instructions that come with the kit you may have purchased from an office supply store.

DO NOT PUT ANY OTHER INFORMATION ON THIS MATRIX - CREDITORS ONLY. FAILURE TO COMPLY WITH MATRIX REQUIREMENTS MAY RESULT IN DISMISSAL OF YOUR CASE.

List of Creditors

1. If complete schedules are filed at the time the petition is filed, you do not have to file a separate list of creditors.
2. If you do not file your schedules at the time the petition is being filed, you must file a list of creditors. You may print your creditor service list and use it as your list of creditors to attach to the original and copies of two page petition.

Schedules (make sure you are using the latest version which implements privacy regulations effective December 1, 2003)

When filing schedules, submit everything listed in these Instructions required for the chapter you are filing, even if you indicate “**NONE**”. Do not omit the schedules you think are unnecessary because you don't have any real property, secured creditors, etc. because someone reviewing the papers might think you forgot to complete the required papers and your case may be dismissed without further notice. Debtors must sign their own schedules and statements and any amendments. [See “Clerk's Instructions to Debtor for Preparing Initial Creditor Service Matrix and Requirements for (CI-3), Local Rules 1007-1, 1007-2, and 1009-1; and see also Local Rule 1009-1(F) Re: Deadline for Amendments in Unconfirmed Chapter 13 Cases.]

Chapter 13 Plan

The plan must be submitted on the one page local form required by Local Rule 3015-1(B)(1). You must send a copy of the plan and any supplemental attachments to the chapter 13 trustee at the time the plan is filed with the court. [See Local Rule 3015-1(B)(2), and Local Rule 3015-2(A) “Deadline for Filing Amended Plan”.] You must start making your plan payments to your chapter 13 trustee no later than 30 days after filing your petition. [See Local Rule 3070-1.]

Use of Bankruptcy Kits

1. The instructions contained in the "bankruptcy kit" you purchased will differ from the clerk's instructions and some local forms (i.e., "**Application to Pay Filing and Administrative Fees in Installments**", "**Disclosure of Compensation of Attorney for Debtor**" and "**Disclosure of Compensation of Bankruptcy Petition Preparer**"). Please make sure you follow the clerk's instructions and use the clerk's forms.
2. Do not use blue backing sheets.
3. You must submit collated sets. One set will have all originals and the other three, five or six (depending upon the chapter) sets are to be identical copies. Staple each set at the top-left hand corner and punch two holes (centered) at the top.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
NOTICE TO PRO SE DEBTORS**

READ THIS IMPORTANT NOTICE TO AVOID THE DISMISSAL OF YOUR CASE.

WARNING: AS A DEBTOR YOU MUST ATTEND A MEETING OF CREDITORS AND PAY FILING FEE INSTALLMENTS (IF APPLICABLE) OR CHAPTER 13 PLAN PAYMENTS (IF APPLICABLE) ON TIME OR YOUR CASE MAY BE DISMISSED WITHOUT FURTHER NOTICE TO YOU. YOU ARE RESPONSIBLE FOR FOLLOWING UP WITH YOUR CASE AFTER FILING YOUR PETITION TO MAKE SURE YOU ARE AWARE OF THE DATE SET FOR YOU TO APPEAR AT YOUR FIRST MEETING OF CREDITORS. THE QUESTIONS AND ANSWERS WHICH FOLLOW ARE PROVIDED TO ASSIST YOU IN MEETING YOUR RESPONSIBILITY TO ATTEND YOUR FIRST MEETING OF CREDITORS ON THE SCHEDULED DATE AND TIME.

1. WHAT IS A MEETING OF CREDITORS?

Bankruptcy law requires each debtor (or both debtors if husband and wife filed together) who files a bankruptcy petition to appear at a "first meeting of creditors". The meeting is not presided over by the judge. Instead the trustee assigned to your case (or a representative from the U.S. Trustee's office if you filed a chapter 11 case) will ask you questions under oath about your estate. Creditors who attend will also be permitted time to ask you questions. Your presence at the meeting of creditors is mandatory and continuances are granted only in exceptional circumstances. [See Local Rule 2003-1.]

[Note: Each individual debtor must present to the presiding officer at the meeting of creditors two pieces of identification as follows: 1) original government-issued photo identification; and 2) original social security card (or other acceptable confirmation of each debtor's social security number).]

