



U.S. Bankruptcy Court Middle District of Florida Procedure Manual

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Adversary Dismissals

Docketing Event

- Adversary > Motions/Applications > Motion to Dismiss Adversary Proceeding
 - Adversary > Motions/Applications > Motion to Dismiss Party
 - Adversary > Miscellaneous > Stipulation
 - Adversary > Notices > Notice of Dismissal of Adversary Proceeding
 - Adversary > Notices > Notices of Dismissal (voluntary)
 - Adversary > Notices > Notice of Stipulated Dismissal in an Adversary Proceeding
-

Negative Notice: For motions to dismiss, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7041](#)

[Fed. R. Civ. P. 41](#)

[Local Rule 2002-4](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 4/13/2018

Last Revision: 4/13/2018 7:42:55 AM

Description

There are several ways to dismiss an adversary proceeding, a party, or counts in an adversary complaint.

Except for complaints objecting to discharge or seeking to revoke a discharge (“Section 727 Complaints”), a plaintiff may dismiss an adversary proceeding, specific counts in an adversary complaint, or a defendant without court order by filing a Notice of Dismissal before the opposing party serves an answer or other responsive pleading.

Except for Section 727 Complaints, an adversary proceeding, specific counts in an adversary complaint, or a defendant in an adversary proceeding may be dismissed without court order by filing a stipulation of dismissal signed by all parties who have appeared in the action.

When there is a counterclaim, cross-claim, or third party complaint, the filer may file a notice of dismissal of the counterclaim, cross-claim, or third party complaint if there is no answer or other responsive pleading. If there is an answer or any other responsive pleading filed, the parties may file a stipulation of dismissal. The stipulation of dismissal must be signed by the parties to the counterclaim, cross-claim, or third party complaint.

Section 727 Complaints shall not be dismissed at the plaintiff’s request without notice to the Trustee, United States Trustee, and all creditors. All interested parties in the bankruptcy case must have an opportunity to intervene as a substitute for the plaintiff. Section 727 Complaints may only be dismissed by a court order that contains the proper terms and conditions.

Filing Checklist

Review the Notice of Dismissal by Plaintiff or Stipulation of Dismissal to determine if it:

- ☐ Is properly signed; and
 - ❖ Note: if it is a Stipulation of Dismissal, all parties who filed an answer, motion for summary judgment, or other responsive pleading must sign the stipulation.
 - ❖ Note: if it is a Notice of Dismissal by Plaintiff and there is no answer, motion for summary judgment, or other responsive pleading, only the Plaintiff must sign.
- ☐ Includes the attorney's or attorneys' name(s) and address(es) complete and consistent with the name(s) and address(es) in CM/ECF.

Review the Motion to Dismiss (or Dismiss Party) to determine if it:

- ☐ Is signed;
- ☐ Includes the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is filed with negative notice that contains correct language located on the first page;
 - ❖ Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail).

Note for Section 727 Complaints: If a party files a Notice of Dismissal of a Section 727 Complaint, Stipulation of Dismissal of a Section 727 Complaint, or Motion to Dismiss a Section 727 Complaint, the Complaint may not be dismissed without notice to the Trustee, United States Trustee, all creditors, and other persons that the Court may direct. The Court will issue a Notice of Proposed Dismissal with 21 days negative notice to give parties a chance to substitute as plaintiff in the Section 727 Complaint. However, if a Motion to Dismiss is filed by the Defendant in a Section 727 Complaint, no additional Notice of Proposed Dismissal is required. Any Motion, Notice, Stipulation, or Response to Notice of Proposed Dismissal may be set for hearing.

Amended Adversary Complaint

Docketing Event

- Adversary > Complaint (Amended, Counter, Cross, Third Party) > Amended Complaint
 - Adversary > Request a Summons > Request a Summons After Amended Complaint Adding Defendants
 - Adversary > Motions/Applications > Motion to Amend
-

Negative Notice: If filing a Motion to Amend Complaint, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 523](#)

[Fed. R. Bankr. P. 7004\(e\)](#)

[11 U.S.C. § 727](#)

[Fed. R. Bankr. P. 7007.1](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 7008](#)

[Fed. R. Civ. P. 15](#)

[Fed. R. Bankr. P. 7015](#)

[Fed. R. Bankr. P. 7001](#)

[Local Rule 2090-1](#)

[Fed. R. Bankr. P. 7003](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/26/2018

Last Revision: 7/26/2018 11:35:36 AM

Description

Federal Rule of Bankruptcy Procedure 7015 provides Federal Rule of Civil Procedure 15 applies in adversary proceedings.

Rule 15 provides that a party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

In all other cases, a party may amend its pleading only with the opposing party's written consent or with leave of the Court.

There are different rules for when a party wants to amend a pleading during or after trial. *See* Fed. R. Civ. P. 15(b).

If a party seeks leave of the Court to amend, the party may file a Motion to Amend Complaint.

If a new defendant is added by the amendment, the plaintiff should request a new summons for the new defendant using Adversary > Request a Summons > Request a Summons after Amended Complaint Adding Defendants.

Filing Checklist

Review the Amended Complaint to determine if it:

- ☐ Is signed and dated;

- ☐ Has the correct caption in the correct adversary style;
- ☐ Has the correct related/associated bankruptcy case number in the caption;
- ☐ Is related to a bankruptcy case that is open and not dismissed;
- ☐ Is allowed by rule or written consent of the opposing party;
 - ❖ If not, then a Motion to Amend Complaint needs to be filed.
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Review the Motion to Amend Complaint to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is filed with negative notice that contains the correct language and is located on the first page;
 - ❖ Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail).

Answers—Adversary Proceedings

Docketing Event

Adversary > Answers > Complaint, 3rd, Cross, Counter

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7008](#)

[Fed. R. Bankr. P. 7010](#)

[Fed. R. Bankr. P. 7012](#)

[Fed. R. Bankr. P. 7015](#)

[Fed. R. Civ. P. 8](#)

[Fed. R. Civ. P. 10](#)

[Fed. R. Civ. P. 12](#)

[Fed. R. Civ. P. 15](#)

[Fed. R. Civ. P. 19](#)

[Local Rule 2090-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, and 13

Implemented: 2/9/2016

Last Revision: 8/14/2020 12:00:35 PM

Description

If a complaint has been properly served, the defendant usually must serve an answer or a responsive pleading within 30 days after the issuance of the summons. The United States, its agencies, and its officers have 35 days. The filing of an amended complaint may alter the time in which the defendant must serve an answer.

Answers to a complaint also may include:

- Counter-Claim: Defendant is making claims against the Plaintiff.
- Cross-Claim: Defendant is making claims against another Defendant.
- Third Party Complaint: Defendant is making a claim against someone who is not included in the adversary proceeding as a plaintiff or a defendant.

Note: A Third Party Complaint also may be filed in a separate document. See Third Party Complaint procedures.

Filing Checklist

1. Review the answer to determine if it:

- ☐ Is signed;
- ☐ Attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is filed by a corporation, filed with the assistance of an attorney.

- ☐ If filed by a corporation, the attorney must file a statement of corporate ownership on behalf of the corporation.
- 2. When docketing, make sure you:
 - ☐ Docket answer in correct case/Adversary Proceeding; and
 - ☐ Use the correct event.

Forms

[Answer](#)

Attorney Notices of Hearing – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Notices > Notice of Hearing
 - Adversary > Notices > Notice of Hearing
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References: N/A

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 8:55:22 AM

Description

Effective June 9, 2014, the Court transitioned to attorneys preparing notices of hearings.

The Court may direct the movant's attorney to prepare and serve the hearing notice. Sometimes the Court will prepare and enter an order scheduling a hearing and directing the attorney to serve that order.

If an attorney is directed to prepare a hearing notice, the Court will docket a text-only entry in the case. This text-only entry will contain the following information:

- type of hearing;
- date, time, and location (must include complete address including the City, State and Zip Code);
- matter to be heard;
- docket number of the matter;
- attorney responsible for noticing;
- number of days the attorney has to comply; and
- consequences if the attorney fails to comply.

- ❖ **Note:** Attorneys have three days to notice the hearing. If an attorney fails to timely file the required notice, the hearing is cancelled, and the moving attorney must file a Request for Hearing if he or she wishes to have the matter heard.

Filing Checklist

Review the notice to determine that:

- ☐ It is filed in the correct case;
- ☐ It is docketed using the correct event;
- ☐ It is related to the correct motion/application/objection;
- ☐ The hearing information, including the name of the scheduled matter and the hearing date, time, and location on the docket entry matches the hearing information in the document

- ❖ Note: Location must include complete address including the City, State, and Zip Code; and
- ☐ The notice of hearing refers to a motion/application/objection that is filed in the case.

Forms

[Notice of Hearing – Bankruptcy](#)

[Notice of Hearing – Adversary](#)

Case Opening and General Processing—Adversary Proceedings

Docketing Event

Adversary > Open an Adversary Proceeding

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 523](#)

[11 U.S.C. § 727](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 7001](#)

[Fed. R. Bankr. P. 7003](#)

[Fed. R. Bankr. P. 7004\(e\)](#)

[Fed. R. Bankr. P. 7007.1](#)

[Fed. R. Bankr. P. 7008](#)

[Local Rule 2090-1](#)

[Local Rule 7001-1](#)

Fee: \$350

Applicable Chapters: 7, 11, 12, and 13

Implemented: 2/9/16

Last Revision: 1/23/2018 9:52:08 AM

Description

An adversary proceeding (AP) is a dispute arising out of a bankruptcy case that is filed separately. Most adversary proceedings are commenced by one or more plaintiffs filing a complaint against one or more defendants. Adversary proceedings resemble a typical civil lawsuit. Some adversary proceedings are termed “removal actions” because a civil lawsuit is removed from another court to the bankruptcy court and it relates to a pending bankruptcy case. Removal actions procedures are addressed in a separate procedure.

Litigation in the bankruptcy court usually falls within two categories: contested matters and adversary proceedings. Both are governed by structured procedures. Some proceedings are specifically delineated as adversary proceedings and must be instituted by the filing of a complaint in the same court as the related bankruptcy case.

Effective July 1, 2015, Local Rule 7001-1 prescribes procedures for adversary proceedings. If ordered by the Court, Local Rule 7001-1 applies to contested matters.

Filing Checklist

1. Review the complaint to determine that:

- ☐ It is signed and dated;
 - ❖ **Note:** Prepared summonses are not required when filing a complaint electronically or in paper. Cover sheets are not required when the complaint is filed electronically but are requested when filed in paper.
- ☐ Caption is in correct adversary style;

- ☐ Related/associated bankruptcy case number is accurate in caption;
- ☐ Statement of Corporate Ownership is filed if the plaintiff is a corporation; and
 - ❖ **Note:** Corporations must have an attorney to file an adversary proceeding.
- ☐ The related/associated bankruptcy case is open and not dismissed.

2. Pay the filing fee. Exceptions to the filing fee include:

- ☐ Filed by a debtor in any chapter case;
- ☐ Filed by a United States Government agency;
- ☐ Filed by a child support creditor or their representative. The official form must be attached or an exhibit at the time of filing to be exempt from the fee. Click [**here**](#) for form.
- ☐ If filed by a Chapter 7, 12, or 13 trustee, the filing fee may be deferred until the closing of the bankruptcy case.

Default—Adversary Proceedings

Docketing Event

Adversary > Motions/Applications > Motion for Entry of Default

Adversary > Motions/Applications > Motion for Default Judgment

Negative Notice: N/A

Accompanying Orders: Yes. The Court will prepare the order on Motions for Entry of Default. The Movant will prepare the order on Motions for Default Judgment and Motions for Default Final Judgment.

Code and Rule References:

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Civ. P. 55](#)

[Fed. R. Bankr. P. 7055](#)

[Local Rule 7001-1](#)

[Fed. R. Civ. P. 4](#)

[Local Rule 7055-2](#)

[Fed. R. Civ. P. 54](#)

[Local Rule 9013-3](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/16

Last Revision: 10/15/2020 12:35:03 PM

Description

When a defendant in an adversary proceeding fails to timely respond to a complaint, counterclaim, or cross claim, they are in default. The plaintiff may file no later than 60 days after the complaint is filed, a Motion for Entry of Default and a Motion for Default Judgment. If the plaintiff requires additional time to file the motions, plaintiff must file a motion for extension of time.

Motion for Clerk's Entry of Default:

The process for reviewing and entering a Default is a clerk's office function based entirely on the papers. A summons is issued when a complaint is filed. The summons notifies the defendant that a response is required within a certain time limit. If a defendant does not timely respond to the complaint, the plaintiff may request entry of a default against the defendant. A plaintiff may request a default against one or more defendants in a multi-defendant complaint.

Motion for Judgment by Default:

After entry of a Default, plaintiff may then file a Motion for Default Judgment. Motions for Default Judgment must include a sworn statement supporting the allegations of the complaint, cross-complaint, or third-party complaint. Movant must attach a proposed order granting the Motion for Default Judgment **and** proposed judgment.

Filing Checklist: Motion for Entry of Default

1. Review the motion to determine if it:

- ☐ Is signed;
- ☐ Is properly served and includes a proper certificate of service;

- ☐ Attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Includes a sworn statement of non-military service (if default is requested against an individual);
- ☐ Includes the following statements:
 - ☐ That service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P.");
 - ☐ That no extension of time was sought or obtained by the defendant;
 - ☐ That the defendant failed to file a responsive pleading or motion within the time specified; and
 - ☐ That the movant seeks an entry of default.
- 2. Review the docket to determine if the summons, the complaint, and a copy of Local Rule 7001-1 were served.
- 3. Review the docket to determine that service of the summons was timely.
 - Service must occur within seven days if within the United States.
 - ❖ **Note:** The seven-day requirement does not apply to service in a foreign country. Service requirements of parties in a foreign country are governed by Federal Rule of Civil Procedure 4(f).
- 4. Review service of the summons to determine that service is proper under Fed. R. Bankr. P. 7004.
- 5. Review the docket for the filing of an answer or other responsive pleading.
 - ☐ If no responsive pleading was filed, determine if the due date has expired.
 - ❖ **Note:** The time for filing an answer or responsive pleading is 30 days from the summons service date. For governmental parties, the time is 35 days. These times may be extended by an order on motion of a party. The due date will be reflected in the Summons Issued entry.

Filing Checklist: Motion for Default Judgment

1. Review the motion to determine if it:
 - ☐ Is signed;
 - ☐ Is properly served under Fed. R. Bankr. P. 7004 and includes a proper certificate of service;
 - ☐ Attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Includes an attached sworn statement in support of the allegations.
2. Verify that a Clerk's Entry of Default was issued.
3. Submit two orders:
 - ☐ One order that grants the motion; and
 - ☐ A default judgment.

Forms

[Motion for Entry of Default by Clerk](#)

[Motion for Default Judgment](#)

[Sworn Statement in Support Motion for Default Judgment](#)

[Order Granting Motion for Final Judgment](#)

[Final Default Judgment](#)

Motion for Refund of Filing Fee – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Refund of Fee Payment
 - Adversary > Motions/Applications/ > Motion for Refund of Fee Payment
-

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 07/26/2018

Last Revision: 3/26/2021 11:42:14 AM

Description

A refund of a filing fee may be allowed in very limited circumstances. If a party wishes to request a refund of a fee due to an erroneous filing, duplicate payment, or some other unusual circumstance, a Motion for Refund of Filing Fee must be filed. The Motion must list the specific reason for the request and must be filed in the case in which the fee was paid. If the fee was paid by check or money order, the motion must be accompanied by a completed AO Form 213P that will be docketed **after** the motion is filed.

Specific language must be included in the order granting the Motion, so the proposed order must substantially comply with the sample order provided below.

Filing Checklist

Review the Motion for Refund of Filing Fee to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Lists the movant's name;
 - ❖ **Note:** Movant's name must be the name of the individual who paid the filing fee.
- ☐ Lists the reason(s) the filing fee should be refunded;
- ☐ Is accompanied by a separately filed and completed AO Form 213P if fee was paid by check or money order; and
- ☐ Is properly served and includes a proper certificate of service.

Supporting Documents:

- ☐ **DO NOT** attach supporting documents to the Motion. After Motion is filed, Supporting Documents should be uploaded under the following docketing events:
 - Bankruptcy > Miscellaneous > Supporting Documentation for Motion for Refund of Filing Fee; or

- Adversary > Miscellaneous > Supporting Documentation for Motion for Refund of Filing Fee

Review the proposed order to determine if it substantially complies with the sample order provided in this procedure. Upload the proposed order simultaneously with the Motion.

Forms

[Motion for Refund of Filing Fee](#)

[Motion for Refund of Filing Fee \(Adversary\)](#)

[Order Granting Motion for Refund of Filing Fee](#)

[Order Granting Motion to Refund of Filing Fee \(Adversary\)](#)

Supporting Documents

[AO 213P](#)

Motion for Summary Judgment – Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications > Motion for Summary Judgment
 - Bankruptcy > Motions/Applications/Objections > Motion for Summary Judgment
-

Negative Notice: In adversary proceedings, Motions for Summary Judgment are filed by 21 day negative notice. In main bankruptcy cases, Motions for Summary Judgment are not filed by negative notice.

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7056](#)

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Civ. P. 56](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/26/2018

Last Revision: 10/15/2018 9:35:59 AM

Description

Summary judgment is appropriate when the movant shows there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

In a Motion for Summary Judgment, the movant asks the Court to decide a matter in the movant's favor without a trial. The movant may rely on written materials like pleadings, discovery and disclosure materials on file, and affidavits or declarations in support of the motion.

These motions must be filed no later than 60 days prior to trial, unless otherwise ordered by the Court.

When a Motion for Summary Judgment is filed, the Court may enter a Notice Regarding Motion for Summary Judgment explaining what a Motion for Summary Judgment is, advising the parties that they may submit documents opposing the motion, and providing deadlines for responses to the motion.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is filed in an adversary proceeding, then it must be filed with negative notice that contains the correct language and is located on the first page;

- Response period is 21 days (plus an additional three days for services if any party was served by U.S. Mail)
 - ❖ **Note: Failure to comply with Local Rule 7001-1 may result in the entry of an order abating.**
- ☐ Is filed in a main case, then no negative notice is allowed.

Motion to Allow Witness to Testify by Video – Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications > Motion to Allow
 - Bankruptcy > Motions/Applications/Objections > Motion to Allow
-

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares order.

Code and Rule References:

[Fed. R. Civ. P. 43\(a\)](#)

[Fed. R. Bankr. P. 9017](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/28/2017

Last Revision: 8/17/2020 3:17:13 PM

Description

Under Fed. R. Civ. P. 43(a) and Fed. R. Bankr. P. 9017, the Bankruptcy Court may permit a witness to testify from a different location via video “[f]or good cause in compelling circumstances and with appropriate safeguards.” Parties who can demonstrate such good cause should follow these procedures to request permission for a witness to testify by video.

Parties who wish a witness to testify by video must file a “Motion to Allow Witness to Testify by Video” at least 30 days prior to the scheduled trial, absent emergency circumstances.

The Motion must include: (1) the date and time of the trial; (2) the preferred date and time the party wants a witness to testify; (3) the name, location, and contact information for the proposed witness; and (4) federal courthouses or other video facilities if there are no federal courthouses near the witness.

The Bankruptcy Judge will determine if the movant has established good cause to allow a witness to provide testimony by video.

If allowed, the Courtroom Deputy and the designated IT staff person together will arrange a video room and test connections with a sister court, if one is available, or another video facility.

If a sister court or another video facility can host the video testimony, the Courtroom Deputy will prepare an order granting the Motion, including time, date, place, and other details that the Bankruptcy Judge will consider.

If no video facilities are available, the Courtroom Deputy will prepare an order denying the Motion that the Bankruptcy Judge will consider.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ The motion has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service;
- ☐ The motion includes:
 - (1) the date and time of the trial;
 - (2) the preferred date and time the party wants a witness to testify;
 - (3) the name, location, and contact information for the proposed witness; and
 - (4) federal courthouses or other video facilities if there are no federal courthouses near the witness.

Forms

[Motion to Allow Witness to Appear by Video \(Bankruptcy\)](#)
[Motion to Allow Witness to Appear by Video \(Adversary\)](#)
[Order Granting Motion to Allow Witness by Video \(Bankruptcy\)](#)
[Order Granting Motion to Allow Witness by Video \(Adversary\)](#)
[Order Denying Motion to Allow Witness by Video \(Bankruptcy\)](#)
[Order Denying Motion to Allow Witness by Video \(Adversary\)](#)

Motion to Appear *Pro Hac Vice* – Adversary

Docketing Event

- Adversary > Motions/Applications > Motion to Appear *pro hac vice*
-

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares the order.

Code and Rule References:

[Local Rule 1001-2](#)

[Local Rule 2090-1](#)

Fee: \$150 paid in U.S. District Court, made payable to Clerk, U.S. District Court

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/15/2020

Last Revision: 8/9/2021 12:28:17 PM

Description

Pro hac vice is a Latin term that means “for this occasion” or “for this event.” Here, it refers to an attorney not admitted to a particular jurisdiction but allowed to participate in a particular case.

Appearing *pro hac vice* is not guaranteed. With some limited exceptions outlined in Local Rule 2090-1, an attorney who is not admitted to the United States District Court for the Middle District of Florida may request permission to appear as an attorney of record for a party by filing a motion. The motion must include a consent-to-act by an attorney admitted to the Middle District of Florida. Failure to file a consent-to-act will delay entry of an order. In addition, the attorney requesting special admission must be a member in good standing in another federal district court within the United States.

Attorneys authorized to appear *pro hac vice* are not automatically granted CM/ECF filing privileges. To receive a login and password to CM/ECF, the attorney also must complete the [registration forms](#) and meet all the standard requirements posted on the Court’s website.

Once an attorney is granted permission to appear *pro hac vice*, the attorney is required to pay an admission fee to the United States District Court for the Middle District of Florida and file a Notice of Compliance with the Bankruptcy Court.

Filing Checklist

Review the motion to determine if it:

- ☐ Lists the name of the attorney requesting *Pro Hac Vice* admission and that attorney’s State Bar number, complete mailing address, telephone number, and email address;
- ☐ Is signed;
 - ❖ **Note:** The signature block must contain the name and address of the filing attorney that is consistent with that attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;

- ☐ Is accompanied by a consent-to-act signed by an attorney admitted to the Middle District of Florida within 14 days of filing the Motion to Appear *Pro Hac Vice* (consent-to-act may be separately filed);
 - ❖ **Note:** Attestation is required by Local Rule 1001-2(e)(3)(ii) by the filing attorney that concurrence in the filing of the paper has been obtained from each of the other signatories.
- ☐ Pay fee to District Court; and
- ☐ File a Notice of Compliance with the Bankruptcy Court for payment of fee.

Forms

[Motion to Proceed Pro Hac Vice-Adversary](#)

[Notice of Compliance of Order Granting Motion to Appear Pro Hac Vice](#)

Motion to Compel—Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Compel (Abandonment/Turnover/Other)
 - Adversary > Motions/Applications > Motion to Compel
-

Negative Notice: If the Motion to Compel is filed in an main case, negative notice procedures apply. If the Motion to Compel is a Motion to Compel Abandonment, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 554\(a\), \(b\)](#)

[Fed. R. Bankr. P. 6007\(b\)](#)

[Fed. R. Bankr. P. 7037](#)

[Local Rule 7001-1](#)

[Local Rule 7026-1](#)

[Local Rule 7037-1](#)

Fee: \$188 on Motions to Compel Abandonment

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 12/1/2020 8:19:30 AM

Description

Parties generally file motions to compel to request the Court enter an order directing the opposing party or a third party to take some action.

In both adversary proceedings and bankruptcy cases, parties may file this motion to address discovery disputes. This happens when a party has propounded discovery to either the opposing party or a third party and believes that the discovery responses are insufficient.

Two other types of motions to compel commonly filed are Motions to Compel Abandonment and Motion to Compel Turnover.

Motions to Compel Abandonment are included in this procedure. A party in interest may file and serve a motion requiring the trustee to abandon property of the estate.

Motions to Compel Turnover of Property are processed the same as a Motion for Turnover of Property. Descriptions and procedures for those motions are included in the Motion for Turnover Procedure.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;

- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is a Motion to Compel Disclosure, then it must contain a certification that the movant has in good faith conferred with opposing party prior to filing the motion.
- ☐ Is a Motion to Compel Abandonment, it contains negative notice that contains the correct language located on the first page;
 - ❖ Note: Response period is 14 days for a Motion to Compel Abandonment (plus an additional three days if any party was served by U.S. Mail)
- ☐ Is a Motion to Compel Abandonment, then ensure the filing fee is paid.

Motion to Determine if Proceeding Is Core—Adversary Proceedings

Docketing Event

Adversary > Motions/Applications > Motion to Determine Whether Proceeding Is Core

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 157](#)

[Fed. R. Bankr. P. 7008](#)

[Fed. R. Bankr. P. 7012](#)

[Fed. R. Bankr. P. 9027](#)

[Fed. R. Bankr. P. 9033](#)

[Fed. R. Civ. P. 8.](#)

[Fed. R. Civ. P. 12](#)

[Local Rule 5011-1](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 7/25/2019

Description

Local Rule 7001-1(k)(6) provides that not later than the date set for filing a response to the complaint, any party objecting to the entry of final orders or judgments by the Bankruptcy Court on any issue in the adversary proceeding shall file a motion requesting that the Court determine whether the proceeding is a core proceeding or otherwise subject to the entry of final orders or judgments by the Bankruptcy Court. Failure of any party to file a motion by this deadline shall be deemed consent by such party to the Bankruptcy Court entering all appropriate final orders and judgments in the proceeding subject to review under 28 U.S.C. § 158.

Filing Checklist

Review the motion to determine if it is:

- ☐ Signed;
- ☐ The attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Motion to Extend Time—Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications> Motion to Extend Time
 - Adversary > Motions/Applications> Motion to Extend Time to Appeal
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Deadline to File Schedules, Statements, Ch. 13 Plan
 - Bankruptcy > Motions/Applications/Objection> Motion to Extend Exclusivity Period
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Plan Payments
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Time
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Time to Appeal
-

Negative Notice: For Motions to Extend Time to File Objection to Discharge or a Complaint to Determine Dischargeability and Motions to Dismiss under § 707(b), negative notice procedures apply.

Accompanying Orders: For Motions to Extend Deadline to File Schedules, Statements, and Chapter 13 plan, the Court will prepare an order. For Motions to Extend Time to File a Reaffirmation Agreement (which requests an extension of 60 days or less), the movant may submit a proposed order simultaneously with the Motion. For Motions to Extend Time to Obtain Credit Counseling and Motions to Extend Time to File Tax Returns, the movant may submit a proposed order simultaneously with the Motion.

Code and Rule References:

[11 U.S.C. § 707\(b\)](#)

[11 U.S.C. § 727\(a\)](#)

[11 U.S.C. § 523](#)

[11 U.S.C. § 1121\(d\)\(3\)](#)

[Fed. R. Bankr. P. 1007](#)

[Fed. R. Bankr. P. 4003\(b\)](#)

[Fed. R. Bankr. P. 4004](#)

[Fed. R. Bankr. P. 4007](#)

[Fed. R. Bankr. P. 9006](#)

[Local Rule 1007-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 9/9/2020 10:12:23 AM

Description

Parties may file motions to extend time to file various papers including schedules, statements, plans, objections to claims or exemptions, complaints objecting to discharge or to determine dischargeability, answers, responses, and appeals. Parties may also file motions requesting to extend the time to complete some task like bringing Chapter 13 plan payments current, filing tax returns, or to enlarge a period like the Chapter 11 exclusivity period.

This procedure covers motions to extend or enlarge time except for Motion to Extend the Automatic Stay.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ If applicable, is accompanied by a proposed order;
- ☐ Is a Motion to Extend Time to File an Objection to Discharge or Complaint to Determine Dischargeability or a Motion to Dismiss under § 707(b), then it should be filed with negative notice;
 - ❖ Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Forms

[Motion to Extend Time – Bankruptcy](#)

[Motion to Extend Time – Adversary](#)

Motion to File Paper Under Seal – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to File Paper under Seal
 - Adversary > Motions/Applications > Motion to File Paper under Seal
 - Bankruptcy > Miscellaneous > Sealed Paper
 - Adversary > Miscellaneous > Sealed Paper
-

Negative Notice: No

Accompanying Orders: Yes. Attorney prepares the order.

Code and Rule References:

[Local Rule 5005-4](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:13:33 AM

Description

Under [Local Rule 5005-4](#), with a few limited exceptions, papers may be filed under seal only after entry of an order granting a Motion to File Papers under Seal. Before June 15, 2015, sealed papers were submitted in paper. These items are maintained by the Clerk.

