

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

In re:

Case No.
Chapter 13

_____ Debtor. _____ /

**ORDER CONFIRMING UNCONTESTED AMENDED CHAPTER 13
PLAN AND NOTICE OF OPPORTUNITY TO OBJECT TO AMENDED PLAN**

THIS CAUSE came before the court for confirmation of the debtor's proposed chapter 13 plan pursuant to Local Rule 3015-3(B)(2). The chapter 13 trustee ("Trustee") has recommended confirmation, there are no disputed issues to be resolved and the debtor has filed the Local Form "Certificate of Compliance and Request for Confirmation of Chapter 13 Plan." The court being satisfied that all objections have been orally withdrawn or resolved at the first meeting of creditors, it is:

ORDERED as follows:

1. The debtor's _____ amended chapter 13 plan (the "Plan")

meets with the provisions of 11 U.S.C. §1325, and if applicable, §§521 and 1308, and is therefore confirmed in accordance with its terms. The confirmation hearing previously scheduled for _____ is canceled.

2. Any claim entitled to priority under 11 U.S.C. §507 shall be paid in full, in periodic installments, in the order of priority prescribed by the Bankruptcy Code over the period of the Plan as required by 11 U.S.C. §1322(a)(2), with postpetition interest as required by 11 U.S.C. §506(b) payable on the secured portion of the claim.

3. The debtor's first monthly payment to the Trustee under the Plan was required to commence on _____. The Trustee shall begin disbursement to creditors pursuant to the Plan as soon as practicable upon entry of this order.

4. If the Plan does not provide for payments to a secured creditor, such creditor is granted in rem stay relief to pursue available state court remedies against any property of the debtor which secures the creditor's claim.

5. Any executory contract or unexpired lease of the debtor which has not been assumed pursuant to court order prior to entry of this order, or which is not assumed in the Plan confirmed by this order, is deemed rejected upon entry of this order.

6. If the confirmed plan in this case provides for payment to holder(s) of tax certificates on property of the Debtor(s), the following provisions shall apply:

A. To ensure that the records of the County Tax Collector credit amounts received by certificate holders, upon receipt of information pursuant to subparagraph B below, the Tax Collector is ordered to adjust the County tax records and reduce both the amount owed on tax certificates and the amount of the tax lien to reflect payments made

by the Chapter 13 Trustee to certificate holders under the confirmed plan.

- B. The Tax Collector shall be served with any order entered post-confirmation which (a) dismisses or converts this case; (b) grants stay relief to the holder of a secured claim on the property subject to the tax certificates; (c) approves a sale or refinancing of the property subject of the tax certificates; (d) modifies the plan to eliminate further payments to one or more certificate holders; or (e) discharges the Debtor(s) upon completion of the plan. Upon receipt of any such order, the Tax Collector shall request a ledger from the Chapter 13 Trustee reflecting the amounts paid to certificate holders under the confirmed plan, or obtain the ledger information by accessing the Chapter 13 Trustee's website.
- C. During the period in which the certificate holders are receiving payments under the confirmed plan, unless otherwise ordered, the Tax Collector is enjoined from accepting a redemption payment for any certificate which is included in the plan. This injunction will dissolve without further order of the Court if (a) one of the orders described in subparagraph B is entered; and (b) the County has complied with the requirements in subparagraph A by reducing both the amount owed on any certificate paid or partially paid under the plan and the amount of the tax lien by the amount paid to the certificate holder as

reflected in the Chapter 13 Trustee's ledger.”

7. Pursuant to Local Rule 3070-1(C)(2), if the debtor fails to timely make any Plan payment to the Trustee, the Trustee may serve a “Notice of Delinquency” upon the debtor and the debtor’s attorney. The debtor shall have 45 days from the date of the “Notice of Delinquency” to make all payments due under the Plan, including any payments that become due within the 45-day period. If the debtor seeks to cure the delinquency in a modified plan, the debtor must file a motion to modify the confirmed plan within 14 days of the date of the “Notice of Delinquency”. If the debtor is not current in plan payments on the 45th day after the date of the “Notice of Delinquency”, the Trustee shall file and serve a report of non-compliance and the case will be dismissed without further notice or hearing. Dismissal shall be with prejudice to the debtor filing any new bankruptcy case in any federal bankruptcy court in the United States for a period of 180 days from entry of the order of dismissal. The court will not extend these deadlines absent extraordinary circumstances.

NOTICE OF OPPORTUNITY TO OBJECT

8. Pursuant to 11 U.S.C. §§1323 and 1324 and Bankruptcy Rules 2002, 3015, and 9021, this order shall not become final for 28 days. Pursuant to Local Rule 3015-3(B)(2), any party in interest, whose treatment in the Plan has been changed from the plan as originally filed, may file a written objection within the 28 day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of the Plan confirmed by this Order.

9. The additional objection period in paragraph 8 does not apply to any party in interest whose treatment was not changed from the plan as originally filed and therefore

does not extend the time for any objection that had to be raised at or before the meeting of creditors pursuant to Local Rule 3015-3(A).

###

Submitted by:

The trustee shall serve a copy of the signed order on all parties of record and file with the court a certificate of service conforming with Local Rule 2002-1(F).