

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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Administrative Order 15-01

In Re:

Adoption of Interim Local Rule 4004-3(A)
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This court's Mortgage Modification Mediation (MMM) procedures were amended effective April 1, 2015. Amendments include a provision that, by participating in MMM, the debtor consents to delay of entry of an eligible debtor's discharge in a chapter 7 case until the MMM process is completed.

The court has determined that amendment to this court's existing Local Rule 4004-3(A) is required in conjunction with this MMM amendment and also finds that there are exigent circumstances which justify implementation of these amendments by interim local rules.

Accordingly, the Court **ORDERS** as follows:

1) Local Rule 4004-3(A) is amended by substituting the following text as Interim Local Rule 4004-3(A).

(A) The individual debtor shall be discharged upon determination that the debtor is eligible to receive a discharge under the Bankruptcy Code and Bankruptcy Rules (including without limitation the provisions of 11 U.S.C. §§707, 727, 1141, 1228, and 1328, and Bankruptcy Rule 4004(c), as applicable), and subject to any established court procedures that provide for delay of entry of the discharge, including but not limited to the following requirements:

(1) in a chapter 12 case, the trustee has filed a final report certifying that all payments have been made pursuant to the confirmed plan;

(2) in a chapter 13 case, unless the debtor is seeking a hardship discharge under 11 U.S.C. §1328(b), the trustee has filed a "Notice of Completion of Plan Payments";

(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

(4) in an individual chapter 11 or 12 case the debtor has submitted the required Local Form "Notice of Deadline to Object to Debtor's Statement Re: 11 U.S.C. §522(q)(1) Applicability, Payment of Domestic Support Obligations, and [For Chapter 11 Cases Only] Applicability of Financial Management Course and Statement Regarding Eligibility to Receive a Discharge" and a copy was served on all parties of record as required under Local Rule 2002-1(C)(13), and for chapter 11 cases Local Rule 3022-1(B), and for chapter 12 cases Local Rule 2082-1.

2) All cross references in the Local Rules to Local Rule 4004-3(A) including any references contained in the official comments thereto, and in all court forms, guidelines, and clerk's instructions shall be deemed to refer, respectively to, Interim Rule 4004-3(A).

3) The Clerk of Court is directed to provide notice of entry of this Order and to update the Local Rules as published by this court to reflect Interim Rule 4004-3(A).

ORDERED in the Southern District of Florida on March 31, 2015.



PAUL G. HYMAN, JR.
CHIEF U.S. BANKRUPTCY JUDGE

c: All SD Bankruptcy Judges
Clerk of Court