

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 for hearing on [date] on the motion by the debtor under 11 U.S.C. § 706(a) to convert this case to a case under chapter 13. 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.

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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.