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

CLERK'S INSTRUCTIONS FOR CHAPTER 11 CASES

I. ADDITIONAL FILING REQUIREMENT FOR CHAPTER 11 DEBTORS

Pursuant to Local Rule 2081-1, chapter 11 debtors, except individual debtors not engaged in business, are required to file:

- within 14 days after filing the petition or after conversion to chapter 11, a certified report containing financial information regarding payroll and sales taxes using Local Form "Debtor's Notice of Filing Payroll and Sales Tax Reports". Only the original (with certificate of service included) need be filed with the court and

- within the earlier of three business days after relief is entered or one business day prior to the date of the first scheduled hearing, the Local Form "Chapter 11 Case Management Summary". This summary must be served on all parties of record.

Small Business Debtors must file the Official Bankruptcy Form B425C "Monthly Operating Report for Small Business Under Chapter 11" [See 11 U.S.C. § 308(b)].

Official Bankruptcy Form B426 **"**Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest" must be filed as required under Bankruptcy Rule 2015.3.

II. PROCEDURES FOR DISCLOSURE AND CONFIRMATION HEARING

(1) In advance of filing the plan and disclosure statement, the attorney is responsible for obtaining current service matrices in accordance with Local Rule 2002-1(D) and if applicable, the "Master Service List" (as described in Local Rule 2002-1(H). If the claims bar date has not yet expired at the time the disclosure statement and plan are filed, the attorney must obtain an updated claims service list prior to the confirmation hearing.

(2) Disclosure and Confirmation Hearings

A. Standard Cases: [See Local Rules 3016-2 and 3017-1]

(i) Order Setting Disclosure Hearing: Upon filing of the original plan and disclosure statement, an ORDER (I) SETTING HEARING TO CONSIDER APPROVAL OF DISCLOSURE

STATEMENT; (II) SETTING DEADLINE FOR FILING OBJECTIONS TO DISCLOSURE STATEMENT; AND (III) DIRECTING PLAN PROPONENT TO SERVE NOTICE will be entered. The attorney for plan proponent shall serve the order pursuant to the instructions contained in the order and file a certificate of service as required under Local Rule 2002-1(F).

(ii) Order Setting Confirmation Hearing: Upon approval of the disclosure statement, the court shall enter the ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) SETTING HEARING ON CONFIRMATION OF PLAN; (III) SETTING HEARING ON FEE APPLICATIONS; (IV) SETTING VARIOUS DEADLINES; AND (V) DESCRIBING PLAN PROPONENT'S OBLIGATIONS. The attorney for plan proponent shall serve the order pursuant to the instructions contained in the order and file a certificate of service as required under Local Rule 2002-1(F).

B. Small Business Cases. [See Local Rules 3016-1 and 3017-2]

C. Prepackaged Chapter 11 Cases. See the court's "Guidelines for Prepackaged Chapter 11 Cases." [See Local Rule 3017-3]

III. REPORTS ON CONFIRMATION. INDIVIDUAL DEBTOR CERTIFICATION.

The Local Forms "Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees", and the Local Form "Confirmation Affidavit" must also be submitted at least three business days before the confirmation hearing. [See Local Rule 3020-1(B)]

If the debtor is an individual, the debtor shall also file the Local Form "Individual Debtor Certificate for Confirmation Regarding Payment of Domestic Support Obligations and (for Chapter 11 cases) Filing of Required Tax Returns" at least three business days before the confirmation hearing.

IV. CONVERSIONS

Motions to convert by the debtor under LR 9013-1(C)(12), must be accompanied by the local form order of conversion as required under Local Rule 1017-1(A). **If converting to Chapter 7, the motion must be accompanied by a $15.00 filing fee.**

V. NOTICE OF REQUIREMENTS FOR FILING SCHEDULE OF POSTPETITION DEBTS AND BANCAP MATRIX UPON CONVERSION OF CASE TO CHAPTER 7

Pursuant to Bankruptcy Rule 1019(5), a Chapter 11 debtor in possession (or trustee

if one was appointed) must file, within 15 days of entry of the order of conversion, a schedule of unpaid debts incurred after commencement of the superseded case, including the name and address of each creditor. Local Rule 1019-1(B) provides that this schedule must also be accompanied by a supplemental service matrix in the form required by the "Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices". The debtor is responsible for providing notice to those creditors. [See Local Rule 1019-1(B)]. If no unpaid debts have been incurred since the commencement of the case, a certification to this effect shall be filed.

VI. NOTICE OF PROCEDURE FOR CLOSING A CONFIRMED CHAPTER 11 CASE

Local Rule 3022-1(A) requires the debtor to file a Local Form "Final Report and Motion for Entry of Final Decree", unless otherwise provided in the confirmation order, in a non-individual chapter 11 case, not later than 60 days after the order confirming the plan becomes final, and in an individual chapter 11 case, upon completion of all payments under the confirmed plan, or if applicable, upon the filing of a motion by an individual debtor seeking entry of a discharge prior to completion of payments under the plan under 11 U.S.C. §1141(d)(5). A 30 day deadline will be set for the U.S. Trustee's Office to object to the report. Absent any objections or upon resolution of any objections, a Final Decree closing the case will be prepared by the clerk's office and a copy mailed to the attorney for the debtor.

