



# BANKRUPTCY BUZZ

LOCAL NEWS AND INFORMATION

UNITED STATES BANKRUPTCY  
COURT SOUTHERN DISTRICT  
OF FLORIDA

DECEMBER 2013

## COURT ADDRESSES AMENDMENTS TO FEDERAL RULES, FORMS AND FEES EFFECTIVE DECEMBER 1, 2013 BY ENTRY OF ADMINISTRATIVE ORDER 13-2 AND OTHER LOCAL CHANGES AND CLARIFICATIONS

Amendments to federal rules and forms, including amendments to The Federal Rules of Bankruptcy Procedure, Federal Rule of Civil Procedure 45 (which is made applicable in bankruptcy cases by Bankruptcy Rule 9016), Official Bankruptcy Forms and Administrative Office of the U.S. Courts Director’s Procedural Forms and the Bankruptcy Court Miscellaneous Fee Schedule were effective December 1, 2013. (See box below for links to the official text of these amendments and other related documents on the [www.uscourts.gov](http://www.uscourts.gov) website. )

In conjunction with the federal rule and form amendments, the court has entered Administrative Order 13-2 “Adoption of Certain Interim Local Rules of This Court” and several local forms and other documents have been revised, abrogated, or will remain in effect in lieu of local use of the national version of the form.

Two clerk’s notices have been posted on the court website to summarize these changes. 1) “Clerk’s Notice of: Amendments to Federal Rules and Forms; Entry of Administrative Order 13-2; and Affected Local Rules and Forms”; and 2) “Bankruptcy Court Miscellaneous Fee Schedule Increases Effective December 1, 2013”.

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## LINKS TO FEDERAL RULES, FORMS AND FEE AMENDMENTS EFFECTIVE DECEMBER 1, 2013

To view all of these amendments, visit the United States Courts website [www.uscourts.gov](http://www.uscourts.gov) at the following links:

### Bankruptcy Rules:

H. Doc. 113-28 – Amendments to the Federal Rules of Bankruptcy Procedure (pdf)

### Federal Rules of Civil Procedure:

H. Doc. 113-29 – Amendments to the Federal Rules of Civil Procedure (pdf)

### Bankruptcy and AO Director’s Forms:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

### Bankruptcy Fees:

<http://www.uscourts.gov/FormsAndFees/Fees/BankruptcyCourtMiscellaneousFeeSchedule.aspx>

### Inside this issue:

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### Bankruptcy Cases Filed From 1/1/13 to 11/30/13: Total Filed: 28,737

• Chapter 7 :	18,725
• Chapter 9 :	0
• Chapter 11 :	278
• Chapter 12 :	9
• Chapter 13 :	9,722
• Chapter 15 :	3

Additional filing statistics are available on the court website home page under this tab:

Case  
Information

**PUBLIC NOTICE RE: AMENDMENTS TO LOSS MITIGATION MEDIATION PROGRAM**

The following documents have been revised to reflect court approved changes and clarifications to the Program and took effect on December 1, 2013:

**A. Amendments to Loss Mitigation Program Procedures:**

- 1) Section **IV. COMMENCEMENT OF LOSS MITIGATION MEDIATION**: The deadline for filing the LMM Local Form "[Attorney-Represented Debtor's Verified Motion for Referral to Loss Mitigation Mediation](#)" and the LMM Local Form "[Self-Represented Debtor's Verified Motion for Referral to Loss Mitigation Mediation](#)" has been changed from 45 days to 90 days.
- 2) Section **V. FILING A REQUEST OUT OF TIME**: This section has been amended to read as follows:  
A Debtor seeking to initiate LMM later than 90 days from the date of filing the Voluntary Petition, must file the Verified Motion with the Court, on notice to the lender and any co-obligor, co-borrower or third party whose participation is required, and the Court will promptly schedule a hearing in accordance with the procedures set forth in Local Rule 9073-1. Negative notice procedures are not available for these "out of time" requests nor may the 90 day deadline be extended by motion.
- 3) Section **VII. A. Lender Requirements**: This section has been amended to add the following new paragraph:  
If the Lender transfers the loan, the Lender must provide a copy of the Order to the new holder of the loan ("Successor Lender"), and the Successor Lender will be obligated to comply with all terms of the Order.
- 4) Section **VII.C. Mediator Requirements**: The deadline for the Mediator to schedule the initial LMM conference has been changed from 60 to 90 days.
- 5) Section **X. POST LOSS MITIGATION MEDIATION**: Paragraph two has been amended to permit the Attorney-Represented Debtor to file an "ex-parte" motion to approve the loss mitigation agreement and to reference amended LMM Local Forms "[Ex-Parte Motion to Approve Loss Mitigation Agreement with Lender](#)" and "[Order Granting Motion to Approve Loss Mitigation Agreement with Lender](#)".
- 6) Section **XIII. COMPENSATION OF DEBTOR'S COUNSEL**: This section has been amended to: (1) Increase the "no-look" fee/expenses from \$1800.00/\$65.00 to \$2500.00/\$100.00; (2) clarify fee requirements; and (3) increase the initial attorney compensation amount from \$900 to \$1500, and the balance from \$900 to \$1000.

