

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

**Administrative Order 11-03**

**Order Adopting Interim Local Rules  
and Clarifying Status of Local Forms  
Related to Chapter 13 Case Matters  
Addressed in Local Rule 3070-1 and  
Related to Local Rules 2002-1 and 4004-3**

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On December 1, 2011, amendments to the Bankruptcy Rules and Official Bankruptcy Forms will take effect that include adoption of new Bankruptcy Rule 3002.1, *“Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence”* and new Official Bankruptcy Forms *“Notice of Mortgage Payment Change”* [Form B 10 (Supplement 1)] and *“Notice of Postpetition Mortgage Fees, Expenses, and Charges”* [Form B 10 (Supplement 2)].

The court, having reviewed these amendments, has determined that changes to the local rules and local forms are required to ensure consistency, avoid duplication, and preserve those provisions of the local rules that currently address, but do not conflict with, matters related or supplemental to these scheduled amendments. The court further determined that, due to the December 1, 2011 effective date of the federal rules amendments, there is insufficient time to complete a formal local rules revision process to complete these required changes and that it is necessary to affect these changes by adopting interim local rules. Accordingly, effective December 1, 2011, it is **ORDERED** that:

- 1) Adoption of Interim Amended Local Rules.

A) Subdivision (B) of Local Rule 3070-1 shall be amended by substituting the following text as Interim Local Rule 3070-1(B):

**(B) Post Confirmation Payment Changes or Charges.**

**(1) Applicability of Bankruptcy Rule 3002.1 to Additional Types of Claims Related to Real Property.** *The provisions of Bankruptcy Rule 3002.1 shall also apply to claims that are*

*a) secured by a security interest on real property of the debtor other than the debtor's principal residence (including without limitation claims of condominium associations and homeowner's associations); and*

*b) provided for under § 1322(b)(5) of the Code in the debtor's plan.*

**(2) Modifications to Official Bankruptcy Form "Notice of Mortgage Payment Change" Required.** *When a notice of payment change is filed addressing a claim covered under subdivision (B)(1) of this Rule, the Official Bankruptcy Form "Notice of Mortgage Payment Change" shall be modified accordingly to reflect the actual type of claim for which the notice is being filed.*

B) Subdivision (E) of Local Rule 3070-1 shall be amended by substituting the following text as Interim Local Rule 3070-1(E):

**(E) Determination of Final Cure Payment**

**(1) Applicability of Bankruptcy Rule 3002.1.** *The provisions of Bankruptcy Rule 3002.1 shall also apply to any chapter 13 case where the debtor's plan provided for the curing of defaults on a claim secured by a security interest on real property other than the debtor's principal residence.*

**(2) Local Form Order Required.** *A proposed order confirming a claim secured by a security interest in real property is current, submitted by a party to the court under Bankruptcy Rule 3002.1 or this local rule, shall substantially conform to this court's Local Form "Order Determining Debtor has Cured Default and Paid All Required Postpetition Amounts".*

C) Subdivision (A)(3) of Local Rule 4004-3 shall be amended by substituting the following text as Interim Local Rule 4004-3(A)(3) to reflect a reduction in the objection deadline set forth in this subdivision from 30 days to 21 days.

*(3) in a chapter 13 case, the debtor has filed, as appropriate, either the Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object" or the Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object," as required under Local Rule 2002-1(C)(12) has served a copy on all parties of record providing a 21 day objection deadline and, if any objections were filed, they have been resolved to permit issuance of a discharge; and*

D) Subdivision (C)(12) of Local Rule 2002-1 shall be amended by substituting the following text as Interim Local Rule 2002-1(C)(12) to correct a scrivener's error that occurred during the prior local rules amendment that omitted reference to Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object" in this Rule.

***(12) Service of Chapter 13 Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object". The attorney for the debtor (or clerk of court, if the debtor is pro se) shall serve a copy of the Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object" or, if applicable, the Local Form "Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object," on all parties of record as required under Local Rule 4004-3(A)(3).***

2) Status of Local Forms.

A. The following local forms are abrogated:

- "Notice of Payment Change"

- “Debtor's Response to Notice of Payment Change”
- “Notice of Fees and Costs Incurred”
- “Debtor's Response to Notice of Fees and Costs Incurred”
- “Motion to Deem Mortgage Current”
- “Trustee’s Notice Regarding Mortgage Status”

B. The Local Form “Order Confirming Mortgage is Current” is amended and retitled “Order Determining Debtor has Cured Default and Paid All Required Postpetition Amounts”.

3) All cross-references in the Local Rules to Local Rules 2002-1, 3070-1, and 4004-3, including any references contained in the official comments thereto, and all court forms, guidelines, and clerk’s instructions, shall be deemed to refer, respectively, to Interim Local Rules 2002-1, 3070-1, and 4004-3 as adopted by this Order.

4) The Clerk is directed to provide notice of entry of this Order and update the Local Rules as published by this court to reflect the text of Interim Local Rules 2002-1, 3070-1 and 4004-3 as adopted by this Order.

**ORDERED** in the Southern District of Florida on November 18, 2011.

/s  
PAUL G. HYMAN, JR.  
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges  
Clerk of Court