

Proposed Local Rule Changes
U.S. Bankruptcy Court - Northern District of Florida

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SECTION 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.

The following link can be used to view the text of new FRBP 3001 subdivision (c):

<http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules/SupremeCourt042611.aspx>

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

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

RULE 3001-2

TRANSFER/ASSIGNMENT OF CLAIM

A. Scope of Rule.

This Local Rule applies to the transfer or assignment of any claim or interest filed pursuant to Bankruptcy Rule 3002, Bankruptcy Rule 3003 or Local Rule 3002-1. Nothing in this Local Rule shall be construed as an extension of any time limit for filing a Proof of Claim or Interest.

B. Required Form and Content.

Transfers or assignments of claim pursuant to Bankruptcy Rule 3002(e)(2) shall be filed using Procedural Bankruptcy Form B 210A or a form that substantially conforms to it. The transfer of claim form shall be accompanied by evidence of the transfer and shall include:

- (1) The name and address of the transferee (entity that purchased or otherwise acquired the claim);

- (2) The name and address of the transferor (entity that sold or otherwise relinquished the claim);
- (3) The amount of claim;
- (4) The date claim filed;
- (5) An actual or electronic signature(s) of the transferee; and,
- (6) A reference to the claim number for the claim to be transferred.
NOTE: When the transfer or assignment of claim is filed in CM/ECF on the main case docket, the filing event should also reference the claim number of the claim to be transferred so that information will appear on the claims register.

C. Service and Notice Requirement.

- (1) Any entity filing a Transfer of Claim or Assignment of Claim pursuant to Bankruptcy Rule 3002(e)(2) shall immediately serve upon the transferor, the trustee and the debtor or debtor’s attorney a copy of the Transfer of Claim or Assignment of Claim and supporting evidence of the transfer.
- (2) At the same time of service as required in section C.(1), the entity shall also immediately serve upon the transferor, the trustee and the debtor or debtor’s attorney a Notice of Transfer of Claim. The Notice of Transfer of Claim shall include:
 - (a) The claim number of the transferor;
 - (b) The name and address of the transferor;
 - (c) The name and address of the transferee;
 - (d) The date of the filing of the Transfer of Claim (typically form B 210A); and
 - (e) A statement prominently displayed on the face of the first page of the notice which states that any objections to the transfer must be filed within twenty-one (21) days of the mailing of the notice. The notice shall substantially conform with the following:

United States Bankruptcy Court
Northern District Of Florida

In re _____ Case
No. _____

**NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR
SECURITY**

Claim No. _____ (if known) was filed or deemed filed under 11 U.S.C. §
1111(a) in this case by the alleged transferor. As evidence of the transfer of that
claim, the transferee filed a Transfer of Claim Other than for Security in the
clerk's office of this court on _____ (date).

Name of Alleged Transferor

Name of Transferee

Address of Alleged Transferor:

Address of Transferee:

DEADLINE TO OBJECT TO TRANSFER

The alleged transferor of the claim is hereby notified that objections must be
filed with the court within twenty-one (21) days of the mailing of this notice. If
no objection is timely received by the court, the transferee will be substituted as
the original claimant without further Order of the court.

Date:

Signature of Transferee

D. Objection and Hearing.

- (1) Any party objecting to the Transfer of Claim or Assignment of
Claim shall file an objection no more than twenty-one (21)
days from the filing of the Notice of Transfer of Claim. Any
timely objection will be set for hearing.
- (2) Failure to timely object will result in the transferee being
substituted for the transferor as the holder of the claim without
further notice or hearing.

E. Alternative to Notice Requirement.

- (1) As an alternative to the notice requirement in section C.(2) above, the Transfer of Claim or Assignment of Claim may include a Waiver of Notice wherein the transferor waives the right to receive notice of and object to the filing of the Transfer of Claim or Assignment of Claim.
- (2) Any signed statement by the transferor waiving notice of the transfer shall be deemed a declination of the opportunity to object to the transfer or assignment of claim and shall be deemed as a request by the transferor to substitute the transferee as the holder of the claim identified in the Notice of Transfer.

• **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.

A. Upon confirmation of the Chapter 13 Plan that provides for surrender of secured collateral back to the creditor:....

4. If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim. If a proof of claim is subsequently filed in violation of this Rule, then that claim is automatically disallowed and the Chapter 13 Trustee shall make no disbursement on such claim unless a Motion and Order allowing the filing of the claim has been entered.