**B. Amendments to LMM Forms:**

- 1) Local Form "[Order of Referral to Loss Mitigation](#)";
- 2) Local Form "[Order of Referral of Self-Represented Debtor to Loss Mitigation Mediation](#)";
- 3) Local Form "[Ex Parte Motion to Approve Loss Mitigation Agreement With Lender](#)";
- 4) Local Form "[Order Granting Motion to Approve Loss Mitigation Agreement with Lender](#)"; and
- 5) The Flow Chart "[LMM UNDER USBC SDFL AO 11-1 FOR DEBTOR REPRESENTED BY ATTORNEY](#)" has been amended to reflect revised deadlines and forms.

**COURSE PROVIDERS MAY ELECTRONICALLY SUBMIT CERTIFICATES OF FINANCIAL MANAGEMENT COURSE COMPLETION VIA COURT WEBSITE**

Effective December 1, 2013, Federal Rule of Bankruptcy Procedure 1007(b)(7) has been amended to permit an approved debtor education provider to notify the court directly that the debtor has completed a post-petition instructional course concerning personal financial management.\* ***This rule change applies to debtor education certificates ONLY, not to credit counseling certificates.***

The Bankruptcy Court for the Southern District of Florida will permit approved personal financial management course providers to electronically file the **Certificate of Debtor Education** under Rule 1007(b)(7), using the financial management course certificate eFiling program (eFinCert) instead of requiring course providers to register as a limited filer in the court's CM/ECF case management system. The following link to this filing program is on the court's website [www.uscourts.gov](http://www.uscourts.gov)

» [File Personal Financial Management Course Certificate \(eFinCert\)](#)

**The debtor is still responsible for ensuring that proof of course completion is timely filed.**



### MOTIONS TO MODIFY PLAN: ENSURING ACCURACY OF THE COURT RECORD

Correct linkage of a Motion to Modify a Plan will ensure an accurate court record. Specifically, when this motion is filed, it must be linked to the prior confirmed plan. Please do not link this motion to any new or concurrently-filed plan.

Tips:

- File a Motion to Modify Plan before filing any new plan. This sequence will ensure accuracy and correct linkage.
- Know that a plan cannot be “modified” if no Order Confirming Plan has been entered in a case.
- Incorrect linkage of a Motion to Modify Plan may occur due to confusion between amended plans and modified plans; an amended plan is filed prior to confirmation, and a modified plan is filed after a plan has been confirmed.
- Self-Calendaring is available for the Motion to Modify Plan event.

Below is an example of a Motion to Modify Plan that has been linked to the confirmed plan, which is the Second Amended Plan (DE 18). The sequence of the Motion (DE22) and the First Modified Plan (DE24) demonstrate how both are properly linked to that entry.

