

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

In re:

Administrative Order 17-02

**PROPOSED AMENDED LOCAL FORM
“CHAPTER 13 PLAN” AND
OPPORTUNITY FOR PUBLIC COMMENT**

An amendment to Bankruptcy Rule 3015, which would require use of a national official chapter 13 plan form unless a district instead adopts a local plan form that meets the requirements of proposed new Bankruptcy Rule 3015.1, is scheduled to take effect on December 1, 2017.

In anticipation of implementation of these Bankruptcy Rules, the court appointed an advisory committee to provide recommendations as to whether this court’s local chapter 13 plan form should be amended to meet the requirements under new Bankruptcy Rule 3015.1 and adopted in lieu of using the national official chapter 13 plan form.

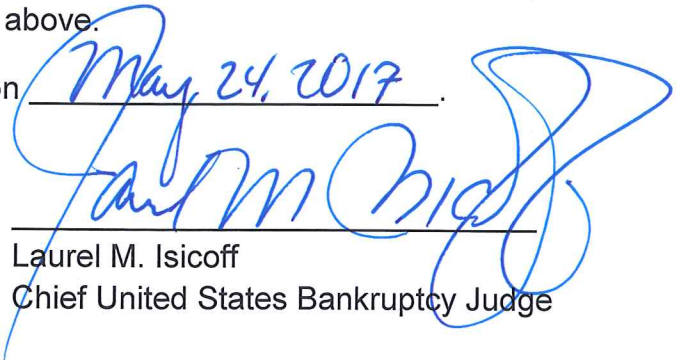
The court, having reviewed the recommendations of the advisory committee, has determined that it would be judicially efficient to adopt an amended version of the court’s local chapter 13 plan form which conforms to the requirements of new Bankruptcy Rule 3015.1 and for which an opportunity for public comment on the revised local form has been provided. A copy of the proposed amended Local Form “Chapter 13 Plan” is attached as Exhibit A.

Accordingly, it is **ORDERED** as follows:

1. The proposed amended Local Form “Chapter 13 Plan” is subject to further modification prior to final approval as a result of public comments submitted under paragraph two and after further judicial review.
2. Any comments on the proposed amendments must be submitted in writing and mailed or delivered to Joseph Falzone, Clerk of Court, United States Bankruptcy Court, C. Clyde Atkins United States Courthouse, 301 North Miami Avenue, Room 150, Miami, FL 33128, to be received not later than **June 30, 2017**. Each comment must identify the specific text being addressed together with any supporting authority.

3. If the court determines that the issues raised in the public comments necessitate an en banc hearing, the court shall schedule, and the clerk of court shall publish notice of, such hearing.
4. After review of timely submitted comments and conclusion of any scheduled en banc hearing, the court will determine if any additional amendments to the published Local Form "Chapter 13 Plan" is necessary, and enter an order adopting the local version and any amended local rules or forms relating to its implementation as is appropriate. At the court's discretion, the amended local form chapter 13 plan may be adopted prior to the December 1, 2017 effective date of amended Bankruptcy Rule 3015 and new Bankruptcy Rule 3015.1.
5. The clerk of court shall post a copy of this Order and the proposed amended local form on the court's website for review and submission of comments by the deadline indicated in paragraph two above.

ORDERED in the Southern District of Florida on

May 24, 2017


Laurel M. Isicoff
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF FLORIDA

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CHAPTER 13 PLAN (Individual Adjustment of Debts)

- Original Plan
- Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)
- Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)
- MMM (Must also indicate if Amended or Modified)

DEBTOR: _____ JOINT DEBTOR: _____ CASE NO.: _____
 SS#: xxx-xx- _____ SS#: xxx-xx- _____

I. NOTICES

To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 2002-1(C)(5), 3015-1(B)(2), and 3015-2.

To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.

