

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
\_\_\_\_\_ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-xxx

Debtor.

Chapter 7

\_\_\_\_\_/

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

This case came before the Court without a hearing on the motion by the debtor under 11 U.S.C. § 706(a) to convert this case to a case under chapter 13, filed on negative notice under Local Rule 9013-3. The movant by submitting this form of order has represented that the motion was served on all required parties; the 21-day response time provided by Local Rule 9013-3(b) has expired; no one has filed, or served on the movant, a response to the motion; and this form of order was attached as an exhibit to the motion. Because this case has not been converted under 11 U.S.C. §§ 1112, 1208, or 1307, the debtor may convert this case to a case under chapter 13. Accordingly, it is

**ORDERED** that:

1. The motion is **GRANTED**.
2. This chapter 7 case is converted to a case under chapter 13.

3. The chapter 7 trustee must:
  - a. promptly turn over to the debtor all documents and property of the estate that are in its possession and control; and
  - b. within 30 days of entry of this order, make a final report and file a final account of the administration of the estate with the court and with the United States trustee, as required by 11 U.S.C. §704(a)(9).
4. Within 14 days of entry of this order, the debtor must file:
  - a. a statement of current monthly income (Form 122C-1), and if that income exceeds the median family income for the debtor's state and household size, the Chapter 13 calculation of disposable income (Form 122C-2), as required by Fed. R. Bankr. P. 1007(b)(6);
  - b. any other lists, inventories, schedules, and statements of financial affairs required by Fed. R. Bankr. P. 1007 that were not previously filed; and
  - c. a chapter 13 plan using local form *Chapter 13 Plan*, as required by Fed. R. Bankr. P. 3015(b)(2); 3015.1; Local Rule 3015.1-1.
5. Within 30 days of entry of this order, the debtor must commence making chapter 13 plan payments as required by 11 U.S.C. § 1326(a)(1).
6. If the chapter 7 filing fee was waived, the debtor must – within 14 days of entry of this order – pay the full chapter 13 filing fee of \$ \_\_\_\_\_ or file a local form application to pay the fee in installments.
7. This chapter 13 case may be dismissed under Local Rule 1017-1(a), without further notice or hearing, for any of the following reasons:
  - a. failure to timely file a chapter 13 plan;
  - b. failure to timely pay the filing fee in installments (after being granted permission to do so) or any other fee due from the debtor (including fees due upon conversion of a case);
  - c. failure to appear at the § 341 meeting of creditors;
  - d. failure to commence making chapter 13 plan payments within 30 days of conversion to chapter 13;

- e. failure to remain current on chapter 13 plan payments as of the time of the § 341 meeting of creditors; or
- f. denial of confirmation of a chapter 13 plan and denial of a request for additional time to file an amended plan.

# # #

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.*