

**U.S. Bankruptcy Court, Northern District of Florida**  
**2011 Initial Local Rule Related Suggestion Areas (08/01/11)**

*Summary Package*

**A. Substantive Changes**

**3001-1: Proof of Claim (To be Abrogated)**

A new subdivision (c) is to be added to FRBP 3001 that is set to take effect 12/1/11. As this subdivision tracks our rule almost word for word, this local rule is to be abrogated.

**3001-2: Transfer/Assignment of Claim (NEW)**

This new rule streamlines the current transfer/assignment of claim process.

**3002-1: Filing Proof of Claim or Interest**

In cases where a creditor files a (deficiency) claim outside the 90 (or, 60) days allowed for filing, this new provision notes that the claim will be disallowed unless there has been an Order allowing it to be filed. Suggested language is similar to that used on lien avoidance so that the claim is automatically disallowed without debtor having to object to the claim.

**3002.1-1: Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence**

In deference to new FRBP 3002.1 is set to take effect 12/1/11, the current local rule is to be abrogated and replaced with language to further clarify and/or reinforce provisions of the new national rule.

**6007-1: Abandonment**

This new provision recognizes the conflict between 11 U.S.C. §704(a)(3) that states the trustee shall "ensure that the debtor shall perform his intention as specified in section 521(a)(2)(B) of this title" and the need for abandonments for non-exempt residences of debtors who choose to occupy the estate property.

**9020-1: Contempt Proceedings (NEW)**

This is a new rule that notes the steps required when filing a Motion for Contempt.

**B. Standing/Administrative Orders Incorporation**

In an effort to provide parties with adequate access and awareness of local processes and procedures, courts were encouraged by the Judicial Conference of the United States to review their standing orders and local rules and assess whether provisions within the standing orders would be more appropriate as part of the local rules. Based on our review and assessment, these are our set of proposed changes. If these changes are implemented, several current Standing Orders will be vacated.

### **1014-1: Change of Venue /Admin. Order 05-002 (NEW)**

Amended Administrative Order 05-002 – Transferring Divisions within the District

Dated: March 22, 2010

Implemented to make the routine intra-district transfer process for new Chapter 7 and 13 cases more efficient given divisional geography and occasions where the debtor may be more conveniently located to an adjacent division. This Administrative Order will be incorporated into the local rules and will be vacated once the new local rules become effective 12/1/11.

### **2002-3: Preferred Address/Standing Order #12 (NEW)**

Standing Order #12 – Notice of Preferred Addresses Under 11 U.S.C. §342(e) and (f) and National Creditor Register Service

Dated: October 14, 2005

Implemented in conjunction with new provisions under BAPCPA. This Standing Order will be incorporated into the local rules and will be vacated once the new local rules become effective 12/1/11.

### **2081-1: Chapter 11 / Admin Order 05-001**

Administrative Order 05-001 – Administrative Order Establishing Initial Procedures in Chapter 11 Cases

Dated: May 9, 2005

Chapter 11 cases are typically filed by active businesses with a number of employees and complex creditor relationships. To protect the interest of these competing constituencies, the Court must give special attention to them shortly after the petition has been filed and this Administrative Order was entered so that applicable hearings could be timely facilitated and held within all divisions of the District. As this Order is more procedural in nature and involves many areas of the Code and Bankruptcy Rules, it was felt that it would be better to leave the Order as is and just incorporate a notation of its existence and link related information at the beginning of this local rule.

### **2082-1: Chapter 12 / Generic Order/Forms of Plan Payments**

Generic Administrative Order – All Chapter 12 Bankruptcy Cases

Dated: April 23, 1990

Implemented so that debtor's provide payments to the Chapter 12 Trustee in the proper format. This Administrative Order will be incorporated into the local rules and will be vacated once the new local rules become effective 12/1/11.

## **2083-1: Chapter 13/ Standing Order #13 Adequate Protection Payments and #15 Form Plan & Annual Statement**

Standing Order #13 – Chapter 13 Cases Governed by Bankruptcy Abuse Prevention and Consumer Protection Act of 2005

Dated: October 14, 2005

Second Amended Standing Order #15 – Adopting Form Chapter 13 Plan and Related Provisions

Dated: October 26, 2009

These two Orders were implemented to assist with the new BAPCPA requirements for Chapter 13 cases and to limit the potential administrative burdens on all parties to comply. As these Orders are more procedural in nature and relate to dynamic areas of the Chapter 13 environment, it was felt that it would be better to leave the Orders in place and just incorporate a notation of their existence and link related information at the beginning of this local rule.