B. If a Chapter 13 Plan does not provide for the surrender of property:....

4. If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim. If a proof of claim is subsequently filed in violation of this Rule, then that claim is automatically disallowed and the Chapter 13 Trustee shall make no disbursement on such claim unless a Motion and Order allowing the filing of the claim has been entered.

- **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.

- A. In addition to the relief provided in Bankruptcy Rule 3002.1 (i)(1) and (2), the holder of the claim may not seek to collect any fees, expenses and/or changes included in the omitted information required by Bankruptcy Rule 3002.1 (b), (c) or (g).
- B. All notices required pursuant to Bankruptcy Rule 3002.1 shall be provided to debtor, debtor’s counsel and trustee in accordance with Bankruptcy Rule 2002 and shall include a certificate of service. If filing the required notices as a supplement to the holder’s proof of claim does not result in notice to the debtor, debtor’s counsel and trustee via the Electronic Case Filing (CM/ECF) system, the holder of the claim shall serve the unnoticed party by alternative means and so indicate on the certificate of service filed with the notice.

The following link can be used to view the text of new FRBP 3002.1:

<http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules/SupremeCourt042611.aspx>

- **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 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.

(2) The party in interest seeking abandonment of the property shall serve the Report and Notice of Trustee's Intention to Abandon Property of Estate on all creditors and parties in interest, except:

(a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lien holders, the creditors' committee, if any, and the U.S. Trustee's Office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditors' committee, if any, and the U.S. Trustee's office.

(3) The party in interest who has requested the abandonment shall file the ~~original~~ Report and Notice and a Certificate of Service with the Clerk.

B. A trustee, who seeks to abandon property from the estate may do so by complying with the following:

(1) Prepare a Report and Notice of Trustee's Intention to Abandon Property of Estate;

(2) The trustee shall serve the Report and Notice of Trustee's Intention to Abandon Property of Estate on all creditors and parties in interest, except:

(a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lien holders, the creditors' committee, if any, and the U.S. Trustee's Office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditors' committee, if any, and the U.S. Trustee's office.

(3) The trustee shall file the Report and Notice and a Certificate of Service with the Clerk.

B-C. Unless an objection is filed within twenty-one (21) days of the filing of the notice which contained the legend set forth in Local Rule 2002-2.B(3) or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

- **9020-1 / Contempt – Order to Show Cause (NEW)**

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

RULE 9020-1

CONTEMPT PROCEEDINGS

A. A party moving for an order of contempt shall file:

(1) A verified motion for contempt stating with specificity the grounds, act or violation alleged to have been committed by the opposing party.

(2) An affidavit in support of the facts stated in the motion

(3) Any other documents or evidence attached as exhibits which support the motion for contempt.

(4) A certificate of service reflecting compliance with Bankruptcy Rule 7004.

B. In addition, parties shall submit a proposed Order to Show Cause directing the opposing party to appear at an evidentiary hearing (to be noticed by the Court) and show cause as to why the Court should not grant the motion and find the opposing party in contempt for the alleged conduct that is the grounds for the motion.

SECTION 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 as noted.

- **1014-1 / Expedited Intra-District Transfers for New Chapter 7 and 13 Petitions – 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.

RULE 1014-1

CHANGE OF VENUE

In accordance with Local Rule 3.1(C) of the U.S. District Court for the Northern District of Florida, attorneys desiring to transfer a new Chapter 7 or 13 petition to another division within the District must select the division at case opening where they want the case administered and contemporaneously file a Motion to Transfer.

NOTE: Detailed instructions can be provided by the clerk's office upon request. Nothing in the local rule is intended to apply to new Chapter 11 petitions.

- **2002-3 / Preferred Address Notification – 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.

RULE 2002-3

PREFERRED ADDRESS NOTIFICATION

- A. An entity and a notice provider may agree that when the notice provider is directed by the Court to give notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.
- B. The filing of a notice of preferred address pursuant to 11 U.S.C. §342(f) by the creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such notice with the Court.
- C. Registration with the National Creditor Registration Service must be accomplished through the Bankruptcy Noticing Center, the agency that provides noticing services for the Bankruptcy Court for the Northern District of Florida. Forms and registration information are available at <https://www.ncrsuscourts.com>.
- D. A local form for use by creditors for filing the notice of preferred address under 11 U.S.C. §342(e) is available on the Court's website.

• **2081-1/ Chapter 11 - General – 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.