After June 15, 2015, CM/ECF sealed paper functionality was improved to allow filing sealed papers electronically. Between June 15, 2015 and June 30, 2016, all motions that sought to file papers under seal and the related orders were sealed. Entries for the motion and order were not viewable externally.

- ❖ **Note:** Due to the viewing restrictions, filers may notice that there are missing or skipped paper numbers on the public docket. This reflects that the item is an internal court document.

Motion to File Paper under Seal

Except for the limited exceptions listed in [Local Rule 5005-4](#), a motion to file a paper under seal must be filed and granted before a paper may be filed under seal.

If the filer chooses to do so, the Motion to File Paper under Seal docket entry and the image of the motion will be viewable only by the filer of the motion, the U.S. Trustee, the Trustee appointed to the case (if applicable), and internal Court users. The filer may view the motion at the time of filing on the electronic filing receipt and also on the case docket sheet. Other external CM/ECF users will not be able to view the docket entry or the image of the motion. The paper to be filed under seal must not be attached or submitted with the motion. No Notice of Electronic Filing (NEF) is generated to any case participants.

Order on Motion to File Paper under Seal

If the underlying Motion to File Paper under Seal was docketed with viewing restrictions, the docket entry and image of the Order Granting Motion to File Paper under Seal will be viewable only by the filer of the underlying Motion to File Paper under Seal, the U.S. Trustee, the Trustee appointed to the case (if applicable), and internal Court users. Upon entry of the Order Granting Motion to File Paper under Seal, the filer of the motion will be notified and may file the sealed paper electronically. No Notice of Electronic Filing (NEF) is generated to any case participants.

Filing of Sealed Paper

After the entry of an Order Granting Motion to File Paper under Seal, the sealed paper may be filed via CM/ECF using the event “Sealed Paper.” The docket entry and image for the sealed document will be viewable only by the assigned judge, authorized staff members, the U.S. Trustee, and the Trustee appointed to the case (if applicable). Chambers staff will be notified when the sealed paper has been filed. Upon completion of electronic filing, no Notice of Electronic Filing (NEF) confirmation screen will appear, and no NEF is generated to any case participants.

Orders on Sealed Papers

If the sealed paper is a motion or application that requests a court order, the movant shall submit the proposed order using the eOrder program. Upon receipt, the order will be routed to the appropriate person and, if signed, will be docketed internally as a sealed order. The docket entry and image of the sealed order will only be viewable by the filer of the underlying motion, the U.S. Trustee, the Trustee appointed to the case (if applicable), the assigned judge, and authorized staff members. The Court will notify the movant of the entry of the sealed order and will provide special access to the sealed order via CM/ECF. Each situation will be addressed on a case-by-case basis. No Notice of Electronic Filing (NEF) is generated to any case participants.

Other Papers filed with Viewing Restriction

Section (d) of [Local Rule 5005-4](#) lists several items that do not require prior approval to file under seal. Each of these items will be docketed using events specific to the item. Viewing restrictions are set in these individual events and therefore these items do not need to be filed using the Sealed Paper event.

Filing Checklist

Review the Motion to File Paper under Seal to determine if:

- ☐ The motion is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service; and
- ☐ Proposed sealed paper is not attached.

Forms

[Motion to File Paper Under Seal - Bankruptcy](#)

[Order Granting Emergency Motion for Authority to File Paper Under Seal – Bankruptcy](#)

[Motion to File Paper Under Seal – Adversary](#)

[Order Granting Emergency Motion for Authority to File Paper Under Seal - Adversary](#)

Summons – Adversary Proceedings (Initial Summons)

Docketing Event

Adversary > Miscellaneous > Summons Service Executed

Notes:

- ❖ Use this event when recording service of any summons, including the initial, alias, pluries, or third-party summons. It is very important to use this event and not the certificate of service or proof of service events when docketing the certificate of service for a summons.
- ❖ Ensure a copy of the summons that was served is included as part of your service PDF when recording service of any summons.

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7003](#)

[Fed. R. Civ. P. 5](#)

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Civ. P. 10](#)

[Fed. R. Bankr. P. 7005](#)

[Form B2500A](#)

[Fed. R. Bankr. P. 7010](#)

[Form B2500B](#)

[Fed. R. Bankr. P. 9006](#)

[Form B2500C](#)

[Fed. R. Bankr. P. 9014](#)

[Form B2500D](#)

[Fed. R. Civ. P. 3](#)

[Form B2500F](#)

[Fed. R. Civ. P. 4](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 10/23/2019 8:55:17 AM

Description

After the complaint is docketed and reviewed by the Clerk's Office, the CM/ECF program will automatically create and issue a summons. It is the responsibility of the electronic filer to print the automatically issued summons and serve it according to the Federal Rules of Bankruptcy Procedure. A copy of Local Rule 7001-1 must be served along with the summons. A link to summons issued appears on the docket report and also on the notice of electronic filing.

Click on the document number hyperlink for the summons. It will also include a copy of the court's Local Rule 7001-1 and a blank certificate of service. If the summons is correct, print or save to a file.

- ❖ **Note:** If a form summons is utilized instead of the automatically created and issued summons available on the docket report or notice of electronic filing, it will be necessary to serve a copy of Local Rule 7001-1 along with the summons and copy of the complaint, and service of Local Rule 7001-1 must be noted in the Certificate of Service.
- ❖ **Note:** For adversary proceedings in front of Judge Williamson, Judge Jennemann, and Judge Jackson, a pretrial conference is automatically scheduled when the summons is issued. The date is included on the first page of the summons.

Notice of Electronic Filing

The following transaction was received from ADIClerk entered on 02/01/2017 at 2:31 PM EST and filed on 02/01/2017

Case Name: Adams v. Wells Fargo, NA

Case Number: [3:17-ap-00034-JAF](#)

Document Number: [4](#)

Docket Text:

Summons issued on Wells Fargo, NA along with Local Rule 7001-1 - Adversary Proceedings - Procedures. Answer Due 03/03/2017. If one or more defendants are the United States or an officer or agency thereof, add an additional five days to the Answer Due date. A copy of this summons must be included when filing proof of service of this summons. (ADIClerk)

- ❖ **Note:** to non-CM/ECF users and *pro se* parties: promptly upon issuance, the summons, along with a copy of Local Rule 7001-1 will be sent to you by U.S. mail.
- ❖ **Note:** if any updates to the parties or related bankruptcy case information occurs after the issuance of the initial summons, do not use the automatic summons. An alias summons will need to be requested.

Summons – Adversary Proceedings (Alias or Pluries)

Docketing Event

- Adversary > Request a Summons > Request for Alias or Pluries Summons
- Adversary > Miscellaneous > Summons Service Executed

Notes:

- ❖ Use this event when recording service of any summons, including the initial, alias, pluries, or third-party summons. It is very important to use this event and not the certificate of service or proof of service events when docketing the certificate of service for a summons.
- ❖ Ensure a copy of the summons that was served is included as part of your service PDF when recording service of any summons.

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

Fed. R. Bankr. P. 7003	Fed. R. Civ. P. 5
Fed. R. Bankr. P. 7004	Fed. R. Civ. P. 10
Fed. R. Bankr. P. 7005	Form B2500A
Fed. R. Bankr. P. 7010	Form B2500B
Fed. R. Bankr. P. 9006	Form B2500C
Fed. R. Bankr. P. 9014	Form B2500D
Fed. R. Civ. P. 3	Form B2500F
Fed. R. Civ. P. 4	Local Rule 7001-1

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 10/23/2019 3:32:43 PM

Description

Alias or Pluries summons are requested via paperless docket entry then issued and posted to the docket via an automated process. Attorneys are notified of the summons entry through their usual manner of electronic notification (individual or daily summary emails). You must indicate upon whom the summons is to be issued; you may select multiple parties. The “date summons issued” field should not be changed, and the system will not allow you to select a future date. When prompted, indicate whether an alias (second summons) or pluries (third or more summons) summons is requested. The resulting docket text will indicate the summons is pending.

Summons Events:

[6:15-ap-00006-ABB Vader v. Common](#)

Type: ap Office: 6 (Orlando) Judge: ABB
 Lead Case: 6-11-bk-158 Case Flag: ADV

Docket Text: Modify as Appropriate.

▼ Alias Summons Requested on James William Common . Answer Due 05/21/2015.
 (Alias or Pluries Summons Pending.) Filed by Alyson Johnson . (Johnson, Alyson)

The text “(Alias or Pluries Summons Pending)” will be removed from this entry’s text upon summons issuance. A copy of Local Rule 7001-1 must be served along with the summons and service of Local Rule 7001-1 must be noted in the Certificate of Service. Once issued, a link to the summons will be available on the docket and on the notice of electronic filing; you may click the document link for the image. It will also include a copy of the Court’s Local Rule 7001-1 and a blank certificate of service. If the summons is correct, print or save to file.

- ❖ **Note:** The alias/pluries summons process is run in 30-minute intervals. The summons will not issue immediately upon submission as it does when the adversary proceeding is filed.
- ❖ **Note to non-CM/ECF users and *pro se* parties:** Submit a request for alias or pluries summons to the Clerk’s office. There is no need to submit a prepared alias or pluries summons. An automated summons will be generated and mailed promptly to you. A copy of Local Rule 7001-1 must be served along with the summons and service of Local Rule 7001-1 must be noted in the Certificate of Service
- ❖ **Note:** PACER charges may apply if viewed from the docket as opposed to viewing via the electronic notification, which provides a “free look.”

Summons Events:

[6:15-ap-00006-ABB Vader v. Common](#)

Type: ap Office: 6 (Orlando) Judge: ABB
 Lead Case: 6-11-bk-158 Case Flag: ADV

Docket Text: Modify as Appropriate.

▼ Alias Summons Requested on James William Common . Answer Due 05/21/2015.
 (Alias or Pluries Summons Pending.) Filed by Alyson Johnson . (Johnson, Alyson)

04/14/2015	17	Alias Summons Requested on Jennifer Marie Stevens. Filed by Alyson Johnson on behalf of Plaintiff James Earl Jones, Defendant Jennifer Marie Stevens. (Johnson, Alyson) (Entered: 04/14/2015)
04/14/2015	18 (1 pg)	Alias Summons Issued on Jennifer Marie Stevens. Answer Due 5/6/2015. (ADIClerk) (Entered: 04/14/2015)

Summons – Adversary Proceedings (Third Party)

Docketing Event

- Adversary > Request a Summons > Request for Third Party or Involuntary Summons
- Adversary > Miscellaneous > Summons Service Executed

Notes:

- ❖ Use this event when recording service of any summons, including the initial, alias, pluries, or third-party summons. It is very important to use this event and not the certificate of service or proof of service events when docketing the certificate of service for a summons.
- ❖ Ensure a copy of the summons that was served is included as part of your service PDF when recording service of any summons.

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

Fed. R. Bankr. P. 7003	Fed. R. Civ. P. 5
Fed. R. Bankr. P. 7004	Fed. R. Civ. P. 10
Fed. R. Bankr. P. 7005	Form B2500A
Fed. R. Bankr. P. 7010	Form B2500B
Fed. R. Bankr. P. 9006	Form B2500C
Fed. R. Bankr. P. 9014	Form B2500D
Fed. R. Civ. P. 3	Form B2500F
Fed. R. Civ. P. 4	Local Rule 7001-1

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 10/23/2019 8:57:03 AM

Description

The process for requesting a third-party summons is similar to the alias/pluries summons with one important distinction: for this summons, a completed summons form must be submitted during the entry. Summons forms can be found on our website at <http://www.flmb.uscourts.gov/forms/>. It is only necessary to provide one form for issuance.

A message screen during docketing will remind you that a form is necessary and that the event is not to be used for alias or pluries summons. When prompted, indicate whether a third party or involuntary summons is requested. The third party/involuntary summons must be issued by Clerk's Office staff and is not processed via automation. Upon review of the request, a member of the Clerk's Office staff will issue the summons. Attorneys will be notified of the summons issuance entry through their usual manner of electronic notification (individual or daily summary emails). It may also be viewed on the docket by clicking the document link for the image. A copy of Local Rule 7001-1 must be served along with the summons and service of Local Rule 7001-1 must be noted in the Certificate of Service.

- ❖ **Note:** PACER charges may apply if viewed from the docket as opposed to viewing the electronic notification, which provides a "free look."

Summons Events:

[6:15-ap-00006-ABB Vader v. Common](#)

Type: ap Office: 6 (Orlando) Judge: ABB
Lead Case: 6-11-bk-158 Case Flag: ADV

NOTE: A completed summons form for issuance MUST be uploaded on the following screen. Links to official forms B250D and B250E can be located via our website [here](#). Upon receipt, the clerk will issue and docket the appropriate Summons Issued docket entry.

This event is for Third Party and Involuntary Summons only. If you require an Alias or Pluries Summons, please return to the Adversary - Request a Summons category and select the Request for Alias or Pluries Summons event.

Bankruptcy	Adversary	Query	Reports	Utilities	Search	Logout
Miscellaneous:						
6:11-ap-00004-ABB Jones v. Stevens						
Type: ap Office: 6 (Orlando) Judge: ABB Lead Case: 6-04-bk-365 Case Flag: 727OBJ, ADV						
REMINDER: SEE RULE 7007.1(b) REGARDING CORPORATE OWNERSHIP STATEMENT						
Docket Text: Modify as Appropriate.						
▼ Request for Third Party Summons Filed by Alyson Johnson on behalf of Plaintiff James Earl Jones . (Johnson, Alyson)						
<input type="button" value="Next"/> <input type="button" value="Clear"/>						

04/14/2015	20 (1 pg)	Request for Third Party Summons Filed by Alyson Johnson on behalf of Plaintiff James Earl Jones. (Johnson, Alyson) (Entered: 04/14/2015)
04/14/2015	21 (1 pg)	Third Party Summons Issued on Jennifer Marie Stevens Date Issued 4/14/2015, Answer Due 5/14/2015 . (Johnson, Alyson) (Entered: 04/14/2015)

Third Party Complaint—Adversary Proceedings

Docketing Event

Adversary > Complaint (Amended, Counter, Cross, Third Party)

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7008](#)

[Fed. R. Bankr. P. 7010](#)

[Fed. R. Bankr. P. 7012](#)

[Fed. R. Bankr. P. 7015](#)

[Fed. R. Civ. P. 8](#)

[Fed. R. Civ. P. 10](#)

[Fed. R. Civ. P. 12](#)

[Fed. R. Civ. P. 15](#)

[Fed. R. Civ. P. 19](#)

[Local Rule 2090-1](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/14/2020 10:56:03 AM

Description

If a complaint has been properly served, each defendant must serve an answer or a responsive pleading within 30 days after the issuance of the summons. The United States, its agencies, and its officers have 35 days. The filing of an amended complaint may alter the time to serve an answer or response.

In addition to filing an answer, a defendant may file a separate third party complaint if the defendant is making a claim against someone who originally was not included in the adversary proceeding as a plaintiff or a defendant.

Note: A third party complaint may also be filed as part of the answer.

Filing Checklist

1. Review the third party complaint to determine if it:
 - ☐ Is signed;
 - ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Is filed by a corporation—must be represented by an attorney; and
 - ☐ Is properly served and includes a proper certificate of service.
 - ❖ Note: If filed by a corporation, the attorney must file a statement of corporate ownership on behalf of the corporation.
2. During the docketing process, add the third party defendant at the appropriate prompt.

3. Issue a third party summons on the third party defendant.

- ❖ Note: A third party complaint requires that a third party summons be issued on the third party defendant. A third party summons should be submitted under Adversary > Request a Summons, attached as a PDF, and uploaded to the Court for processing. The Clerk will prepare and issue the summons, and the attorney will receive electronic notification to serve with a copy of the third party complaint.

Forms

[Third Party Complaint](#)

Transcripts – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Notices > Notice of Intent to Request Redaction of Transcript
 - Bankruptcy > Miscellaneous > Statement of Personal Data Identifier Redaction Request
 - Bankruptcy > Motions/Applications/Objections > Motion for Additional Redactions to Transcript
 - Bankruptcy > Trustee/U.S. Trustee > Motion for Additional Redactions to Transcript
 - Bankruptcy > Trustee/U.S. Trustee > Notice of Intent to Request Redaction of Transcript
 - Bankruptcy > Court Reporter – Transcript with Redactions
 - Adversary > Notices > Notice of Intent to Request Redaction of Transcript
 - Adversary > Miscellaneous > Statement of Personal Data Identifier Redaction Request
 - Adversary > Motions/Applications > Motion for Additional Redactions to Transcript
 - Adversary > Court Reporter – Transcript with Redactions
-

Negative Notice: N/A

Accompanying Orders: Yes, for Motion for Additional Redactions to Transcript.

Code and Rule References:

[Fed. R. Bankr. P. 5007](#)

[Fed. R. Bankr. P. 9037](#)

[Local Rule 5077-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/2018

Last Revision: 8/2/2021 9:13:40 AM

Description

A transcript is a written record of all proceedings including testimony in a trial, hearing, or deposition. They are requested and paid for via the official court reporter or a transcriptionist. The Court keeps a list of approved court reporters and transcriptionists on its website: http://www.flmb.uscourts.gov/court_reporters/.

[Here](#) is a generic purchase order for a transcript from an approved agency.

To order a transcript of a court hearing, contact an approved agency and provide the following information : (1) the case name and number; (2) the hearing date and time; (3) the judge's name; (4) the ordering attorney's name and the party that attorney represents; and (5) whether the transcript is in connection with an appeal.

Official transcripts of Bankruptcy Court proceedings may only be filed by an official court reporter and shall, at the time of initial filing on the CM/ECF docket, be docketed using the appropriate transcript docketing event to ensure appropriate viewing restrictions are set. Court approved court reporters and transcriptionists are provided with special access to CM/ECF for docketing of transcripts.

Parties interested in reviewing a transcript during the restricted viewing period may purchase a copy from the official court reporter or transcriptionist or view the transcript at the public terminals located at the Court's intake windows.

Pursuant to the Judicial Conference's Privacy Policy and Local Rule 5077-1, certain personal identifier information should be redacted. During court proceedings, participants are requested to use caution to avoid disclosing certain personal identifiers. Personal identifiers include:

- Social Security numbers;
- Taxpayer Identification Number;
- Financial account numbers other than the last 4 digits of the account number;
- Names of minor children; and
- Dates of birth.

Fed. R. Bankr. P. 9037 also includes the Taxpayer Identification Number in the list of personal identifiers subject to privacy protection. Pursuant to Local Rule 5077-1, the Court has a detailed process to notify the participants in a hearing when an official transcript is filed by the official court reporter or transcriptionist. This process allows participants seven calendar days from the date of filing the transcript (not the date of the hearing) to file a Notice of Intent to Request Redaction. If timely filed, the filer then has 21 calendar days from the filing of the transcript to file a Statement of Personal Data Identifier Redaction Request. At that time, the official court reporter or transcriptionist has 28 calendar days from the date of the filing of the Statement of Personal Data Identifier Redaction Request to file a redacted transcript.

Parties may also file a Motion for Additional Redactions for redaction of something other than the standard personal identifiers. This Motion must be filed within 21 calendar days of the Notice of Intent to Request Redaction.

Note: Transcripts filed by someone other than an official court reporter may be docketed and attached to a Notice of Filing. For transcripts that are not an official transcript of a Bankruptcy Court proceeding and/or are not filed by the official court reporter or transcriptionist, the Court has no requirement to review the transcript to locate or address any privacy issues. This may include, for example, transcripts of depositions, 341 meetings, or state court proceedings.

To acquire a transcript of a 341 creditors meeting, contact the United States Trustee's Office:

Guy A. Van Baalen, Assistant U.S. Trustee
501 East Polk Street, Suite 1200
Tampa, FL 33602
Phone: (813) 228-2000
Fax: (813) 228-2303

OR

William J. Simonitsch, Assistant U.S. Trustee
400 W. Washington Street, Suite 1101

Orlando, FL 32801
Phone: (407) 648-6301
Fax: (407) 648-6323

Filing Checklist for Notice of Intent to Request Redaction of Transcript:

- ☐ Is filed seven days or fewer after the transcript is filed.

Filing Checklist for Motion for Additional Redactions to Transcript:

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Includes the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ Needs to be filed as a sealed paper, if so, follow the sealed paper procedure.

Filing Checklist Statement of Personal Identified Redaction Request:

- ☐ Is filed 21 days or fewer after the transcript is filed.

Filing Checklist Transcript with Redactions:

- ☐ Is filed 31 days or fewer after the file date of the original transcript.

Other Useful Information:

[Judiciary Policy on Court Reporting](#)
[Federal Court Reporting Program](#)
[Transcript Fee Rates](#)

2004 Examinations—Motions and Notices

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion for Protective Order
 - Bankruptcy> Notices> Notices of 2004 Examination
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 343](#)

[Fed. R. Bankr. P. 2004](#)

[Local Rule 2004-1](#)

[Local Rule 9004-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 8/14/2020 4:01:44 PM

Description

Federal Rule of Bankruptcy Procedure 2004 allows for examination of the debtor (or any entity) relating to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. These examinations are at greater length and beyond the time limitations of the Section 341 meeting of creditors. These examinations may only be conducted through the bankruptcy case. Different rules apply in adversary proceedings.

A court order is not necessary to authorize this kind of examination or to require production of documents at the examination. Local Rule 2004-1 provides examinations may be scheduled upon notice filed with the Court. The notice must be served on the trustee, the debtor, the debtor's attorney, and the party to be examined. Because motions are not necessary, the Court will deny without prejudice any motion for a 2004 examination.

Parties should refer to Local Rule 2004-1 for more information on these examinations.

Local Rule 2004-1(e) provides "[a]n interested party may file, prior to the date of the proposed examination or production of documents, a motion for protective order stating the reasons for prohibiting, limiting, or rescheduling the examination or production of documents. A motion for protective order shall be filed as an emergency motion under Local Rule 9004-1(e). The examination and/or production of documents shall be stayed until the Court rules on the motion. If the Court schedules a hearing on a motion for protective order, the parties shall meet and confer prior to the hearing in an effort to resolve the issues presented in the motion."

Filing Checklist

Review the notice of 2004 examination to determine if it:

- ☐ Is signed;
- ☐ Is properly served and includes a proper certificate of service;

Review the motion for protective order to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is being filed as an emergency motion.

Forms

[Notice of Rule 2004 Examination](#)

Rule 3002.1 Chart

Docketing Event

- Bankruptcy > Claim Related Matters > Notice of Mortgage Payment Change
 - Bankruptcy > Claim Related Matters > Notice of Post-Petition Mortgage Fees, Expenses, and Charges
 - Bankruptcy > Notices > Notice of Final Cure Payment
 - Bankruptcy > Claim Related Matters > Response to Notice of Final Cure Payment
 - Bankruptcy > Motions/ Applications/Objections > Motion to Determine Validity of Payment Change
 - Bankruptcy > Motions/ Applications/Objections > Motion to Determine Mortgage Fees, Expenses, or Charges
 - Bankruptcy > Motions/ Applications/Objections > Motion to Determine Final Cure and Mortgage Payment (Rule 3002.1)
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 3002.1](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 4/30/2019

Last Revision: 6/16/2021 9:58 AM

Description

Rule 3002.1 “applies in a chapter 13 case to claims (1) that are secured by a security interest in the debtor’s principal residence, **and** (2) for which the [chapter 13] plan provides that either the trustee or the debtor will make contractual installment payments.” (emphasis provided).

Rule 3002.1 (b)(2), amended on December 1, 2018, directs any party in interest who objects to a payment change to file a **motion** (not an objection) to determine whether a payment change is required.

Please refer to the Rule 3002.1 Chart at the end of this procedure for more guidance and information.

NOTE: Parties seeking payment of a secured claim with a security interest in the debtor’s principal residence must attach Official Form 410A “Mortgage Proof of Claim Attachment” to the Proof of Claim.

Rule 3002.1 Chart

(Approved by all Chapter 13 Trustees in the Middle District)

PAYMENT CHANGES (Rule 3002.1(b))

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry or Addition to Claims Register	Subdivision of Rule 3002.1
Claim holder	Notice of payment changes served on the debtor, debtor's counsel, and the trustee	Notice to be filed and served no later than 21 days before a payment in the new amount is due	Supplement 1 (to Official Form B410S-1), <i>"Notice of Mortgage Payment Change"</i> <i>CM/ECF event: "Notice of Mortgage Payment Change"</i> (event located in Bankruptcy - Claim Related Actions)	Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim.	3002.1(b)(1) & (d)
Party in Interest	Motion to determine whether the payment change is required to maintain payments	Motion to be filed by the day before the new amount is due	<i>CM/ECF event:</i> Motion to Determine Validity of Mortgage Payment Increase – Bankruptcy - Motions/ Applications/ Objections	File on case docket	3002.1(b)(2)

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POST PETITION FEES AND COSTS (Rule 3002.1(c))

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry <i>or</i> Addition to Claims Register	Subdivision of Rule 3002.1
Claim holder	Notice itemizing all fees, expenses or charges that were incurred post-petition <u>and</u> are recoverable against the debtor or the debtor's principal residence served on the debtor, debtor's counsel, and the trustee.	Notice to be served within 180 days after the date on which such fees, expenses or charges were incurred.	Supplement 2 (to Official Form B410S-2), <i>"Notice of Post-petition Mortgage Fees, Expenses, and Charges"</i> <i>CM/ECF event: "Notice of Post-petition Mortgage Fees, Expenses, and Charges"</i> (event located in Bankruptcy - Claim Related Actions)	Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim and on the case docket but will not be assigned a docket number.	3002.1(c) & (d)
Debtor or party in interest	Motion to Determine the Notice of Post-Petition Mortgage Fees, Expenses, and Charges. ❖ Note: Motion must reference the number of the claim holder's proof of claim and attach a copy of the Notice of Post-Petition Mortgage Fees, Expenses, and Charges.	Motion to be filed within one year after service of the Notice	<i>CM/ECF event: "Motion to Determine Mortgage Fees and Expenses"</i> (event located in Bankruptcy - Motions/ Applications/ Objections)	File on case docket.	3002.1(e)
Court	Shall determine (after notice and hearing) whether payment of any claimed fee, expense or charge is required by the underlying agreement and applicable non-bankruptcy law to cure a default or maintain payments [in accordance with § 1322(b)(5)].				3002.1(e)

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FINAL CURE MORTGAGE PAYMENT

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry or Addition to Claims Register	Subdivision of Rule 3002.1
Trustee or Debtor	<p>Shall file and serve on the claim holder, the debtor and debtor's counsel a notice stating that the debtor has paid in full the amount required to cure any default on the claim [this notice shall also inform the claim holder of its obligation to file and serve a response under subdivision (g)].</p> <p>The debtor may file and serve the notice if 1) the debtor contends that final cure payment has been made and all plan payments have been completed and 2) the trustee does not timely file and serve the required notice.</p>	Notice to be filed and served within 30 days after the debtor completes all payments under the plan	<i>CM/ECF event:</i> "Notice of Final Cure Payment" (event located in Bankruptcy - Notices)	<p>File on case docket.</p> <p>Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim.</p>	3002.1(f)
Claim holder	<p>Shall file and serve a statement indicating whether 1) it agrees that the debtor has paid in full the amount required to cure the default and 2) the debtor is otherwise current on all payments.</p> <p>The statement shall itemize the required cure or post-petition amounts, if any, that the claim holder contends are unpaid as of the date of the statement.</p>	Statement to be filed and served within 21 days after service of the Notice of Final Cure Mortgage Payment.	<i>CM/ECF event:</i> "Response to Notice of Final Cure Payment" (event located in Bankruptcy - Claim Related Actions)	<p>File on case docket.</p> <p>Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim.</p>	3002.1(g)
Debtor or Trustee	Motion requesting a court determination as to whether the debtor has cured the default and paid all required post-petition amounts.	Motion to be filed within 21 days after service of the Response to Notice of Final Cure Payment.	<i>CM/ECF event:</i> "Motion to Determine Final Cure and Payment Rule 3002.1" (event located in Bankruptcy - Motions/ Applications/ Objections)	File on case docket.	3002.1(h)

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry <i>or</i> Addition to Claims Register	Subdivision of Rule 3002.1
Court	Shall determine (after notice and hearing) whether the debtor has cured the default and paid all required Post-petition amounts.				3002.1(h)

Amendment to Schedules, Voluntary Petitions, and Chapter 13 Plans

Docketing Events

- Bankruptcy>Miscellaneous>Schedules (original schedules, individual schedules, or amended schedules)
 - Bankruptcy>Plans Disclosure Statements and Related Matters>Amended Chapter 13 Plan
 - Bankruptcy>Miscellaneous>Amended Voluntary Petition
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References

[28 U.S.C. § 1746](#)

[28 U.S.C. § 1930\(b\)](#)

[Fed. R. Bankr. P. 1008](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

[Local Rule 1007-2\(a\)](#)

[Local Rule 1009-1\(b\), \(d\) and \(e\)](#)

Fee: \$32 when amending schedules D, E, and F (with limitations)

Applicable Chapters: 7, 11, 12, and 13

Implemented: 2/9/2016

Last Revision: 12/1/2020 7:59:46 AM

Description

Schedules are the official forms for listing a debtor's and co-debtor's assets, liabilities, exemptions, executory contracts, current income and expenditures, and parties jointly responsible for any of the debtor's liabilities. All the official forms and instructional information can be viewed [here](#).