10/15/2013	<a href="#">18</a> (1 pg)	<a href="#">Second Amended Chapter 13 Plan (Re: <a href="#">5</a> Chapter 13 Plan filed by Debtor Jonathan Smith) Filed by Debtor Jonathan Smith (Romaguera, Maria) (Entered: 10/15/2013)</a>
10/15/2013	<a href="#">19</a> (1 pg)	<a href="#">Agreed Transfer/Assignment of Claim Transferor: Barbecues Are Us (Claim No. 1) To Creditor 1 Filed by Jonathan Smith. (Romaguera, Maria) (Entered: 10/15/2013)</a>
10/15/2013	<a href="#">20</a>	<a href="#">Trustee's Request for Entry of Order Confirming Chapter 13 Second Amended Plan After Confirmation Hearing [Confirmation Hearing Date: 10/10/2013] Filed by Trustee Robin Weiner . (Romaguera, Maria) (Entered: 10/15/2013)</a>
10/15/2013	<a href="#">21</a> (4 pgs; 2 docs)	<a href="#">Order Confirming (Re: <a href="#">18</a> Second Amended Chapter 13 Plan filed by Debtor Jonathan Smith). (Romaguera, Maria) (Entered: 10/15/2013)</a>
10/15/2013	<a href="#">22</a> (1 pg)	<a href="#">Motion to Modify Plan (Re: <a href="#">18</a> Second Amended Chapter 13 Plan) Filed by Debtor Jonathan Smith . (Romaguera, Maria) (Entered: 10/15/2013)</a>
10/15/2013	<a href="#">23</a> (1 pg)	<a href="#">Notice of Hearing (Re: <a href="#">22</a> Motion to Modify Plan (Re: <a href="#">18</a> Second Amended Chapter 13 Plan) Filed by Debtor Jonathan Smith .) Chapter 13 Hearing scheduled for 11/6/2013 at 09:30 AM at 1515 N Flagler Dr Room 801 Courtroom A, West Palm Beach. (Romaguera, Maria) (Entered: 10/15/2013)</a>
10/15/2013	<a href="#">24</a> (1 pg)	<a href="#">First Modified Chapter 13 Plan (Related Document(s):<a href="#">18</a> Amended Chapter 13 Plan filed by Debtor Jonathan Smith) Filed by Debtor Jonathan Smith (Romaguera, Maria) (Entered: 10/15/2013)</a>

By: Maria Romaguera-Serfaty

### NEW CM/ECF DOCKET EVENT “PRO BONO REPRESENTATION OF DEBTOR”

Recently, the court implemented a new e-filing event "Pro Bono Representation of Debtor [PAPERLESS]" in its case management system (CM/ECF) that will place an entry on the court docket identifying an attorney who is providing pro bono legal services for a debtor.

The new paperless event is located under the Bankruptcy or Adversary “Other” menu selection, and may be entered by the e-filing attorney on a voluntary basis when the attorney makes an appearance (filing of a petition or other initial appearance document) on behalf of the debtor, pro bono, in either a bankruptcy or adversary proceeding (sample docket entry below). The event may also be entered in pending cases.

A Public Notice announcing implementation of this new event has been posted on the court web page at this link:  
[http://www.flsb.uscourts.gov/web\\_folder/NEWS/13-11-04\\_Implementation\\_of\\_New\\_CMECF\\_Docket\\_Event\\_Pro\\_Bono\\_Representation\\_of\\_Debtor.pdf](http://www.flsb.uscourts.gov/web_folder/NEWS/13-11-04_Implementation_of_New_CMECF_Docket_Event_Pro_Bono_Representation_of_Debtor.pdf)

SAMPLE DOCKET ENTRY:

Pro Bono Representation of Debtor by Robert T. Smith, Esq. Filed by Debtor Ivona Havmormony.

By Joe Falzone



## WORKING WITH THE NEW 10MB FILE SIZE LIMITATION

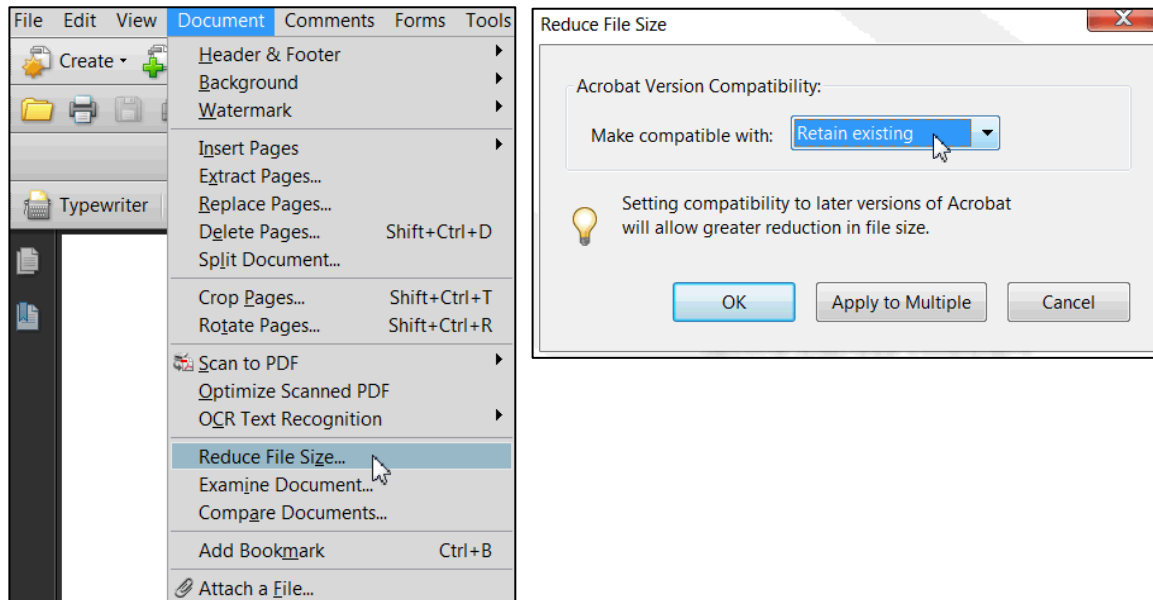
As of January 1, 2014, the Bankruptcy Court for the Southern District of Florida will increase the data byte file size limit from 5MB to 10MB.

