



UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

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CLERK'S NOTICE OF AMENDMENTS TO LOCAL FORM "CHAPTER 13 PLAN" AND AMENDMENT TO INTERNAL BANKRUPTCY FORM "ORDER CONFIRMING CHAPTER 13 PLAN"

Local Form "Chapter 13 Plan" is amended, effective for **ALL** plans filed (including amended or modified) on or after **April 1, 2022**, as follows:

- a. The signature block for counsel with permission to sign on Debtor(s) behalf includes a certification that the contents of the plan have been reviewed and approved by the Debtor(s) and that this certification applies even if the Debtor(s) have executed a limited power of attorney to Debtor(s) Attorney authorizing the attorney to sign documents on the Debtor(s) behalf.
- b. Other minor revisions were made in the following sections: **I.** - corrected reference to Non-Standard Plan Provision paragraph; **III. (C)** - removed checkbox as unnecessary; **(D)** and **(E)** - corrected typographical error; and **VIII.** - removed "NONE" checkbox as unnecessary.

"Order Confirming Chapter 13 Plan" is amended, effective immediately, to correct paragraph 9, which incorrectly referenced the Non-Standard Provision section of the Chapter 13 Plan. The Order was also amended to include the following provision in new paragraph 10.:

10. The Debtor(s) must promptly disclose to the Trustee all material changes in the Debtor(s)'s financial circumstances, including, but not limited to, inheritances, personal injury settlements, new or additional employment, loss of employment, or reduction or increase to income.

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)

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. Debtor(s) must commence plan payments within 30 days of filing the chapter 13 petition or within 30 days of entry of the order converting the case to chapter 13.

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 IX. 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 IX	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

A. **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. \$0.00 _____ for months ____ to ____ ;
2. \$0.00 _____ for months ____ to ____ ;
3. \$0.00 _____ for months ____ to ____ ;

B. **DEBTOR(S)' ATTORNEY'S FEE:** NONE PRO BONO

Total Fees: _____ \$0.00	Total Paid: _____ \$0.00	Balance Due: _____ \$0.00
Payable _____ \$0.00 /month (Months ____ to ____)		
Allowed fees under LR 2016-1(B)(2) are itemized below:		
Applications for compensation must be filed for all fees over and above the Court's Guidelines for Compensation.		

III. TREATMENT OF SECURED CLAIMS NONE

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: _____
Address: _____
Arrearage/ Payoff on Petition Date _____
[Select Payment Type] _____ \$0 . 00 /month (Months ____ to ____)
Last 4 Digits of Account No.: _____
Other: _____

<input type="checkbox"/> Real Property <input type="checkbox"/> Principal Residence <input type="checkbox"/> Other Real Property Address of Collateral: _____ <input type="checkbox"/> Personal Property/Vehicle Description of Collateral: _____	Check one below for Real Property: <input type="checkbox"/> Escrow is included in the regular payments <input type="checkbox"/> The debtor(s) will pay <input type="checkbox"/> taxes <input type="checkbox"/> insurance directly
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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"/> Other Real Property Address of Collateral: _____	Value of Collateral: <u> \$0.00 </u> Amount of Creditor's Lien: <u> \$0.00 </u> Interest Rate: <u> 0.00% </u> 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	Payment Total paid in plan: <u> \$0.00 </u> <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)
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2. VEHICLES(S): NONE

1. Creditor: _____ Address: _____ Last 4 Digits of Account No.: _____ VIN: _____ 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: <u> \$0.00 </u> Amount of Creditor's Lien: <u> \$0.00 </u> Interest Rate: <u> 0.00% </u>	Payment Total paid in plan: <u> \$0.00 </u> <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)
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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 less than one year pre-petition <input type="checkbox"/> Claim incurred 1 year or more pre-petition	Value of Collateral: <u> \$0.00 </u> Amount of Creditor's Lien: <u> \$0.00 </u> Interest Rate: <u> 0.00% </u>	<p style="text-align: center;">Payment</p> Total paid in plan: <u> \$0.00 </u> <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)
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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: _____ Address: _____ Last 4 Digits of Account No.: _____	Collateral: _____ Exemption: _____
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D. SURRENDER OF COLLATERAL: NONE

Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.
 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 automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors.

Other: _____

<u>Name of Creditor</u>	<u>Last 4 Digits of Account No.</u>	<u>Description of Collateral (Address, Vehicle, etc.)</u>
1. _____	_____	_____

E. DIRECT PAYMENTS NONE

Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.
 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 automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors. Nothing herein is intended to terminate or abrogate the debtor(s)' state law contract rights.