RULE 2081 -1

CHAPTER 11 - GENERAL

(Note: Please see Administrative Order 05-001 – Administrative Order Establishing Initial Procedures in Chapter 11 Cases on the Court’s website in conjunction with this Local Rule)

In the PDF version of the Local Rules, this will be made an active link to the Order.

• **2082-1 / Chapter 12 – General – Generic Order**

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.

A. Duties of the Chapter 12 Debtor....

(5) All payments to the Chapter 12 Trustee shall be in the form of a cashier’s check or money order.

• **2083-1 Chapter 13 – General – Standing Orders #13 and 15**

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.

RULE 2083 -1

CHAPTER 13- GENERAL

(Note:

Please see Standing Order #13 – Chapter 13 Cases Governed by the Bankruptcy Abuse Prevention and Consumer Protection Act (Adequate Protection) on the Court’s website in conjunction with this Local Rule)

Please see Standing Order #15 - Adopting Form Chapter 13 Plan and Related Provisions (Annual Statement) on the Court’s website in conjunction with this Local Rule)

In the PDF version of the Local Rules, an active link will be included for each Order.

- **3012-2 / Valuation of Collateral – Lien Stripping in Chapter 13’s (NEW) – Standing Order #18**

Standing Order #18 – Procedure for Filing Motion to Determine Secured Status and to Strip Junior Lien on Debtor’s Principal Residence on Negative Notice in Chapter 13 Cases

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.

RULE 3012 -2

VALUATION OF COLLATERAL – LIEN STRIPPING IN CHAPTER 13’s

In chapter 13 cases, motions to value claims cases secured by junior liens on the debtor’s principal residence and to strip off those liens may be filed as an exception to Local Rule 3012-1.B and on negative notice pursuant to Local Rule 2002-2.

A. The following guidelines and procedures are to be used with regard to the Motion:

(1) Motions to value claims secured by junior liens on the debtor’s principal residence at \$0.00 and to “strip off” such liens shall not be filed before the earlier

of the time when:

(a) the affected creditor has filed a proof of claim or

(b) the expiration of the time to file claims (claims bar date). A premature motion to value will be denied without prejudice.

(2) The motion shall:

(a) clearly state

(i) all known parties who may have an interest in the mortgage,

(ii) the loan number (formatted as xxxx1234) and recording information of all mortgage lien(s) affected by the Motion,

(iii) the legal description and street address of the subject property, and

(iv) the basis of the valuation – private appraisal, county valuation, or other,

(v) the balance of the first mortgage;

(b) be verified, or supported by an affidavit or declaration (pursuant to 28 U.S.C. § 1746) of the debtor;

(c) include on the first page the required negative notice legend giving interested parties thirty (30) days to file an objection;

(d) certify service on:

(i) the appropriate persons required by Bankruptcy Rule 7004 (b) (note in particular the requirement to serve insured depository institutions by certified mail),

(ii) on the person who filed the mortgagee's proof of claim,

(iii) the attorney, if any, for such creditor, and

(iv) the Chapter 13 trustee; and

(e) be docketed in the Electronic Case Filing System (CM/ECF) using the Motion to “Determine Secured Status and Strip Junior Lien on Debtor’s Principal Residence” docket event.

(3) The negative notice legend should be substantially compliant with the one found under N.D. Fla. 2002-2.B.(3) except that the objection period is to be set to thirty (30) days.

B. The movant shall submit a proposed order to the Clerk’s Office no later than fourteen (14) days after the expiration of the thirty (30) day objection period.

C. The debtor’s Chapter 13 plan shall provide for the stripping off of the lien, conditioned on the debtor’s obtaining a discharge or upon further Order of the Court.

- **5005-1/ Electronic Filing – 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.

RULE 5005 -1

ELECTRONIC FILING

(Note: Please see Standing Order #11 – Relating to Electronic Case Filing AND Administrative Procedures for Filing, Signing, Verifying Pleadings and Papers by Electronic Means on the Court’s website in conjunction with this Local Rule)

In the PDF version of the Local Rules, this will be made an active link to the Order and the Administrative Procedures.

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

First Amended Standing Order #16 – Electronic Transcript Policy for Federal Court Proceedings

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.

Rule 5007 -1

Transcripts

A. Hard copy access to all transcripts provided to the Court by a court reporter or transcriber will initially be restricted to Court users and case participants for a period of 90 days from the date of filing to allow interested parties the opportunity to review

the transcript and file a request for redaction, requesting that personal data identifiers be redacted prior to the transcript being made available to the public. Such personal identifiers are:

- (1) Social security numbers
- (2) Financial account numbers
- (3) Names of minor children
- (4) Dates of birth
- (5) Home addresses of individuals

B. The clerk's office will be prohibited from providing electronic access as well as paper and/or electronic copies of such transcripts until 90 days from the date the transcripts were filed.