This increase may reduce the need to split PDF documents into separate images. However, did you know there are tools to further reduce the file size? If you have Adobe Acrobat 9 Pro, you can reduce the file size of a PDF *before* splitting it into smaller parts. The process is very easy to do.

For example, if a 554-page PDF document is 53.41MB, it is too large to upload as a singular image because it exceeds the 10MB limitation. [Determine a file size by clicking File > Properties > view the File Size.] *However, if the Adobe size reduction tool is used the new PDF may only be 9.45MB.* The file with the reduced size can now be uploaded into CM/ECF as a singular image.

### To reduce a file size of a large PDF document,

- Save the original PDF image.
- While viewing, click Document > Reduce File Size > at the compatibility screen, select "Retain existing" > OK > create a file name for the new document.
- You now have two documents; the original (53.41MB) and reduced-size (9.45MB) documents.



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## WORKING WITH THE NEW 10MB FILE SIZE LIMITATION (CONTINUED FROM PAGE 4)

**Any document exceeding the size limitation of 10MB must be broken down into smaller documents. To do so,**

- Open the document.
- Click Document > Split Document > select the "File size" radio button\* and set the Max MB selection to "9" > click OK.
- The program will create a series of documents in which each part is now under the 10MB threshold. Each part can now be uploaded into CM/ECF in the usual course.

\* Take note that this method allows the program to determine page breaks.

By: Cameron Cradic

## THE CHAPTER 7 NO ASSET CASE SHUFFLE

Debtor Z filed a bare bones chapter 7 no asset petition and paid the filing fee in installments. All required documents were filed within the deadlines and no issues arose at the first meeting. Reshuffle the list of docket entries on the right to reflect the correct sequential activity.

- |                                  |   |
|----------------------------------|---|
| 1. Bare bones petition is filed. |   |
| 2. _____                         | A. First meeting is held.   |
| 3. _____                         | B. 521 Order is entered.  |
| 4. _____                         | C. The balance of schedules are filed                             |
| 5. _____                         | D. Discharge is entered.  |
| 6. _____                         | E. Notice of Deadline to Correct Filing Deficiency is entered.    |
| 7. _____                         | F. Financial management course completion certification is filed. |
| 8. _____                         | G. First Installment is paid.                                     |
| 9. _____                         | H. Final Decree is entered.                                       |
| 10. _____                        | I. Last installment is paid.                                      |
| 11. _____                        | J. Report of No Distribution is filed by the Trustee.             |
| 12. Case is officially closed.   |   |

(See page 9 for answers)

By: Lorraine Adam



## EDUCATING FUTURE GENERATIONS ABOUT FINANCIAL RESPONSIBILITY

In this current financial climate where budget deficits, borrowing costs and debt ceilings are on everyone's mind, the idea of fiscal responsibility is brought to the forefront. There may be very little we can do to influence the nations spending or borrowing maxima, but this can be the perfect opportunity to address financial literacy at home. Investing time in your children, by discussing the importance of money management, and providing a good example of how to save and spend, could be one of the greatest investment returns you can make.

The Financial Literacy and Education Commission, chaired by the Secretary of the Treasury and vice chaired by the Director of the Consumer Financial Protection Bureau, developed a financial education website called [MyMoney.gov](http://MyMoney.gov), to help initiate financial literacy efforts. The website boasts a "one stop shop for federal financial literacy and education programs, grants and other information". It is quite telling that the first link on the home page is for "Youth". The importance of fostering our children's financial literacy is being recognized as a major step toward ensuring the future of our national economic literacy. This page contains a wealth of information to help make money education fun and engaging. There are links to money games for children, informative videos and fun websites. There are also links for high school youth to help with financial planning, saving money and preparing for their education, as well as learning more about paying taxes (this is a federal website after all).