Local Rule 3022-1(B) requires that, in an individual chapter 11 case, not later than 60 calendar days after completion of all payments under the confirmed plan, the debtor shall also file the Local Form "Notice of Deadline to Object to Debtor's Statements 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". This statement shall be served on negative notice on all parties of record. Any interested party who fails to file and serve a written objection to the statement within 30 days shall be deemed to have consented to entry of the final decree and discharge of debtor. A certificate of service shall be filed as provided by Local Rule 2002-1(F).

VII. FORMS LIST

A. **Forms for Setting Disclosure and Confirmation Hearings:** Please note: The four orders listed below with an "*" will be prepared by the court for service by the plan proponent. The form is published for information only.

Standard Chapter 11

*"Order (I) Setting Hearing to Consider Approval of Disclosure Statement; (II) Setting Deadline for Filing Objections to Disclosure Statement; and (III) Directing Plan Proponent to Serve Notice"

*"Order (I) Approving Disclosure Statement; (II) Setting Hearing On Confirmation of Plan; (III) Setting Hearing On Fee Applications; (IV) Setting

Various Deadlines; And (V) Describing Plan Proponent's Obligations"

Small Business Chapter 11

*"Order (I) Conditionally Approving Proposed Disclosure Document; (II) Setting Hearing on Final Approval of Proposed Disclosure Document and Confirmation of Plan; (III) Setting Hearing on Fee Applications; (IV) Setting Various Deadlines and (V) Describing Plan Proponent's Obligations". See Local Rule 3017-2(A).

*"Order (I) Setting Hearing on Approval of the Disclosure Statement and Confirmation of Plan; (II) Setting Hearing on Fee Applications; (III) Setting Various Deadlines; and (IV) Describing Plan Proponent's Obligations". See Local Rule 3017-2(B).

B. Other Forms Related to Confirmation Process

"Ballot and Deadline for Filing Ballot Accepting or Rejecting Plan" [Local Rule 3018-1(A)]

"Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees"

"Confirmation Affidavit"

"Individual Debtor Certificate for Confirmation Regarding Payment of Domestic Support Obligations and (for Chapter 11 cases) Filing of Required Tax Returns"

C. Other Chapter 11 Forms and Instructions

"Clerk's Instructions for Preparing, Submitting and Obtaining Service Matrices"

Local Form "Order Converting Case Under Chapter 11 To Case Under Chapter 7"

Local Form "Final Report and Motion for Entry of Final Decree"

Local Form "Debtor's Notice of Filing Payroll and Sales Tax Reports"

Local Form "Chapter 11 Case Management Summary"

Local Form "Notice of Deadline to Object to Debtor's Statements 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"

Official Bankruptcy Form B425C "Monthly Operating Report for Small Business Under Chapter 11"

Official Bankruptcy Form B426 "Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest"

Official Bankruptcy Form B425A "Plan of Reorganization for Small Business Case under Chapter 11"

Official Bankruptcy Form B425B "Disclosure Statement for Small Business Case under Chapter 11"

VIII. CONTACT ADDRESSES

A list on reverse side of this notice is provided for your assistance in chapter 11 bankruptcy cases. It is the responsibility of the serving party to determine the correct address for and manner of service.

Clerk of Court
U.S. Bankruptcy Court

QUESTIONS CONCERNING THESE PROCEDURES SHOULD BE DIRECTED TO THE COURTROOM DEPUTY FOR THE ASSIGNED JUDGE.

The following addresses are provided for your assistance in noticing Chapter 11 Bankruptcy Cases:

1) **U.S. BANKRUPTCY COURT**

Clerk's Office - Miami Division
C. Clyde Atkins United States Courthouse (305) 714-1800
301 N. Miami Avenue, #150
Miami, FL 33128

Judge Robert A. Mark Courtroom #417
Judge A. Jay Cristol Courtroom #717
Chief Judge Laurel Myerson Isicoff Courtroom #817

Clerk's Office - FTL Division
U.S. Courthouse (954) 769-5700
Room 112
299 East Broward Blvd.
Ft. Lauderdale, FL 33301

Judge Scott M. Grossman Courtroom #308
Judge John K. Olson Courtroom #301

Clerk's Office - WPB Division
The Flagler Waterview Building (561) 514-4100
1515 North Flagler Drive
Room 801
West Palm Beach, FL 33401

Judge Mindy A. Mora Courtroom #A
Judge Erik P. Kimball Courtroom #B

2) **Office of U.S. Trustee**
51 S.W. First Ave. (305) 536-7285
Room 1204
Miami, FL 33130

3) **Internal Revenue Service**
Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Insolvency Unit
7850 S.W. 6th Court
Mail Stop 5730
Plantation, FL 33324

[NOTE: Payments for Chapter 11 cases MUST be sent to the local office.]

4) **State of Florida/Dept. of Revenue**
Bankruptcy Section
P.O. Box 6668
Tallahassee, FL 32314-6668