- (1) Individuals wishing to purchase a copy of the transcript within the 90-day period must contact the transcriber directly.
- (2) An attorney who purchases the transcript during the 90-day period will be given remote electronic access to the on-line transcript available at that time.
- (3) Members of the general public, including pro se parties who purchase the transcript, will not be given remote electronic access to the transcript during the 90-day period.

After the 90-day period expires, transcripts will be available for public access through the PACER system.

C. Within seven (7) calendar days of the filing of the official transcript on the docket, each party shall inform the Court, by filing a notice of intent to request redaction with the clerk and serving a copy on the transcriber, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The party then has twenty-one (21) calendar days from the date of the filing of the official transcript to file a request for redaction with a listing indicating where the personal identifiers to be redacted appear in the transcript and serve a copy on the transcriber. The transcriber will then have 31 calendar days from the date of the filing of the official transcript to file a redacted version of the transcript. Parties are reminded not to include in their public filing the information they want redacted. The transcriber must redact the identifiers as directed by the party as follows:

- (1) Social security numbers will be limited to the last four digits
- (2) Financial account numbers
- (3) Names of minor children
- (4) Dates of birth and
- (5) Home addresses of individuals

D. If no request for redaction is filed within the allotted time, the Court will conclude that the parties to the action have no objection to the inclusion of personal data identifiers in the transcript and the transcript will be made electronically available on the 91st calendar day unless the Court for good cause, related to the application of the Judicial Conference policy on privacy and public access to electronic case files, finds

that a transcript should not be made available.

E. If a timely request for redaction is filed with the clerk's office by any party to the proceeding following the filing of the official transcript, the official un-redacted transcript will not be made available. However, the redacted transcript will be made electronically available to the general public on the 91st day following the filing of the official transcript.

F. During the 90 day period, or longer if the Court so orders, any attorney who wishes to redact information not covered in Bankruptcy Rule 9037(a), must file a motion for protective order pursuant to part (d) of the Rule. A transcript will not be electronically available until the Court has ruled on the intervening motions for extension of time or for protective orders related to the transcript.

G. The cost of any redactions and the responsibility for monitoring the docket to know when the electronic transcript of their hearing has been filed shall be the sole responsibility of the parties to the hearing who have requested the redaction.

H. It is the responsibility of the parties to avoid introducing personal identifier information into the record, and attorneys are instructed to avoid eliciting information from or formulating questions to witnesses during court hearings that include personal identifier data and are further directed to be sensitive to the importance of protecting such personal data during the conduct of hearings that are being transcribed.

SECTION C. Minor Corrections/Edits

- **1007-1 / List, Schedules, & Statements, and Other Documents**

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 will be added at the end of section A. to relay helpful information based on internal preferences and the local rules of the U.S. District Court for the Northern District of Florida relating to the format of filings.

{A.} Chapter 7, 12, and 13:...

(5) If the debtor is unable to comply with the requirement under 11 U.S.C. §362 (a)(1)(B)(iv) because he/she has no income, a Certificate or Statement noting the lack of income. (Form available on Court's internet site.)...

(after subsection (6))

Note:

Statement of Social Security Number: Failure of a pro se debtor to submit the Statement of Social Security Number (official form B-21) may lead to dismissal of the case. In cases filed electronically, the Statement is not required to be filed with the Court and shall be maintained by the registered user/attorney in accordance with Section II.M.1. of the Administrative Procedures. (a link to the Admin. Procedures will be added to the PDF version of the rules)

Format for Paper Filings: Per USDC Local Rule 5.1 B (3) - Except for forms provided by this court, all documents tendered for filing, or filed electronically, shall be double-spaced, if typewritten, no smaller than 12 point font, and on plain white letter-sized (8 1/2 " x 11") paper with approximately one and one-fourth (1 1/4) inch margins. The first page of every pleading or document filed in paper form shall, however, allow approximately a two (2) inch margin at the bottom of the page where the clerk shall date stamp such pleading or document filed.

{B.} Chapter 9 or 11:....

(7) If the Chapter 11 individual debtor is unable to comply with the requirement under 11 U.S.C. §362 (a)(1)(B)(iv) because he/she has no income, a Certificate or Statement noting the lack of income. (Form available on Court's internet site.)....