Consumer Federation of America (CFA) is also another source to help educate children on the importance of good money management. The CFA is a non-profit organization that provides research on consumer issues and advocates pro-consumer policies by way of campaigns, news, conferences and local resource centers. The CFA also educates consumers through reports, books, brochures and other information on their website [consumerfed.org](http://consumerfed.org). The website has a very informative link titled "For Consumers" where you can find information under links for many topics, including "Credit and Debt" as well as "Savings and Investments". Information under the "Savings and Investments" link includes a pdf titled 'Teaching Your Children How To Save & Spend' which reports that the CFA conducted a test in conjunction with American Express, and found that high school students "answered correctly only 42% of the questions about banking, insurance, housing, cars and food". It also explains what your children need to know about the importance of saving, budgeting, shopping, problem solving and credit.

Locally, a Junior Achievement program, called JA Finance Park, has been implemented as a requirement for 8th graders in Broward County public schools. This program allows teens to spend a day in the shoes of a budgeting adult, by being assigned an identity equipped with a completed level of education, a career, marital status, children and an annual income. Teens are challenged to prepare budgets and then visit vendors, to purchase necessary items for living such as automobiles, housing, furniture and insurance, while keeping within their allowed budget. The jobs and annual incomes vary, and are directly related to the identity's educational success. The program boasts that, "the reality of budgeting and purchasing is the best tool for linking school success with the best careers". For more information about JA Finance Park, visit [http://jasouthflorida.org/world/world\\_ja.php](http://jasouthflorida.org/world/world_ja.php).

Even the federal judiciary is getting in on the action - or in this instance - was ahead of the game. In 2002, a now-retired U.S. Bankruptcy Judge for the Western District of New York, John C. Ninfo II, founded a program called the Credit Abuse Resistance Education program, more commonly referred to as CARE. CARE is dedicated to helping educate young adults about the importance of fiscal responsibility and financial literacy. With his "boots on the ground" perspective, Judge Ninfo concluded who better to teach people about managing money than someone who receives a first-hand look at the consequences of credit abuse and poor money management. So, judges, attorneys and Assistant United States Attorneys in 50 states and the District of Columbia, are bringing their unique knowledge and experiences to high schools to provide students not only with valuable information on how to keep them out of their offices or courtrooms, but also to share with them some real life stories about people who ended up appearing before a judge in a federal bankruptcy court due to poor money management. These professionals have the "in the trenches" non-biased and non-financially tied information to offer students.

The CARE organization offers guidance, support, as well as the training materials, for any bankruptcy professional who would like to volunteer to teach the program in his or her community. Judges Cristol, Mark and Isicoff in the Miami Division and Judge Kimball in the West Palm Beach Division are actively involved in this program. In addition to offering information to professionals, the website [www.care4yourfuture.org](http://www.care4yourfuture.org), provides budget worksheets, student loan information and a very informative section titled "Tips for Students". There is also a pop culture connection. The website shares videos from Aston Kutcher offering debt advice to a Saturday Night Live Skit to a bit on the Daily Show. It appears as though Judge Ninfo has his pulse on today's youth. If you would like more information on how to volunteer, you can go to the website at [www.care4yourfuture.org](http://www.care4yourfuture.org) and fill out the request.

By: Dawn Leonard

**AMENDMENTS EFFECTIVE DECEMBER 1, 2013 (CONTINUED FROM PAGE 1)**

The partial summary below is provided for general information only and does not include all amendments. Please review the actual text of the rules and other related documents at the links on page one for information regarding all amendments to federal rules and forms effective December 1, 2013.

**Bankruptcy Rule Amendments include:**

Rule 1007(b)(7) now allows an approved financial management course provider to notify the court directly that the debtor has completed the personal financial management course.

Rule 4004(c)(1)(H) is amended to provide that the court must delay entering a discharge for a debtor who has not filed certification of completion of the personal financial management course, only if the debtor was required to do so.

Rule 4004(c)(1)(K), regarding listed exceptions to the court granting a discharge, is amended to provide that "...a presumption is in effect under § 524(m) that a reaffirmation agreement is an undue hardship and the court has not concluded a hearing on the presumption;"

Rule 5009(b) would require the clerk to send a notice only if the financial management course provider has not already notified the court of the debtor's completion of the course and the debtor has failed to file the statement in 45 days after the 341 meeting of creditors.

