

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

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In re:

Case No.
Chapter 7

Debtor /

**ORDER CONVERTING CASE UNDER CHAPTER 7
TO CASE UNDER CHAPTER 11**

() The debtor has filed a motion to convert this case to a case under chapter 11 of the Bankruptcy Code pursuant to 11 U.S.C. §706(a) and served it on required parties in accordance with Local Rule 9013-1(D)(3)(h). Interested parties are deemed to have consented to entry of this order under Local Rule 9013-1(D)(2). Since this case has not been previously converted under 11 U.S.C. §1112, §1208 or §1307, the court finds that the debtor is entitled to be a debtor under

chapter 11.

- () A party in interest has filed a motion to convert this case to a case under chapter 11 of the Bankruptcy Code pursuant to 11 U.S.C. §706(b). The court finds, after notice and hearing, that the motion should be granted.

It is **ORDERED** that:

1. This chapter 7 case is converted to a case under chapter 11. If not yet filed, within 14 days after entry of this order, the debtor shall file a statement as to whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply.
2. The debtor shall:
 - a. within 14 days of the date of this order, file a list of the debtor's equity security holders of each class, showing the number and kind of interests registered in the name of each holder and the last known name and address or place of business of each holder, as required by Bankruptcy Rule 1007(a)(3) and Local Rule 1019-1(C); and in accordance with Local Rules 1007-2 and 1009-1(D);
 - b. within 14 days from the date of this order and if such documents have not already been filed, the statements, schedules and, if the debtor is an individual, payment advices or the required statement regarding payment advices and, unless the debtor is a case under subchapter V, Official Form 122B "Chapter 11 Statement of Your Current Monthly Income". [see Bankruptcy Rule 1007(b), Bankruptcy Rules 1007(b)(1) and 1007(c), Local Rules 1007-1(E), 1007-2, 1009-1(D), 1019-1(C) and 1019-1(L)]; and

- c. As required under Local Rule 2081-1, file required payroll and sales tax reports utilizing the Local Form “Debtor’s Notice of Filing Payroll and Sales Tax Reports” and file the Local Form “Chapter 11 Case Management Summary”.
 - d. if the debtor is a small business in a case, file the most recent balance sheet, statement of operations, cash flow statement and Federal income tax return or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash flow statement has been prepared and no Federal tax return has been filed. Access to filed tax returns filed by an individual debtor will be restricted as provided under Local Rule 5005-1(A)(2)(c).
- 3. Within 2 business days of the date of this order, the debtor shall file, as applicable either Bankruptcy Form B 104 “For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders” or, for non individual debtors, Bankruptcy Form 204 “For Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders” as required by Bankruptcy Rule 1007(d).
- 4. If the debtor was the moving party, the debtor shall immediately pay a conversion fee of \$922.00, if not previously paid. Failure to pay the required fees will result in dismissal of this case.
- 5. The chapter 7 trustee shall:
 - a. forthwith turn over to the debtor in possession, (or chapter 11 trustee, if one has been appointed), all records and property of the estate

under the chapter 7 trustee's custody and control; and

- b. within 30 days of the date of this order, file an accounting of all receipts and distributions made, together with a report on administration of the case, as required by 11 U.S.C. §704(9).
6. The debtor shall provide notice to affected parties of the deadline set pursuant to Local Rule 1019-1(J)(1) for filing by a nongovernmental unit a request for payment of an administrative expense.
7. Failure of the debtor to comply with the provisions of this order may result in dismissal of this case without further hearing or notice.
8. If the debtor is an individual and 11 U.S.C. §1141(d)(3) applies, before a discharge can be issued, the debtor must complete a postpetition instructional course concerning personal financial management and file Official Form 423 "Certification About a Financial Management Course" (unless the course provider files a certificate of completion on the debtor's behalf).

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Submitted by:

The party submitting this order shall serve a copy of the signed order on all parties listed below and file with the court a certificate of service conforming with Local Rule 2002-1(F).

Debtor
Attorney for Debtor
Attorney for Trustee (if applicable) Chapter 7
Trustee
U.S. Trustee