

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME, Case No. xx-xxxxx-xxx

Debtor. Chapter 13

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**ORDER GRANTING MOTION TO CONVERT
CASE UNDER CHAPTER 13 TO CASE UNDER CHAPTER 7**

This case came before the Court [on the chapter 13 consent calendar on ____] [for hearing on ____] on the motion under 11 U.S.C. § 1307(c) by [movant] to convert this case to a case under chapter 7. [Without objection] [Upon consideration of the motion, the argument of counsel, and the record in this case, and for the reasons stated on the record which constitute the decision of the Court], it is

ORDERED that:

1. The motion is **GRANTED**.
2. This chapter 13 case is converted to a case under chapter 7.
3. **Duties of chapter 13 trustee.** The chapter 13 trustee must:
 - a. Within 14 days of entry of this order, turn over to the chapter 7 trustee all documents and property of the estate that are in its

possession or control, as required by Fed. R. Bankr. P. 1019(d); and

- b. within 30 days after entry of this order, file and send to the United States trustee a final report and account, as required by Fed. R. Bankr. P. 1019(e)(2)(B).

4. **Duties of debtor.** The debtor must:

- a. within 14 days after entry of this order,
 - (1) file a schedule of unpaid debts incurred after the petition was filed but before conversion and include the name and address of each claim holder, as required by Fed. R. Bankr. P. 1019(e)(2)(A);
 - (2) file a supplemental mailing matrix containing the name and address of each entity included on the schedule of unpaid debts;
 - (3) serve on each claim holder listed on the schedule of unpaid debts local form *Debtor's Notice of Compliance With Requirements for Amending Creditor Information* (LF-4);
 - (4) file any lists, inventories, schedules, and statements of financial affairs required that were not previously filed, as required by Fed. R. Bankr. P. 1019(a)(1), including:
 - (A) unless 11 U.S.C. § 707(b)(2)(D) applies,
 - (i) a statement of current monthly income (Form 122A-1); and
 - (ii) if that income exceeds the median family income for the debtor's state and household size, the chapter 7 means-test calculation (Form 122A-2); and
 - (B) copies of all payment advices or other evidence of payment that the debtor received from any employer within 60 days before the petition was filed—with all but the last 4 digits of the debtor's social-security number or individual taxpayer-identification number deleted, as required by Fed. R. Bankr. P. 1007(b)(1)(E); and

(5) a statement of compliance (included in Form 101) about whether the debtor received a briefing about credit counseling as required by 11 U.S.C. § 109(h)(1), which statement must include:

- (A) a certificate and any debt- repayment plan required by 11 U.S.C. § 521(b);
- (B) a statement that the debtor has received the credit-counseling briefing required by 11 U.S.C. § 109(h)(1), but does not have a § 521(b) certificate;
- (C) a certification under 11 U.S.C. § 109(h)(3); or
- (D) a request for a court determination under 11 U.S.C. § 109(h)(4);

b. within 30 days after entry of this order or before the first date set for the meeting of creditors under 11 U.S.C. § 341, whichever is earlier, file the statement of intention required by 11 U.S.C. § 521(a) (Form 108), as required by Fed. R. Bankr. P. 1019(a)(2) and 1007(b)(2)(A);

c. within 60 days after the first date set for the meeting of creditors under 11 U.S.C. § 341, unless an approved provider has notified the court that the debtor has completed a course in personal financial management after filing the petition or the debtor is not required to complete one as a condition to discharge, file a certificate of course completion issued by the provider, as required by Fed. R. Bankr. P. 1007(b)(7); and

d. if this case is being converted after a plan was confirmed, the debtor must also, within 30 days after entry of this order:

- (1) file a schedule of property that was acquired after the petition was filed but before conversion and was not listed in the final report and account, as required by Fed. R. Bankr. P. 1019(e)(3)(A);
- (2) file a schedule of unpaid debts that were incurred after confirmation but before conversion and were not listed in the final report and account, as required by Fed. R. Bankr. P. 1019(e)(3)(B);
- (3) file a schedule of executory contracts and unexpired leases that were entered into or assumed after the petition was

filed but before conversion, as required by Fed. R. Bankr. P. 1019(e)(3)(C);

- (4) file a supplemental mailing matrix containing the name and address of each entity included on the schedules listed in paragraphs 4.d.(2) and (3); and
- (5) serve on each claim holder included on the schedule listed in paragraph 4.d.(2) and on each counterparty to an executory contract or unexpired lease included on the schedule listed in paragraph 4.d.(3) local form *Debtor's Notice of Compliance With Requirements for Amending Creditor Information* (LF-4).

5. **Chapter 13 administrative expense claims, (including final applications for compensation) and claims under 11 U.S.C. § 348(d).**

- a. **In a converted case.** Under Fed. R. Bankr. P. 1019(f)(1) and Local Rule 1019-1(b)(1), except in a chapter 7 case that had been converted to a chapter 13 case and then reconverted to a chapter 7 case, a request by an entity other than a governmental unit to pay an administrative expense under 11 U.S.C. § 503(a) incurred before conversion (including final applications under Fed. R. Bankr. P. 2016(a) for reasonable compensation to the debtor's attorney for representing the interests of the debtor in connection with the bankruptcy case under 11 U.S.C. § 330(a)(4)(B)) or a claim under § 348(d), must be filed no later than 70 days after entry of this order. A request filed before conversion is timely and need not be filed again. The debtor must provide notice of this deadline to all known entities that might assert an administrative expense claim or claim under 11 U.S.C. § 348(d).
- b. **In a reconverted case.** Under Local Rule 1019-1(b)(2), if this case was a chapter 7 case that had been converted to a chapter 13 case and is now being reconverted to a chapter 7 case, the trustee must file a motion requesting the court set a deadline to file requests for payment of an administrative expense or a claim under § 348(d).

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Submitted by:

[Submitting attorney name]

[Law firm name]

[Mailing address]

[Phone number]

[Email address]

[Submitting attorney] must serve a copy of this order on the debtor, all creditors, and all indenture trustees and must file a certificate of service as required by Local Rule 9036-2. This service direction does not apply, however, if the submitting attorney is an attorney in the office of the United States trustee, in which case the Clerk of Court will serve this order under Local Rule 2002-1(a)(1).