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

In Re: **Administrative Order 16-06**

Adoption of Interim Local Rules
1010-1 and 3070-1
_____/

The United States Supreme Court approved certain amendments to the Federal Rules of Bankruptcy Procedure to take effect on December 1, 2016. The Court has determined that amendments to Bankruptcy Rules 1010, 2002, and 3002.1 necessitate technical amendments to certain of this court's existing Local Rules to make them parallel to the Bankruptcy Rules.

In light of the foregoing, the court **ORDERS**, effective December 1, 2016, as follows:

(1) Local Rule 1010-1 is amended by substituting the following text as Interim Local Rule 1010-1:

Rule 1010-1. Summons in Involuntary Cases. The clerk will generate and docket the summons in an involuntary case and electronically transmit it to the petitioner(s). The electronic summons is a valid summons, signed, sealed and issued by the clerk and it must be served in accordance with Bankruptcy Rule 1010, along with the involuntary petition.

(2) Local Rule 3070-1 is amended as Interim Local Rule 3070-1 by substituting the following text, and also by amending the accompanying comment as follows:

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) for which the plan provides that either the trustee or the debtor will make contractual installment payments and which payments are subject to change.

[Comment: Bankruptcy Rule 3002.1 by its terms requires the filing of payment change and certain other notices relating only to security interests in the debtor's primary residence, and only where the plan provides that either the trustee or the debtor will make contractual installment payments. The local rule extends that filing requirement from claims secured by primary residences to claims secured by any real properties. However, the trustee does not care to receive, and the secured creditor must not file, notices of payment change where the plan payments to that creditor are not through the trustee or are not going to change under the loan documents.]

(3) All cross-references in the Local Rules to Local Rules 1010-1 and 3070-1, 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 Local Rule 1010-1 and Local Rule 3070-1.

(4) The Clerk is directed to provide notice of entry of this Order and to update the Local Rules as published by this court to reflect Interim Local Rules 1010-1 and 3070-1.

ORDERED in the Southern District of Florida on Nov. 29, 2016.

Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judge
Clerk of Court