2. HOW WILL MY CREDITORS AND I KNOW THE DATE SCHEDULED FOR MY MEETING OF CREDITORS?

The Clerk will mail to you and to all of the creditors listed on the initial service matrix filed with your petition, a notice which will provide the date, time and location of your first meeting of creditors. This notice will also contain other important information regarding your case, including the name of the trustee (if you filed a chapter 7, 12 or 13 case) assigned to your case. It is your responsibility as the debtor to verify that this notice contains your correct name, address, and social security number and to notify the clerk's office if you find an error. Notices mailed to your creditors will have your address or, if represented by an attorney, your attorney's address in the return address section of the envelope so that mail incorrectly addressed to your creditors will be returned to you. The clerk will mail your copy of the notice to you at the mailing address listed on your bankruptcy petition. The clerk will use the addresses provided in your creditor service matrix to mail copies to your creditors. **IT IS VERY IMPORTANT FOR YOU TO SUPPLY CORRECT ADDRESS INFORMATION FOR YOURSELF AND YOUR CREDITORS AND TO NOTIFY THE COURT IN WRITING IF THERE ARE ANY CHANGES. IF YOU ADD CREDITORS AFTER THE FILING OF YOUR INITIAL SERVICE MATRIX YOU MUST SERVE THE NEW CREDITORS WITH A COPY OF THE NOTICE. SEE LOCAL RULE 1007-2 AND 1009-1(C).**

3. WHEN WILL MY CREDITORS AND I RECEIVE THIS NOTICE AND WHAT SHOULD I DO IF I DON'T RECEIVE IT?

Chapter 7, 11 and 12 Cases

If you filed a chapter 7, 11 or 12 case, you and your creditors should receive a copy of this notice no later than 7-10 days after you filed your bankruptcy petition and creditor service matrix. If you do not receive this notice within 10 days from the filing of your petition you must notify the clerk's office immediately by contacting the operations manager in Miami at (305) 714-1894, the divisional office manager in Ft. Lauderdale at (954) 769-5701, or the divisional office manager in West Palm Beach at (561) 514-4107. You may call our voice case information system (available 24 hours a day) at (305) 536-5972, 536-5973, 536-5979, (305) 536-5696 or 1-800-473-0226 to determine if the date has been set in the computer; however you still must notify the court if you do not receive a copy within the time indicated.

Chapter 13 Cases

If you file a chapter 13 case, your meeting of creditors and the confirmation hearing on your plan cannot be set until your plan and a creditor service matrix have been filed. Your plan must be filed using the one page local form approved by the court (Local Form 31). At the time you file your plan you must also serve the trustee with evidence of your income (including your tax return for the prior year and your last 3 pay stubs) You must also bring re-signed copies of tax returns to the meeting of creditors to give to the IRS. (see Local Rule 2083-1(A)). **DO NOT FILE THESE DOCUMENTS OR A CERTIFICATE OF SERVICE OF THESE DOCUMENTS WITH THE COURT.** You must pay your first payment to the chapter 13 trustee within 30 days from the date of filing. [See Local Rule 3070-1.]

If you do not receive notice of your meeting of creditors within 7 days after you file your plan and creditor service matrix, you must notify the court by immediately contacting the operations manager in Miami at (305) 714-1894, the divisional manager in Ft. Lauderdale at (954) 769-5701 or the divisional manager in West Palm Beach at (561) 514-4107. You may call our voice case information system (available 24 hours a day) at (305) 536-5972, 536-5973, 536-5979, (305) 536-5696 or 1-800-473-0226 to determine if the date has been set in the computer; however, you still must call the clerk's office if you do not receive a copy of the notice within the time indicated.

4. WHAT SHOULD I DO WITH THE MAIL THAT WAS ADDRESSED TO MY CREDITORS THAT IS BEING RETURNED TO ME?

These notices are being returned to you because the address you provided on your creditor service matrix is not correct or the creditor has moved. It is your responsibility to ensure that the clerk's office is provided with correct address information in order to provide any future noticing in your case. If you receive mail back from a creditor you must immediately mail the notice to creditor at the new or corrected address. A certificate of service must be filed with the clerk's office which contains the new or corrected address information for the affected creditor and must state the date that you mailed the notice. You must also file a supplemental creditor matrix with the clerk which lists only those creditors with address changes. [See "**Clerk's Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments**".] **DO NOT RETURN THESE NOTICES TO THE CLERK'S OFFICE.**

*** Note: A creditor's failure to receive notice of your case may result in the debt owed to that creditor not being discharged.**