Amended schedules filed after the initial schedules must be served on affected parties. An Amended Chapter 13 Plan should be served on all creditors.

Filing Checklist

- ☐ Review the docket to determine if the case is dismissed or closed;
 - ❖ **Note:** The amendment will only be processed if the case is reinstated or reopened.
- ☐ Review the amendment to determine if:
 - ☐ The amendment is signed under penalty of perjury by the debtor;
 - ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., "I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include 'under the laws of the United States of America'] that the foregoing is true and correct. Executed on (date).
 - ☐ The attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF.; and
 - ❖ **Note:** If filed electronically by an attorney, must include electronic signature.
 - ☐ The amendment is properly served and includes a proper certificate of service;
 - If additional creditors were added to Schedules D, E, or F, the certificate of service indicates service of the Notice of Bankruptcy Case (Section 341 notice);

- ☐ The amendment adds additional creditors to Schedules D, E, or F, if yes, then ensure the additional creditors are uploaded/added to the matrix.
 - ❖ **Note:** Amendments to Schedules D, E, or F should only list additional or deleted information as amendment will be stricken if all creditors are listed.
 - ❖ **Note:** Amendments that add ten or more creditors must comply with the provisions of Local Rule 1007-2(a) and be accompanied by a master mailing matrix or CM/ECF upload.
- ☐ Proof or certificate of service indicates service of the Chapter 13 plan, if case is a Chapter 13 case and additional creditors were added to Schedules D, E, or F;
- ☐ Amended Summary of Schedules is included with amendment to Schedules A, B, D, E, F, I, and J; and
- ☐ After completing the docketing process in CM/ECF, ensure the filing fee is paid for Amendments to Schedules D, E, and F.
 - Exceptions to this fee are:
 - Only change is to add an attorney for a creditor already listed.
 - Only change is to update an address of a previously provided creditor or creditor's attorney address.
 - Filed to correct a deficiency in a previous amendment.
 - Filed within 30 days after a conversion from Chapter 13 to Chapter 7.
 - Debtor was approved to proceed in forma pauperis.

Application/Motion/Request for Administrative Expense Claim for Debtor Attorney Fees After Pre-Confirmation Dismissal or Conversion – Chapter 13

Docketing Event

Bankruptcy > Motions/Applications/Objections > Application/Motion/Request for Payment of Administrative Expenses

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 503](#)

[Fed. R. Bankr. P. 2002\(a\)\(6\) & \(h\)](#)

[Fed. R. Bankr. P. 9034](#)

[Local Rule 2002-4](#)

[Local Rule 3071-1](#)

[Local Rule 9013-3](#)

[Administrative Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapter: 13

Implemented: 8/14/2020

Last Revision: 1/25/2021 10:37:18 AM

Description

Attorneys representing Debtors may file applications, motions, or requests seeking approval for payment of compensation when a Chapter 13 case is converted to another chapter or dismissed. They seek payment as an administrative claim from funds held by the Chapter 13 Trustee, who will pay the attorney directly. However, there are numerous other types of administrative claims that may be made by creditors, which are outlined in 11 U.S.C. § 503.

Filing Checklist

Review the motion/application/request to determine if it:

- ☐ Is signed;
 - ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Is properly served and contains a proper Certificate of Service;
 - ☐ Negative notice should be included and the correct language on the first page;
 - ❖ **Note:** Response period is 14 days (plus an additional three days if any party was served by U.S. Mail).
-

Forms

[Application for Administrative Expense Claim for Attorney for Debtor – Chapter 13](#)

[Order Approving Application for Administrative Expense Claim for Attorney for Debtor – Chapter 13](#)

Application for Compensation—Chapter 7

Docketing Event

Bankruptcy> Motions/Applications/Objections> Application for Compensation (incl. Quantum Meruit)

Negative Notice: N/A

Accompanying Orders: For appraisers, auctioneers, and accountants, simultaneous and separate submission of proposed order allowed with application.

Code and Rule References:

[11 U.S.C. § 326](#)

[11 U.S.C. § 327](#)

[11 U.S.C. § 328](#)

[11 U.S.C. § 329](#)

[11 U.S.C. § 330](#)

[11 U.S.C. § 331](#)

[Fed. R. Bankr. P. 2002\(a\)\(6\)](#)

[Fed. R. Bankr. P. 2016](#)

[Fed. R. Bankr. P. 6005](#)

[Local Rule 2016-1](#)

[Expense Reimbursement Guidelines](#)

[Rule 2016\(b\) Disclosure Form](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 10/26/17

Last Revision: 1/23/2018 10:09:13 AM

Description

Local Rule 2016-1 provides professionals employed by a Chapter 7 trustee shall file final applications for fees and expenses incurred during a Chapter 7 case upon completion of services or upon notification by the trustee that the case is ready to close. Often applications for compensation related to professionals hired for a one time need are filed before the end of the case. Other professionals, including the trustee and the trustee's attorney often file their applications for compensation near the end of the case. In longer cases, it is common to see the Chapter 7 trustee or the attorney for the trustee file interim applications for compensation.

As in other chapters, special counsel may be employed to address matters outside of the bankruptcy case and may file applications for compensation.

When applications for compensation are filed at the end of the case, a Notice of Final Report will be submitted. The Notice includes a response period to the proposed asset distribution and applications for compensation.

There is a separate procedure for Chapter 7 trustees on Notice of Final Report processing.

Note for debtor attorneys: Debtor attorneys must file a Disclosure of Compensation under Bankruptcy Rule 2016(b) using the official form posted on the uscourts.gov website ([Form](#)).

Debtor attorneys must file the disclosure as a separate stand-alone document and report all compensation received “within one year before the filing of the petition in bankruptcy” and any additional compensation after a bankruptcy is filed. **Debtor attorneys promptly must file supplemental disclosures if any payments are received after the initial disclosure is made.**

Filing Checklist

Review the application to determine if it:

- ☐ Is signed;
- ☐ Has the applicant’s name and address complete and consistent with the applicant’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service (or alternatively is included in the Chapter 7 Trustee’s Notice of Final Report);
- ☐ Is filed by or on behalf of an appraiser, auctioneer, or accountant (and not included in the trustee’s Notice of Final Report). If so, submit a proposed order with the application.

Application for Compensation—Chapter 11

Docketing Event

Bankruptcy> Motions/Applications/Objections > Application for Compensation (incl. Quantum Meruit)

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 326](#)

[11 U.S.C. § 327](#)

[11 U.S.C. § 328](#)

[11 U.S.C. § 329](#)

[11 U.S.C. § 330](#)

[11 U.S.C. § 331](#)

[Fed. R. Bankr. P. 2002\(a\)\(6\)](#)

[Fed. R. Bankr. P. 2016](#)

[Fed. R. Bankr. P. 6005](#)

[Local Rule 2016-1](#)

[Expense Reimbursement Guidelines](#)

[Rule 2016\(b\) Disclosure Form](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 10/26/17

Last Revision: 7/26/2018 3:46:53 PM

Description

Applications for compensation seek approval of compensation for a variety of professionals like the attorney for the debtor-in-possession or the attorney for the creditors' committee. Applications may request "interim" compensation or "final" compensation. Applications may be filed using negative notice.

Parties should refer to Local rule 2016-1 for more specific information.

Note for debtor attorneys: Debtor attorneys must file a Disclosure of Compensation under Bankruptcy Rule 2016(b) using the official form posted on the uscourts.gov website ([Form](#)). Debtor attorneys must file the disclosure as a separate stand-alone document and report all compensation received "within one year before the filing of the petition in bankruptcy" and any additional compensation after a bankruptcy is filed. **Debtor attorneys promptly must file supplemental disclosures if any payments are received after the initial disclosure is made.**

Filing Checklist

Review the application to determine if it:

☐ Is signed;

- ☐ Has the applicant's name and address complete and consistent with the applicant's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Conforms with Local Rule 2016-1(c)(2);
 - ❖ **Note:** If the application is filed with negative notice and seeks more than an aggregate amount of \$5,000, Local Rule 2016-1(c)(2) requires that the Chapter 11 Fee Application Summary be included on the second page of the application.
 - ❖ **Note:** If the application is filed without negative notice and seeks more than an aggregate amount of \$5,000, Local Rule 2016-1(c)(2) requires that the Chapter 11 Fee Application Summary be included on the first page of the application.
- ☐ Is filed with negative notice that contains the correct language and is located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Related Forms

[Chapter 11 Local Rule 2016-\(c\)\(2\)\(i\)1 Fee Application Summary](#)

Application for Compensation—Chapter 13

Docketing Event

Bankruptcy> Motions/Applications/Objections> Application for Compensation (incl. Quantum Meruit)

Negative Notice: If the application is for quantum meruit, negative notice procedures apply. If the application for compensation is filed by the Chapter 7 trustee's attorney, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 326](#)

[11 U.S.C. § 327](#)

[11 U.S.C. § 328](#)

[11 U.S.C. § 329](#)

[11 U.S.C. § 330](#)

[11 U.S.C. § 331](#)

[Fed. R. Bankr. P. 2002\(a\)\(6\)](#)

[Fed. R. Bankr. P. 2016](#)

[Local Rule 2016-1](#)

[Administrative Order FLMB-2020-7](#)

[Amended Order 07-mp-00002-MGW](#)

[Second Amended Order 07-mp-00002-MGW](#)

[Expense Reimbursement Guidelines](#)

[Rule 2016\(b\) Disclosure Form](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

Last Revision: 1/25/2021 9:49:59 AM

Description

The most common reasons for filing an application for compensation in a Chapter 13 case are:

Debtor's attorney compensation: Debtor's attorney must file a disclosure of compensation statement in all cases. In most instances, this is sufficient. In some circumstances, the attorney may file an application for compensation. Usually the application is filed because the amount of fees is not what is normal and customary for the division. Debtor's attorney's fees typically are approved and outlined in an attachment to the district's standard order confirming Chapter 13 plan.

Tampa/Fort Myers divisions: For cases filed before September 15, 2017, the Tampa and Fort Myers Divisions used a different a la carte attorney compensation system. For cases filed prior to September 15, 2017, older procedures apply.

Chapter 7 trustee and attorney for trustee: After a case converts from a Chapter 7 to a Chapter 13, the Chapter 7 trustee and sometimes the trustee's attorney may file applications for compensation to request compensation for Chapter 7 work. Chapter 7 trustee applications for compensation filed

in a Chapter 13 case are sometimes referred to as quantum meruit depending on the division or the trustee. These applications are on the Negative Notice List.

Special counsel compensation: Occasionally an attorney is employed specifically to handle a matter outside of the bankruptcy case. Those attorneys must file an application for compensation.

Note for debtor attorneys: Debtor attorneys must file a Disclosure of Compensation under Bankruptcy Rule 2016(b) using the official form posted on the uscourts.gov website ([Form](#)). Debtor attorneys must file the disclosure as a separate stand-alone document and report all compensation received “within one year before the filing of the petition in bankruptcy” and any additional compensation after a bankruptcy is filed. **Debtor attorneys promptly must file supplemental disclosures if any payments are received after the initial disclosure is made.**

Filing Checklist

Review the application to determine if it:

- ☐ Is signed;
- ☐ Has the applicant’s name and address complete and consistent with the applicant’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is filed by the Chapter 7 trustee (quantum meruit) or the Chapter 7 trustee’s attorney, then it should be filed with negative notice that contains the correct language located on the first page.
 - ❖ **Note:** Response period is 21 days (plus three days for service if any party was served by U.S. Mail)

Application/Motion/Request for Payment of Administrative Expenses

Docketing Event

Bankruptcy > Motions/Applications/Objections > Application/Motion/Request for Payment of Administrative Expenses

Negative Notice: Yes, for Chapter 7 interim requests only.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 503](#)

[Fed. R. Bankr. P. 2002\(a\)\(6\) & \(h\)](#)

[Fed. R. Bankr. P. 9034](#)

[Local Rule 2002-4](#)

[Local Rule 3071-1](#)

[Local Rule 9013-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, and 13

Implemented: 3/15/2019

Last Revision: 8/14/2020 07:25:03 AM

Description

Applications, motions, or requests seeking approval for payment of an administrative expense are most commonly filed to request compensation for the trustee, examiner, attorney, or accountant employed by the debtor or a trustee. However, there are numerous other types of administrative claims that may be made by creditors, which are outlined in 11 U.S.C. § 503.

Filing Checklist

Review the motion/application/request to determine if it:

- ☐ Is signed;
 - ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Is properly served and includes a proper certificate of service;
 - ☐ Is filed in a Chapter 7 case and is an interim request, then negative notice should be included that has the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).
-

Forms

[Motion for Payment of Administrative Expenses](#)

[Motion for Payment of Interim Administrative Expenses](#)

[Order Granting Motion for Payment of Administrative Expenses](#)

[Order Granting Motion for Payment of Interim Administrative Expenses](#)

Application for Payment of Filing Fees in Installments

Docketing Event

Bankruptcy > Motions/Applications/Objections > Application to Pay Filing Fee in Installments

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References

[Fed. R. Bankr. P. 1006](#)

[Official Form B103A \(Application to Pay Filing Fee in Installments\)](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, and 13

Implemented: 2/9/2016

Last Revision: 10/28/2020 1:04:45 PM

Description

The Federal Rules of Bankruptcy Procedure allow the filing fee to be paid in up to four installments. An individual debtor may file a signed application stating that he or she is unable to pay the filing fee except in installments. Corporations, partnerships, or any other non-individual entities may not pay filing fees in installments. If the application is approved, the final installment must be paid no more than 120 days from the filing of the petition. That deadline can be extended to 180 days from the petition date if the debtor files a motion with the Court and demonstrates cause.

The Court allows debtors to make three installment payments over a 90-day period in addition to the initial payment at the time of filing. The Court has set suggested (but not mandatory) initial payment amounts for each Chapter. The suggested initial payments are \$110 for a Chapter 7, \$742 for a Chapter 11, \$110 for a Chapter 12, and \$100 for a Chapter 13.

Filing Checklist

Review case and application to determine if:

- ☐ The debtor is an individual (not a corporation, partnership, or non-individual entity);
- ☐ Application is signed by the debtor and attorney;
- ☐ Application is filed on a current form (December 2015 or later is considered current);
- ☐ The filing fee was not already paid in full; and
- ☐ There are no unpaid filing fees on a prior case.

❖ **Note:** If a new case is filed electronically and an application to pay the installments is requested, only the first installment can be paid online. Future balances must be paid by attorney check (no personal checks), money order, or cashier's check at the Clerk's Intake Office where the case was filed.

If fees are due from a prior case, the Court will not allow payment of the filing fee in installments.

Application for Payment of Unclaimed Funds

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Application for Payment of Unclaimed Funds
 - Bankruptcy > Miscellaneous > Supporting Documentation for Application or Motion for Payment of Unclaimed Funds
 - ❖ **Note: Due to the inclusion of a W-9 form or AO213P, the Supporting Documents for the Application are restricted from viewing by all but internal court staff, the filer (if filed electronically), the Trustee assigned to the case, and the U.S. Trustee.**
-

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares the order.

Code and Rule References:

[28 U.S.C. § 2042](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 7/21/2021 8:40:19 AM

Description

Pursuant to 28 U.S.C. § 2042, a claimant entitled to any unclaimed funds held by the Court in its registry may petition the Court for the funds.

There are two ways funds are deposited into the Court's registry. First, when distribution checks sent by the trustee to creditors are not cashed (tendered) within 90 days, the trustee will send funds for the untendered checks to the Court for deposit into the Court's unpaid funds registry. Second, when a distribution check is returned to the trustee, the trustee will file a report with the Court and submit a check for deposit into the Court's unclaimed funds registry. The report will be accompanied by a check in the amount of the returned distribution. Chapter 13 Trustees may file one report with a list of multiple cases with unclaimed funds.

A party claiming funds deposited in the Court's registry must file an Application and Supporting Documents. The "Applicant" is the party filing the application, and the "Claimant" is the party entitled to the unclaimed funds. The Applicant and Claimant may be the same. Joint Claimants, such as a husband and wife, do not have to file an Application together. The Application can be filed by one of the joint claimants requesting half the funds, representing their share of the monies on deposit. Supporting documents must be provided for both Claimants when filing an Application individually or jointly.

Many Claimants hire a funds locator who, with proof of employment by the Claimant, may file the Application. Any suspicious applications or indications of fraud will be turned over to the United States Attorney.

For exceptional requests involving multiple cases, parties may contact the Clerk of Court for directions on filing an omnibus Application.

Supporting documents for the Application will vary depending on the identity of the Applicant and Claimant. Because supporting documents contain sensitive information, such as social security numbers, DO NOT attach them to the Application. After an Application is filed, Supporting Documents should be uploaded under the following docketing event: Bankruptcy > Miscellaneous > Supporting Documentation for Application or Motion for Payment of Unclaimed Funds. If properly uploaded, Supporting Documents may only be viewed by internal court staff, the filer (if filed electronically), the Trustee assigned to the case, and the U.S. Trustee.

Searching Unclaimed Funds

To search unclaimed funds, use the Unclaimed Funds Locator at <https://ucf.uscourts.gov/>. Select FLMB (Florida Middle Bankruptcy Court) from the dropdown list and enter the applicable search criteria. If you need access to a computer to perform the search, you may use the court's public computer terminal(s) located in the Jacksonville, Orlando, or Tampa division.

Tampa Division: 801 N. Florida Avenue, Suite 555, Tampa, FL 33602;

Jacksonville Division: 300 N. Hogan Street, Suite 3-150, Jacksonville, FL 32202; and

Orlando Division: 400 W. Washington Street, Suite 5100, Orlando, FL 32802

Application Requirements

All parties seeking unclaimed funds must file an Application using either the national or local form and serve a copy of the Application on the United States Attorney for the Middle District of Florida at the following address:

United States Attorney
Attention: Civil Procedures Clerk
400 N. Tampa St., Suite 3200
Tampa, FL 33602

Applicants without counsel, or *pro se*, must file the *original* Application, which includes the notarized signature of the Claimant, with the Clerk of Court located at the original petition address.

For cases filed in the Tampa or Ft. Myers Divisions: 801 N. Florida Avenue, Suite 555, Tampa, FL 33602;

For cases filed in the Jacksonville Division: 300 N. Hogan Street, Suite 3-150, Jacksonville, FL 32202; and

For cases filed in the Orlando Division: 400 W. Washington Street, Suite 5100, Orlando, FL 32802

Supporting Documentation

Parties seeking unclaimed funds must file supporting documentation to establish their identity and Claimant's entitlement to the funds. Proof of identity must be provided in unredacted form with a current address. If there are joint Claimants, then supporting documentation must be provided for both Claimants.

1. Payee Information Required for All Claimants

Because funds are payable to the Claimant, the Claimant's tax identification number (TIN) must be provided on a certification form signed by the Claimant to whom funds are being distributed and filed with the Court.

- Domestic Claimant

A Claimant who is a U.S. person¹ must file either the AO 213P or W-9 certification form which is available on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>. The AO 213P form must be filed if the Claimant seeks payment via Electronic Funds Transfer (EFT).

- Foreign Claimant

A foreign Claimant must file a W-8 certification form which is available on the IRS website at: <https://www.irs.gov/> and the [AO-215](#) form.

2. Owner of Record Claimants

The Owner of Record is the original payee entitled to the funds appearing on the Court's records. If the Claimant is the Owner of Record, the following documentation is uploaded:

- Owner of Record Claimant – Individual

- ☐ Proof of identity of the Owner of Record (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
- ☐ A notarized signature of the Owner of Record (incorporated in application).

- Owner of Record Claimant - Business or Government Entity

- ☐ Application must be signed by an authorized representative for and on behalf of the business or government entity;
- ☐ A notarized Corporate Power of Attorney signed by an officer of the company and a statement of signing officer's authority is required; and
- ☐ Proof of identity of the signing representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address).

Note: If the Owner of Record's name has changed since the funds have been deposited with the Court, then proof of the name change must be provided.³ Successor Claimants

A Successor Claimant is entitled to the Owner of Record's unclaimed funds due to assignment,

¹ "U.S. person" includes: an individual who is a U.S. citizen or U.S. resident alien; a partnership, corporation, company or association created or organized in the U.S. or under the laws of the U.S.; an estate (other than a foreign estate); or a domestic trust (as defined in 26 C.F.R. 301.7701-7).

purchase, merger, acquisition, succession, or other means. If the Claimant is a Successor Claimant, the following documentation is uploaded:

- Successor Claimant – Individual

- ☐ Proof of identity of the successor Claimant (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- ☐ A notarized signature of the successor Claimant (incorporated in application); and
- ☐ Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

- Successor Claimant – Business or Government Entity

- ☐ Application must be signed by an authorized representative for and on behalf of the successor entity;
- ☐ A notarized statement of the signing representative's authority;
- ☐ A notarized power of attorney signed by an authorized representative of the successor entity;
- ☐ Proof of identity of the signing representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
- ☐ Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

4. Claimant Representative

The Claimant Representative is an Applicant who has been authorized by the Claimant to file the Application. The Claimant Representative may be an attorney or other personal representative of the Claimant, such as a funds locator. An attorney representing the Claimant is not required to upload identifying documentation. All other Claimant Representatives are required to upload the following documents:

- Proof of identity of the representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and
- Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

Note: If the funds locator is a corporation, follow the requirements of a fund's locator, not the requirements for a corporation

5. Deceased Claimant's Estate

If the Claimant is deceased, the Claimant's estate must upload the following documents:

- Proof of identity of the estate representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- Certified copies of probate documents or other documents authorizing the representative to act on behalf of the decedent or decedent's estate in accordance with applicable state law (e.g., small estate affidavit); and
- Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds including a certified copy of the descendant's death certificate.

6. Bankruptcy Trustee

If the Bankruptcy Trustee is the Claimant, a copy of the Section 341 meeting notice or other document demonstrating the trustee is appointed to the case must be uploaded.

Filing Checklist

Review the application to determine if it:

- ☐ Is properly served and includes a proper certificate of service that reflects service on the United States Attorney, Attention: Civil Procedures Clerk, 400 N. Tampa St., Suite 3200, Tampa, FL 33602;
- ☐ **For pro se filers:** The original Application must be filed with the Clerk of Court at the location the original petition was filed:
 - **For cases filed in the Tampa or Ft. Myers Divisions:** 801 N. Florida Avenue, Suite 555, Tampa, FL 33602;
 - **For cases filed in the Jacksonville Division:** 300 N. Hogan Street, Suite 3-150, Jacksonville, FL 32202; and
 - **For cases filed in the Orlando Division:** 400 W. Washington Street, Suite 5100, Orlando, FL 32802
- ☐ Contains the notarized signature of claimant, if an individual.
- ☐ Contains the name and case number of the debtor;
- ☐ Contains the name, address, and telephone number of the claimant;
- ☐ Contains the exact amount of funds being requested;
 - **Note:** It is not sufficient to simply state: "The amount of claim #____."
- ☐ Contains an explanation of the claimant's right to the unclaimed funds;
- ☐ Contains the signature of an authorized representative for corporation or government entity (if claimant is a corporation or government entity);
- ☐ Contains the last four digits of the claimant's social security number (if the claimant is an individual) or the claimant's full tax identification number (if the claimant is a corporation);
 - **Note:** If the claimant is the debtor, verify the last four digits of the social security number match the social security number on the docket.

Supporting Documents:

- ☐ DO NOT attach supporting documents to the Application. After Application is filed, Supporting Documents should be uploaded under the following docketing event: Bankruptcy > Miscellaneous > Supporting Documentation for Application or Motion for Payment of Unclaimed Funds;
- ☐ If the claimant is an individual, [IRS Form W-9](#) or [AO 213P](#) must be uploaded, and if the claimant wants payment by Electronic Funds Transfer (ETF), AO 213P form must be used;
- ☐ If the claimant is a non-individual, form [AO 213P](#) must be uploaded;
- ☐ If the claimant is foreign, [IRS Form W-8](#) and [AO-215](#) form must be uploaded;
- ☐ Identifying Documents for Claimant and Applicant:
 - If Claimant is an individual, applicant must upload: (1) a copy of claimant's driver's license or state issued identification card and (2) a notarized signature of the claimant (incorporated in Application);
 - ❖ **Note:** Proof of name change must be provided if the claimant's name changed after the funds were deposited with the Court.
 - If Claimant is not the original claimant (successor claimant), applicant must upload: (1) a copy of successor claimant's driver's license or state issued identification card, (2) a notarized signature of successor claimant (incorporated in Application), and (3) documentation evidencing chain of ownership or transfer of the claim from original claimant;
 - If Claimant is a corporation or government entity, applicant must upload: (1) a notarized Corporate Power of Attorney signed by an officer of the company, (2) a notarized statement of signing officer's authority, (3) signing officer's driver's license or state issued identification card, (4) documents establishing chain of ownership if the claimant is not the original claimant, and (5) signature of officer (incorporated in Application);
 - ❖ **Note:** Proof of name change must be provided if the claimant's name changed after the funds were deposited with the Court.
 - If Claimant is deceased, applicant must upload: (1) certified copies of probate documents authorizing the representative to act on behalf of decedent or decedent's estate, (2) a certified copy of the decedent's death certificate; and (3) representative's driver's license or state issued identification;
 - If Applicant is Claimant's attorney: no additional documentation is uploaded;
 - If Applicant is a personal representative of Claimant, such as a funds locator, applicant must upload: (1) a copy of applicant's driver's license or state issued identification card; (2) a notarized Power of Attorney signed by claimant (3) a copy of claimant's driver's license or state issued identification card and (4) a notarized signature of the claimant (incorporated in Application);
 - ❖ **Note:** If the funds locator is a corporation, follow the requirements of a funds locator, not the requirements for a corporation.
 - If Claimant is a Bankruptcy Trustee, applicant must upload a copy of the Section 341 meeting notice or other document showing the trustee is appointed to the case.

Forms

[Application for Payment of Unclaimed Funds \(Local Form\)](#)

[Application for Payment of Unclaimed Funds \(National Form\)](#)

Helpful Information

[AO Form 213P](#)

[AO Form 215](#)

[IRS Form W-8](#)

[IRS Form W-9](#)

Application for Waiver of the Chapter 7 Filing Fee or to Proceed *in Forma Pauperis*

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Application to Proceed *in Forma Pauperis*/Have the Chapter 7 Filing Fee Waived
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References

[28 U.S.C. § 1930\(b\), \(c\), and \(f\)](#)

[Fed. R. Bankr. P. 1006\(c\)](#)

[Fed. R. Bankr. P. 9011\(a\)](#)

[Official Form B103B \(Application to Have the Chapter 7 Filing Fee Waived\)](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:05:02 AM

Description

The Court may waive the filing fee in a voluntary Chapter 7 case if the Court determines that: (1) the debtor's income is less than 150% of the official poverty line applicable to the debtor's family size, as determined by the U.S. Department of Health and Human Services; and (2) the debtor is unable to pay the filing fee in full or in installments.

A Chapter 7 debtor may file an application for the waiver of the filing fee or to proceed *in forma pauperis* at the commencement of the case or upon conversion to a Chapter 7 case (to address any unpaid filing fees). If the application is approved, any other fees scheduled by the Judicial Conference under 28 U.S.C. § 1930(b) and (c) are also waived.

- ❖ **Note:** The Court may vacate or revoke an order waiving the filing fee if developments in the case or the administration of the estate demonstrate that the waiver was unwarranted.
-

Filing Checklist

Review the application to determine if:

- ☐ The current official form was used: Application to Have the Chapter 7 Filing Fee Waived ([Official Form B103B](#));
- ☐ Application was signed;
- ☐ Application is complete;
- ☐ Application is filed in a Chapter 7 case;
- ☐ The filing fee was not already paid in full; and
- ☐ The monthly income is below the poverty line.
 - ❖ **Note:** Using the number of family members (Item 1 under part 1 of the application) and the amount in the "your families average monthly net income line" (Item 2 under part 1 of the application) to compare to the "Monthly Basis" portion of the

[Poverty Guidelines](#) chart (the top portion) on the Court's Website (under Filing Without an Attorney – References/Resources) to determine if the monthly income for the family size is above or below the poverty line.

