

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

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In re:

Administrative Order 12-02

Order Amending Interim Local Rule  
3070-1

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The court, having noted that creditors are filing notices of payment change under Fed. R. Bankr. P. 3002.1 that are neither necessary nor appropriate, and that the filing of these unnecessary notices is placing an unjustified burden on debtors' attorneys and the court, finds that Local Rule 3070-1(B) should be amended to clarify when notices of payment change should or should not be filed. Accordingly, effective December 3, 2012, it is **ORDERED** that:

1. Subdivision (B) of Interim Local Rule 3070-1 as adopted by 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*", shall be amended to add the following new Interim Local Rule subsections (B)(2), (B)(3) and (B)(4):

(B)(2) Bankruptcy Rule 3002.1 does not apply to, and creditors shall not file notices of payment change with respect to, any claims secured by a security interest in real property of the debtor that are not provided for under § 1322(b)(5) in the debtor's plan, including the following:

- (a) claims that are not treated in the plan but instead are being paid directly by the debtor outside of the plan; and
- (b) claims that are modified under the plan rather than being

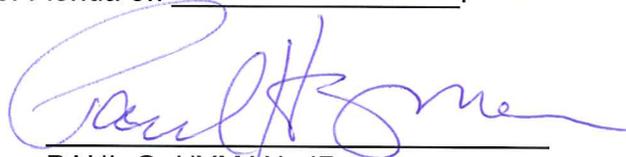
treated under § 1322(b)(5).

(B)(3) With respect to those claims described in subsection (2)(a) of this rule in which the claim is not being treated in the plan and the debtor is making payments directly to the holder of the claim outside of the plan, the holder of the claim may send notices of payment change and escrow notices directly to the debtor, without violating the automatic stay.

(B)(4) Upon motion by the debtor, the court will consider awarding sanctions against a creditor that files notices of payment change that are not required under Bankruptcy Rule 3002.1 and are expressly deemed unnecessary under this rule.

2. Prior Interim Local Rule subsection 3070-1(B)(2) will be renumbered (B)(5).
3. All other Interim Local Rule amendments adopted by AO 11-03 shall remain in full force and effect until further order of this court.
4. The clerk is directed to provide notice of entry of this Administrative Order and update the Local Rules as published by this court to reflect the text of amended Interim Local Rule 3070-1, as adopted by this Order.

**ORDERED** in the Southern District of Florida on October 29, 2012.



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

c: All SD Bankruptcy Judges  
Clerk of Court