Rule 9006(d) prescribes time limits for the service of written motions and responses. The amendments expand the coverage of subdivision (d) to address the timing of the service of any written response to a motion.

Rule 9013, which addresses the form and service of motions, is amended to provide a cross-reference to the time periods in Rule 9006(d). The amendment also calls greater attention to the default deadlines for motion practice.

Rule 9014, which addresses contested matters in bankruptcy, is similarly amended to provide a cross-reference to the times under Rule 9006(d) for serving motions and responses.

**Amendments to Federal Rule of Civil Procedure 45 include:**

Section (a)(2) is amended to provide that "A subpoena must issue from the court where the action is pending."

Section (a)(3) is amended to provide that, in addition to the clerk, "...An attorney also may issue and sign a subpoena if the attorney is authorized to practice in the issuing court."

Section (a)(4) is amended to provide for "Notice to Other Parties Before Service." If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party. (No change, moved from section (b)(1)).

Section (b)(2) is amended to provide that "A subpoena may be served at any place within the United States."

Section (c) "Place of compliance" is amended to provide that:

In section (c)(1), regarding subpoenas to attend a trial, hearing or deposition, a person can only be commanded to attend:

(c)(1)(A) – "within 100 miles of where the person resides, is employed, or regularly transacts business in person" or (c)(1)(B) "within the state where the person resides, is employed, or regularly transacts business in person, if the person (i) is a party or a party's officer or, (ii) is commanded to attend a trial and would not incur substantial expense."

In section (c)(2), regarding subpoenas for other discovery, a subpoena may command,

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**AMENDMENTS EFFECTIVE DECEMBER 1, 2013 (CONTINUED FROM PAGE 7)**

(c)(2)(A) “production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person and (B) “inspection of premises at the premises to be inspected.”

Sections (d)(1) is amended to provide that “the court for the district where compliance is required” enforces and imposes sanctions related to protection of persons subject to a subpoena.

Sections (d)(2)(B)(i) are amended to provides that “...the serving party may move the court for the district where compliance is required for an order compelling production or inspection.” (Previously this section referred to “issuing court”).

Sections (d)(3)(A) and (B) are amended to provide that the court for the district where compliance is required determines motions to quash or modify a subpoena (Previously these sections referred to “issuing court”).

Section (f) is amended to provide that the court where compliance is required may transfer a subpoena related motion to the issuing court in instances where the nonparty witness consents or where the compliance court finds “exceptional circumstances”.

Section (g) is amended to provide that, after transfer under section (f), both the court where compliance is required and the issuing court may hold a person in contempt.

**Official Bankruptcy and Director’s Forms Amendments Effective 12/1/13 and Local Notes**

B 3A Application for Individuals to Pay the Filing Fee in Installments (**This form not used in SDFL. Please use the [Local Form application](#). Submission of a proposed order is not required for this form application.**)

[B 3B Application to Have the Chapter 7 Filing Fee Waived](#)

[B 6I Schedule I: Your Income](#) (**\*SEE NOTE BELOW REGARDING USE OF CHECK BOXES ON THIS FORM**)

[B 6J Schedule J: Your Expenses](#) (**\*SEE NOTE BELOW REGARDING USE OF CHECK BOXES ON THIS FORM**)

[B 6 Summary](#) (Summary of Schedules)

[B 23 Debtor’s Certification of Completion of Instructional Course Concerning Financial Management](#)

[B 27 Reaffirmation Agreement Cover Sheet](#)

[B 200 Required Lists, Statements, Schedules, and Fees](#) (see USBC SDFL Clerk’s Filing Instructions for local requirements)

[B 254 Subpoena for Rule 2004 Examination](#) (**This form not used in SDFL, when required under Local Rule 2004-1, use [Local Form Subpoena for Rule 2004 Examination](#)**)

[B 255 Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case \(or Adversary Proceeding\)](#)

[B 256 Subpoena to Testify at a Deposition in a Bankruptcy Case \(or Adversary Proceeding\)](#)

[B 257 Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case \(or Adversary Proceeding\)](#)

**\*NOTE:** In addition to other revisions, Official Bankruptcy Forms Schedule I and Schedule J were amended to include check boxes for the debtor to indicate if the schedule “supplements” the initial filing of the form. To accommodate use of these forms in chapter 13 cases to supplement, rather than amend, CM/ECF has been modified. Filers are cautioned to understand the difference between the new “supplement” check boxes and the historical “amendment” check boxes in order to check the appropriate box. In addition, Schedule J will now also include a third check box to indicate if it is being filed because there is a joint debtor who maintains a separate household.