<u>Name of Creditor</u>	<u>Last 4 Digits of Account No.</u>	<u>Description of Collateral (Address, Vehicle, etc.)</u>
1. _____	_____	_____

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. § 1322(a)(4)] NONE

A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE: NONE

1. Name: _____ Payment Address: _____ Total Due: <u> \$0.00 </u> Payable <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>) Payable <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)
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B. INTERNAL REVENUE SERVICE: NONE

Debtor(s): _____ Case number: _____

Total Due: <u> \$0.00 </u>	Total Payment <u> \$0.00 </u>
Payable: <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)	

C. DOMESTIC SUPPORT OBLIGATION(S): NONE CURRENT AND PAID OUTSIDE

1. Name of Creditor: _____	
Payment Address: _____	
Total Due: <u> \$0.00 </u>	
Payable <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)	
Regular Payemnt (if applicable) <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)	

D. OTHER: NONE

1. Name of Creditor: _____	
Payment Address: _____	
Total Due: <u> \$0.00 </u>	
Payable <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)	
Regular Payemnt (if applicable) <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)	

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS NONE

A. Pay \$0.00 /month (Months to)

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

B. If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: NONE

1. Name of Creditor: _____	
Payment Address: _____	
Last 4 Digits of Account No.: _____	
Basis for Separate Classification _____	
Payable <u> \$0.00 </u> /month (Months <u> </u> to <u> </u>)	

*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. STUDENT LOAN PROGRAM NONE

A. FEDERAL - Direct Pay None

Name of student who benefitted from the loan (if different than the Debtor) _____

I. Name of Federal Student Loan Holder and/or Servicer: _____

Address: _____

Last 4 Digits of Account No.: _____

The debtor(s) filed the Local Form Notice of Income Driven Repayment Plan. All Federal Student loan payments shall be paid directly by the debtor(s) and the debtor(s) will be solely responsible for ensuring that the direct payments to the Federal Student Loan Holder(s) are received timely. The monthly IDR payment is set forth in the Local Form Notice of Income Driven Repayment Plan.

The debtor(s) expressly waive(s) any and all causes of action and claims against the Federal Student Loan Holder(s) and Servicer(s) for any alleged violation of the automatic stay under 11 U.S.C. § 362(a) with regard to and in consideration of the benefits of enrollment and participation in an IDR plan during the Chapter 13 case. Debtor(s) must file a certificate of service indicating that a copy of the plan was served in accordance with the provisions of Section IV of the Court's Student Loan Program Procedures.

The debtor(s) shall file annual recertifications on or before the anniversary date of any IDR plan until such time as the Department of Education establishes the automatic recertification of income for IDR borrowers. If the IDR plan payment changes after recertification

Debtor(s): _____ Case number: _____

or after the debtor(s) receive(s) the Department of Education annual certification, then, no later than 14 days after receiving notice of the payment change, the debtor(s) must file the Local Form Notice of IDR Payment Change noting the change in the monthly IDR plan payment.

Any Notice required to be given to the Federal Student Loan Holder under this Section must include the name(s) of the debtor(s) and the bankruptcy case number and Chapter 13 designation, must identify the Federal Student Loans, and must be served in accordance with the provisions in Section IV of the Court's Student Loan Program Procedures.

B. PRIVATE – Paid in the Chapter 13 Plan None

Name of student who benefitted from the loan (if different than the Debtor) _____

1. Name of Private Student Lender: _____

Address: _____

Last 4 Digits of Account No.: _____

Payable \$0.00 /month (Months to)

VII. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES** NONE

Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

Unless provided for under a separate section, the debtor(s) request that upon confirmation of this plan, the automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors/lessors. Nothing herein is intended to terminate or abrogate the debtor(s)' state law contract rights.

Name of Creditor

Collateral

Acct. No. (Last 4 Digits) Assume/Reject

1. _____ Assume Reject

VIII. **INCOME TAX RETURNS AND REFUNDS:** ~~1~~ NONE

Debtor(s) will not provide tax returns unless requested by any interested party pursuant to 11 U.S.C. § 521.

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]

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]

IX. **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

PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

Debtor _____ Date _____ Joint Debtor _____ Date _____

Date _____
Attorney with permission to sign on
Debtor(s)' behalf who certifies that
the contents of the plan have been
reviewed and approved by the
Debtor(s).¹

By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph IX.

¹This certification requirement applies even if the Debtor(s) have executed a limited power of attorney to Debtor(s)' attorney authorizing the attorney to sign documents on the Debtor(s)' behalf.