Application to Employ or Retain

Docketing Event

Bankruptcy > Motions/Applications/Objections > Application to Employ/Retain

Negative Notice: N/A

Accompanying Orders: Yes. Applicant/Attorney to prepare order.

Code and Rule References:

[28 U.S.C. § 1746](#)

[11 U.S.C. § 327](#)

[11 U.S.C. § 1103](#)

[11 U.S.C. § 1114](#)

[Fed. R. Bankr. P. 2014](#)

[Fed. R. Bankr. P. 6003](#)

[Fed. R. Bankr. P. 6005](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

[Rule 2016\(b\) Disclosure Form](#)

[Local Rule 2016-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/18

Last Revision: 9/9/2020 10:05:30 AM

Description

An order approving the employment of attorneys, accountants, appraisers, auctioneers, agents, or other professionals under §§ 327, 1103, or 1114 of the Bankruptcy Code shall be made only by application of the trustee or committee. Fed. R. Bankr. P. 2014 includes a number of requirements for applications to employ.

“The application shall state the specific facts showing the necessity for the employment, the name of the person to be employed, the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and, to the best of the applicant’s knowledge, all of the person’s connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee. The application shall be accompanied by a verified statement of the person to be employed setting forth the person’s connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.” Fed. R. Bankr. P. 2014(a).

Note for debtor attorneys: Debtor attorneys must file a Disclosure of Compensation under Bankruptcy Rule 2016(b) using the official form posted on the [uscourts.gov](#) website ([Form](#)). Debtor attorneys must file the disclosure as a separate stand-alone document and report all compensation received “within one year before the filing of the petition in bankruptcy” and any additional compensation after a bankruptcy is filed. **Debtor attorneys promptly must file supplemental disclosures if any payments are received after the initial disclosure is made.**

Filing Checklist: Application to Employ or Retain

Review the application to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's or applicant's name and address complete and consistent with the filing attorney's or applicant's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Provides the name of the professional to be employed;
- ☐ Provides the reason for the selection of the professional to be employed;
- ☐ Provides the service to be rendered by the professional to be employed;
- ☐ Provides the proposed arrangement for compensation to the professional to be employed;
- ☐ Includes a signed a verified statement, declaration, or affidavit of **the person being employed** indicating that he/she is a disinterested party and describing the person's connection with the debtor, creditors, any other party in interest, and their respective attorneys and accountants (including the United States Trustee or persons employed by the United States Trustee).
 - ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., "I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include 'under the laws of the United States of America'] that the foregoing is true and correct. Executed on (date).
- ☐ Is in a Chapter 11 case, if so, order may not be submitted earlier than 21 days after the case is filed.

Review the proposed order to determine if it:

- ☐ Follows the Court's Style Guide and format for submission of proposed orders;
- ☐ Includes the following **required** language: "Compensation will be determined later in accordance with 11 U.S.C. § 330" and "The hourly rate is not guaranteed and is subject to review."

Forms

[Application to Employ Professional](#)
[Order Approving Application to Employ Professional](#)

Attorney Notices of Hearing – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Notices > Notice of Hearing
 - Adversary > Notices > Notice of Hearing
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References: N/A

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 8:55:22 AM

Description

Effective June 9, 2014, the Court transitioned to attorneys preparing notices of hearings.

The Court may direct the movant's attorney to prepare and serve the hearing notice. Sometimes the Court will prepare and enter an order scheduling a hearing and directing the attorney to serve that order.

If an attorney is directed to prepare a hearing notice, the Court will docket a text-only entry in the case. This text-only entry will contain the following information:

- type of hearing;
- date, time, and location (must include complete address including the City, State and Zip Code);
- matter to be heard;
- docket number of the matter;
- attorney responsible for noticing;
- number of days the attorney has to comply; and
- consequences if the attorney fails to comply.

- ❖ **Note:** Attorneys have three days to notice the hearing. If an attorney fails to timely file the required notice, the hearing is cancelled, and the moving attorney must file a Request for Hearing if he or she wishes to have the matter heard.

Filing Checklist

Review the notice to determine that:

- ☐ It is filed in the correct case;
- ☐ It is docketed using the correct event;
- ☐ It is related to the correct motion/application/objection;
- ☐ The hearing information, including the name of the scheduled matter and the hearing date, time, and location on the docket entry matches the hearing information in the document

- ❖ Note: Location must include complete address including the City, State, and Zip Code;
and
- ☐ The notice of hearing refers to a motion/application/objection that is filed in the case.

Forms

[Notice of Hearing – Bankruptcy](#)

[Notice of Hearing – Adversary](#)

Auditor's Reports

Docketing Event

Bankruptcy > Auditor's Reports

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 586\(a\)\(6\)](#)

[28 U.S.C. § 586\(f\)\(1\)](#)

[28 U.S.C. § 586\(f\)\(2\)](#)

Fee: N/A

Applicable Chapters: 7, 13

Implemented: 7/26/2018

Last Revision: 7/26/2018 11:37:04 AM

Description

28 U.S.C. § 586(f)(1) authorizes the United States Trustee to contract independent auditors to perform random audits of individual Chapter 7 and Chapter 13 debtors. The objective of these audits is to confirm the information contained in the petitions, schedules, and statements are accurate and complete. The Office of the U.S. Trustee under Section 603(a) of BAPCPA (Bankruptcy Abuse Prevention and Consumer Protection Act of 2005) will select those cases for audit and will file a notice in CM/ECF indicating a case was selected for audit. A report of each individual audit is then filed with the Bankruptcy Court. Auditors are provided basic CM/ECF access to file their required reports with the court. If a report indicates the presence of a material misstatement, the Clerk will give notice to all creditors. Based on the circumstances, if appropriate, the U.S. Trustee will report the incident to the United States Attorney or commence an adversary proceeding to revoke a debtor's discharge.

Ballot Tabulation

Docketing Event

Bankruptcy > Plans, Disclosure Statements and Related Matters > Ballot Tabulation

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 3018-1\(d\), \(e\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 7/26/2018

Last Revision: 7/26/2018 3:20:50 PM

Description

A ballot tabulation is required to be filed by all Chapter 11 debtor's prior to a confirmation hearing. Local Rule 3018-1(d) states: The attorney for the proponent of the Chapter 11 plan shall prepare a tabulation of the acceptances and rejections of the plan. The ballot tabulation shall be filed not later than two days prior to the confirmation hearing. The tabulation shall be in the form available on the Court's website, www.flmb.uscourts.gov, and shall list the following for each class: total number of claims voting; total number of claims accepting; total dollar amount of claims voting; total dollar amount of claims accepting; percentages of claims voting that accept the plan; and percentage of dollar amount of claims voting that accept the plan. The ballot tabulation shall also indicate, for each class, whether the class is impaired or unimpaired, and whether the requisite vote has been attained.

The rules governing the ballot tabulation are found in Local Rule 3018-1(e).

Forms

[Ballot Tabulation Form](#)

Case Opening – Chapter 7, 11, 12, and 13

Docketing Event

- Bankruptcy>Open a BK Case
 - Bankruptcy>Case Upload
 - Bankruptcy>Miscellaneous>Statement About Your Debtors Social Security Numbers
 - Bankruptcy>Miscellaneous>Certificate of Credit Counseling
 - Bankruptcy>Miscellaneous>Statement of Corporate Ownership
 - Bankruptcy>Plans, Disclosure Statements, and Related Matters>Chapter 12 Plan (Original plan only)
 - Bankruptcy>Plans, Disclosure Statements, and Related Matters>Chapter 13 Plan (Original plan only)
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 109](#)

[11 U.S.C. § 521](#)

[Fed. R. Bankr. P. 2016](#)

[11 U.S.C. § 110](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 9009](#)

[11 U.S.C. § 301](#)

[Fed. R. Bankr. P. 1002](#)

[Local Rule 1007-1](#) and [2](#)

[11 U.S.C. § 302](#)

[Fed. R. Bankr. P. 1005](#)

[Local Rule 1074-1](#)

[11 U.S.C. § 329](#)

[Fed. R. Bankr. P. 1006](#)

[Local Rule 2090-1](#)

[11 U.S.C. § 341](#)

[Fed. R. Bankr. P. 1007](#)

[Local Rule 5005-1](#)

[11 U.S.C. § 342](#)

[Fed. R. Bankr. P. 1008](#)

[11 U.S.C. § 362](#)

[Fed. R. Bankr. P. 2003](#)

Fee: **\$338 (Chapter 7)**
 \$278 (Chapter 12)
 \$1738 (Chapter 11)
 \$313 (Chapter 13)

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/16

Last Revision: 12/1/2020 7:48:49 AM

Description

A voluntary bankruptcy case is commenced by the filing of a petition under Chapters 7, 9, 11, 12, 13, or 15 of the Bankruptcy Code. 11 U.S.C § 109 provides information on who may be a debtor under each Chapter.

In Chapter 7 cases, individuals, partnerships, and corporations may be a debtor with some limitations outlined in the Bankruptcy Code. Chapter 12 cases are specifically for a family farmer or fisherman with regular income as defined in the Bankruptcy Code. The debtor may be an individual, partnership, or corporation. Chapter 11 cases allow businesses or individuals to liquidate or reorganize their financial situation. Chapter 13 cases allow individual wage earners receiving regular income to reorganize their finances. A complete list of exceptions is included in 11 U.S.C § 109(b). Married individuals may file jointly. New bankruptcy cases are filed both electronically via CM/ECF and in paper for *pro se* filers.

Filing Checklist

Confirm use of the correct and most recent Official Form for all papers.

1. Review petition to determine if:

- ☐ Debtor/s name is spelled correctly and all aliases are listed;
- ☐ Debtor/s mailing address is complete and accurate;
- ☐ The attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ All prior cases are listed;
- ☐ The correct type of bankruptcy is selected;
- ☐ Debtor/s, attorney, and petition preparer (if applicable) signed petition;
- ☐ Individual debtor/s social security number is correct and redacted on the voluntary petition; and
- ☐ Non-individual debtor's employer identification number (EIN) is complete on the voluntary petition.
- ☐ Filed by a debtor in paper, ensure the debtor's phone number is included.

2. File a Statement About Your Social Security Number [[Official Form B121](#)] for individual debtors ensuring the debtor/s full social security number is accurately reflected and debtor/s have signed.

3. File a Certificate of Credit Counseling, reflecting that the individual debtor took the court before filing the case.

4. Pay filing fee or, if it is a Chapter 7 case, file an (A) Application for Payment of Filing Fees in Installments, or (B) Application for Waiver of the Chapter 7 Filing Fee. [[Official Forms B103A](#) and [B103B](#)].

❖ **NOTE:** Parties may not pay Chapter 13 fees through a Chapter 13 Plan.

5. Prepare and file Schedules, Summary of Schedules, Statement of Financial Affairs, Statement of Intentions, Statement of Current Monthly Income and Means Test Calculations [[Official Forms B122A-1](#) and [B122A-2](#)], and Disclosure of Compensation by an Attorney or Bankruptcy Petition Preparer, within 14 days.

- ☐ Prepare and file Corporate Ownership Statement if debtor is a corporation.
- ☐ If a Chapter 12 or 13 case, prepare and file a Chapter 12 or 13 Plan.

❖ **NOTE:** A Chapter 7 corporate debtor is not required to complete a Means Test Calculation.

6. If the debtor is a health care business, review procedure on [Health Care Cases – Patient Ombudsman](#).

7. For all represented debtor/s, the attorney of record must upload the names and addresses of the debtor/s creditors via CM/ECF.

❖ **Note:** Unrepresented debtor/s must submit a master mailing matrix with the bankruptcy petition listing the names and addresses of the debtor/s creditors. The matrix must be provided in a computer-readable format.

Case Opening – Chapter 7, 11, 12 and 13 Petitions filed on Debtor’s Behalf

Docketing Event

Bankruptcy > Miscellaneous > Voluntary Petition (Chapter 7)
Bankruptcy > Miscellaneous > Voluntary Petition (Chapter 11)
Bankruptcy > Miscellaneous > Voluntary Petition (Chapter 12)
Bankruptcy > Miscellaneous > Voluntary Petition (Chapter 13)
Bankruptcy > Miscellaneous > Personal Health Information Papers

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 301](#)

[Fed. R. Bankr. P. 1004.1](#)

[Local Rule 1004-1.1](#)

[Local Rule 5005-4](#)

Fee: Chapter 7 = \$335, Chapter 11 = \$1,717, Chapter 12 = \$275, Chapter 13 = \$310

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/31/2020

Last Revision: 8/5/2021 2:25:37 PM

Description

An appointed representative, such as a guardian, conservator, or similar fiduciary, may file a voluntary petition on behalf of an infant or incompetent person. An infant or incompetent person without a duly appointed representative may file a voluntary petition by next friend or guardian ad litem.

Local Rule 1004-1.1 provides specific instructions for the filing of a voluntary petition on behalf of an infant or incompetent person.

A voluntary petition filed on the debtor’s behalf by a **court-appointed representative** shall be accompanied by a copy of the appointment instrument or order.

A voluntary petition filed on the debtor’s behalf by a **non-court appointed representative**, such as the holder of a power of attorney, a proposed next friend, or a proposed guardian ad litem, shall be accompanied by a declaration under penalty of perjury by the representative and a copy of the power of attorney, if any. The contents of the declaration must include the information stated under Local Rule 1004-1.1(b)(2). If a representative seeks to be appointed as guardian ad litem or next friend of an incompetent person, the documents required by Local Rule 1004-1.1(b)(3) must be filed. The representative must serve a copy of the petition and declaration on the debtor, all creditors, the United States Trustee, any government entity from which the debtor receives funds and the debtor’s closest relative, if known.

Upon filing papers required under Local Rule 1004-1.1, the Court may set a status conference either to approve the filing or to dismiss the case. Unless the Court orders otherwise, the non-court

appointed representative cannot take further action in the bankruptcy case pending the status conference.

Filing Checklist:

Review the petition to determine if it:

- ☐ Is signed by someone other than the debtor;
- ☐ If signed by a court-appointed representative, a copy of the appointment instrument or order must accompany the voluntary petition;
- ☐ If signed by any other representative, a declaration under penalty of perjury by the representative must accompany the voluntary petition and a copy of a power of attorney, if any;
- ☐ Does the declaration contain the following required information:
 - the reason for filing the bankruptcy petition;
 - the representative's name, address, and relationship to the debtor;
 - whether a representative was appointed for the debtor under non-bankruptcy law before the petition was filed;
 - if applicable, whether the power of attorney expressly authorizes the filing of a bankruptcy petition, and whether the debtor was a minor or has been adjudicated an incompetent person prior to the date of the power of attorney;
 - if applicable, why appointment of the representative as next friend or guardian ad litem is necessary, including the reasons why the debtor is unable to file the petition himself or herself or otherwise unable to manage his or her financial affairs;
 - if applicable, why appointment of the representative would be in the debtor's best interest;
 - the fee, if any, that the representative would charge the debtor for serving as next friend or guardian ad litem;
 - the representative's professional and criminal history, if any;
 - the representative's competence to handle the debtor's financial affairs, including the representative's knowledge of the debtor's financial affairs;
 - whether the representative has any current or potential future interest in the debtor's financial affairs; and
 - whether any of the debtor's debts were incurred for the benefit of the representative.
- ☐ If the representative seeks appointment as guardian ad litem or next friend on behalf of the debtor, the following documents must be filed:
 - a letter from the debtor's physician regarding the debtor's ability to conduct the debtor's own financial affairs that may be filed under seal as set forth in Local Rule 5005-4 Sealed Papers; and
 - a copy of any power of attorney or other document giving the representative the authority to act for the debtor.
- ☐ Is properly served on the debtor, all creditors, the United States Trustee, any government entity from which the debtor receives funds and the debtor's closest relative, if known, and includes a proper certificate of service.

Chapter 11 – Subchapter V

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. §1181](#)

[Interim Bankruptcy Rule 1020](#)

[11 U.S.C. §1182](#)

[Interim Bankruptcy Rule 1020](#) (Revised April 2020)

[11 U.S.C. §1183](#)

[Interim Bankruptcy Rule 2009](#)

[11 U.S.C. §1184](#)

[Interim Bankruptcy Rule 2012](#)

[11 U.S.C. §1185](#)

[Interim Bankruptcy Rule 2015](#)

[11 U.S.C. §1186](#)

[Interim Bankruptcy Rule 3010](#)

[11 U.S.C. §1187](#)

[Interim Bankruptcy Rule 3011](#)

[11 U.S.C. §1188](#)

[Interim Bankruptcy Rule 3014](#)

[11 U.S.C. §1189](#)

[Interim Bankruptcy Rule 3016](#)

[11 U.S.C. §1190](#)

[Interim Bankruptcy Rule 3017.1](#)

[11 U.S.C. §1191](#)

[Interim Bankruptcy Rule 3017.2](#)

[11 U.S.C. §1192](#)

[Interim Bankruptcy Rule 3018](#)

[11 U.S.C. §1193](#)

[Interim Bankruptcy Rule 3019](#)

[11 U.S.C. §1194](#)

[Administrative Order FLMB-2020-1](#)

[11 U.S.C. §1195](#)

[Administrative Order FLMB-2020-6](#)

[Interim Bankruptcy Rule 1007](#)

Fee: Chapter 11 Subchapter V = \$1,738

Applicable Chapters: Subchapter V of 11

Implemented: 1/26/2021

Last Revision: 1/26/2021 10:44:07 AM

Description

A debtor under Chapter 11 of the Bankruptcy Code may elect to proceed under Subchapter V of Chapter 11, if eligible. The Small Business Reorganization Act (“SBRA”), enacted in August 2019, became effective on February 19, 2020. It is commonly called Subchapter V because all of its provisions are contained in Subchapter V of Chapter 11 of the Bankruptcy Code. SBRA was enacted to help small businesses reorganize by streamlining the cumbersome and often expensive process of a typical Chapter 11 reorganization case. For example, no disclosure statement is required.

Several provisions of Chapter 11 still apply in a Subchapter V case. The debtor remains in possession, has authority to operate its business, and subject to 11 U.S.C. § 363 regarding use of cash collateral, is authorized to pay all necessary and current expenses of operating its business. There are major differences, however, from a traditional Chapter 11 case.

A Small Business Trustee or Subchapter V Trustee is appointed in a case under Subchapter V. The Subchapter V Trustee acts as a supervisory, evaluative, and facilitative professional in the case. The duties of the Subchapter V Trustee are provided in 11 U.S.C. § 1183.

After electing to proceed under Subchapter V, the Court will enter an *Order Prescribing Procedures in Chapter 11 Subchapter V Case, Setting Deadline for Filing Plan, and Setting Status Conference* (“Procedures Order”). The Procedures Order provides the obligations and deadlines the debtor must follow in the Subchapter V case. Some items addressed by the Procedures Order include: communications with and interim compensation of the Subchapter V Trustee, deadline to file a plan, and monthly operating reports. Parties should give special attention to the Procedure Order as deadlines are expedited.

The plan proposal, confirmation and discharge process in Subchapter V differ significantly from a typical Chapter 11 case. For example, only the debtor may file a plan and an impaired accepting class is not vital to confirmation. The Judicial Conference has approved an official form Plan of Reorganization for Subchapter V cases, which is optional. Upon filing a proposed plan, the Court enters an *Order Scheduling (I) Hearing on Confirmation of Plan of Reorganization, (II) Deadlines with Respect to Confirmation Hearing, and (III) Deadlines for Filing Administrative Expense Applications* which includes deadlines affecting confirmation and for filing administrative expense applications.

There are two ways to confirm a plan under Subchapter V—consensually under § 1191(a) or nonconsensually under § 1191(b). The time when the Court enters a discharge in Subchapter V and terminates the services of the Subchapter V Trustee depends upon whether a consensual or nonconsensual plan is confirmed. These new requirements for proposed plans, confirmation and discharge are extensive and generally are provided in 11 U.S.C. §§1181, 1189, 1190, 1191 and 1192.

Forms:

Official Form 425A - Plan of Reorganization for Small Business Under Chapter 11

Chapter 13 Model Plan

Docketing Event

Bankruptcy > Plans, Disclosure Statements and Related Matters > Chapter 13 Plan (Original plan only)

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 3015.1](#)

[Fed. R. Bankr. P. 9029](#)

[Administrative Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 2/23/2018

Last Revision: 1/25/2021 9:40:53 AM

Description

The Official Plan form is required to be used in federal districts unless the district adopts a local form for Chapter 13 plans that meets the requirements listed in Federal Rule of Bankruptcy Procedure 3015.1. The Middle District of Florida has adopted a Model Chapter 13 Plan that is available on the Court's website and the various Chapter 13 Trustee websites.

A fillable PDF version of the Chapter 13 Model Plan has been developed to allow filers to easily prepare Chapter 13 Plans. The form permits filers to "collapse" inapplicable plan provisions and to add lines for additional information where needed. The PDF can be saved, revised, printed, and uploaded via CM/ECF. The non-fillable version is still available and is listed at the end of the procedure, under Related Links.

To ensure the accuracy of the form, data pull downs have been provided. It is important to read the entire form to ensure that all the necessary data fields are filled. Please contact our help desk if you need assistance with the form <mailto:ecfhelp@flmb.uscourts.gov>.

Step 1:

Visit the Court's website and download the most recent form at:

<http://www.flmb.uscourts.gov/proguide/index.asp>.

If you do not already have Acrobat, please download the reader copy at:

<https://get.adobe.com/reader>.

Note: The form may not display with early versions of Acrobat reader. It might be necessary to adjust your internet browser settings to ensure Adobe Acrobat is the default PDF program.

Step 2:

The screen shots below describe the process of entering data into the form. Note: By design, some data objects on the form do not appear when the form is printed. All data is saved when the SAVE button is clicked in the top left corner of the form. The data pull down objects will fill selected text in the form as shown in red.

The pull-down boxes on the right allow the filer to select the Division, whether the Plan is Amended, Second Amended, etc., and the length of the Plan. This information is automatically uploaded on the form as shown by the red arrows. The pull-down boxes do not appear on the printed copy of the Plan.

Save

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

Debtor(s) [Redacted] CASE NO.: [Redacted]

SECOND AMENDED CHAPTER 13 PLAN

A. **NOTICES.**

Red arrows indicate: 1. From 'SECOND AMEN' pull-down to 'SECOND AMENDED CHAPTER 13 PLAN'. 2. From 'TAMPA' pull-down to 'TAMPA DIVISION'. 3. From 'A. NOTICES.' to the 'NOTICES' section.

Debtor must check one box on each line to state whether or not the Plan includes each of the following items. If an item is checked as "Not Included," if both boxes are checked, or if neither box is checked, the provision will be ineffective if set out later in the Plan.

A limit on the amount of a secured claim based on a valuation which may result in a partial payment or no payment at all to the secured creditor. See Sections C.5(d) and (e). A separate motion will be filed.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase money security interest under 11 U.S.C. § 522(f). A separate motion will be filed. See Section C.5(e).	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
Nonstandard provisions, set out in Section E.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
THIS AMENDED PLAN PROVIDES FOR PAYMENTS TO CREDITOR/LESSOR [PLEASE ENTER NAME TO THE RIGHT] TO BE INCLUDED IN PLAN PAYMENTS; THE AUTOMATIC STAY IS REINSTATED AS TO THIS CREDITOR.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

NOTICE TO DEBTOR: IF YOU ELECT TO MAKE DIRECT PAYMENTS TO A SECURED CREDITOR UNDER SECTION C.5(i) OF THIS PLAN, TO SURRENDER THE SECURED CREDITOR'S COLLATERAL UNDER SECTION C.5(j), TO NOT MAKE PAYMENTS TO THE SECURED CREDITOR UNDER SECTION C.5(k), OR IF PAYMENTS TO A SECURED CREDITOR ARE NOT SPECIFICALLY INCLUDED IN THE PLAN PAYMENTS, THE AUTOMATIC STAY DOES NOT APPLY, AND THE CREDITOR MAY TAKE ACTION TO FORECLOSE OR REPOSSESS THE COLLATERAL.

SECURED CREDITORS INCLUDE THE HOLDERS OF MORTGAGE LOANS, CAR LOANS, AND OTHER LOANS FOR WHICH THE SECURED CREDITOR HAS A SECURITY INTEREST IN PERSONAL OR REAL PROPERTY COLLATERAL.

B. **MONTHLY PLAN PAYMENTS.**

Plan payments ("Plan Payments") include the Trustee's fee of 10% and shall begin 30 days from petition filing/conversion date. Debtor shall make Plan Payments to the Trustee for the period of . If the Trustee does not retain the full 10%, any portion not retained will be disbursed to allowed claims receiving payments under the Plan and may cause an increased distribution to the unsecured class of creditors.

Red Arrow A allows the filer to mark an inapplicable section as “NONE.” This collapses the section. **Red Arrow B** allows the filer to add additional creditors.

<input type="checkbox"/> NONE		<p>(a) Claims Secured by Debtor's Principal Residence that Debtor Intends to Retain - Mortgage, HOA and Condominium Association Assessments, and Arrears, if any, Paid Through the Plan Under 11 U.S.C. § 1322(b)(5). Debtor will cure prepetition arrearages and maintain regular monthly postpetition payments on the following claims secured by Debtor's principal residence. Under 11 U.S.C. § 1328(a)(1), Debtor will not receive a discharge of personal liability on these claims.</p> <p>Postpetition mortgage payments must be included in the Plan Payments. Mortgage payments are due on the first payment due date after the case is filed and continue monthly thereafter. The amount of postpetition mortgage payments may be adjusted as provided for under the loan documents. Postpetition ongoing homeowner's association and condominium association assessments may be included in the Plan or may be paid direct. If Debtor intends to pay postpetition assessments through the Plan, list the Regular Monthly Payment. If Debtor intends to pay postpetition assessments direct, state "Direct" in the Regular Monthly Payment column.</p>					
		Last Four Digits of Acct. No.	Creditor	Collateral Address	Regular Monthly Payment	Gap Payment	Arrears
<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <div style="text-align: center;">+</div> <div style="text-align: center;">-</div> </div> 1.					\$0.00	\$0.00	\$0.00
<input type="checkbox"/> NONE		<p>(b) Claims Secured by Other Real Property that Debtor Intends to Retain - Mortgage, HOA and Condominium Association Assessments, and Arrears, if any, Paid Through the Plan Under 11 U.S.C. § 1322(b)(5). Debtor will cure prepetition arrearages and maintain regular monthly postpetition payments on the following claims secured by Debtor's real property. Under 11 U.S.C. § 1328(a)(1), Debtor will not receive a discharge of personal liability on these claims.</p> <p>Postpetition mortgage payments must be included in the Plan Payments. Mortgage payments are due on the first payment due date after the case is filed and continue monthly thereafter. The amount of postpetition mortgage payments may be adjusted as provided for under the loan documents. Postpetition ongoing homeowner's association and condominium association assessments may be included in the Plan or may be paid direct. If Debtor intends to pay postpetition assessments through the Plan, list the Regular Monthly Payment. If Debtor intends to pay postpetition assessments direct, state "Direct" in the Regular Monthly Payment column.</p>					
		Last Four Digits of Acct. No.	Creditor	Collateral Address	Regular Monthly Payment	Gap Payment	Arrears
<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <div style="text-align: center;">+</div> <div style="text-align: center;">-</div> </div> 1.					\$0.00	\$0.00	\$0.00

Related Links

[Chapter 13 Model Plan \(Fillable Form\)](#) **** EFFECTIVE THROUGH 7/31/2020 ****
[Chapter 13 Model Plan \(Non-Fillable Form\)](#) **** EFFECTIVE THROUGH 7/31/2020 ****

[Chapter 13 Model Plan \(Word\)](#) **** EFFECTIVE ON 8/1/2020****
[Chapter 13 Model Plan \(Non-Fillable Form\)](#) **** EFFECTIVE ON 8/1/2020 ****
[Chapter 13 Model Plan \(Fillable Form\)](#) **** EFFECTIVE ON 8/1/2020 ****

Conversion and Reconversions

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion to Convert or Reconvert Case to Chapter 7
 - Bankruptcy> Motions/Applications/Objections> Motion to Convert or Reconvert Case to Chapter 11
 - Bankruptcy> Motions/Applications/Objections> Motion to Convert or Reconvert Case to Chapter 12
 - Bankruptcy> Motions/Applications/Objections> Motion to Convert or Reconvert Case to Chapter 13
 - Bankruptcy> Notices> Notice of Conversion (voluntary)
-

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares the order.