To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

II. PLAN PAYMENTS AND LENGTH OF PLAN

MONTHLY PLAN PAYMENT: This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees of 10%, beginning 30 days from the filing/conversion date. In the event the trustee does not retain the full 10%, any unused amount will be paid to unsecured nonpriority creditors pro-rata under the plan:

1. \$ _____ for months _____ to _____;
2. \$ _____ for months _____ to _____;
3. \$ _____ for months _____ to _____;

III. TREATMENT OF SECURED CLAIMS

A. SECURED CLAIMS: NONE

[Retain Liens pursuant to 11 U.S.C. §1325 (a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1. Creditor: _____ Arrearage/ Payoff on Petition Date \$ _____
 Address: _____ Arrears Payment (Cure) \$ _____/month (Months _____ to _____)
 _____ Regular Payment (Maintain) \$ _____/month (Months _____ to _____)
 Last 4 Digits of _____ Payoff (Including ____% monthly interest) \$ _____/month (Months _____ to _____)
 Account No.: _____

Real Property

- Principal Residence
- Non-Principal Residence

Address of Collateral: _____

Check one below for Real Property:

- Escrow is included in the regular payments
- The debtor(s) will pay taxes insurance directly

Personal Property/Vehicle

Description of Collateral: _____

B. VALUATION OF COLLATERAL: NONE

IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED. A SEPARATE MOTION WILL ALSO BE SERVED UPON YOU PURSUANT TO BR 7004 AND LR 3015-3.

1. REAL PROPERTY: NONE

1. Creditor: _____ Address: _____ _____ Last 4 Digits of Account No.: _____ Real Property <input type="checkbox"/> Principal Residence <input type="checkbox"/> Non-Principal Residence Address of Collateral: _____ _____	Value of Collateral: \$ _____ Value of Creditor's Lien: \$ _____ Interest Rate: _____ % Check one below: <input type="checkbox"/> Escrow is included in the monthly mortgage payment listed in this section <input type="checkbox"/> The debtor(s) will pay <input type="checkbox"/> taxes <input type="checkbox"/> insurance directly	<u>Payment</u> Total paid in plan: \$ _____ \$ _____ Months _____ to _____
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2. VEHICLE(S): NONE

1. Creditor: _____ Address: _____ _____ Last 4 Digits of Account No.: _____ Description of Collateral: _____ _____ Check one below: <input type="checkbox"/> Claim incurred 910 days or more pre-petition <input type="checkbox"/> Claim incurred less than 910 days pre-petition	Value of Collateral: \$ _____ Value of Creditor's Lien: \$ _____ Interest Rate: _____ %	<u>Payment</u> Total paid in plan: \$ _____ \$ _____ Months _____ to _____
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3. PERSONAL PROPERTY: NONE

1. Creditor: _____ Address: _____ _____ Last 4 Digits of Account No.: _____ Description of Collateral: _____ _____ Check one below: <input type="checkbox"/> Claim incurred 1 year or more pre-petition <input type="checkbox"/> Claim incurred less than one year pre-petition	Value of Collateral: \$ _____ Value of Creditor's Lien: \$ _____ Interest Rate: _____ %	<u>Payment</u> Total paid in plan: \$ _____ \$ _____ Months _____ to _____
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C. LIEN AVOIDANCE NONE

Judicial liens or nonpossessory, nonpurchase money security interests securing the claims will be avoided to the extent that they impair the exemptions under 11 U.S.C. § 522 as listed below. A separate motion will also be served pursuant to BR 7004 and LR 3015-3.

1. Creditor: _____ Collateral: _____
 Address: _____

Debtor(s): _____ Case number: _____

Exemption: _____
Last 4 Digits of Account No.: _____

D. SURRENDER OF COLLATERAL NONE

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only.

Other: _____

Name of Creditor Last 4 Digits of Account No. Description of Collateral (Address, Vehicle, etc.)

1. _____

E. DIRECT PAYMENTS NONE

The debtor(s) elect to make payments directly to each secured creditor listed below. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only.

Name of Creditor Last 4 Digits of Account No. Description of Collateral (Address, Vehicle, etc.)