- **1007-2 / Mailing List or Matrix**

Language added to correct verbiage and to relay that the mailing matrix should be signature verified.

The debtor shall file separately, but at the same time as the petition, a list containing the name and address of each creditor which shall serve as a mailing matrix. The mailing matrix shall be signature verified and submitted in the format specified by the Clerk’s Office (see MAILING MATRIX MAILING FILING INSTRUCTIONS” on local forms page on Court internet site.)

- **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.

A. Time for Filing Objection to Joint Administration. All cases involving two or more related debtors ~~joint cases by husband and wife~~ will be jointly administered in accordance with Bankruptcy Rule 1015. However a creditor or party in interest may file an objection to joint administration no later than 30 days after the first date set for the meeting of creditors under 11 U.S.C. §341(a).

B. Extension of Time. On motion of any party in interest, after hearing on notice, the Court may for cause extend the time to file an objection to joint administration. The motion shall be filed before the time has expired.

C. Until the Order Consolidating is entered, all items are to be filed as applicable in each involved case.

- **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.

A. In cases converted to Chapter 7,

(1) the debtor-in-possession or the trustee shall file an original of all lists, schedules, statements, and other documents required by Bankruptcy Rule 1007, on the most current version of the official forms with the debtor's signatures, which accurately reflects the condition of the debtor's estate at the time of conversion.

(2) The lists, schedules, statements, and other documents shall be filed within the time provided in Bankruptcy Rule 1007 and 1019(1)(A). The final report and schedule of post-petition debts shall be filed within the time provided in Bankruptcy Rule 1019(1)(A).

(3) ~~In lieu of filing new schedules and statements,~~ If the debtor has acquired no debt or property since the filing of the case and prior to conversion, the debtor shall obviate the need for filing new and/or amended schedules and statements by filing a statement that he or she has acquired no debts or property since the case was filed.

Note: If there are changes or amendments to be made, this process is not applicable and the debtor shall comply with all other requirements of Bankruptcy Rule 1019.

- **2002-2 / Negative Notice Procedure**

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.

~~(7) Motion to deem mortgage current under Local Rule 3002.1-1.D(2).~~

~~(8)~~ (7) Other motions, objections, and matters if permitted by the presiding judge.

- **2081-1 / Chapter 11 – General**

Language in Subsections 2081 B. (2)(c) and forms noted in (d)(2) and (3) are no longer required. They will be removed.

~~B.2.(c) Upon substantial consummation of the plan for cases other than those for an individual, the plan proponent shall file an Supplemental Bankruptcy Closing Report (Form B-100BX) and its application for final decree which shall certify compliance with 11 U.S.C. §1101....~~

~~B.2.(d)(2) a motion for entry of discharge (see local forms page on Court internet site);~~

~~B.2.(d)(3) a Supplemental Bankruptcy Closing Report (Form B-100BX); and~~

~~B.2.(d).-(4) (2) an application for final decree which shall certify compliance with 11 U.S.C. §1101.~~

- **2082-1 / Chapter 12 - General**

Subsection 2082-1 A.(2) currently refers only to Farmers. It should include “Fisherman” and that term is to be added.

(2) At least seven (7) days before the confirmation hearing, the debtor must file and provide a copy to the Chapter 12 Trustee of the Farm/Fisherman Plan for a three (3) year period indicating projected disposable income, and a liquidation analysis reflecting the distributions to unsecured creditors if the case proceeds as a Chapter 7.

- **2090-1 / Attorneys – 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 is to be added.

<p>D.(2)(a) The disclosure statement required by Bankruptcy Rule 2016(b) shall include a statement as to whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings <u>including those initiated via motion under Bankruptcy Rule 4004.</u></p> <p>(b) If the disclosure statement recites that the attorney has not been retained to represent the debtor in discharge and dischargeability proceedings <u>as described in D.(2)(a)</u>, the attorney shall not be required to represent the debtor in such proceedings.</p> <p>(c) If the disclosure statement fails to recite whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings <u>as described in D.(2)(a)</u>, the attorney shall be deemed to represent the debtor in such proceedings and shall not be allowed to withdraw from such proceedings except as provided in paragraph (1).</p>