Code and Rule References:

[11 U.S.C. § 706\(d\)](#)

[11 U.S.C. § 1112\(f\)](#)

[11 U.S.C. § 1208\(e\)](#)

[11 U.S.C. § 1307\(g\)](#)

[Fed. R. Bankr. P. 1017](#)

[Fed. R. Bankr. P. 1019](#)

[Local Rule 4001-1](#)

Fee: See Fee Chart Below.

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 7/26/2018 12:37:50 PM

Description

A case may convert from a case under one chapter of the Bankruptcy Code to a case under another chapter of the Bankruptcy Code. Depending upon the chapter converting from and the chapter converting to, as governed by specific sections of the Bankruptcy Code, some cases may only be converted upon request of the debtor. Others may be converted upon a motion and hearing by the Trustee, United States Trustee, or an interested party. A case may be “reconverted” back to a prior chapter.

Filing Checklist

Review the motion to convert to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
 - ❖ **Note:** Ensure the filing fee is paid, if applicable.

CONVERSION FEE CHART

CONVERTED FROM THIS CHAPTER	CONVERTED TO THIS CHAPTER	FEE
Chapter 7	Chapter 11	\$922 – initial conversion \$0 – if reconverting to Chapter 11
Chapter 7	Chapter 12	None
Chapter 7	Chapter 13	None
Chapter 11	Chapter 7	\$15 – for both initial conversions and reconversions to Chapter 7
Chapter 11	Chapter 12	None
Chapter 11	Chapter 13	None
Chapter 12	Chapter 7	\$60 – for both initial conversions and reconversions to Chapter 7
Chapter 12	Chapter 11	None
Chapter 12	Chapter 13	None
Chapter 13	Chapter 7	\$25 – for both initial conversions and reconversions to Chapter 7
Chapter 13	Chapter 11	\$932 – initial conversion \$0 – if reconverting to Chapter 11
Chapter 13	Chapter 12	None

Discharge—Chapter 7

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 523](#)

[11 U.S.C. § 524](#)

[11 U.S.C. § 727](#)

[Fed. R. Bankr. P. 4004](#)

[Fed. R. Bankr. P. 4006](#)

[Fed. R. Bankr. P. 4007](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 10/26/17

Last Revision: 7/26/2018 12:42:39 PM

Description

A discharge in bankruptcy relieves an individual debtor from personal liability on debts incurred before filing the bankruptcy petition with some exceptions. The Bankruptcy Code and Rules list requirements that must be met for the debtor to receive a discharge. The Bankruptcy Code also lists which debts are covered by a discharge.

When the deadline expires for parties to object to a discharge, the Court reviews the docket to determine if all the requirements have been met to enter a discharge.

Requirements for a Chapter 7 discharge:

- Debtor is an individual;
- The objection to discharge deadline has expired;
- No complaint objecting to the debtor's discharge is pending;
- No motion to extend time to file a complaint to object to the debtor's discharge is pending;
- No pending or approved "Waiver of Discharge" is filed;
- No order denying, revoking, or withholding the debtor's discharge has been entered;
- No motion to dismiss is pending;
- No motion to extend time to file a motion to dismiss is pending;
- Case filing fees (and conversion fees, if applicable) have been paid;
- A "Statement of Completion of Course in Personal Financial Management" has been filed or the requirement has been waived by the Court;
- If a Chapter 7 Debtor dies and a Suggestion of Death is filed, the Court will not require the filing of the Certificate of Debtor Education Concerning Personal Financial Management before issuing a discharge;
- No motion to delay or postpone the entry of a discharge is pending;
- No hearing on a reaffirmation agreement is pending;

- No motion to extend time to file a reaffirmation agreement is pending;
- No motion to compel surrender, reaffirmation, or redemption of property is pending;
- Debtor has not received a discharge within a specified time period that is based on the filing date and chapter of the current and prior cases.

A case may be closed by the clerk's office without a discharge if certain required documents are not timely filed. It is not necessary to file a motion to reopen the case in order to file the missing documents and receive a discharge. The most common document that a debtor fails to file is the Certification About a Financial Management Course (Official Form 423). In a joint case, each debtor must take the course and file a separate certification.

Related Forms

[Official Form B 423 – Certification About a Financial Management Course](#)

Discharge—Chapter 13

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 1328](#)

[11 U.S.C. § 523](#)

[11 U.S.C. § 524](#)

[Fed. R. Bankr. P. 4004](#)

[Fed. R. Bankr. P. 4006](#)

[Fed. R. Bankr. P. 4007](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

Last Revision: 7/26/2018 12:43:26 PM

Description

A discharge in bankruptcy relieves an individual debtor from personal liability on debts incurred before filing the bankruptcy petition with some exceptions. The Bankruptcy Code and Rules list requirements that must be met for the debtor to receive a discharge. The Bankruptcy Code also lists which debts are covered by a discharge.

When the Chapter 13 trustee files a Notice of Completion of Plan, the Court reviews the docket to determine if all requirements have been met to enter a discharge. In a joint case, if only one debtor meets the criteria, then only that debtor is eligible for a discharge.

There are some cases in which the Chapter 13 trustee may file a Notice of Completion of Plan and requests the Court *not* enter a discharge. For example, if a debtor has not filed his or her required domestic support certificate, the Chapter 13 trustee will request that no discharge is entered.

Requirements for a Chapter 13 discharge:

- Debtor is an individual;
- No pending or approved “Waiver of Discharge” is filed;
- No “Order Withholding Discharge” or “Notice of Ineligibility to Receive a Discharge” has been entered;
- A “Statement of Completion of Course in Personal Financial Management” has been filed or the requirement has been waived by the Court;
- If a Chapter 13 debtor dies and a Suggestion of Death is filed, the Court will not require the filing of the Certificate of Debtor Education Concerning Personal Financial Management before issuing a discharge.

A case may be closed by the clerk's office without a discharge if certain required documents are not timely filed. It is not necessary to file a motion to reopen the case in order to file the missing documents and receive a discharge. The most common document that a debtor fails to file is the Certification About a Financial Management Course (Official Form 423). In a joint case, each debtor must take the course and file a separate certification.

Related Forms

[Official Form B 423 – Certification About a Financial Management Course](#)

Health Care Cases – Patient Care Ombudsman

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 101\(27A\)](#)

[11 U.S.C. § 333](#)

[Fed. R. Bankr. P. 1021](#)

[Fed. R. Bankr. P. 2007.2](#)

[Fed. R. Bankr. P. 2015.1](#)

Fee: N/A

Applicable Chapters: 7, 11

Implemented: 4/13/2018

Last Revision: 9/9/2020 10:19:13 AM

Description

Section 101(27A) of the Bankruptcy Code provides a detailed definition of a health care business. Under item 7 on the bankruptcy petition, a petitioner must describe the debtor's business. If a petitioner checks the Health Care Business box, then § 333 of the Bankruptcy Code requires, within 30 days of a case filing, the appointment of a patient care ombudsman. To streamline processing and eliminate unnecessary noticing, the court will set an order to show cause hearing on why a patient care ombudsman is not needed in every health care case filed. The Court will cancel the hearing and enter an order declining to appoint an ombudsman if both the debtor and United States Trustee agree that no ombudsman is necessary to protect patients. Conversely, if an appointment is necessary, the United States Trustee and the debtor may file a consent stating that an ombudsman is necessary. The hearing will go forward as scheduled if no consents are filed.

Parties should pay specific attention to the additional reporting requirements and records disposal regulations for all health care cases.

Filing Checklist:

- ☐ Confirm use of the correct and most recent [Official Form](#) for all papers.

Involuntary Case Opening and General Processing – Chapter 7 and 11

Docketing Event

- Bankruptcy > Open an Involuntary Case
 - Bankruptcy > Answer/Response > Other Answers/Responses > Answer to Involuntary Petition
 - Bankruptcy > Miscellaneous > Involuntary Summons Service Executed
 - Bankruptcy > Miscellaneous > Involuntary Summons Service Unexecuted
 - Bankruptcy > Miscellaneous or Request a Summons > Request for Third Party or Involuntary Summons
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 303](#)

[Fed. R. Bankr. P. 1010](#)

[11 U.S.C. § 362](#)

[Fed. R. Bankr. P. 1011](#)

[28 U.S.C. § 1930\(a\)\(1\), \(3\)](#)

[Fed. R. Bankr. P. 1013](#)

[Fed. R. Bankr. P. 1002](#)

[Fed. R. Bankr. P. 1018](#)

[Fed. R. Bankr. P. 1003](#)

[Fed. R. Bankr. P. 2001](#)

[Fed. R. Bankr. P. 1004](#)

[Fed. R. Bankr. P. 2017](#)

[Fed. R. Bankr. P. 1006](#)

[Fed. R. Bankr. P. 7004\(a\), \(b\)](#)

[Fed. R. Bankr. P. 1007\(a\)\(2\)](#)

Fee: Chapter 7 - \$338; Chapter 11 - \$1738

Applicable Chapters: 7, 11

Implemented: 7/26/2018

Last Revision: 12/1/2020 9:17:11 AM

Description

An involuntary case is distinctly different from a voluntary case. An involuntary case is initiated with the filing of an involuntary petition that must be served with a summons. Involuntary cases may be commenced only under Chapters 7 and 11 of the bankruptcy code. Section 303(a) sets forth the criteria of who may be an involuntary debtor. A single involuntary petition cannot be filed against joint debtors. Joint Debtors require two separate involuntary petitions and separate filing fees. Section 303(b) provides the requirements that must be met before an involuntary petition may be filed. Unlike a voluntary case, there is no requirement for the involuntary case debtor to complete credit counseling. The Petitioning Creditors must serve the involuntary petition on the purported debtor along with a summons.

The order for relief is not entered upon the filing of an involuntary petition. The order for relief will be entered if the debtor consents or fails to respond to the petition. If the involuntary debtor files an answer denying the allegations in the petition, then a hearing will be scheduled to determine whether an order for relief will be entered or the petition will be dismissed. Again, unlike a voluntary Chapter 7 case no trustee is assigned and the Section 341 meeting is not scheduled until the order for relief is entered.

Section 303(i) authorizes the court to order creditors that file improper involuntary petitions to pay the costs and attorney's fees of the debtor. If the court finds that the involuntary petition was brought in bad faith, it can also order the petitioning creditors to pay for all damages incurred by the debtor caused by the filing, and may assess punitive damages.

Filing Checklist:

Confirm use of the correct and most recent [Official Form](#) for all papers.

1. Review the involuntary petition to determine if:
 - ☐ Involuntary Debtor's name is spelled correctly and all aliases are listed;
 - ☐ Involuntary Debtor's mailing address is complete and accurate;
 - ☐ The correct type of bankruptcy is selected;
 - ☐ Individual debtor/s social security number is correct and redacted on the involuntary petition;
 - ☐ Non-individual debtor's employer identification number (EIN) is complete on the involuntary petition; and
 - ☐ All petitioning creditors have signed the involuntary petition.
2. File Corporate Ownership Statement for all corporate petitioning creditors.
3. Pay filing fee.
4. Serve Involuntary Petition and Summons on involuntary debtor and file a certificate of service with the court within seven (7) days of issuance.
 - ❖ **Note: If creditor cannot effect service under Fed. R. Bankr. P. 7004, then an alias summons should be requested from the Clerk.**

Mortgage Modification Mediation

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Referral to Mortgage Modification Mediation
 - Bankruptcy > Answer/Response > Objection > Other Answers/Responses/Objections > Objection- Other than Motions
 - Bankruptcy > Motions/Applications/Objections > Motion for Reconsideration
 - Bankruptcy > Miscellaneous > Mediator's Report and Notice
 - Bankruptcy > Motions/Applications/Objections > Motion for Approval
-

Negative Notice:

- **Yes, required** for a Motion to Permanently Approve Agreement.
 - **Yes, permitted** for a Motion to Vacate Mortgage Modification Mediation Order.
-

Accompanying Orders:

- **Yes**, for a Motion for Referral to Mortgage Modification Mediation. The Court prepares the order.
 - **Yes**, for a Motion to Approve Temporary Mortgage Modification Mediation Agreement. Attorneys to submit the order.
 - **Yes**, for an Application for Compensation for Mortgage Modification Mediation in a Chapter 13 case. Attorneys to submit the order.
-

Code and Rule References:

[Admin. Order FLMB-2015-5](#)

[Admin. Order FLMB-2019-6](#)

[Admin. Order FLMB-2020-7](#)

Fee: Parties to bear costs equally.

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/16

Last Revision: 1/25/2021 9:39:12 AM

Description

The Mortgage Modification Mediation (MMM) program helps individual debtors explore mortgage modification options with their lenders for real property in which the debtors have an interest or are obligated on the promissory note or mortgage. The goal of MMM is to facilitate communication and exchange of information in a confidential setting and encourage the parties to finalize a feasible and beneficial agreement with the assistance and supervision of the Court.

The Court's form order directing MMM provides many details of the process, including direction to the parties and, where necessary, remedies in the following areas:

- Selection of a mediator;
- Objections to mediation;
- Mandatory use and rules of use of a document submission portal;
- Scheduling and concluding mediation;
- Settlement authority;
- Lender and mediator obligations;

- Fees; and
- Lifting of the stay and adequate protection for Chapter 12 or 13 cases.

Mediators are selected by the parties from a list of approved mediators and complying with Administrative Order FLMB-2015-5. Those who want to be added to the list of residential mortgage foreclosure mediators may do so by completing an application. There is a separate procedure on how to become a mortgage foreclosure mediator.

The following terms apply:

1. MMM is available in all cases and for any real property.
2. A motion seeking MMM shall include, on the first page, a complete address of the property and the last four digits of the mortgage loan number. If not included, the Court will abate the motion until an amended motion containing the required information is filed.
3. Negative notice is not required for a motion seeking MMM; however, lenders may seek reconsideration for cause within 14 days of entry of an order directing MMM.
4. A motion seeking MMM shall be filed within 90 days of the filing or conversion to a Chapter 12 or 13 case. The Court will prepare and enter an order directing MMM on timely filed motions. If a motion is not timely filed, the Court may set a hearing and will grant the request only if good cause is demonstrated for the delay.
5. Parties shall use the secure portal (the “Portal”) (e.g., <https://www.dclmwp.com/Home>) for submission of documents to initiate the MMM and follow guidelines in the Court’s order directing MMM entered in each individual case.
6. The parties may communicate outside the portal orally, but all written communication shall occur through the portal.
7. The parties shall conclude the MMM process within 150 days of the filing or conversion of the case, unless that time is enlarged by written consent on the Portal, by stipulation of the parties, or by Court order.
8. Within 14 days after the entry of the order directing MMM, the parties shall jointly select a mediator qualified under Administrative Order FLMB-2015-5. If the parties cannot agree on a mediator, the debtor shall select a mediator, and the lender may file an objection within seven days. If a timely objection to a mediator is filed, the Chapter 12 or 13 trustee or the Clerk in a Chapter 7 or 11 case will select the mediator.
9. Debtor and the lender each shall pay \$250 directly to the mediator within 14 days of designating the mediator. Parties also shall equally pay the mediator for any additional hourly fees incurred in MMM conferences that extend beyond two, one-hour sessions. The mediator shall file a report within seven days of the conclusion of the mediation conference indicating the current status of the mediation. If a mediator fails to comply with this reporting requirement, upon motion, notice, and hearing, the Court may order a mediator to disgorge mediation fees and the mediator’s removal from the Registered Mediation Panel. The mediator is not required to commence work until payment of \$500 is received, but if the parties settle before the payment due date, the mediator shall not be entitled to a fee.
10. Parties may submit a proposed order simultaneously with a motion seeking approval of a temporary MMM agreement without need of negative notice or hearing.

11. Using the Court's negative notice procedures, the debtor shall file a motion to approve a permanent mortgage modification. The motion must contain the agreed terms of the modification, the new mortgage payments, and the lender's mailing address.
12. Orders approving a permanent MMM agreement (i) shall be in a format that can be recorded in the public records of the county where the property is located, and (ii) should be recorded by the debtor within 90 days of the entry of the order, unless the parties agree otherwise.
13. In Chapter 12 and 13 cases, debtors seeking MMM shall provide adequate protection to the lenders through payments made to the Chapter 12 or 13 trustee. For homestead properties, the debtor shall pay the lesser of (a) 31% of their gross disposable income (after deducting homeowner association fees), or (b) the normal monthly contractual mortgage payment. For non-homestead income producing property, the debtor shall pay 75% of the gross rental income generated by the property. The Chapter 12 or 13 trustee shall disburse these adequate protection payments to the lender unless the Court orders or the parties file a written stipulation otherwise. In all other chapters, the debtor shall make the trial payments directly to the lender as agreed between the parties and without requiring Court approval or any modification of the automatic stay.
14. If a debtor in Chapter 12 or Chapter 13 case is successful in obtaining a mortgage modification at any time during the case, payments on the modified mortgage shall be paid through the Chapter 12 or Chapter 13 Plan.
15. Unless the parties have agreed to the contrary, MMM payments made during the MMM process will be applied under the loan documents and non-bankruptcy law.
16. MMM is deemed concluded upon the earliest of: (a) the filing of report of conclusion by the mediator, (b) an order approving a temporary or permanent payment plan, or (c) other order of the Court indicating the MMM concluded. Upon conclusion of the MMM, any payments not yet disbursed to the lender by the Chapter 12 or 13 trustee shall be disbursed:
 - A. If MMM resulted in an agreed mortgage modification agreement, which may include the lender's decision to decline receipt of additional funds, as agreed by the parties.
 - B. If MMM did not result in a mortgage modification agreement, then
 - i. To the lender to be applied under the applicable loan documents and non-bankruptcy law, or
 - ii. If the lender affirmatively rejects the undisbursed funds, the Chapter 12 or 13 trustee shall distribute payments as provided by the Chapter 13 Plan or Confirmation Order.
17. Notwithstanding the foregoing, if a Chapter 12 or 13 case is dismissed or converted to a Chapter 7 or 11 case, the Chapter 12 or 13 trustee shall disburse any funds remaining in the trustee's possession to the debtor and, if the debtor is represented by an attorney, the trustee shall mail the funds to the debtor in care of the debtor's attorney.
18. In Chapter 12 and 13 cases, the Court may confirm a plan of reorganization subject to pending MMM.
19. The MMM procedures do not affect amounts of allowed attorney fees for debtor and creditor attorneys participating in the MMM program. Divisional practices and limitations on such fees still control.
20. Debtor attorneys should collect monies from their client to pay the MMM mediator before filing a motion seeking mediation.

Filing Checklist: Motion for Mortgage Modification Mediation

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Includes a complete property address on the first page;
- ☐ Includes the last four digits of the mortgage loan number on the first page;
 - ❖ **Note:** Failure to list the last four digits of the loan number on the first page of the motion will result in the entry of an order abating the document.
- ☐ Includes the name of the creditor holding the mortgage; and
- ☐ Is filed within 90 days of the petition date or conversion date.
 - ❖ **Note:** If filing an amended motion, you must select **amended** from the drop-down menu on the modify as appropriate screen.

Filing Checklist: Objection to Selection of Mediator

Review the objection to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Filing Checklist: Motion for Reconsideration of Order Directing Mortgage Modification Mediation

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Filing Checklist: Motion for Approval of Temporary Mortgage Modification Agreement

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.
 - ❖ **Note:** Attorneys may upload order simultaneously with Motion.

Filing Checklist: Motion for Approval of Permanent Mortgage Modification Agreement

Review the motion to determine if it:

- ☐ Is signed;

- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ Contains negative notice that contains correct language and is located on the first page.
 - ❖ **Note: Negative notice is required pursuant to Paragraph 11 of Administrative Order FLMB-2019-6.** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Filing Checklist: Motion to Vacate Mortgage Modification Mediation Order

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ Contains negative notice that contains correct language and is located on the first page.
 - ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Forms

[Motion for Referral Mortgage Modification Mediation](#)

[Motion for Approval of a Permanent Mortgage Modification Agreement](#)

[Order Granting Motion for Permanent Mortgage Modification](#)

[Order Approving Temporary Loan Modification of Debtor's Real Estate Mortgage](#)

Helpful Information

[DMM Portal](#)

[Mortgage Modification Mediators List](#)

Jacksonville Mortgage Modification

[Chapter 13 Trustee for Jacksonville Douglas W. Neway](#)

Orlando Mortgage Modification

[Chapter 13 Trustee for Orlando Laurie Weatherford](#)

Tampa/Fort Myers Mortgage Modification

[Chapter 13 Trustees for Tampa/ Fort Myers Jon Waage](#)

[Chapter 13 Trustee for Tampa/ Fort Myers Kelly Remick](#)

Motion for Adequate Protection

Docketing Event

Bankruptcy > Motions/ Applications/ Objections > Motion for Adequate Protection

Negative Notice: Motions to Approve Agreements Providing Adequate Protection are allowed by negative notice with a 14 day notice period. Non-consensual Motions for Adequate Protection are not allowed to use negative notice.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 361](#)

[11 U.S.C. § 362](#)

[11 U.S.C. § 363](#)

[11 U.S.C. § 364](#)

[11 U.S.C. § 1205](#)

[Fed. R. Bankr. P. 4001](#)

[Fed. R. Bankr. P. 6004](#)

[Local Rule 2002-4](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 4/13/2018

Last Revision: 4/13/2018 7:45:43 AM

Description

Adequate protection is a mechanism for a secured creditor to receive payments to protect its interests in collateral in the debtor's possession. Adequate protection compensates a creditor for any decline in an asset's value while in the possession of another party. Adequate Protection is not an automatic right provided to secured creditors in the Bankruptcy Code. On the contrary, a secured creditor must demonstrate a need for adequate protection. Some factors in determining a requirement for adequate protection payments is whether a creditor is over-secured, the value of the collateral exceeds the debt or is under secured, or the debt exceeds the value of the collateral. Motions for Adequate Protection generally are filed as alternative relief in a motion for relief from stay; in situations where the debtor or trustee will use, sell, or lease property; or when a debtor is seeking some sort of post-petition financing.

11 U.S.C. § 361 specifies the key provisions of adequate protection.

Chapter 12 cases differ slightly in that § 1205 does not require payment in indubitable equivalent as part of adequate protection.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and

- ☐ Is properly served and includes a proper certificate of service.

Review the motion to determine if it is consented. Appropriate forms of consent include:

- ☐ Motion states it is consented. No signature needed of opposing parties;
- ☐ A consent is filed with the motion;
- ☐ Proposed order contains signatures of both the movant and opposing parties (or their attorneys);
- ☐ Proposed order states in the first paragraph that submitting party has the consent of the opposing parties;
- ☐ Response filed indicating consent.
- ☐ If the Motion is consented, it may be filed by negative notice with a 14 day negative notice period.

Motion for and to Vacate Wage Deduction Order

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Wage Deduction

Bankruptcy > Motions/Applications/Objections > Motion to Set Aside or Vacate

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

[Administrative Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 7/25/2019

Last Revision: 9/9/2020 10:19:54 AM

Description

A Chapter 13 debtor may wish to pay their Chapter 13 plan payments by wage deduction. Pursuant to Paragraph 5 of the Court's Administrative Order FLMB-2020-7, a debtor may request the entry of a wage deduction order. In a case with joint debtors, the motion should specify which debtor the wage deduction is requested. If the debtor changes employer, they may file an amended motion for entry of a new wage deduction. They also may file a motion to vacate a wage deduction order at any time to stop wage deductions. No hearing is needed.

Filing Checklist:

Review the Motion for and to Vacate Wage Deduction Order to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Lists the full name and last 4 digits of social security number for the employee a/k/a Debtor;
- ☐ Lists the name and address of every employer for which the wage deduction is requested; and
- ☐ Is properly served and includes a proper certificate of service.

Review the proposed order to determine if it substantially complies with the sample order provided in this procedure. Upload the proposed order simultaneously with the Motion.

Forms

[Motion for Wage Deduction Order](#)

[Motion to Vacate Wage Deduction Order](#)

[Order Granting Motion for Wage Deduction Order](#)

[Order Granting Motion to Vacate Wage Deduction Order](#)

Motion for Approval of Post-Petition Financing

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Approval of Post-Petition Financing

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 364](#)

[11 U.S.C. § 1107](#)

[Fed. R. Bankr. P. 4001](#)

[Fed. R. Bankr. P. 9014](#)

[Local Rule 2081-1\(g\)\(2\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 3/4/2019

Last Revision: 7/1/2019

Description

A motion for approval of post-petition financing is usually filed in a new Chapter 11 business case. The purpose of this motion is to seek authority to obtain financing after the bankruptcy filing.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Motion for Authority to Maintain Pre-Petition Bank Accounts

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Authority to Maintain Prepetition Bank Accounts

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 105](#)

[11 U.S.C. § 345\(b\)](#)

[11 U.S.C. § 363](#)

[11 U.S.C. § 1107](#)

[11 U.S.C. § 1108](#)

[Local Rule 2081-1\(g\)\(4\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 3/15/2019

Last Revision: 7/1/2019

Description

A motion for authority to maintain prepetition bank accounts is typically filed in a new Chapter 11 business case. The purpose of the motion is to gain authority to use the business's bank accounts that were used before the bankruptcy filing.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Motion for Authority to Pay Affiliate Officer Salaries

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Authority to Pay Affiliate Officer Salaries

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 101\(2\)\(A\)](#)

[11 U.S.C. § 105](#)

[11 U.S.C. § 363](#)

[11 U.S.C. § 1107](#)

[11 U.S.C. § 1108](#)

[Fed. R. Bankr. P. 2002\(a\)](#)

[Fed. R. Bankr. P. 4001](#)

[Local Rule 2081-1\(g\)\(6\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 3/15/2019

Last Revision: 7/1/2019

Description

A motion for authority to pay affiliate officer salaries is typically filed in a new Chapter 11 business case. The purpose of the motion is to gain authority to pay the salaries of the company's officers.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Motion for Authority to Pay Critical Vendors

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Authority to Pay Critical Vendors

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 105](#)

[11 U.S.C. § 1107](#)

[11 U.S.C. § 1108](#)

[Local Rule 2081-1\(g\)\(5\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 3/15/2019

Last Revision: 7/1/2019

Description

A motion for authority to pay critical vendors is typically filed in a new Chapter 11 business case. The purpose of the motion is to gain authority to pay the vendors deemed ‘critical’ under the Bankruptcy Code.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Motion for Authority to Pay Prepetition Wages

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Authority to Pay Prepetition Wages

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 101](#)

[11 U.S.C. § 105\(a\)](#)

[11 U.S.C. § 363\(b\)](#)

[11 U.S.C. § 507\(a\)](#)

[11 U.S.C. § 1107](#)

[11 U.S.C. § 1108](#)

[Local Rule 2081-1\(g\)\(3\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 3/15/2019

Last Revision: 7/1/2019

Description

A motion for authority to pay prepetition wages is typically filed in a new Chapter 11 business case. The purpose of the motion is to gain authority to pay the prepetition wages of the company's employees.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Motion for Exemption from Completion of Financial Management Course

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Exemption from Completion of Financial Management Course

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

[11 U.S.C. § 109\(h\)\(1\) and \(4\)](#)

[11 U.S.C. § 111](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/15/2018

Last Revision: 9/9/2020 10:21:15 AM

Description

The 2005 Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) added the educational requirements for individual Debtors to complete a pre-petition credit counseling course and a post-petition Financial Management Course. A Debtor may request an exemption from these requirements for reasons specified in 11 U.S.C. § 109(h).

Filing Checklist

Review the motion to determine if:

- ☐ It is signed;
 - ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Contains the reason for the waiver; and
 - ☐ Is properly served and includes a proper certificate of service.
 - ❖ **Note:** Attorneys may upload order simultaneously with Motion.
-

Forms

[Motion for Exemption from Completion of Financial Management Course](#)

[Order Granting Motion for Exemption from Completion of Financial Management Course](#)

Motion for Final Decree—Chapter 11

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Final Decree

Negative Notice: Yes

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 1101\(2\)](#)

[11 U.S.C. § 1141](#)

[Fed. R. Bankr. P. 1007](#)

[Fed. R. Bankr. P. 3022](#)

[Local Rule 3022-1](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 2/9/2016

Last Revision: 10/15/2020 8:38:47 AM

Description

After entry of an Order Confirming Plan, the debtor should take all necessary actions to consummate the terms of the plan. Once the plan is consummated, non-individual debtors will file a certificate of substantial consummation and a Motion for Final Decree. This indicates the case is ready to close.