ORDERED in the Southern District of Florida on _____, 2022

United States Bankruptcy Judge

United States Bankruptcy Court
Southern District of Florida
www.flsb.uscourts.gov

Case Number: xx-xxxxx-XXX
Chapter: 13

In re: *(Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade)*

SSN: xxx-xx-xxxx

ORDER CONFIRMING CHAPTER 13 PLAN

This cause came before the court on _____ for confirmation of the debtor's proposed Chapter 13 plan pursuant to Local Rule 3015-3(B)(2). Based on the record, including the debtor's "Certificate of Compliance and Request for Confirmation on Chapter 13 Plan", it is

ORDERED as follows:

1. The debtor's chapter 13 plan (the "Plan") meets with the provisions of 11 U.S.C. § 1325 and, if applicable, § 521 and 1308, and is, therefore, confirmed in accordance with its terms.
2. Any claim entitled to priority under 11 U.S.C. § 507 shall be paid in full, in periodic installments, in the order of priority prescribed by the Bankruptcy Code over the period of the Plan as required by 11 U.S.C. § 1322(a)(2), with postpetition interest as required by 11 U.S.C. § 506(b) payable on the secured portion of the claim.

¹ All references to "Debtor" shall include and refer to both Debtors in a case filed jointly by two individuals.

3. The debtor's first monthly payment to the Trustee under the Plan was required to commence not later than 30 days following _____, 2022, the date the petition was filed, or within 30 days from the date of conversion to chapter 13. The Trustee shall begin disbursement to creditors pursuant to the Plan as soon as practicable upon entry of this order.
4. If the Plan does not provide for payments to a secured creditor, the Plan provides for surrender of the property secured by the secured creditor's claim or the Plan provides for direct payment of the secured creditor's claim outside of the Plan, such creditor is granted in rem stay relief as to the debtor and in rem stay relief from the co-debtor stay to pursue available state court remedies against any property of the debtor that secures the creditor's claim. The filing of a Motion to Modify a Plan does not operate as a stay of any action against property of the debtor which is not subject to the automatic stay absent further order of the court.
5. Any executory contract or unexpired lease of the debtor which has not been assumed pursuant to court order prior to entry of this order, or which is not assumed in the Plan confirmed by this order, is deemed rejected upon entry of this order.
6. If the confirmed plan in this case provides for payment to holder(s) of tax certificates on property of the debtor, the following provisions shall apply:
 - A. To ensure that the records of the County Tax Collector credit amounts received by certificate holders, upon receipt of information pursuant to subparagraph B below, the Tax Collector is ordered to adjust the County tax records and reduce both the amount owed on tax certificates and the amount of the tax lien to reflect payments made by the Chapter 13 Trustee to certificate holders under the confirmed plan.
 - B. The Tax Collector shall be served with any order entered post-confirmation which (a) dismisses or converts this case; (b) grants stay relief to the holder of a secured claim on the property subject to the tax certificates; (c) approves a sale or refinancing of the property subject to the tax certificates; (d) modifies the plan to eliminate further payments to one or more certificate holders; or (e) discharges the debtor upon completion of the plan. Upon receipt of any such order, the Tax Collector shall request a ledger from the Chapter 13 Trustee reflecting the amounts paid to certificate holders under the confirmed plan, or obtain the ledger information by accessing the Chapter 13 Trustee's website.
 - C. During the period in which the certificate holders are receiving payments under the confirmed plan, unless otherwise ordered, the Tax Collector is enjoined from accepting a redemption payment for any certificate which is included in the plan. This injunction will dissolve without further order of the Court if (a) one of the orders described in subparagraph B is entered; and (b) the County has complied with the requirements in subparagraph A by reducing both the amount owed on any certificate paid or partially paid under the plan and the amount of the tax lien by the amount paid to the certificate holder as reflected in the Chapter 13 Trustee's ledger.
7. Pursuant to Local Rule 3070-1(C)(2), if the debtor fails to timely make any Plan payment to the Trustee, the Trustee may serve a "Notice of Delinquency" upon the debtor and the debtor's attorney. 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 the debtor is seeking to cure the delinquency in a modified plan the debtor must file a motion to modify the confirmed plan within 14 days of the date of the "Notice of Delinquency". If the debtor is not current with plan payments on the 45th day after the date of the "Notice of Delinquency", the Trustee shall file and serve a report of non-compliance and the case will be dismissed without further notice or hearing. The court will not extend these deadlines absent extraordinary circumstances.

8. To the extent the Plan sought a determination of valuation pursuant to Bankruptcy Rule 3012, and no objections were filed or any objections were resolved, the terms of the Plan will be binding upon the affected secured creditors, and any allowed proof of claim will be secured only to the extent of the value as provided for in the Plan and unsecured as to the balance of the claim.
9. Nonstandard provisions must be set forth in Paragraph VIII **IX** of the Plan being confirmed. Nonstandard provisions set forth elsewhere in the Plan are void.
- 10. The Debtor(s) must promptly disclose to the Trustee all material changes in the Debtor(s)'s financial circumstances, including, but not limited to, inheritances, personal injury settlements, new or additional employment, loss of employment, or reduction or increase to income.**

The clerk shall serve a copy of this order on all parties of record.

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