

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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In Re:

Administrative Order 2019-01

**Amendments to Subsection (C) of
Local Rule 3070-1, Local and Internal
Forms, Notices and Other Documents
Relating to Dismissal of Cases.**

The Court has determined that Local Rule 3070-1 and the Court's local and internal forms, notices and other documents shall be amended to remove provisions that refer to dismissal "with prejudice." Accordingly, it is

ORDERED as follows:

(1) Local Rule 3070-1 is amended as Interim Local Rule 3070-1 by substituting the following text in section (C):

(C) ***Dismissal of Case for Failure to Timely Remit Payments.***

(1) Dismissal at the Meeting of Creditors. *If, at the meeting of creditors, the debtor is not current in plan payments under the plan as originally filed or amended, the chapter 13 trustee is authorized by the court to docket in the case a virtual paperless entry titled "Trustee's Request for Entry of Order Dismissing Case" and the case may be dismissed without further notice or hearing.*

(2) Dismissal Subsequent to Confirmation.

(a) Notice of Delinquency. *The trustee may, upon the debtor's failure to timely make any payment, serve a notice of delinquency upon the debtor and the debtor's attorney, along with a copy of this rule.*

(b) Deadline to Cure Delinquency. *The debtor shall have 45 days from the date of the notice of delinquency to make all payments due under the plan, including any payments that become due within the 45-day period. If applicable, the debtor may, within 14 days of the notice of delinquency, file a motion to modify the confirmed plan.*

(c) Failure to Cure. *If the debtor is not current in plan payments on the 45th day after the date of the notice of delinquency, the trustee shall file and serve a report of noncompliance and the case shall be dismissed without further notice or hearing.*

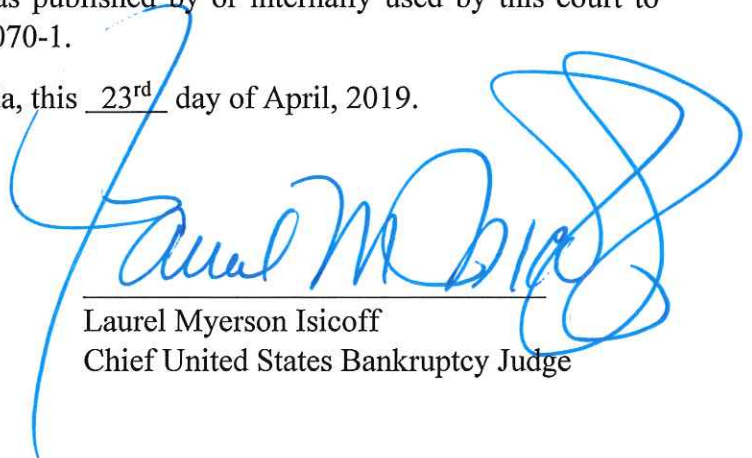
(2) Any form notice or order containing reference to dismissal “with prejudice” shall be amended to remove such provision.

(3) Notwithstanding the provisions of paragraphs (1) and (2) above, the court may dismiss cases with prejudice consistent with applicable law.

(4) All orders dismissing cases with prejudice entered by the court on or before the date of this Order shall remain in full force and effect.

(5) The Clerk shall provide notice of entry of this Order and shall update the Local Rules, forms, notices and other documents as published by or internally used by this court to reflect amended Interim Local Rule 3070-1.

ORDERED in the Southern District of Florida, this 23rd day of April, 2019.



Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court