Substantial Consummation pursuant to 11 U.S.C. § 1101(2) means:

- Transfer of all or substantially all of the property proposed by the plan to be transferred;
- Assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- Commencement of distribution under the plan.

For individual debtors, the Court allows them to request to have their case administratively closed and later file a Motion to Administratively Reopen the Case to Obtain a Discharge and a Final Decree. Otherwise, the case will remain open until completion of the plan requiring quarterly payments to the United States Trustee. The individual debtor would then file a Motion for Final Decree after completing all payments. No Certificate of Substantial Consummation is required for an individual debtor. For individual debtors, the case will be reviewed for entry of a discharge upon the filing of a Motion for Final Decree. To receive a discharge, individual Chapter 11 debtors must file a Statement of Completion of Course in Financial Management or have the requirement waived by the Court.

Parties have 14 days to object to the entry of the final decree.

Filing Checklist

Review the case and the motion to determine if:

- ☐ Whether the debtor is an individual;
 - ❖ **Note: If filed by an individual, a Statement of Completion of Course in Financial Management has been filed or requirement has been waived by the Court.**
- ☐ The case was not administratively closed;
- ☐ The motion is signed;
- ☐ The attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ It is properly served and includes a proper certificate of service;
- ☐ It is filed with Negative Notice;
 - Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail)
- ☐ It is a non-individual debtor case, a certificate of substantial consummation is filed with the motion;
- ☐ There are no outstanding orders, pending motions, or adversary proceedings.

Forms

[Motion for Entry of Final Decree and Certificate of Substantial Consummation](#)

[Official Form B 423 – Certification About a Financial Management Course](#)

Motion for Hardship Discharge—Chapter 13

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Hardship Discharge

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 523](#)

[11 U.S.C. § 1328\(b\)](#)

[11 U.S.C. § 1328\(g\)\(1\)](#)

[Fed. R. Bankr. P. 4004\(g\)](#)

[Fed. R. Bankr. P. 4007\(d\)](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 2/9/2016

Last Revision: 7/26/2018 12:30:46 PM

Description

After confirmation of a Chapter 13 plan, circumstances may arise that prevent the debtor from completing the plan. In such situations, the debtor may ask the Court to grant a “hardship discharge.” Generally, such a discharge is available only if: (1) the debtor’s failure to complete plan payments is due to circumstances beyond the debtor’s control and through no fault of the debtor; (2) creditors have received at least as much as they would have received in a Chapter 7 liquidation case; and (3) modification of the plan is not possible. No order submission required. A form order is prepared by the Clerk’s Office.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Certificate of Completion of Personal Management Course was filed by the debtor or the requirement to file a Certificate of Completion of Personal Management Course was waived (or there is a motion pending to waive the requirement).

Motion for Joint Administration or to Consolidate Cases

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Joint Administration
 - Bankruptcy > Motions/Applications/Objections > Motion to Consolidate Cases
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 522](#)

[Fed. R. Bankr. P. 1015](#)

[Fed. R. Bankr. P. 2009](#)

[Local Rule 1015-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 3/15/2019

Last Revision: 8/14/2020 3:22:50 PM

Description

Joint administration is the process of combining of two or more bankruptcy cases in the interest of efficiency and judicial economy. Courts use a single case docket when administering the combined bankruptcy cases.

Consolidation pools the assets and liabilities of separate estates. Consolidation of bankruptcy cases results in the joining of two or more cases together for all purposes, including the combining of assets and liabilities of separate estates into a single pool to pay creditors. It typically involves either the estates of spouses that filed a joint petition or two or more cases filed by or against the same debtor pending in the same court. An initial consolidation order may designate a lead case, and provide for a single case number, caption, claims register, and docket.

Filing Checklist

Local Rule 1015-1 provides specific instructions for joint administration.

Review the proposed order for joint administration to determine if it:

- ☐ Contains “Joint Administration” in the title;
- ☐ Designates which case will be the “Lead Case”;
- ☐ Directs the Clerk of Court will maintain a single case docket using the Lead Case number;
- ☐ States the Clerk of Court will notify all CM/ECF filers and PACER users that all future filings will be filed and docketed in the Lead Case;
- ☐ Includes two sample captions: (1) for when something is filed in the Lead Case generally; and (2) for when something is filed that relates to only one of the debtors;
 - ❖ **Note:** Local Rule 1015-1 provides: “All papers shall be captioned with the name and case number of the [Lead Case] followed by the words (‘Jointly Administered with’) beneath the case number, and shall include the case names and numbers of each case

that is subject to joint administration, unless otherwise ordered. However, a proof of claim shall indicate only the case name and number of the case in which the claim is filed. The caption shall not use the word 'Consolidated' to refer to joint administration."

- ☐ States what, if anything, can be filed in the individual bankruptcy cases; and
- ☐ States that papers and orders that pertain to one or more specific debtor(s) shall be filed in the Lead Case, however, the caption of the paper or order shall designate the specific debtor(s) to which the paper or order applies.

Forms

[Motion for Joint Administration](#)

[Order Granting Motion for Joint Administration](#)

Motion for Order Confirming Absence or Termination of Automatic Stay

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Order Confirming Absence or Termination of Automatic Stay (362(c) and (j))

Negative Notice: Chapters 7, 12, and 13 only

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 362\(j\)](#)

[Fed. R. Bankr. P. 4001](#)

[Fed. R. Bankr. P. 7014](#)

[Fed. R. Bankr. P. 9014](#)

[Local Rule 2002-4](#)

[Local Rule 4001-1\(b\),\(c\)\(2\)\(B\)](#)

[Admin. Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 10/15/2020 12:49:24 PM

Description

Upon the filing of a petition, an automatic stay is imposed in most cases with limited exceptions. The automatic stay requires creditors to cease actions against the debtor and the debtor's property as described in 11 U.S.C. § 362(a). The stay continues until either the case is dismissed or closed or, in an individual case, until a discharge is granted or denied.

Creditors may file a motion pursuant to 11 U.S.C. § 362 requesting the stay be lifted to allow them to pursue a particular piece of property. Those motions are most often titled Motion for Relief from Stay.

The automatic stay, however, may not be imposed or could terminate for the following:

(1) when a new case is filed and the debtor had **one** previous case dismissed within the previous year, the automatic stay is imposed for only 30 days. 11 U.S.C. § 362(c)(3)(A). The debtor may request to extend the stay by filing a Motion to Extend the Automatic Stay. 11 U.S.C. § 362(c)(3)(B);

(2) when a new case is filed and the debtor had **two** or more cases dismissed within the previous year, the automatic stay is not imposed. 11 U.S.C. § 362(c)(4)(A)(i). The debtor may request to have the stay imposed by filing a Motion to Impose the Automatic Stay. 11 U.S.C. § 362(c)(4)(B); or

(3) when a **Chapter 13 case** is filed and the debtor's plan (a) provides for the surrender of collateral to the secured creditor or lessor, (b) provides for payments to be made by Debtor directly to the secured creditor or lessor, (c) provides that Debtor does not intend to make payments

to the creditor, or (d) fails to provide for the claim of the secured creditor or lessor, the automatic stay is terminated. [Admin. Order FLMB-2020-7.](#)

When there is no stay in effect or the stay has terminated, a party may ask the court to enter an order to confirm there is no stay in effect or the stay has terminated.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address, and is consistent with the filing attorney's name and address in CM/ECF;
- ☐ Includes negative notice that contains the correct language and is located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail)
 - ❖ **Note:** If the automatic stay terminated due to the debtor's Chapter 13 plan provisions and the motion includes an affidavit or declaration by the movant's attorney to that effect, the negative notice procedures do not apply and a proposed order granting the motion should be submitted by counsel
- ☐ Is properly served and includes a proper certificate of service;
 - ❖ **Note:** If service on the matrix, a copy of the matrix must be included.
- ☐ If the motion seeks to confirm that the automatic stay is terminated under 11 U.S.C. § 362(c)(3) or did not become effective under 11 U.S.C. § 362(c)(4), does the motion include the following:
 - the date of filing and date of dismissal of the debtor's prior bankruptcy case(s), and,
 - if the prior bankruptcy case(s) were in another district, copies of court records reflecting this information.
- ☐ If the motion seeks to confirm that the automatic stay terminated due to the debtor's Chapter 13 plan provisions, does the motion include a statement to that effect.

Forms

[Motion for Order Confirming Absence or Termination of the Automatic Stay](#)

[Order Granting Motion for Order Confirming Absence or Termination of the Automatic Stay](#)

Motion for Refund of Filing Fee – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Refund of Fee Payment
 - Adversary > Motions/Applications/ > Motion for Refund of Fee Payment
-

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 07/26/2018

Last Revision: 3/26/2021 11:42:14 AM

Description

A refund of a filing fee may be allowed in very limited circumstances. If a party wishes to request a refund of a fee due to an erroneous filing, duplicate payment, or some other unusual circumstance, a Motion for Refund of Filing Fee must be filed. The Motion must list the specific reason for the request and must be filed in the case in which the fee was paid. If the fee was paid by check or money order, the motion must be accompanied by a completed AO Form 213P that will be docketed **after** the motion is filed.

Specific language must be included in the order granting the Motion, so the proposed order must substantially comply with the sample order provided below.

Filing Checklist

Review the Motion for Refund of Filing Fee to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Lists the movant's name;
 - ❖ **Note:** Movant's name must be the name of the individual who paid the filing fee.
- ☐ Lists the reason(s) the filing fee should be refunded;
- ☐ Is accompanied by a separately filed and completed AO Form 213P if fee was paid by check or money order; and
- ☐ Is properly served and includes a proper certificate of service.

Supporting Documents:

- ☐ **DO NOT** attach supporting documents to the Motion. After Motion is filed, Supporting Documents should be uploaded under the following docketing events:
 - Bankruptcy > Miscellaneous > Supporting Documentation for Motion for Refund of Filing Fee; or

- Adversary > Miscellaneous > Supporting Documentation for Motion for Refund of Filing Fee

Review the proposed order to determine if it substantially complies with the sample order provided in this procedure. Upload the proposed order simultaneously with the Motion.

Forms

[Motion for Refund of Filing Fee](#)

[Motion for Refund of Filing Fee \(Adversary\)](#)

[Order Granting Motion for Refund of Filing Fee](#)

[Order Granting Motion to Refund of Filing Fee \(Adversary\)](#)

Supporting Documents

[AO 213P](#)

Motion for Relief from Stay—Chapter 7

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Relief from Stay (Not for Amended Motions)
 - Bankruptcy > Motions/Applications/Objections > Amended Motion for Relief from Stay
-

Negative Notice: Yes

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 362](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 4001](#)

[Local Rule 4001-1](#)

Fee: \$188

Applicable Chapters: 7

Implemented: 2/9/2016

Last Revision: 12/1/2020 7:58:15 AM

Description

Immediately upon filing a bankruptcy petition, the automatic stay goes into effect to preclude the commencement or continuation of any creditor efforts to collect or enforce a debt against the debtor or property of the estate. The automatic stay requires creditors to cease actions against the debtor and the debtor's property as described in 11 U.S.C. § 362(a). The automatic stay remains in effect until the case is closed or dismissed or, in an individual case, until the granting or denial of the debtor's discharge, whichever happens first. 11 U.S.C. § 362(c).

Creditors may file a Motion for Relief from the Automatic Stay that requests lifting the stay to allow them to pursue their legal rights. Those motions are most often titled Motion for Relief from Stay, although other titles may also be used, such as a motion to terminate, modify, annul, lift, or condition the automatic stay.

There are exceptions to the general rule that the automatic stay immediately goes into effect upon the filing of the bankruptcy petition.

One exception arises when an individual files a new bankruptcy petition but had **two or more** cases dismissed within the previous year. In that situation, the automatic stay does not take effect. 11 U.S.C. § 362(c)(4)(A)(i). Creditors sometimes seek "comfort orders" from the Court confirming that the stay is not in effect. In situations where the stay does not go into effect, a party in interest, including the debtor, may request the stay be imposed. 11 U.S.C. § 362(c)(4)(B).

In situations where a debtor files a new bankruptcy petition but had **one** case dismissed within the previous year, the automatic stay is imposed for 30 days. After the 30th day passes, the automatic stay terminates. 11 U.S.C. § 362(c)(3)(A). A party in interest, including the debtor, may file a motion to extend the automatic stay beyond that initial 30-day period. 11 U.S.C. § 362(c)(3)(B).

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Includes the following in the motion:
 - For vehicles, the year, make, model of vehicle and VIN number; and
 - For real property, the legal description of real property.
- ☐ Is filed with negative notice that contains the correct language and is located on the first page;
 - ❖ Note: Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail)

Review the motion to determine if it is consented. Appropriate forms of consent include:

- ☐ Motion states it is consented. No signature needed of opposing parties;
- ☐ A consent is filed with the motion;
- ☐ Proposed order contains signatures of both the movant and opposing parties (or their attorneys);
- ☐ Proposed order states in the first paragraph that submitting party has the consent of the opposing parties;
- ☐ Response filed indicating consent.

Upon conclusion of the docketing process in CM/ECF, the filing fee is paid. Exceptions to the filing fee include:

- ☐ Movant is a U.S. Agency (including the FDIC);
- ☐ Movant is a child support creditor or its representative, and the movant files the Appearance of Child Support Creditor or Representative Procedural Form found [here](#);
- ☐ The motion is accompanied by consent to the relief requested by the debtor and the Trustee;
 - ❖ Note: If the trustee has filed a Report of No Distribution or Notice of Abandonment of the property, the trustee's consent is not required.
- ☐ Debtor is the movant.

Forms

[Motion for Relief from Stay – Chapter 7](#)

[Order Granting Relief from Stay - After Hearing](#)

[Order Granting Relief from Stay - After Negative Notice](#)

Motion for Relief from Stay—Chapter 11

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Relief from Stay (Not for Amended Motions)
 - Bankruptcy > Motions/Applications/Objections > Amended Motion for Relief from Stay
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 362](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 4001\(a\)](#)

[Local Rule 4001-1](#)

Fee: \$188

Applicable Chapters: 11

Implemented: 2/9/2016

Last Revision: 12/1/2020 7:55:50 AM

Description

Immediately upon filing a bankruptcy petition, the automatic stay goes into effect to preclude the commencement or continuation of any creditor efforts to collect or enforce a debt against the debtor or property of the estate. The automatic stay requires creditors to cease actions against the debtor and the debtor's property as described in 11 U.S.C. § 362(a). The automatic stay remains in effect until the case is closed or dismissed or, in an individual case, until the granting or denial of the debtor's discharge, whichever happens first.

Creditors may file a Motion for Relief from the Automatic Stay requesting the stay be lifted to allow them to pursue their legal rights. Those motions are most often titled Motion for Relief from Stay, although other titles may also be used, such as a motion to terminate, modify, annul, lift, or condition the automatic stay.

There are exceptions to the general rule that the automatic stay immediately goes into effect upon the filing of the bankruptcy petition.

One exception arises when an individual files a new bankruptcy petition but had **two or more** cases dismissed within the previous year. In that situation, the automatic stay does not take effect. 11 U.S.C. § 362(c)(4)(A)(i). Creditors sometimes seek "comfort orders" from the Court confirming that the stay is not in effect. In situations where the stay does not go into effect, a party in interest, including the debtor, may request the stay be imposed. 11 U.S.C. § 362(c)(4)(B).

In situations where a debtor files a new bankruptcy petition but had **one** case dismissed within the previous year, the automatic stay is imposed for 30 days. After the 30th day passes, the automatic stay terminates. 11 U.S.C. § 362(c)(3)(A). A party in interest, including the debtor, may file a motion to extend the automatic stay beyond that initial 30-day period. 11 U.S.C. § 362(c)(3)(B).

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Includes the following in the motion:
 - ❖ For vehicles, the year, make, model of vehicle and VIN number; and
 - ❖ For real property, the legal description of real property.
- ☐ Is properly served and includes a proper certificate of service.

Review the Motion to determine if it is consented. Appropriate forms of consent include:

- ☐ Motion states it is consented. No signature needed of opposing parties;
- ☐ A consent is filed with the motion;
- ☐ Proposed order contains signatures of both the movant and opposing parties (or their attorneys);
- ☐ Proposed order states in the first paragraph that submitting party has the consent of the opposing parties; and
- ☐ Response filed indicating consent.

Upon conclusion of the docketing process in CM/ECF, ensure the filing fee is paid. Exceptions to the filing fee include:

- Movant is an U.S. Agency (including the FDIC);
- Movant is a child support creditor or its representative, and the movant files the Appearance of Child Support Creditor or Representative Procedural Form found [here](#);
- The motion is accompanied by consent to the relief requested by the debtor and the Trustee;
- Debtor is the movant.

Forms

[Motion for Relief from Stay – Chapter 11](#)

Motion for Relief from Stay and Motion for Relief from Co-Debtor Stay—Chapters 12 and 13

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Relief from Stay (Not for Amended Motions)
 - Bankruptcy > Motions/Applications/Objections > Amended Motion for Relief from Stay
 - Bankruptcy > Motions/Applications/Objections > Motion for Relief from Co-Debtor Stay
 - Bankruptcy > Motions/Applications/Objection > Motion for Order Confirming Absence or Termination of Automatic Stay (362(c) and (j))
-

Negative Notice: Yes, for Motions for Relief from Stay, Motions for Relief from Co-Debtor Stay, and Motion for Order Confirming the Automatic Stay is Terminated (362(c) and (j)).

Accompanying Orders: Yes, for Motions for Stay Relief after the Debtor defaults on Adequate Protection Order (if the Adequate Protection Order so provides).

Code and Rule References:

[11 U.S.C. § 101](#)

[11 U.S.C. § 362](#)

[11 U.S.C. § 1301](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 4001](#)

[Local Rule 4001-1](#)

Fee: \$188

Applicable Chapters: 12, 13

Implemented: 2/9/2016

Last Revision: 1/5/2021 10:40:00 AM

Description

Upon the filing of a petition, the automatic stay goes into effect to preclude the commencement or continuation of any creditor efforts to collect or enforce a debt against the debtor or property of the estate. The automatic stay requires creditors to cease actions against the debtor and the debtor's property with some limitations described in 11 U.S.C. § 362(a). The protections of the automatic stay continue until the case is closed or dismissed or, in an individual case, until the granting or denial of the debtor's discharge. 11 U.S.C. § 362(c).

Creditors may file a Motion for Relief from the Automatic Stay that requests the stay be lifted to allow them to pursue their legal rights. Those motions are most often titled Motion for Relief from Stay, although other titles may also be used.

Motions requesting adequate protection based on 11 U.S.C. § 363 are treated differently procedurally. There is a separate procedure on Motion for Adequate Protection. These motions seek an order directing the debtor to do something, often to make payments, to provide the creditor with "adequate protection." Consequently, some motions for relief from stay are based on a debtor's default on a prior order entered by the court providing adequate protection to the creditor (an "Adequate Protection Order"). These types of motions are relief from stay motions and are covered in this procedure.

There is an exception to the general rule that the automatic stay immediately goes into effect upon the filing of the bankruptcy petition. The exception arises when an individual files a new bankruptcy petition but had **two or more** cases dismissed within the previous year. In that situation, the automatic stay does not take effect. 11 U.S.C. § 362(c)(4)(A)(i). Often, however, creditors will seek “comfort orders” from the Court, confirming that the stay is not in effect. In situations where the stay does not immediately go into effect, a party in interest, including the debtor, may request to have the stay imposed. 11 U.S.C. § 362(c)(4)(B).

In situations where a debtor files a new bankruptcy petition but had **one** previous case dismissed within the previous year, the automatic stay is imposed for 30 days. After 30 days, the automatic stay terminates. 11 U.S.C. § 362(c)(3)(A). A party in interest, including the debtor, may file a motion to extend the automatic stay beyond that initial 30-day period. 11 U.S.C. § 362(c)(3)(B).

In a Chapter 12 or Chapter 13 case, the stay also arises with respect to any individual that is either liable on a consumer debt with the debtor or secured such a debt. This is referred to as the “co-debtor stay.” A request for relief from the co-debtor stay may be combined with a request for relief from stay as to the debtor in a single motion for relief from the automatic stay.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Was filed with negative notice that contains the correct language and is located on the first page;
 - ❖ **Note:** For a Motion for Relief from Stay the Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
 - ❖ **Note:** For a Motion for Relief from Co-Debtor Stay the Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
 - ❖ **Note:** For a combined Motion for Relief from Stay and Motion for Relief from Co-Debtor Stay the Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
- ☐ Was filed with the debtor’s consent. Appropriate forms of consent are:
 - Motion states it is consented (no signature needed of opposing parties);
 - Consents are filed with the motion;
 - Proposed order contains signatures of both the movant and opposing parties (or their attorneys); and
 - Proposed order states in the first paragraph that submitting party has the consent of the opposing parties.
- ☐ Is a Motion for Relief from Stay based on the debtor’s default on an Adequate Protection Order;
 - ❖ **Note:** parties may submit an order simultaneously with the Motion if based on the Debtor’s default on an Adequate Protection Order.

Upon Completion of the docketing process, ensure the filing fee is paid. Exceptions to the payment of the filing fee include:

- Movant is a U.S. Agency (including the FDIC);
- Movant is a child support creditor or its representative, and the movant files the Appearance of Child Support Creditor or Representative form found [here](#);
- The motion is accompanied by consent to the relief requested by the debtor and the bankruptcy trustee;
- Debtor is the movant;
- Motion is based on (1) the surrender of collateral (the Chapter 12 or 13 plan must provide for this), (2) payments are being made directly to the creditor outside of the plan (the Chapter 12 or 13 plan must provide for this), or (3) the plan does not provide for the claim. An affidavit to that effect, meaning one of the three items is listed, must be included;
- Motion seeks relief from the co-debtor stay and does not seek relief from the debtor.

Forms

[Motion for Relief from Stay – Chapters 12 and 13](#)

[Order Granting Relief from Stay – Upon Consent – Chapter 13 Only](#)

Motion for Summary Judgment – Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications > Motion for Summary Judgment
 - Bankruptcy > Motions/Applications/Objections > Motion for Summary Judgment
-

Negative Notice: In adversary proceedings, Motions for Summary Judgment are filed by 21 day negative notice. In main bankruptcy cases, Motions for Summary Judgment are not filed by negative notice.

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7056](#)

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Civ. P. 56](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/26/2018

Last Revision: 10/15/2018 9:35:59 AM

Description

Summary judgment is appropriate when the movant shows there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

In a Motion for Summary Judgment, the movant asks the Court to decide a matter in the movant's favor without a trial. The movant may rely on written materials like pleadings, discovery and disclosure materials on file, and affidavits or declarations in support of the motion.

These motions must be filed no later than 60 days prior to trial, unless otherwise ordered by the Court.

When a Motion for Summary Judgment is filed, the Court may enter a Notice Regarding Motion for Summary Judgment explaining what a Motion for Summary Judgment is, advising the parties that they may submit documents opposing the motion, and providing deadlines for responses to the motion.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is filed in an adversary proceeding, then it must be filed with negative notice that contains the correct language and is located on the first page;

- Response period is 21 days (plus an additional three days for services if any party was served by U.S. Mail)
 - ❖ **Note: Failure to comply with Local Rule 7001-1 may result in the entry of an order abating.**
- ☐ Is filed in a main case, then no negative notice is allowed.

Motion for Turnover (including Motion to Compel Turnover)

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion for Turnover of Property
 - Bankruptcy> Motions/Applications/Objections> Motion to Compel (Abandonment/Turnover/Other)
-

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 521\(a\)\(4\)](#)

[11 U.S.C. § 542\(a\)](#)

[11 U.S.C. § 543](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 3/15/2019 7:47:21 AM

Description

Motions to compel turnover of property and motions for turnover of property are processed the same. In both instances, the filer is asking the court to enter an order directing a party to turn over property.

A trustee files the motion requesting turnover when a debtor, a custodian, or any other entity in possession of property of the estate fails to turn over that property as required by the Bankruptcy Code. 11 U.S.C. §§ 521(a)(4), 542(a), 523(b)(1).

In some instances, a party may file a motion for order to show cause to address issues related to turnover.

In other instances, a party may file a motion to approve stipulation for turnover. Those motions ask the Court to approve a “payment plan” to obtain the property. If the party still refuses to turn over property of the estate, the trustee may initiate an adversary proceeding against that party.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Includes the following required language: “Debtor may contact the Trustee to discuss purchasing the estate’s interest in the pertinent asset(s).”; and
- ☐ Contains negative notice that has the correct language located on the first page;
 - ❖ Note: Response period is 30 days (plus an additional three days if any party was served by U.S. Mail).

Review proposed order to determine if it:

- ☐ Follows the Court's Style Guide and format for submission of proposed orders;
- ☐ Includes the following required language: "Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset(s)."

Forms

[Order Granting Motion for Turnover](#)

Motion for Waiver of Credit Counseling Requirement

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Waiver of Credit Counseling

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

[11 U.S.C. § 109\(h\)\(1\) and \(4\)](#)

[11 U.S.C. § 111](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/15/2018

Last Revision: 9/9/2020 10:26:23 AM

Description

The 2005 Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) added the educational requirements for individual Debtors to complete a pre-petition credit counseling course and a post-petition Financial Management Course. A Debtor may request an exemption from these requirements for reasons specified in 11 U.S.C. § 109(h).

Filing Checklist

Review the motion to determine if:

- ☐ It is signed;
 - ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Contains the reason for the waiver; and
 - ☐ Is properly served and includes a proper certificate of service.
- ❖ **Note:** Attorneys may upload order simultaneously with Motion.
-

Forms

[Motion for Waiver of Credit Counseling Requirement](#)

[Order Granting Motion for Waiver of Credit Counseling Requirement](#)

Motion or Notice by Counsel to Withdraw or Substitute Replacement Counsel

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Substitution of Counsel
 - Bankruptcy > Motions/Applications/Objections > Motion for Leave to Withdraw as Counsel
 - Bankruptcy > Notices > Notice of Substitution of Counsel
 - Adversary > Motions/Applications > Motion for Substitution of Counsel
 - Adversary > Motions/Applications > Motion for Leave to Withdraw as Counsel
 - Adversary > Notices > Notice of Substitution of Counsel
-

Negative Notice: Yes, for Motions for Leave to Withdraw as Counsel. Otherwise, no.

Accompanying Orders: Yes, for Motions for Substitution of Counsel filed in the main case. Otherwise, no.

Code and Rule References:

[Fed. Bankr. P. 9010](#)

[Local Rule 1001-2](#)

[Local Rule 2002-4](#)

[Local Rule 2091-1](#)

[Local Rule 2091-2](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 01/31/2020

Last Revision: 9/9/2020 10:26:35 AM

Description

An attorney appearing in a case or adversary proceeding may request to withdraw as counsel of record for his or her client. Unless a court order or Local Rule 2091-2 provides otherwise, an attorney must file a motion and obtain Court approval to be removed as counsel. The attorney is responsible for all legal representation of his or her client until the withdrawal is approved by the Court. The motion must be filed and served using the negative notice procedures of Local Rule 2002-4 and provide for a 14-day response period. The motion shall be served on the client, parties in interest affected by counsel's removal, and opposing counsel.

An attorney requesting withdrawal also may file a joint motion with the client's replacement counsel, often referred to as substitution of counsel. The joint motion must be signed by the client or certify that the client consents to the substitution and be served on the client and parties in interest entitled to notice. No negative notice is required for substitution of counsel. An accompanying order should be submitted. Attorneys are directed to comply with Local Rule 1001-2.

Under Local Rule 2091-2, an attorney may be removed as counsel of record for the client without a court order by filing a notice in the following circumstances:

- An attorney for a party in interest (other than the debtor) who is **not** a party to a pending contested matter or adversary proceeding may file a notice of withdrawal. The notice of withdrawal must state the name and mailing address of the client and be served on the client, the debtor, trustee, United States Trustee and their attorneys.
- An attorney whose client is represented by other counsel of record in the case (co-counsel) may file a notice of withdrawal. The notice of withdrawal must be signed by the client and client's other counsel and be served on parties in interest entitled to notice.
- The client's replacement counsel who is a member of the same law firm as the attorney of record may file a notice of substitution of counsel. The notice of substitution must include a representation that the client has been informed of and consents to the substitution.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is filed with negative notice that contains the correct language and is located on the first page;
 - Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail).
- ☐ Requires more than one signature and conforms to the requirements of Local Rule 1001-2(g)(3)(B);
 - ❖ **Note: "Filers Attestation: Pursuant to Local Rule 1001-2(g)(3) regarding signatures, [name of filing attorney] attests that concurrence in the filing of this paper has been obtained."**
- ☐ If the motion is a joint motion to substitute counsel, the motion is signed by the client or contains a certification that the client consents to the substitution;
- ☐ Conforms to one of the exceptions under Local Rule 2091-2 that only require counsel to file a notice.

