

**SUMMARY OF CHANGES IN CHAPTER 13 BANKRUPTCY PRACTICE IN THE
NORTHERN DISTRICT OF FLORIDA
EFFECTIVE 11/2/2009**

PROCEDURE FOR CURING PLAN PAYMENT DEFICIENCIES

The Clerk's Office has been working with the Chapter 13 Trustee in an effort to streamline procedures for dealing with post-confirmation delinquencies in chapter 13 plan payments. The goal is to provide a streamlined, uniform method for debtors to submit proposals to cure deficiencies without a hearing. Toward that end, a new procedure has been developed as follows:

In the event delinquencies arise from failure to submit plan payments in full each month, the trustee will file a Motion to Dismiss for Accrued Delinquency. The debtor shall have 28 days to respond by filing an Agreed Motion to Abate Plan Payments to Address Accrued Delinquency. A new form (**Local Form 28**) has been created for that purpose and a new ECF event (located under the Motions/Applications category) has been created. The clerk's office will send a Notice of Agreed Motion to Abate Plan Payments to all creditors and parties in interest advising they have 21 days to respond. If a response is filed, a hearing will be set. Otherwise, an Order Granting Agreed Motion to Abate will be entered after the response deadline has passed. A flow chart outlining the process is below.

NEW LOCAL FORMS:

LOCAL FORM 27: Supplemental Disclosure to Schedule I and/or Schedule J. This form is provided to submit additional information explaining extenuating circumstances regarding debtor's income and/or expenses.

LOCAL FORM 28: Agreed Motion to Abate Plan Payments to Address Accrued Delinquency. This form is provided to submit a proposal for curing plan payment deficiencies in response to the trustee's Motion to Dismiss.

LOCAL FORM 29: Debtor's Election to Abate Plan Payments Pursuant to Confirmed Plan Terms. This form can be used to make an election to abate plan payments due to loss of income or previously unscheduled new expenses. Optional plan language can be added to the "other provisions" section of the FLNB Chapter 13 Form Plan to reserve the right to invoke this election.

LOCAL FORM 30: Debtor's Election to Use a Portion of Tax Refund Pursuant to Confirmed Plan Terms. This form can be used to make an election to use a portion of tax refunds due to loss of income or previously unscheduled expenses. Optional plan language can be added to the "other provisions" section of the FLNB Chapter 13 Form Plan to reserve the right to invoke this election.

LOCAL FORM 31: Debtor's Notice of Chapter 13 Plan Payment Change Pursuant to Creditor's Notice of Payment Change on Debtor's Principal Residence. This form can be used to increase a chapter 13 plan payment due to an increase in the monthly payment on the debtor's principal residence.

All Local Forms are available on under the Forms tab of the court's web site.

OPTIONAL LANGUAGE FOR CHAPTER 13 FORM PLAN:

Optional language for adding special provisions to a Chapter 13 Plan has been drafted in order to improve the efficiency in which (1) debtors elect to abate plan payments due to loss of income or due to the occurrence of new, previously unscheduled expenses; or (2) debtors elect to use a portion of tax refunds due to loss of income or due to the occurrence of new, previously unscheduled expenses.

The optional language can be added to section titled "Other Provisions" of the Chapter 13 Form Plan. The text of the optional language can be found under the Forms tab on the court's web site.

ATTORNEY COMPENSATION:

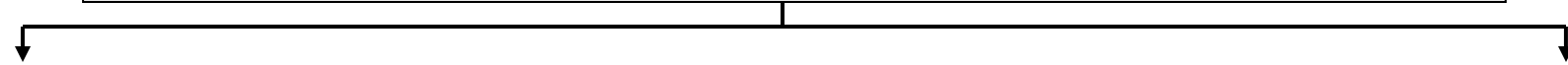
Standing Order No. 9 has been amended to allow for attorney's fees in the amount of \$3,500.00 as normal and customary in "routine" chapter 13 cases.

Standing Order No. 15 has been amended to allow for attorney's fees in the amount of \$250.00 for submitting post-petition tax returns and filing annual statements. Attorney fees in the amount of \$500.00 will now be allowed for preparation and filing of modifications to increase the plan base.

All Standing Orders are available under the Court Info tab of the court's web site.

Chapter 13 Trustee's Motion to Dismiss for Accrued Delinquency

(28 day response deadline)



Response in the form of
**Agreed Motion to Abate Plan Payments to
Address Accrued Delinquency**
filed by debtor(s)

OR

No Response
from debtor(s) or response other
than Agreed Motion to Abate



Notice of Agreed Motion to Abate Plan Payments en-
tered by Clerk's Office with service to all
creditors & parties in interest
(21 day response deadline)



Timely filed objection or response by
creditor or party in interest

OR

No Response filed

Set for Hearing
by the Court



Order Granting Agreed Motion to Abate