

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

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In re:

HURRICANE MICHAEL

ADMINISTRATIVE
ORDER NO. 18-007

**SEVENTH GENERAL ORDER REGARDING HURRICANE
MICHAEL: CHAPTER 13 PLAN PAYMENTS, TALLAHASSEE
DIVISION CASES**

Some Chapter 13 debtors in certain Counties within the Tallahassee Division may be unable to make required plan payments to the Chapter 13 Trustee due to losses sustained and ongoing issues with infrastructure, cell and telephone service and power. As of the date of this Order FEMA has declared that Federal disaster assistance is available to affected individuals in these Tallahassee Division Counties: Franklin, Gadsden, Leon, Liberty, Taylor, and Wakulla (collectively, the “Affected Counties”).¹

For that reason, it is **ORDERED**:

1. It is customary for the Chapter 13 Trustee to file motions to dismiss Chapter 13 cases if a debtor is in arrears. This practice

¹ FEMA – 4399 – DR, Florida Disaster Declaration as of 10/16/2018. <https://www.fema.gov/disaster/4399>. It is possible that FEMA may make disaster assistance available to more counties within the Tallahassee Division

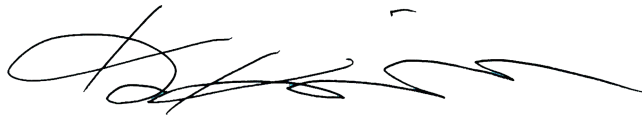
should be suspended through December 1, 2018 for the Affected Counties involved in cases assigned to the Tallahassee Division.

2. If a debtor is unable to make required payments to the Chapter 13 Trustee because the debtor was substantially and adversely affected by Hurricane Michael, the Court will consider the appropriate method of addressing those missed payments at a hearing on a motion to modify the Chapter 13 plan. The Court encourages motions to modify plans for missed plan payments for the period October 10, 2018 through Monday, December 10, 2018 be filed not later than Friday, December 21, 2019.
3. Parties are discouraged from filing motions seeking a payment moratorium. The Court will consider motions to suspend wage orders on an emergency basis.
4. If an agreed order conditioning the automatic stay contains default provisions that mandate that a debtor must make all payments due to the Chapter 13 Trustee and failure to make a payment to the Chapter 13 Trustee is due to Hurricane Michael's substantial and adverse effect on a debtor, missed payments for the period from October 10, 2018 through December 10, 2018 will

be a default only if the Court so determines after notice and hearing.

4. Debtor(s) who are able to maintain their payments must do so.
5. This Order applies to all cases and proceedings in the Affected Counties that are assigned to the Tallahassee Division of the United States Bankruptcy Court for the Northern District of Florida.
6. For cases assigned to the Tallahassee Division located in the Affected Counties, this Order extends the specific language in paragraph 6 of Administrative Order No. 18-003 which states: “Debtors in the . . . Tallahassee Division may seek relief under this Order if they have suffered, and have evidence of, substantial adverse effects due to Hurricane Michael. Motions for such relief shall be considered on a case by case basis.”

DONE and ORDERED on October 19, 2018.



KAREN K. SPECIE
Chief United States Bankruptcy Judge