Review the proposed order to determine if it:

- ☐ Follows the Court's Style Guide and format for submission of proposed orders.

Forms

[Notice of Withdrawal of Counsel](#)

[Notice of Withdrawal of Co-Counsel](#)

[Notice of Substitution of Counsel Within Law Firm](#)

[Joint Motion to Substitute Counsel](#)

[Order Granting Joint Motion for Substitution of Counsel](#)

[Motion to Withdraw as Counsel](#)

[Order Granting Motion to Withdraw as Counsel - After Hearing](#)

[Order Granting Motion to Withdraw as Counsel – No Hearing](#)

Motion to Administratively Close Chapter 11 Individual Case

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Administratively Close Individual Chapter 11 Case

Negative Notice: Yes.

Accompanying Orders: N/A.

Code and Rule References:

[11 U.S.C. § 362\(c\)\(2\)\(A\)](#)

[11 U.S.C. § 1101\(2\)](#)

[11 U.S.C. § 1112\(b\)\(4\)\(B\)](#)

[11 U.S.C. § 1115\(a\)\(1\) and \(2\)](#)

[11 U.S.C. § 1127\(e\)](#)

[11 U.S.C. § 1141\(a\), \(d\)\(5\)](#)

[28 U.S.C. § 1930](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 2/9/2016

Last Revision: 3/15/2019 3:26:28 PM

Description

An individual Chapter 11 debtor is not eligible for discharge until the debtor completes all payments under the plan or the Court grants an early discharge. Chapter 11 individual cases could remain open for an extended period of time. This would cause the debtor to have to pay U.S. Trustee quarterly fees and to continue file quarterly reports.

To reduce these obligations, the Court allows an individual Chapter 11 case to be administratively closed upon the filing of a Motion to Administratively Close Individual Chapter 11 Case. The case can be reopened for entry of a discharge upon filing of a Motion to Administratively Reopen Individual Chapter 11 Case (after completion of all plan payments). Should a party wish to file a pleading during the time the case is administratively closed, a Motion to Reopen is required. No filing fee is assessed for filing the Motion to Reopen.

This procedure addresses the Motion to Administratively Close Individual Chapter 11 Case only. Separate procedures for processing Motions to Administratively Reopen Individual Chapter 11 Cases are available.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ The motion has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ The motion is properly served and includes a proper certificate of service;
- ☐ The motion is filed with negative notice that contains the correct language and is located on the first page; and

- ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
- There are no outstanding motions, applications, or adversary proceedings to be addressed.
- ❖ **Note:** The Court must resolve all pending items before an order granting the motion is entered—unless specific language is included in the motion and the order retains jurisdiction over a matter once the case is closed.

Forms

[Motion to Administratively Close Individual Chapter 11 Case](#)

[Order Granting Motion to Administratively Close Individual Chapter 11 Case](#)

- ❖ **Note:** Use of the sample motion is encouraged. Use of the sample order is required.

Motion to Administratively Reopen Closed Chapter 11 Individual Case

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Administratively Reopen Individual Chapter 11 Case

Negative Notice: Yes.

Accompanying Orders: When a debtor files the motion for any reason other than to obtain a discharge and final decree, debtor may upload a proposed order separately at the same time as the motion.

Code and Rule References:

[28 U.S.C. § 1746](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

[Local Rule 3022-1](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:25:05 AM

Description

In an individual Chapter 11 case, the debtor is not eligible for discharge until all payments under the plan are completed or the Court grants an earlier discharge. Chapter 11 individual cases could remain open for an extended period of time. This would cause the debtor to have to pay the U.S. Trustee quarterly fees and to continue to file quarterly reports.

To reduce these obligations, the Court allows an individual Chapter 11 case to be administratively closed upon the filing of a Motion to Administratively Close Individual Chapter 11 Case. The case can be reopened for entry of a discharge upon filing of a Motion to Administratively Reopen Individual Chapter 11 Case (after completion of all plan payments). Should a party wish to file a pleading during the time the case is administratively closed, a Motion to Reopen is required. No filing fee is assessed for filing the Motion to Reopen.

Court approval of post-confirmation attorney's fees is optional and not required, but a Disclosure of Fees Paid or To Be Paid is required. Parties may file an Amended 2016 Statement if fees are paid before Motion to Reopen is filed. If fees are to be paid after the Motion to Reopen is filed, then fees can be disclosed in the motion. There is no standard approved amount of attorney's fees awarded for reopening an individual Chapter 11 case.

This procedure addresses the Motion to Administratively Reopen Individual Chapter 11 Case only. Separate procedures for processing Motions to Administratively Close Individual Chapter 11 Cases are available.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed and verified by the debtor;
 - ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., “I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include ‘under the laws of the United States of America’] that the foregoing is true and correct. Executed on (date).
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Lists the total amount of payments made to each creditor under the plan;
- ☐ Is properly served and includes a certificate of service.
 - ❖ **Note:** If the motion is filed by a creditor, make sure it is filed with negative notice that contains correct language.
 - Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
 - ❖ **Note:** If the motion is filed by a debtor to obtain a discharge and final decree, make sure it is filed with negative notice that contains the correct language.
 - Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Forms

[Motion to Administratively Reopen Individual Chapter 11 Case to Obtain Discharge and Final Decree](#)

[Order Granting Motion to Administratively Reopen Individual Chapter 11 Case and Directing Response to Request for Entry of Discharge and Final Decree](#)

- ❖ **Note:** Use of the sample motion is encouraged. Use of the sample order is required.

Motion to Allow Witness to Testify by Video – Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications > Motion to Allow
 - Bankruptcy > Motions/Applications/Objections > Motion to Allow
-

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares order.

Code and Rule References:

[Fed. R. Civ. P. 43\(a\)](#)

[Fed. R. Bankr. P. 9017](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/28/2017

Last Revision: 8/17/2020 3:17:13 PM

Description

Under Fed. R. Civ. P. 43(a) and Fed. R. Bankr. P. 9017, the Bankruptcy Court may permit a witness to testify from a different location via video “[f]or good cause in compelling circumstances and with appropriate safeguards.” Parties who can demonstrate such good cause should follow these procedures to request permission for a witness to testify by video.

Parties who wish a witness to testify by video must file a “Motion to Allow Witness to Testify by Video” at least 30 days prior to the scheduled trial, absent emergency circumstances.

The Motion must include: (1) the date and time of the trial; (2) the preferred date and time the party wants a witness to testify; (3) the name, location, and contact information for the proposed witness; and (4) federal courthouses or other video facilities if there are no federal courthouses near the witness.

The Bankruptcy Judge will determine if the movant has established good cause to allow a witness to provide testimony by video.

If allowed, the Courtroom Deputy and the designated IT staff person together will arrange a video room and test connections with a sister court, if one is available, or another video facility.

If a sister court or another video facility can host the video testimony, the Courtroom Deputy will prepare an order granting the Motion, including time, date, place, and other details that the Bankruptcy Judge will consider.

If no video facilities are available, the Courtroom Deputy will prepare an order denying the Motion that the Bankruptcy Judge will consider.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ The motion has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service;
- ☐ The motion includes:
 - (1) the date and time of the trial;
 - (2) the preferred date and time the party wants a witness to testify;
 - (3) the name, location, and contact information for the proposed witness; and
 - (4) federal courthouses or other video facilities if there are no federal courthouses near the witness.

Forms

[Motion to Allow Witness to Appear by Video \(Bankruptcy\)](#)

[Motion to Allow Witness to Appear by Video \(Adversary\)](#)

[Order Granting Motion to Allow Witness by Video \(Bankruptcy\)](#)

[Order Granting Motion to Allow Witness by Video \(Adversary\)](#)

[Order Denying Motion to Allow Witness by Video \(Bankruptcy\)](#)

[Order Denying Motion to Allow Witness by Video \(Adversary\)](#)

Motion to Appear *Pro Hac Vice*

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Appear *pro hac vice*
 - Adversary > Motions/Applications > Motion to Appear *pro hac vice*
-

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares the order.

Code and Rule References:

[Local Rule 1001-2](#)

[Local Rule 2090-1](#)

Fee: \$150 paid in U.S. District Court, made payable to Clerk, U.S. District Court

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/10/2021 10:08:04 AM

Description

Pro hac vice is a Latin term that means “for this occasion” or “for this event.” Here, it refers to an attorney not admitted to a particular jurisdiction but allowed to participate in a particular case.

Appearing *pro hac vice* is not guaranteed. With some limited exceptions outlined in Local Rule 2090-1, an attorney who is not admitted to the United States District Court for the Middle District of Florida may request permission to appear as an attorney of record for a party by filing a motion. The motion must include a consent-to-act by an attorney admitted to the Middle District of Florida. Failure to file a consent-to-act will delay entry of an order. In addition, the attorney requesting special admission must be a member in good standing in another federal district court within the United States.

Attorneys authorized to appear *pro hac vice* are not automatically granted CM/ECF filing privileges. To receive a login and password to CM/ECF, the attorney also must complete the [registration forms](#) and meet all the standard requirements posted on the Court’s website.

Once an attorney is granted permission to appear *pro hac vice*, the attorney is required to pay an admission fee to the United States District Court for the Middle District of Florida and file a Notice of Compliance with the Bankruptcy Court.

Filing Checklist

Review the motion to determine if it:

- ☐ Lists the name of the attorney requesting *Pro Hac Vice* admission and the state(s) where the attorney is admitted to practice and associated State Bar number(s), complete mailing address, telephone number, and email address;
- ☐ Is signed;
 - ❖ **Note:** The signature block must contain the name and address of the filing attorney that is consistent with that attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;

- ☐ Is accompanied by a consent-to-act signed by an attorney admitted to the Middle District of Florida within 14 days of filing the Motion to Appear *Pro Hac Vice* (consent-to-act may be separately filed);
 - ❖ **Note:** Attestation is required by Local Rule 1001-2(e)(3)(ii) by the filing attorney that concurrence in the filing of the paper has been obtained from each of the other signatories.
- ☐ Pay fee to District Court; and
- ☐ File a Notice of Compliance to Appear Pro Hac Vice with the Bankruptcy Court for payment of fee.

Forms

[Motion to Proceed Pro Hac Vice](#)

[Notice of Compliance with Order Granting Motion to Appear Pro Hac Vice](#)

Motion to Approve Compromise or Settlement Agreement

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Approve Compromise of Controversy or Settlement Agreement

Negative Notice: Yes – for all motions except for those related to personal injury claims in a Chapter 13 case.

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 2002](#)
[Fed. R. Bankr. P. 4001\(d\)](#)
[Fed. R. Bankr. P. 9019](#)
[Local Rule 2002-4](#)
[Local Rule 9019-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/17/2020 1:38:40 PM

Description

A compromise or settlement agreement often arises when the parties agree to settle an adversary proceeding or contested matter. Parties must obtain court approval for these settlements. A Motion to Approve Compromise or Settlement Agreement should be filed in the lead bankruptcy case except for settlements solely based on 11 U.S.C. § 523 (dischargeability). Motions to Approve Compromise solely based on Section 523 must be filed in the relevant adversary proceeding.

Review the procedure on adversary dismissals for specific requirements on compromises relating to Section 727 of the Bankruptcy Code.

When a compromise is approved that resolves an entire adversary proceeding, an order will be entered that administratively closes the adversary proceeding and indicates that the adversary proceeding may be reopened to address any issues that arise in implementing the settlement. For more information, review the procedure on closing adversary proceedings.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ The motion has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ The motion is filed with negative notice that contains the correct language and is located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail). **Negative notice is not permitted for motions relating to personal injury claims in a Chapter 13 case.**

- The motion is properly served and includes a proper certificate of service.
 - ❖ **Note:** File motion in the lead bankruptcy case unless the settlement and adversary proceeding resolves dischargeability claims under 11 U.S.C. § 523.
 - ❖ **Note:** File motion in the adversary proceeding only if the settlement and adversary proceeding resolves dischargeability claims under 11 U.S.C. § 523.

Forms

[Motion to Approve Compromise of Controversy](#)
[Order Approving Compromise After Negative Notice](#)

Motion to Assume or Reject Executory Contracts and Unexpired Leases

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Assume or Reject Lease/Executory Contract

Negative Notice: Chapters 7, 12, 13 only

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 365](#)

[Fed. R. Bankr. P. 6003](#)

[Fed. R. Bankr. P. 9014](#)

[Local Rule 2002-4](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 1/23/2018 11:00:22 AM

Description

Subject to the Court's approval, the debtor, debtor-in-possession, or trustee may assume or reject an executory contract or unexpired lease of the debtor. Parties in interest may file a Motion to Compel or require the trustee, debtor, or debtor-in-possession to determine whether to assume or reject a contract or lease in any Chapter.

11 U.S.C. § 365 (d)(1) states that if the trustee in a Chapter 7 case does not assume or reject an executory contract or unexpired lease of **residential real property or personal property** within 60 days after the order for relief or within such additional time as granted by the Court, then such contract or unexpired lease is deemed rejected.

11 U.S.C. § 365 (d)(4) states that in a case under any Chapter, if the trustee does not assume or reject an unexpired lease for which the debtor is lessee of **nonresidential real property** within 120 days after the date of the order for relief or the date of an order confirming the plan, the lease is deemed rejected.

Under Federal Rule of Bankruptcy Procedure 6003, a Motion to Assume or Reject an Executory Contract or Unexpired Lease under Section 365 cannot be granted within 21 days of the filing of the petition unless relief is necessary to avoid immediate and irreparable harm.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ The motion has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service; and

- ☐ The motion is filed with negative notice that contains the correct language and is located on the first page (if filed in a Chapter 7, 12, or 13 case).
 - ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Motion to Avoid Lien

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Avoid Liens

Negative Notice: Yes.

Accompanying Orders: N/A.

Code and Rule References:

[28 U.S.C. § 1746](#)

[11 U.S.C. § 522\(f\)\(1\)](#)

[Fed. R. Bankr. P. 4003\(d\)](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

[Local Rule 4003-2](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 7/9/2020 8:49:26 AM

Description

A lien on an individual debtor's allowed exempt property may be avoided if it is: (1) a judicial lien other than one that secures a debt of the kind specified in Section 523(a)(5) (for a domestic support obligation); or (2) a non-possessory, non-purchase money security in certain listed items, including but not limited to household furnishings, professional tools of trade, or professionally prescribed health aids. 11 U.S.C. § 522(f)(1). This section does not apply to statutory liens, e.g., liens held by the Internal Revenue Service.

Filing Checklist

Local Rule 4003-2 provides specific instructions on lien avoidance.

Local Rule 4003-2(a) provides: "The title of the motion shall identify the creditor whose lien is sought to be avoided. The motion shall be verified or accompanied with an affidavit and shall describe with specificity the nature of the lien, recording information, if applicable, and the property affected with legal description, as appropriate."

Local Rule 4003-2(b) provides: "A separate motion is required for each creditor whose lien is sought to be avoided."

Local Rule 4003-2(c) provides: "A motion to avoid lien under 11 U.S.C. § 522(f) shall be served in accordance with Fed. R. Bankr. P. 7004 and 9014."

Review the motion to determine if it:

- ☐ Includes a signed and dated affidavit, declaration, verification, or certificate indicating it is signed under penalty of perjury;

- ❖ **Note:** Must be signed by the debtor. In a joint case, only one debtor is required to sign; and
- ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., “I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include ‘under the laws of the United States of America’] that the foregoing is true and correct. Executed on (date).
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Is filed with negative notice that contains the correct language and is located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
- ☐ Includes the following in the motion:
 - ❖ For motions requesting avoidance of a judicial lien: a description including Official Record book and page number, a judgment lien certificate document number, **or** an instrument number when appropriate;
 - ❖ Clear description of the party that holds the lien sought to be avoided (must be included in both the title and the body of the motion);
 - ❖ Legal description and street address of real property;
 - ❖ For a vehicle: property description must list VIN;
 - ❖ For other property, a clear description of property; and
 - ❖ **Note:** for example, “Household Goods” is acceptable.
 - ❖ Property in motion is listed on Schedule C or Amended Schedule C.
- ☐ Does not request relief for more than one creditor.

Forms

[Motion to Avoid Judicial Lien on Exempt Property](#)

[Order Granting Motion to Avoid Judicial Lien on Exempt Property](#)

Motion to Compel—Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Compel (Abandonment/Turnover/Other)
 - Adversary > Motions/Applications > Motion to Compel
-

Negative Notice: If the Motion to Compel is filed in an main case, negative notice procedures apply. If the Motion to Compel is a Motion to Compel Abandonment, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 554\(a\), \(b\)](#)

[Fed. R. Bankr. P. 6007\(b\)](#)

[Fed. R. Bankr. P. 7037](#)

[Local Rule 7001-1](#)

[Local Rule 7026-1](#)

[Local Rule 7037-1](#)

Fee: \$188 on Motions to Compel Abandonment

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 12/1/2020 8:19:30 AM

Description

Parties generally file motions to compel to request the Court enter an order directing the opposing party or a third party to take some action.

In both adversary proceedings and bankruptcy cases, parties may file this motion to address discovery disputes. This happens when a party has propounded discovery to either the opposing party or a third party and believes that the discovery responses are insufficient.

Two other types of motions to compel commonly filed are Motions to Compel Abandonment and Motion to Compel Turnover.

Motions to Compel Abandonment are included in this procedure. A party in interest may file and serve a motion requiring the trustee to abandon property of the estate.

Motions to Compel Turnover of Property are processed the same as a Motion for Turnover of Property. Descriptions and procedures for those motions are included in the Motion for Turnover Procedure.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;

- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Is a Motion to Compel Disclosure, then it must contain a certification that the movant has in good faith conferred with opposing party prior to filing the motion.
- ☐ Is a Motion to Compel Abandonment, it contains negative notice that contains the correct language located on the first page;
 - ❖ Note: Response period is 14 days for a Motion to Compel Abandonment (plus an additional three days if any party was served by U.S. Mail)
- ☐ Is a Motion to Compel Abandonment, then ensure the filing fee is paid.

Motion to Continue or Reschedule § 341 Meeting

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Continue Meeting of Creditors

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 341](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/15/2018

Last Revision: 10/15/2018 9:13:15 AM

Description

The meeting of creditors is scheduled pursuant to 11 U.S.C. § 341 and is convened by the United States Trustee. In a Chapter 7, 12, and 13, the trustee assigned to the case conducts the meeting of creditors. In a Chapter 11 case, the United States Trustee conducts the meeting. The Court may not preside at and may not attend any meeting convened under § 341 of the Bankruptcy Code. Therefore, matters related to continuing and rescheduling the meeting of creditors should be addressed by the case trustee or the United States Trustee.

Any motion to continue or reschedule a meeting of creditors will be denied using an internal form order that directs the movant to address the request to the trustee assigned to the case (for Chapter 7, 12, and 13) or the United States Trustee (for Chapter 11 cases).

Filing Checklist

- ☐ Ensure motion is not filed with the court, but is presented to the case trustee (Chapter 7, 11, 12, or 13) or the United States Trustee (Chapter 11 cases).
- ❖ Note: **If the motion is mistakenly filed with the Court, the Clerk's Office will enter an order denying motion and directing movant to address any request for continuance/rescheduling of the meeting of creditors to either the case trustee or the United States Trustee.**

Motion to Declare Secured Claim Satisfied and Lien Released – Chapters 12 and 13

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Declare Secured Claim Satisfied and Lien Released

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 5009](#)

[Fed. R. Bankr. P. 7004](#)

[Local Rule 2002-4](#)

Fee: N/A

Applicable Chapters: 12, 13

Implemented: 1/24/2018

Last Revision: 8/14/2020 1:59:43 PM

Description

In a chapter 12 or chapter 13 case, if a claim that was secured by property of the estate is subject to a lien under applicable non-bankruptcy law, the debtor may request entry of an order declaring that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan. The request shall be made by motion. The motion shall be served on the holder of the claim and any other entity the Court designates in the manner provided by Federal Rule of Bankruptcy Procedure 7004 for service of a summons and complaint.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
 - ☐ Includes the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
 - ☐ Is properly served and includes a proper certificate of service;
 - ☐ Is filed with negative notice that contains correct language located on the first page;
 - ❖ Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
-

Forms

[Motion to Declare Secured Claim Satisfied and Lien Released](#)

[Order Granting Motion to Declare Secured Claim Satisfied and Lien Released](#)

Motion to Determine Adequate Assurance for Payment of Utility Services, or in the Alternative, Establishing the Procedure for Determining Adequate Assurance

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Determine Adequate Assurance (or Procedure) for Payment of Utilities

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

[11 U.S.C. § 366](#)

[11 U.S.C. § 1107](#)

[11 U.S.C. § 1108](#)

[Local Rule 2081-1\(g\)\(7\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 7/26/2018

Last Revision: 10/23/2019

Description

The procedure to follow for all motions to determine adequate assurance for utility service in a Chapter 11 is governed by 11 U.S.C. § 366 and Local Rule 2081-1(g)(7). The debtor should file this motion early in a Chapter 11 case. The motion should be accompanied by a proposed order that complies with the language included in Local Rule 2081-1(g)(7)(B). The court will conditionally grant all motions to determine adequate assurance and allows an interested party 30 days to file a written objection to the motion. After the expiration of the 30 day objection period, if no objections are received the order becomes final.

Filing Checklist

Review the motion to determine if:

- ☐ It is signed;
- ☐ Contains the following information:
 - a schedule of the names and addresses of the utilities;
 - whether the debtor is current in the payment of its utility;
 - an average monthly utility expense;
 - the amount owed each utility; and
 - the method by which the debtor will provide adequate assurance of timely payment.
- ☐ It is accompanied by a proposed order conditionally granting the motion.
 - ❖ **Note: Order should contain a paragraph providing a 30-day objection period as described in Local Rule 2081-1(g)(7)(B).**

Forms

[Order Conditionally Granting Motion to Determine Adequate Assurance for Payment of Utility Services, or in the Alternative, Establishing the Procedure for Determining Adequate Assurance](#)

Motion to Determine Secured Status/Value (and Strip Lien if Applicable)

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Determine Secured Status/Value (and Strip Lien if applicable)

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 506](#)

[Fed. R. Bankr. P. 3002](#)

[Fed. R. Bankr. P. 3003](#)

[Fed. R. Bankr. P. 3012](#)

[Local Rule 3012-1](#)

Fee: N/A

Applicable Chapters: 11, 12, 13

Implemented: 2/9/2016

Last Revision: 4/7/2021 3:37:11 PM

Description

In Chapters 11, 12, and Chapter 13 individual cases, a party may file a motion seeking to determine the value of the property that is the security interest on an allowed claim.

For a claim to be “allowed” in a Chapter 13 case, a proof of claim must be timely filed by the creditor or by the debtor on behalf of the creditor. Fed. R. Bankr. P. 3002. In Chapter 11 cases, in addition to timely filed proofs of claim, if the debt is listed in the debtor’s schedules and is not listed as disputed, contingent, or unliquidated, the listing constitutes an allowed claim. Fed. R. Bankr. P. 3003.

Motions to Determine Secured Status are sometimes called Motions to Value, Motions to Value Collateral, or Motions for Determination that Claim is Unsecured. Some Motions to Determine Secured Status include a request to strip off a lien and also may be called Motions to Strip Lien. In certain instances, if the value of the property is such that the junior lien has no security, the junior lien may be “stripped off” completely. Lien stripping is not allowed in Chapter 7 cases.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Includes a redacted loan number for any loan or mortgage (excluding those filed on behalf of an HOA, the IRS, or an individual where there is no loan or mortgage number);
- ☐ Includes a legal description if the property is real property or a VIN # if the property is a vehicle. (No need to address property descriptions for items other than real property or vehicles);
- ☐ Includes the name of the lien holder;

- ❖ **Note:** If the debtor seeks to determine the secured status of two or more creditors with respect to the same collateral, the debtor may join the creditors in a single motion.
- ☐ Includes the fair market value of the collateral;
- ☐ Includes a signed and dated certificate of service; and
- ☐ Contains negative notice that contains correct language and language is located on the first page.
- ❖ **Note:** Response period is 30 days (plus an additional three days for service if any party was served by U.S. Mail).

Forms

[Motion to Determine Secured Status of Claim](#)

[Motion to Determine Secured Status of Claim and Void Junior Lien](#)

[Order Granting Debtor's Motion to Determine Secured Status of Claim and Void Junior Lien](#)

[Order Granting Motion to Determine Secured Status of Claim \(no stripping\)](#)

Motion to Dismiss Case or Party – Chapter 12 and Chapter 13

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Dismiss Case
 - Bankruptcy > Motions/Applications/Objections > Motion to Dismiss Party
 - Bankruptcy > Notices > Notice of Dismissal (voluntary)
-

Negative Notice: Yes, for a Motion to Dismiss filed by the Trustee.

Accompanying Orders: No.

Code and Rule References:

[11 U.S.C. § 349](#)

[11 U.S.C. § 1208](#)

[11 U.S.C. § 1307](#)

[Fed. R. Bankr. P. 1017](#)

[Fed. R. Bankr. P. 2002](#)

[Fed. R. Bankr. P. 9013](#)

[Local Rule 2002-4](#)

[Local Rule 9013-1](#)

Fee: N/A

Applicable Chapters: 12, 13

Implemented: 8/14/2020

Last Revision: 8/14/2020 12:42:47 PM

Description

Any interested party, including the debtor, creditors, trustees, and United States Trustee may move to dismiss the case or a particular debtor from a Chapter 12 or 13 case. A motion is required. This procedure does not apply to Chapter 7 or 11 cases.

Negative notice under Local Rule 2002-4 is not used unless the Chapter 12 Trustee or Chapter 13 Trustee is filing a motion to dismiss. Filing a “notice” of dismissal does not automatically dismiss a case.

An order is required for dismissal. For debtors requesting dismissal, the clerk’s office prepares the dismissal order.

11 U.S.C. § 1208 governs Chapter 12 case dismissals; 11 U.S.C. § 1307 governs Chapter 13 case dismissals. Except as provided by the Bankruptcy Code or court order, dismissal of a bankruptcy case is without prejudice and does not bar the debtor from filing a new case.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;

- ☐ The motion is properly served and includes a proper certificate of service; and
- ☐ If a Trustee is requesting dismissal of a case, the motion contains negative notice that has the correct language located on the first page.

Forms

[Motion to Dismiss](#)

Motion to Dismiss Case or Party – Chapter 7 and Chapter 11

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Dismiss Case
 - Bankruptcy > Motions/Applications/Objections > Motion to Dismiss Party
-

Negative Notice: No, unless paper is a Motion by Chapter 7 Trustee to Dismiss for Failure to Attend 341 Meeting.

Accompanying Orders: No.

Code and Rule References:

[11 U.S.C. § 349](#)

[Fed. R. Bankr. P. 2002](#)

[11 U.S.C. § 707](#)

[Fed. R. Bankr. P. 9013](#)

[11 U.S.C. § 1112](#)

[Local Rule 2002-4](#)

[Fed. R. Bankr. P. 1017](#)

[Local Rule 9013-1](#)

Fee: N/A

Applicable Chapters: 7, 11

Implemented: 8/14/2020

Last Revision: 8/14/2020 12:43:31 PM

Description

Any interested party, including the debtor, creditors, trustees and the United States Trustee, may move to dismiss the case or a particular debtor from a Chapter 7 or 11 case. A motion is required. This procedure does not apply to Chapter 12 or 13 cases.

Negative notice under Local Rule 2002-4 is not used unless the chapter 7 Trustee is filing a Motion to Dismiss for Failure to Attend 341 Meeting. Filing a “notice” of dismissal does not automatically dismiss a case. A hearing usually is held, and an order is needed.

11 U.S.C. § 707 governs Chapter 7 case dismissals, and 11 U.S.C. § 1112 governs Chapter 11 case dismissals. Except as provided under the Bankruptcy Code or court order, dismissal of a bankruptcy case is without prejudice and does not bar the debtor from filing a new case.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service; and
- ☐ If the Chapter 7 Trustee is requesting dismissal of a case for failure to attend 341 meeting, the motion contains negative notice that has correct language located on the first page.

Forms

[Motion to Dismiss](#)

Motion to Excuse Debtor from Appearing at § 341 Meeting

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Excuse Appearance at 341 Meeting

Negative Notice: N/A

Accompanying Orders: Yes, if filed with Trustee's consent.

Code and Rule References:

[11 U.S.C. § 341](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/15/2018

Last Revision: 9/9/2020 10:28:34 AM

Description

The meeting of creditors is scheduled pursuant to 11 U.S.C. § 341 and is convened by the United States Trustee. Debtors are required to attend § 341 meetings and submit to examination by the case trustee, the United States Trustee, and creditors.