1. _____

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. § 1322(a)(4)]

A. ADMINISTRATIVE ATTORNEY'S FEE: PRO BONO

Total Fees: \$ _____ Total Paid: \$ _____ Balance Due: \$ _____

Balance Due \$ _____

Payable \$ _____/month (Months _____ to _____)

Allowed fees under LR 2016-1(B)(2) must be itemized and applications for compensation must be filed for all fees over and above the Court's Guidelines for Compensation.

B. INTERNAL REVENUE SERVICE: NONE

Total Due \$ _____ Plus Interest (if applicable) _____% Total Payment \$ _____

Payable \$ _____/month (Months _____ to _____)

C. DOMESTIC SUPPORT OBLIGATION(S): NONE

Name of Creditor: _____

Payment Address: _____

Total Due \$ _____

Payable \$ _____/month (Months _____ to _____)

Regular Payment (if applicable) \$ _____ (Months _____ to _____)

Current and paid outside.

D. OTHER: NONE

Name of Creditor: _____

Address: _____

Total Due \$ _____

Payable \$ _____/month (Months _____ to _____)

Regular Payment (if applicable) \$ _____ (Months _____ to _____)

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS

A. Pay \$ _____/month (Months _____ to _____)

Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

B. Debtor(s) will modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: NONE

Name of Creditor: _____

Address: _____

Last 4 Digits of Account No.: _____
Basis for Separate Classification _____
Payable \$ _____/month (Months _____ to _____)

*Debtor(s) certify the separate classification(s) of the claim(s) listed above will not prejudice other unsecured nonpriority creditors pursuant to 11 U.S.C. § 1322.

VI. INCOME TAX RETURNS AND REFUNDS

- Debtor(s) will not provide tax returns unless requested by any interested party pursuant to 11 U.S.C. § 521.
- Debtor(s) shall provide copies of yearly income tax returns to the Trustee (but not file with the Court) no later than May 15th during the pendency of the Chapter 13 case. In the event the debtor(s)' disposable income or tax refunds increase, debtor(s) shall increase payments to unsecured creditors over and above payments provided through the Plan up to 100% of allowed unsecured claims.
[Broward/Palm Beach cases]
- The debtor(s) is hereby advised that the chapter 13 trustee has requested that the debtor(s) comply with 521(f) 1-4 on an annual basis during the pendency of this case. The debtor(s) hereby acknowledges that the deadline for providing the Trustee with their filed tax returns is on or before May 15 of each year the case is pending and that the debtor(s) shall provide the trustee (but not file with the Court) with verification of their disposable income if their gross household income increases by more than 3% over the previous year's income [Miami cases].

VII. EXECUTORY CONTRACTS AND UNEXPIRED LEASES NONE

<u>Name of Creditor</u>	<u>Collateral</u>	<u>Acct. No.(Last 4 Digits)</u>	<u>Assume/Reject</u>
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1. _____ Assume Reject

VIII. NON-STANDARD PLAN PROVISIONS NONE

Nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

Mortgage Modification Mediation

The debtor has filed a Verified Motion for Referral to MMM with _____ ("Lender"), loan number _____, for real property located at _____. The parties shall timely comply with all requirements of the Order of Referral to MMM and all Administrative Orders/Local Rules regarding MMM. While the MMM is pending and until the trial/interim payment plan or the permanent mortgage modification/permanent payment is established by the parties, absent Court order to the contrary, the debtor has included a post-petition monthly plan payment (a) with respect to the debtor's homestead, of no less than the lower of the prepetition monthly contractual mortgage payment or 31% of the debtor's gross monthly income (after deducting any amount paid toward HOA fees due for the property) and (b) with respect to income producing property, of no less than 75% of the gross income generated by such property, as a good faith adequate protection payment to the lender. All payments shall be considered timely upon receipt by the trustee and not upon receipt by the lender.

Until the MMM is completed and the Final Report of Mortgage Modification Mediator is filed, any objection to the lender's proof of claim on the real property described above shall be held in abeyance as to the regular payment and mortgage arrearage stated in the proof of claim only. The debtor shall assert any and all other objections to the