## **3012-2: Valuation of Collateral / Standing Order #18 / Lien Stripping (NEW)**

Standing Order #18 – Lien Stripping

Dated: March 4, 2011

This was implemented to assist with the new lien stripping issue brought about by the current troubled mortgage related environment and was put into place until a new rule could be incorporated into the local rules. This Standing Order will be incorporated into the local rules and will be vacated once the new local rules become effective 12/1/11.

## **5005-1: ECF Admin. Procedures / Standing Order #11**

Standing Order #11 – Relating to Electronic Case Filing/Seventh Amended Administrative Procedures for Filing, Signing, Verifying Pleadings and Papers by Electronic Means

Dated: November 4, 2003/December 1, 2009

It was felt that it would be better to leave the Order and Administrative Procedures in place and just incorporate a notation of their existence and link related information at the beginning of this local rule.

## **5007-1: Transcripts / Standing Order #16 (NEW)**

First Amended Standing Order #16 – Transcripts

Dated: July 11, 2008

Implemented as a result of Judicial Conference policy relating to privacy and public access to public records. This Standing Order will be incorporated into the local rules and will be vacated once the new local rules become effective 12/1/11.

## **C. Minor Corrections/Edits**

**1007-1 /Lists, Schedules, Statements:** Minor edits to be made to correct formatting and note there is a form on the Court's internet site for the debtor to certify they have had no income available as is required under A.(5) and B.(7). Notes to be added at the end of section A. to relay information based on internal preferences and local rules of the U.S. District Court relating to the format of filings.

**1007-2/Mailing Matrix:** Verbiage correction and relay that the matrix should be signature verified.

**1015-1/ Joint Administration:** The current local rule addresses joint administration in administrative cases filed by husbands and wives only, but based on the language in the current FRBP, recommendation is to update it to note "involving two or more related debtors." Also language is being added to note that items need to be filed in all cases until the Order Consolidating is entered.

**1019-1/Conversion:** Language adjusted so that it is clearer that the 1019 statement is only to be used when there are no changes, but that amended documents should be filed separately with new items clearly identified to be in line with local rules 1007 and 1009.

**2002-2/Negative Notice:** When FRBP 3002.1 becomes effective 12/1/11, the Motion to Deem Mortgage Current provision A.(7) will be moot and needs to be removed.

**2081-1/Chapter 11:** Subsection 2081 B. (2)(c) and forms noted in (d)(2) and (3) will be removed.

**2082-1/Chapter 12:** Subsection 2082-1 A.(2) currently refers only to Farmers ; "Fisherman" to be added.

**2090 -1/Atty Admission to Practice:** Subsection 2090 -1 D.(2)(a) should now include a statement as to whether or not the attorney represents the debtor in Motions objecting to discharge per new provisions in FRBP 4004 dealing with 11 U.S.C. 727(a)(8) and (9) and 1328(f). Applicable language to be added.

**3020-1/Chapter 11 Confirmation:** Based on increased growth in Chapter 11's and use of ECF, it was felt that edits should be made to section B. regarding the original Chapter 11 ballot process to make it more efficient, but retain access for review if needed. Reference corrections to ECF Admin. Proc. also made.

**4004-1/Discharge:** Applicable dollar amounts and related adjustments under 11 U.S.C. §104 and §522(q) occur on regular intervals and the text is to be adjusted in a generic way so that as these amounts change, the rule will still be accurate. In addition, 2009 domestic support discharge language added in 4004-1.C for individual Chapter 11 debtors is not valid for discharge purposes and will be removed.

**5011- 1 and 2/Abstention:** Title being changed to match FRBP – Withdrawal and Abstention from Hearing a Proceeding and local rule 5011-2 to be placed at the end as part of 5011-1.

**7007-1/Motions Practice:** As 7000 section is already for Adversaries, "Adversary Proceedings" will be removed from the title as it is redundant.

**7042-1 (new)/Consolidation of Adv. Proceedings:** Similar to local rule 1015-1, this new local rule for AP's will note that items need to be filed in all cases until the Order Consolidating is entered.

**9013-1/2:** 9013-2 references to be corrected to 9013-1 to complete numbering change made in 2009.

**Addendums A and B:** Applicable local rule references will be added to these USDC derived items.