By: Debbie Lewis



**ANSWERS TO THE CHAPTER 7 NO ASSET CASE SHUFFLE ON PAGE 5**

2. (G) First Installment is paid. LR 1006-1(A) describes the requirements that allow a debtor to pay the filing fee in installments and requires the first installment payment to accompany the application.
3. (E) Notice of Deadline to Correct Filing Deficiency is entered. LR 5005-1(C) authorizes the clerk to prepare and serve a notice which establishes deadlines for debtor to cure filing deficiencies. Under Local Rules 5005-1(C)(1) and (C)(3)(c), depending upon the nature of the deficiency, a 7 and/or 14 day deadline(s) will be set and served on the debtor to cure. The quality control review is performed at case opening by the clerk.
4. (C) Balance of schedules are filed.
5. (A) First meeting is held. BR 2003 requires a chapter 7 meeting of creditors to be held no fewer than 21 and no more than 40 days from the date the petition was filed. The meeting may be adjourned from time to time by announcement at the meeting and a statement entered on the docket by the trustee providing the adjourned meeting date, time and location. See also Local Rule 1007-1(C) regarding extensions of time to file required documents.
6. (J) Trustee's Report of No Distribution is filed. This paperless report must be filed as a virtual entry by the trustee after the 341 meeting is held and before the final decree is entered. See Bankruptcy Rule 5009.
7. (B) 521 Order is entered. 11 USC Section 521(i) is the automatic dismissal provision. In this court, Local Rule 1017-2(A)(2) implements the automatic dismissal provision of 11 U.S.C. § 521(i) by requiring the trustee to determine if the debtor has complied with all filing requirements to the satisfaction of the trustee. If satisfied, the trustee must file an electronic statement with the court indicating the case is complete and not subject to the automatic dismissal. The trustee's statement may be filed as early as after the first meeting of creditors, but no later than the deadline established by the court for filing complaints objecting to the discharge. Upon entry of the trustee's statement, the court enters an order determining debtor's compliance. If no timely objections are filed, parties served with the order are deemed to have waived the right to implement the automatic dismissal provision.
8. (F) Financial management course completion certification is filed. BR 1007(b)(7) requires that the debtor file Official Bankruptcy Form 23 "Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management" unless the course provider has already notified the court that the debtor has completed the course. The debtor must complete this course in order to be eligible to receive a discharge. Proof of completion is required to be filed within 60 days after the first date set for the meeting of creditors.
9. (I) Last installment is paid. See Bankruptcy Rule 4004(c)(1)(G) – the filing fee must be paid before a discharge is entered.
10. (D) Discharge is entered. BR 4004(a) establishes the deadline to file an adversary complaint objecting to a chapter 7 discharge as 60 days after the first date set for the meeting of creditors unless extended by court order.
11. (H) Final Decree is entered. This is the last entry on the docket and serves to discharge the trustee and administratively close the case.

By: Lorraine Adam



## FREE BANKRUPTCY CLINIC

**Dade Legal Aid/Put Something Back Pro Bono Project, Legal Aid Society of Palm Beach, Inc., American College of Bankruptcy & The Bankruptcy Bar Association of the Southern District of Florida**

**Present Free Pro Se Clinics at the Bankruptcy Courthouse On the Following Dates and Times:**

**Miami Division: 51 SW 1 Avenue, Room 1510 (In Miami, you may bring a cell phone to the pro se clinic.)**

Friday, December 13, 2013 12 p.m. – 2 p.m.  
Friday, January 10, 2014 12 p.m. – 2 p.m.  
Friday, February 14, 2014 12 p.m. – 2 p.m.  
Friday, March 14, 2014 12 p.m. – 2 p.m.  
Friday, April 11, 2014 12 p.m. – 2 p.m.  
Friday, May 9, 2014 12 p.m. – 2 p.m.  
Friday, June 13, 2014 12 p.m. – 2 p.m.

**Fort Lauderdale Division: 299 East Broward Boulevard, Courtroom 301\***

Friday, January 10, 2014 12 p.m. – 1:30 p.m.  
Friday, February 7, 2014 12 p.m. – 1:30 p.m.  
Friday, March 7, 2014 12 p.m. – 1:30 p.m.  
Friday, April 4, 2014 12 p.m. – 1:30 p.m.  
Friday, May 2, 2014 12 p.m. – 1:30 p.m.  
Friday, June 6, 2014 12 p.m. – 1:30 p.m.