- **3020-1/ Chapter 11 - Confirmation**

<p>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. A minor edit is also to be made to note a correct reference to the ECF Administrative Procedures.</p>
<p>B. All acceptances and rejections shall be sent to the proponent of the plan at least seven (7) days prior to the confirmation hearing, and, if the plan proponent is not the debtor, a copy of all ballots shall be served upon the debtor. Prior to the hearing on confirmation in Chapter 11 cases, the attorney for the plan proponent shall tabulate the acceptances and rejections of the plan on a Chapter 11 Ballot Tabulation form (see local forms page on Court internet site). The ballot tabulation and copies of the original ballots shall then be filed with the Court prior to the confirmation hearing. The attorney for the plan proponent shall certify that the tabulation is accurate and that all ballots received have been accounted for <u>in the tabulation and filed</u>. The original ballots shall be retained for the time period required under Section H.C.3.a <u>II.M.1</u> of the Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means (ECF) <u>and will be made available in a format as directed by the Court for the confirmation hearing or other required proceeding if so requested....</u></p>

- **4004-1 / Grant or Denial of 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.

B. All Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 13 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1328(h) using the following language:

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount ~~in excess of \$136,875~~ which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) [generally the debtor's homestead];

or

(2) The debtor has claimed an exemption under §522(b)(3) in an amount ~~in excess of \$136,875~~ which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

~~C. In an individual Chapter 11 the debtors shall file with the Court and serve on all parties in interest a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 11 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.~~

In an individual Chapter 11, the debtor shall also certify compliance with 11 U.S.C. §1141(d)(5)(C):

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount ~~in excess~~

~~of \$136,875 which exceeds the specified §522(q) dollar amount in value~~ in property of the kind described in §522(q)(1) [generally the Debtor’s homestead];

or

(2) The debtor has claimed an exemption under §522(b)(3) in an amount ~~in excess of \$136,875 which exceeds the specified §522(q) dollar amount in value~~ in property of the kind described in §522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

D. All Chapter 12 debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 12 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1228(f) (Chapter 12):

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount ~~in excess of \$136,875 which exceeds the specified §522(q) dollar amount in value~~ in property of the kind described in §522(q)(1) [generally the Debtor’s homestead];

or

(2) The debtor has claimed an exemption under §522(b)(3) in an amount ~~in excess of \$136,875 which exceeds the specified §522(q) dollar amount in value~~ in property of the kind described in §522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

[Note: the dollar amounts listed in this Rule shall be adjusted as set out in 11 U.S.C. §104.]

- **5011-1 / Withdrawal and Abstention from Hearing a Proceeding**

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

RULE 5011-1

~~WITHDRAWAL OF REFERENCE~~

WITHDRAWAL AND ABSTENTION FROM HEARING A PROCEEDING

.....
(6) In the event that the reference of a proceeding is withdrawn by the District Court and the bankruptcy case is subsequently dismissed by order of the Bankruptcy Court, the Clerk of the Bankruptcy Court shall immediately certify to the District Court that an order of dismissal has been entered.

~~RULE 5011-2~~

~~ABSTENTION~~

C. ABSTENTION:

~~A.~~(1) Unless otherwise ordered by the Bankruptcy Court, a Motion for Abstention under 11 U.S.C. §305 of the Code shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.

~~B.~~(2) An Order of Abstention shall have the effect of closing the file of the case.

~~C.~~(3) All requests for the Court to abstain in a case under Title 11 shall be filed no later than thirty (30) days after the 11 U.S.C. §341(a) Meeting of Creditors is concluded.

• **7007-1 / Motions Practice – Adversary Proceedings**

As 7000 section is already for Adversaries, “Adversary Proceedings” will be removed from the title as it is redundant.

RULE 7007-1

~~MOTION PRACTICE –ADVERSARY PROCEEDINGS~~

• **7042-1/ Consolidation of Adversary Proceedings (NEW)**

Similar to local rule 1015-1, this new local rule for adversary proceeding will note that items need to be filed in all cases until the Order Consolidating is entered.

RULE 7042-1

CONSOLIDATION OF ADVESARY PROCEEDINGS

A. Rule 42 F.R.Civ.P. applies in adversary proceedings.

B. Until the Order Consolidating is entered, all items are to be filed as applicable in each involved adversary proceeding.

- **9013-1/2/ Briefs and Memoranda of Law**

In 2009 set of changes, numbering for this rule was corrected from 9013-2 to 9013-1, but references to the old number in other local rules that were not revised at that time will be done with this set of revisions.

Occurrences to be updated:

1070-1
3007-1 A.and D.

- **Addendums A and B**

These addendums are taken from the U.S. District Court local rules and language will be added to the title to denote the applicable USDC references.

Addendum A - N.D. Fla. Loc. R. Addendum

Addendum B - N.D. Fla. Loc. R. 16.3