**West Palm Beach Division: 1515 North Flagler Drive, 8th Floor, Courtroom B\***

Wednesday, December 11, 2013 11:30 a.m. – 1 p.m.  
Wednesday, January 15, 2014 11:30 a.m. – 1 p.m.  
Wednesday, February 12, 2014 11:30 a.m. – 1 p.m.  
Wednesday, March 12, 2014 11:30 a.m. – 1 p.m.  
Wednesday, April 16, 2014 11:30 a.m. – 1 p.m.  
Wednesday, May 14, 2014 11:30 a.m. – 1 p.m.  
Wednesday, June 18, 2014 11:30 a.m. – 1 p.m.

**\* In Fort Lauderdale and West Palm Beach, you cannot bring a cell phone or other electronic device to the courthouse or you will be denied entry. Cell phones and electronic devices will not be stored for you.**

At the clinic, there will be a 45 minute video presentation outlining procedures for filing bankruptcy. Next, there will be a question and answer session. Then, you may meet with a bankruptcy attorney to discuss your case and get advice on general bankruptcy matters. Please note that the project/volunteers do **NOT** represent you and take no responsibility for your case. You are responsible for responding to any pleadings and for protecting your own legal rights.

**FOR FURTHER INFORMATION, PLEASE CONTACT:**

Miami: [kladis@dadelegalaid.org](mailto:kladis@dadelegalaid.org) (Karen Ladis)  
Fort Lauderdale: [ksalamone@dkdr.com](mailto:ksalamone@dkdr.com) (Kimberly Salamone)  
West Palm Beach: [erosen@rosenpa.com](mailto:erosen@rosenpa.com) (Eric Rosen)



## Thank You!



On behalf of our entire court family, I want to thank the Bankruptcy Bar for hosting court appreciation luncheons at each divisional office location.

A special thank you to President, Dan Gonzalez, and other BBA officers and their staff, who selected and organized the food delivery and set-up, and personally attended the luncheons. The food and fellowship was enjoyed by all!

With our appreciation and best wishes to you and your families for a wonderful Holiday Season and Happy New Year!

Kathy Feldman, Clerk of Court

### UPCOMING COURT HOLIDAY CLOSINGS

Christmas Eve - Tuesday, December 24 (Closed at 1:00 p.m.)

Christmas Day - Wednesday, December 25

New Year's Eve - Tuesday, December 31 (Closed at 2:00 p.m.)

New Year's Day (2014) - Wednesday, January 1

Birthday of Martin Luther King, Jr. - Monday, January 20

Washington's Birthday - Monday, February 17

### NEWS FROM THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS BANKRUPTCY FILINGS DOWN IN FISCAL YEAR 2013

According to statistics released by the Administrative Office of the U.S. Courts, bankruptcy cases filed in federal courts for fiscal year 2013, the 12-month period ending September 30, 2013, totaled 1,107,699, down 12 percent from the 1,261,140 bankruptcy cases filed in FY 2012.

To read the full story and review additional statistics at this link:  
<http://news.uscourts.gov/bankruptcy-filings-drop-12-percent-fiscal-year-2013>

### COURT MISSION STATEMENT

*To promote public trust and confidence in the administration of bankruptcy cases:*

- *through easy access to comprehensible, accurate information about the court, its procedures, and records;*
- *by the efficient, respectful, and dignified conduct of business at all levels of the court—clerk's office, chambers and courtroom;*
- *through adjudication of bankruptcy cases by a fair and impartial tribunal that is designed to provide relief to the honest debtor, equitable distribution of available assets to creditors, and preservation of jobs and value through successful business reorganizations.*

### CONTACT BANKRUPTCY BUZZ PUBLICATION STAFF

If you have any comments regarding this issue or want to suggest ideas for future articles, please contact "Bankruptcy Buzz" staff at the following email address:

Debbie\_Lewis@flsb.uscourts.gov.

Please do not use the above email address to file or send papers to the court or to ask questions about court procedure or status of a particular case. Contact the clerk's office at any of the following numbers for assistance in these matters.

Visit the court website [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) for local filing information.

Thank you.

Miami: (305) 714-1800

Ft. Lauderdale: (954) 769-5700

West Palm Beach: (561) 514-4100

**Please Note:**

**Clerk's office staff is not permitted to give legal advice.**