Occasionally, debtors may be unable to attend § 341 meetings and a motion to excuse appearance from the § 341 meeting is filed.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Contains the following information:
 - reason(s) why debtor is unable to attend the creditors meeting;
 - documentation to support any claim for health problems or incarceration;
 - documentation to support claim of active military service; and
 - reflects position of the trustee, i.e. consents or does not consent.
- ☐ Is properly served and includes a proper certificate of service.
 - ❖ **Note:** Attorneys may upload order simultaneously with Motion.

Forms

[Motion to Excuse Debtor from Appearing at § 341 Meeting](#)

[Order Granting Motion to Excuse Debtor's Appearance at § 341 Meeting](#)

Motion to Extend Automatic Stay

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Extend Automatic Stay

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 362](#)

[Fed. R. Bankr. P. 4001\(a\)\(1\)](#)

[Local Rule 4001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 1/23/2018 9:43:04 AM

Description

Upon filing a petition, an automatic stay is imposed. The stay requires creditors to cease actions against the debtor and the debtor's property as described in 11 U.S.C. § 362(a). The stay continues until either the case is dismissed or closed or, in an individual case, until the granting or denial of discharge.

Creditors may file a motion under 11 U.S.C. § 362 requesting the stay be lifted to allow them to pursue a particular piece of property. Those motions are most often titled Motion for Relief from Stay.

One exception arises when an individual files a new bankruptcy petition but had **two or more** cases dismissed within the previous year. In that situation, the automatic stay does not take effect. 11 U.S.C. § 362(c)(4)(A)(i). Creditors sometimes seek "comfort orders" from the Court confirming that the stay is not in effect. In situations where the stay does not go into effect, a party in interest, including the debtor, may request the stay be imposed. 11 U.S.C. § 362(c)(4)(B).

In situations where a debtor files a new bankruptcy petition but had **one** case dismissed within the previous year, the automatic stay is imposed for 30 days. After the 30th day passes, the automatic stay terminates. 11 U.S.C. § 362(c)(3)(A). A party in interest, including the debtor, may file a Motion to Extend the Automatic Stay beyond that initial 30-day period. 11 U.S.C. § 362(c)(3)(B).

This procedure discusses requests to extend the temporary 30 day stay resulting from one prior dismissal of a bankruptcy case in the prior year. The movant must demonstrate a "substantial change in the financial or personal affairs of the debtor" since the dismissal of the prior case.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;

- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ States a substantial change in circumstances that justifies the extension of the temporary stay.

The movant's attorney will be directed to prepare, serve, and docket the notice of hearing unless the debtor is *pro se*. If *pro se*, the Clerk's office will issue the notice to all parties and creditors.

❖ **Note:** Motions to Extend the Automatic Stay should be filed within seven days of the petition.

After the hearing, the prevailing party shall submit an order.

Forms

[Motion to Extend the Automatic Stay](#)

[Order Granting Motion to Extend Automatic Stay](#)

Motion to Extend Time—Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications> Motion to Extend Time
 - Adversary > Motions/Applications> Motion to Extend Time to Appeal
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Deadline to File Schedules, Statements, Ch. 13 Plan
 - Bankruptcy > Motions/Applications/Objection> Motion to Extend Exclusivity Period
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Plan Payments
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Time
 - Bankruptcy > Motions/Applications/Objections> Motion to Extend Time to Appeal
-

Negative Notice: For Motions to Extend Time to File Objection to Discharge or a Complaint to Determine Dischargeability and Motions to Dismiss under § 707(b), negative notice procedures apply.

Accompanying Orders: For Motions to Extend Deadline to File Schedules, Statements, and Chapter 13 plan, the Court will prepare an order. For Motions to Extend Time to File a Reaffirmation Agreement (which requests an extension of 60 days or less), the movant may submit a proposed order simultaneously with the Motion. For Motions to Extend Time to Obtain Credit Counseling and Motions to Extend Time to File Tax Returns, the movant may submit a proposed order simultaneously with the Motion.

Code and Rule References:

[11 U.S.C. § 707\(b\)](#)

[11 U.S.C. § 727\(a\)](#)

[11 U.S.C. § 523](#)

[11 U.S.C. § 1121\(d\)\(3\)](#)

[Fed. R. Bankr. P. 1007](#)

[Fed. R. Bankr. P. 4003\(b\)](#)

[Fed. R. Bankr. P. 4004](#)

[Fed. R. Bankr. P. 4007](#)

[Fed. R. Bankr. P. 9006](#)

[Local Rule 1007-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 9/9/2020 10:12:23 AM

Description

Parties may file motions to extend time to file various papers including schedules, statements, plans, objections to claims or exemptions, complaints objecting to discharge or to determine dischargeability, answers, responses, and appeals. Parties may also file motions requesting to extend the time to complete some task like bringing Chapter 13 plan payments current, filing tax returns, or to enlarge a period like the Chapter 11 exclusivity period.

This procedure covers motions to extend or enlarge time except for Motion to Extend the Automatic Stay.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ If applicable, is accompanied by a proposed order;
- ☐ Is a Motion to Extend Time to File an Objection to Discharge or Complaint to Determine Dischargeability or a Motion to Dismiss under § 707(b), then it should be filed with negative notice;
 - ❖ Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Forms

[Motion to Extend Time – Bankruptcy](#)

[Motion to Extend Time – Adversary](#)

Motion to File Paper Under Seal – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to File Paper under Seal
 - Adversary > Motions/Applications > Motion to File Paper under Seal
 - Bankruptcy > Miscellaneous > Sealed Paper
 - Adversary > Miscellaneous > Sealed Paper
-

Negative Notice: No

Accompanying Orders: Yes. Attorney prepares the order.

Code and Rule References:

[Local Rule 5005-4](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:13:33 AM

Description

Under [Local Rule 5005-4](#), with a few limited exceptions, papers may be filed under seal only after entry of an order granting a Motion to File Papers under Seal. Before June 15, 2015, sealed papers were submitted in paper. These items are maintained by the Clerk.

After June 15, 2015, CM/ECF sealed paper functionality was improved to allow filing sealed papers electronically. Between June 15, 2015 and June 30, 2016, all motions that sought to file papers under seal and the related orders were sealed. Entries for the motion and order were not viewable externally.

- ❖ **Note:** Due to the viewing restrictions, filers may notice that there are missing or skipped paper numbers on the public docket. This reflects that the item is an internal court document.

Motion to File Paper under Seal

Except for the limited exceptions listed in [Local Rule 5005-4](#), a motion to file a paper under seal must be filed and granted before a paper may be filed under seal.

If the filer chooses to do so, the Motion to File Paper under Seal docket entry and the image of the motion will be viewable only by the filer of the motion, the U.S. Trustee, the Trustee appointed to the case (if applicable), and internal Court users. The filer may view the motion at the time of filing on the electronic filing receipt and also on the case docket sheet. Other external CM/ECF users will not be able to view the docket entry or the image of the motion. The paper to be filed under seal must not be attached or submitted with the motion. No Notice of Electronic Filing (NEF) is generated to any case participants.

Order on Motion to File Paper under Seal

If the underlying Motion to File Paper under Seal was docketed with viewing restrictions, the docket entry and image of the Order Granting Motion to File Paper under Seal will be viewable only by the filer of the underlying Motion to File Paper under Seal, the U.S. Trustee, the Trustee appointed to the case (if applicable), and internal Court users. Upon entry of the Order Granting Motion to File Paper under Seal, the filer of the motion will be notified and may file the sealed paper electronically. No Notice of Electronic Filing (NEF) is generated to any case participants.

Filing of Sealed Paper

After the entry of an Order Granting Motion to File Paper under Seal, the sealed paper may be filed via CM/ECF using the event “Sealed Paper.” The docket entry and image for the sealed document will be viewable only by the assigned judge, authorized staff members, the U.S. Trustee, and the Trustee appointed to the case (if applicable). Chambers staff will be notified when the sealed paper has been filed. Upon completion of electronic filing, no Notice of Electronic Filing (NEF) confirmation screen will appear, and no NEF is generated to any case participants.

Orders on Sealed Papers

If the sealed paper is a motion or application that requests a court order, the movant shall submit the proposed order using the eOrder program. Upon receipt, the order will be routed to the appropriate person and, if signed, will be docketed internally as a sealed order. The docket entry and image of the sealed order will only be viewable by the filer of the underlying motion, the U.S. Trustee, the Trustee appointed to the case (if applicable), the assigned judge, and authorized staff members. The Court will notify the movant of the entry of the sealed order and will provide special access to the sealed order via CM/ECF. Each situation will be addressed on a case-by-case basis. No Notice of Electronic Filing (NEF) is generated to any case participants.

Other Papers filed with Viewing Restriction

Section (d) of [Local Rule 5005-4](#) lists several items that do not require prior approval to file under seal. Each of these items will be docketed using events specific to the item. Viewing restrictions are set in these individual events and therefore these items do not need to be filed using the Sealed Paper event.

Filing Checklist

Review the Motion to File Paper under Seal to determine if:

- ☐ The motion is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service; and
- ☐ Proposed sealed paper is not attached.

Forms

[Motion to File Paper Under Seal - Bankruptcy](#)

[Order Granting Emergency Motion for Authority to File Paper Under Seal – Bankruptcy](#)

[Motion to File Paper Under Seal – Adversary](#)

[Order Granting Emergency Motion for Authority to File Paper Under Seal - Adversary](#)

Motion to Impose/Reimpose Automatic Stay

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Impose/Reimpose Automatic Stay

Negative Notice: N/A

Accompanying Orders: No.

Code and Rule References:

[11 U.S.C. § 362](#)

[Fed. R. Bankr. P. 4001\(a\)\(1\)](#)

[Local Rule 4001-1](#)

[Administrative Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/14/2020

Description

Upon filing a bankruptcy petition, an automatic stay is imposed in most cases with certain exceptions. The stay requires creditors to cease actions against the debtor, the debtor's property and property of the estate as described in 11 U.S.C. § 362(a). The automatic stay will continue in the case as provided under 11 U.S.C. § 362(c).

Creditors may file a motion pursuant to 11 U.S.C. § 362 requesting the stay be lifted to allow them to pursue a particular piece of property. Those motions are most often titled Motion for Relief from Stay, although other titles may also be used. There are separate procedures on Motions for Relief from Stay.

Interested parties, usually debtors, may file a motion pursuant to 11 U.S.C. § 362 requesting to **extend** the stay when a debtor has filed one prior bankruptcy case that has been dismissed within the preceding one-year period. These motions are often titled Motion to Extend the Automatic Stay, although other titles may be used. Motions to extend are addressed in a separate procedure.

Interested parties, usually debtors, may file a motion pursuant to 11 U.S.C. § 362 requesting to **impose** the stay when a debtor has filed two or more prior bankruptcy case that have been dismissed within the preceding one-year period. These motions are often titled Motion to Impose the Automatic Stay, although other titles may be used. This procedure addresses a motion to impose the automatic stay.

In a Chapter 13 bankruptcy case, the model plan (Sections C.5(i-k)) states the automatic stay does not apply when a debtor directly pays a secured creditor outside of the Chapter 13 case, surrenders collateral to the secured creditor, or fails to include payments within the Chapter 13 Plan to the secured creditor. Under paragraph 10 of the Chapter 13 Administrative Order FLMB-2020-7, if the Debtor files an amended or modified Chapter 13 Plan that includes payments to a secured creditor or lessor in the Plan payments, then the automatic stay is reimposed as to that secured creditor or lessor automatically upon the filing of the amended or modified Plan *unless* the secured creditor or lessor already has concluded its state law foreclosure or repossession remedies. Debtor

must serve the amended or modified Plan upon the affected creditor or lessor. No motion or order is needed to reimpose the automatic stay.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service.

The movant's attorney will be directed to prepare, serve, and docket any notice of hearing unless the debtor is *pro se*. If *pro se*, the Clerk's office will issue the notice to all parties and creditors.

Helpful Information

[Chapter 13 Model Plan](#)

[Chapter 13 Model Plan \(Non Fillable Form\)](#)

[Chapter 13 Model Plan \(Fillable Form\)](#)

Motion to Modify Chapter 13 Confirmed Plan

Docketing Event

- Bankruptcy > Motions/Applications/Objections (or Trustee/US Trustee) > Motion to Modify Confirmed Plan
 - Bankruptcy > Plans, Disclosure Statements, and Related Matters > Modified Confirmed Chapter 13 Plan
-

Negative Notice: Yes.

Accompanying Orders: No. The trustee will submit a proposed order at the conclusion of the negative notice period.

Code and Rule References:

[11 U.S.C. § 1322\(a\), \(b\)](#)

[Fed. R. Bankr. P. 3015\(g\)](#)

[11 U.S.C. § 1323\(c\)](#)

[Local Rule 1009-1](#)

[11 U.S.C. § 1325\(a\)](#)

[Administrative Order FLMB-2020-7](#)

[11 U.S.C. § 1329](#)

[Chapter 13 Model Plan](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

Last Revised: 8/17/2020 1:41:41 PM

Description

A motion to modify a confirmed Chapter 13 plan (also called a motion to amend confirmed plan) is filed typically by the debtor, but these motions can also be filed by the trustee or a creditor with an allowed, unsecured proof of claim. 11 U.S.C. § 1329. The motion requests modification of plan payments due to circumstances that arose after confirmation and necessitate an adjustment. Common situations that might necessitate modifying the plan are the debtor's income is lowered, one income in a joint debtor case is lost, or a debtor's mortgage payments change.

11 U.S.C. § 1329 allows modification of the plan any time after confirmation but prior to completion of all payments under the confirmed plan. It also sets out how the plan may be modified to change the payments to creditors or to a particular class of creditors, or to extend or reduce the payment period.

11 U.S.C. § 1329(b)(2) states "the plan as modified becomes the plan unless, after notice and hearing, such modification is disapproved."

Plan modifications may be included in the motion or in an attached proposed modified plan. The attached modified plan does not need to be docketed separately.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;

- ☐ Is properly served and includes a proper certificate of service;
- ☐ Contains negative notice that has the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).
 - ❖ **Note:** At the conclusion of the negative notice period, the Trustee will upload a proposed order.

Forms

[Motion to Modify Confirmed Plan](#)

Motion to Redact (and to Restrict Public Access to) Information

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Redact and Restrict Public Access to Information
 - Adversary > Motions/Applications > Motion to Redact and Restrict Access to Information
-

Negative Notice: No

Accompanying Orders: Yes. The Court prepares the order.

Code and Rule References:

[11 U.S.C. § 107](#)

[Fed. R. Bankr. P. 9037](#)

Fee: \$26 per affected case.

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 12/1/2020 7:53:22 AM

Description

Occasionally, interested parties, such as a debtor or creditor will file a request to redact certain prohibited personal identifiers or confidential data in documents previously filed with the Court. These motions are filed with a wide variety of titles. Upon filing the motion, public access to the motion and unredacted documents is restricted to the Court, the filer, the debtor, the debtor's attorney, the trustee (if any), and the U.S. Trustee.

Sometimes, the number of cases affected is large and the creditor will contact the Court and request approval to file one document addressing all the effected cases rather than filing individual motions in each affected case. The Court may allow those types of filings as a Miscellaneous Proceeding upon request made through the divisional Deputy-in-Charge and approval by the Chief Judge. These procedures address filing motions in individual cases rather than in a Miscellaneous Proceeding.

It is unnecessary for the case to be open for a motion to redact to be filed and processed.

Filing Checklist

Review the motion to determine if:

- ☐ The motion is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service;
- ☐ The motion does not request redaction of information in more than one case;
- ☐ The motion seeks to redact personal data or identifiers under Federal Rule of Bankruptcy Procedure 9037:
 - Personal data or identifiers that Bankruptcy Rule 9037 require to be redacted usually include:

- Social Security Numbers and taxpayer-identification numbers (redacted to the last 4 digits);
 - Birthdates (redacted to year of birth);
 - Names of minors (redacted to only initials);
 - Financial-account numbers (redacted to last four digits).
- ☐ The motion includes the document or proof of claim number of the previously filed document.

Forms[Motion to Redact and Restrict Access to Information](#)

Motion to Redeem

Docketing Event

Bankruptcy> Motions/Applications/Objections> Motion to Redeem

Negative Notice: Yes

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 1746](#)

[11 U.S.C. § 521](#)

[11 U.S.C. § 522](#)

[11 U.S.C. § 722](#)

[Fed. R. Bankr. P. 6008](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 10/26/17

Last Revision: 8/14/2020 2:08:23 PM

Description

Debtors, typically in Chapter 7 cases, may redeem or “buy-back” their own personal property, used primarily for family or household use, from a creditor who holds a lien against the property.

For the property to be eligible for redemption, the debtor must claim it as exempt (on Schedule C) or the property has to be abandoned by the trustee. If granted, the debtor will pay the creditor the amount of the allowed secured claim. 11 U.S.C. § 722.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Contains negative notice that has the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).
- ☐ Is accompanied by a signed and dated affidavit, declaration, verification, or certificate that it was signed under penalty of perjury;
 - ❖ **Note:** Must be signed by the debtor. In a joint case, only one debtor needs to sign; and
 - ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., “I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include ‘under the laws of the United States of America’] that the foregoing is true and correct. Executed on (date).
- ☐ Includes a description of the property subject to redemption or “buy-back”;
 - ❖ **Note:** For a vehicle, the property description must list the VIN number;
 - ❖ **Note:** For other property, a clear description must be included; and

- ❖ **Note:** The fair market value of the property must be included for all property.
- ☐ The property subject to redemption or “buy-back” is claimed exempt on Schedule C or the property has been abandoned by the trustee.

Forms

[Motion to Redeem Personal Property](#)

[Order Granting Motion to Redeem Personal Property](#)

Motion to Reserve Asset from Abandonment

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Reserve Asset from Abandonment

Negative Notice: N/A

Accompanying Orders: Yes.

Code and Rule References:

[11 U.S.C. § 554\(c\)](#)

Fee: N/A

Applicable Chapters: 7, 13

Implemented: 7/26/2018

Last Revision: 3/15/2019 3:23:49 PM

Description

The trustee in a bankruptcy case may request the court order certain claims/assets/property be reserved for administration after the bankruptcy case is closed. This request reserves the trustee's right to pursue the claim on the bankruptcy estate's behalf since abandonment occurs automatically under § 554(c) unless a court orders otherwise.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Contains a description of the claim/asset/property to be reserved;
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ Is accompanied by a proposed order.

Forms

[Motion to Reserve Asset from Abandonment](#)

Motion to Retain Tax Refund—Chapter 13

Docketing Event

Bankruptcy> Motions/Applications/Objections> Motion to Retain Federal Tax Refund

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Administrative Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

Last Revision: 1/25/2021 9:43:06 AM

Description

Chapter 13 debtors are required to timely file tax returns during the pendency of their case. The debtor shall also turn over to the trustee all tax refunds besides regular plan payments.

Paragraph 18 of Administrative Order 2020-7 and many orders confirming plans authorize the Chapter 13 trustee to consent to the debtor's retention of tax refunds. If the trustee declines to consent, the debtor may file a motion with the court for authority to retain the refund. If a motion to retain a tax refund is filed, the Court will assume the trustee declined to consent and the Court will set the motion for hearing.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service.

Forms

[Motion to Retain Tax Refund](#)

[Order Granting Motion to Retain Tax Refund](#)

Motion to Sever or Bifurcate

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion to Sever (or Bifurcate) Chapter 11 Case
 - Bankruptcy> Motions/Applications/Objections> Motion to Sever (or Bifurcate) Chapter 12 Case
 - Bankruptcy> Motions/Applications/Objections> Motion to Sever (or Bifurcate) Chapter 13 Case
 - Bankruptcy> Motions/Applications/Objections> Motion to Sever (or Bifurcate) Chapter 7 Case
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 1930\(a\)](#)

Fee: For a Chapter 11 case, the filing fee is \$1,717. For a Chapter 12 case, the filing fee is \$275. For a Chapter 13 case, the filing fee is \$310. For a Chapter 7 case the filing fee is \$335.

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 8/14/2020 1:43:34 PM

Description

When one debtor in a joint case wants to sever from the original case, that debtor may file a motion to sever (sometimes called motion to bifurcate). The debtor in a joint case may also seek to convert to another chapter simultaneously. This can be done by filing a motion to convert one joint debtor or notice of conversion of one joint debtor. The joint case must be split into two individual cases to convert the one debtor.

If the intention of pending joint debtors is only to dismiss one spouse, no bifurcation is required.

For chapter 12/13 cases, the trustee will submit a proposed order. For all other chapters, the court will prepare the order.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
 - ❖ **Note:** Ensure the filing fee is paid.

Forms

[Motion to Sever](#)

Motion to Use or Prohibit Use of Cash Collateral

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Use Cash Collateral
 - Bankruptcy > Motions/Applications/Objections > Motion to Prohibit Use of Cash Collateral
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 363](#)

[Fed. R. Bankr. P. 4001](#)

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Bankr. P. 9014](#)

[Fed. R. Bankr. P. 9034\(f\)](#)

[Local Rule 2081-1\(g\)\(1\)](#)

Fee: N/A

Applicable Chapters: 11, 13

Implemented: 3/4/2019

Last Revision: 7/1/2019 10:40:11 AM

Description

A motion to use or prohibit use of cash collateral is typically filed in a Chapter 11 or Chapter 13 case. These motions are filed in the beginning of a Chapter 11 case.

Filing Checklist

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Includes the required terms:
 - a budget setting forth the projected cash flow of the debtor for the period of time for which the use of cash collateral is sought;
 - the amounts and types of cash collateral on the petition date;
 - the name of each secured creditor having a security interest in the cash collateral, the basis upon which the secured creditor is entitled to assert a security interest in the cash collateral, and the amount owed to the secured creditor;
 - the debtor's proposed adequate protection for each secured creditor (e.g., replacement lien, insurance);
 - reasonable reporting requirements;
 - proposed consequences of default; and
- ☐ Is properly served and includes a proper certificate of service.

Motions to Sell (including free and clear of liens), Motions to Lease Property, and Reports/Notices to Sell

Docketing Event

- Bankruptcy > Trustee/U.S. Trustee > Report and Notice of Intention to Sell Property
 - Bankruptcy > Motions/Applications/Objections > Motion to Sell (including Property Free and Clear of Liens)
 - Bankruptcy > Motions/Applications/Objections > Motion to Lease Property
 - Bankruptcy > Notices > Report and Notice of Intention to Sell Property
-

Negative Notice: If the document is a report and notice to sell, negative notice procedures apply. If the document is a motion to sell or a motion to lease property in a Chapter 7, 12, or 13 case, negative notice procedures apply. Motions to sell or motions to lease property in Chapter 11 cases **may not** be filed by negative notice. Motions to sell free and clear of liens **may not** be filed by negative notice in any chapter.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 363\(b\)](#)

[Fed. R. Bankr. P. 6004](#)

[Local Rule 6004-1](#)

Fee: \$188 for motions to sell free and clear of liens.

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/2017

Last Revision: 8/2/2021 9:26:11 AM

Description

Property is often sold or leased in a bankruptcy case. There are many processes related to selling or seeking approval to lease property. This procedure includes information and processing steps for each process.

Report and notice of intention to sell: Federal Rule of Bankruptcy Procedure 6004 and Local Rule 6004-1 provide a Chapter 7 trustee may sell property of the estate (other than free and clear of liens) under 11 U.S.C. § 363(b) without court order provided the trustee complies with sections (b) and (c) of Local Rule 6004-1. These subsections of Local Rule 6004-1 require the trustee file a report and notice of intention to sell that contains specific criteria. The report and notice is served on all creditors.

Motions to sell are often filed by debtors and trustees. These motions seek permission to sell property of the estate.

Motions to lease property are filed generally by trustees or debtors in Chapter 11 cases and request approval of a lease under Federal Rule of Bankruptcy Procedure 6004.

Filing Checklist:

Review the report and notice of intention to sell to determine if it:

- ☐ Is signed;
- ☐ Has the trustee's or attorney's name and address complete and consistent with the filing trustee's or attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Contains negative notice that provides the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).
- ☐ Contains sufficient property description;
 - ❖ **Note:** for real property, the report and notice must contain the address and legal description of the real property.
 - ❖ **Note:** for a vehicle, the property description must include the VIN number.
 - ❖ **Note:** for other property, a clear description of the property must be included (for example, "household goods" is acceptable).

Review the motion to sell (**not** free and clear of liens) or the motion to lease property to determine if it:

- ☐ Is signed;
- ☐ Has the trustee's or attorney's name and address complete and consistent with the filing trustee's or attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Contains negative notice that provides the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).
- ☐ Contains sufficient property description;
 - ❖ **Note:** for real property, the motion must contain the address and legal description of the real property.
 - ❖ **Note:** for a vehicle, the property description must include the VIN number.
 - ❖ **Note:** for other property, a clear description of the property must be included (for example, "household goods" is acceptable).

Review the motion to sell free and clear of liens under to determine if it:

- ☐ Is signed;
- ☐ Has the trustee's or attorney's name and address complete and consistent with the filing trustee's or attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Contains sufficient property description;
 - ❖ **Note:** for real property, the motion must contain the address and legal description of the real property.
 - ❖ **Note:** for a vehicle, the property description must include the VIN number.
 - ❖ **Note:** for other property, a clear description of the property must be included (for example, "household goods" is acceptable).
 - ❖ **Note:** Ensure the filing fee is paid.

Notice of Abandonment by Trustee

Docketing Event

Bankruptcy> Notices OR Bankruptcy Trustee/U.S. Trustee> Notice of Abandonment

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 554\(a\), \(b\)](#)

[Fed. R. Bankr. P. 6007\(a\), \(b\)](#)

Fee: N/A

Applicable Chapters: 7, 11

Implemented: 10/25/17

Last Revision: 1/23/2018 9:33:51 AM

Description

Under 11 U.S.C. § 554(a), the trustee may abandon any property of the estate that is burdensome or of inconsequential value and benefit (the equity in the property does not exceed the debt owed on the property) to the estate.

The trustee must give notice of the proposed abandonment to the United States Trustee and all creditors and parties in interest. The notice shall include negative notice providing a 14 day response period.

A party in interest may file an objection to the abandonment. Upon filing a timely objection, the trustee will schedule and notice a hearing. If no objection is filed, there will be no hearing or court order, and the trustee may proceed with the abandonment.

A party in interest may file and serve a motion requesting the trustee abandon property of the estate. Those are typically filed as motions to compel abandonment. There are separate procedures on motions to compel.

Filing Checklist

Review the notice to determine if it:

- ☐ Is signed;
- ☐ Has the trustee's or attorney's name and address complete and consistent with the filing trustee's or attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Contains the correct negative notice language located on the first page;
 - ❖ **Note:** Response period is 14 days (plus an additional three days if any party was served by U.S. Mail).

Notice of Final Report and Processing—Chapter 7

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 2002\(f\)\(8\)](#)

[Local Rule 2015-1](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 10/26/17

Last Revision: 1/23/2018 9:33:27 AM

Description

When the trustee assigned to a Chapter 7 case in which there are assets has completed liquidating non-exempt assets and is ready to distribute funds, final applications for compensation are filed with a final report. A notice of final report is always prepared and submitted to the Court. There are four basic categories of notices that require different items.

1. In cases where the net proceeds exceed \$1,500, the Bankruptcy Rules require the trustee to provide notice to creditors with an opportunity to respond. The trustee prepares and serves a notice of the final report that is entered on the docket. The notice also is used internally by our Court as a worksheet when reviewing the proposed distribution and requested compensation.
2. In cases where net proceeds are \$1,500 or less, those cases are referred to as “nominal asset” cases, and there is no requirement for notice with opportunity to respond. The trustee still prepares the notice for the Court’s use as a worksheet.
3. Sometimes, there is a late proof of claim or a secured claim on a “nominal asset” case. In those cases, the Court will allow the trustee to avoid filing a separate objection to late claim or a motion to allow secured claim and include those matters as part of the notice of final report and to provide an opportunity to respond. When this occurs, the trustee will serve the notice even though it is a nominal asset case.
4. There are cases that exceed the \$1,500 threshold but lack enough funds to pay the full amount of administrative expenses. Those cases are referred to as “administratively insolvent.” When this happens, the expenses are paid on a pro rata basis.

Notice of Limited Appearance of Additional Counsel and Rule 2016 Statement of Compensation

Docketing Event

Bankruptcy > Notices > Notice of Appearance for Limited Purpose [DO NOT USE if you wish to receive notices]

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 2016\(b\)](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, and 13

Implemented: 7/26/2018

Last Revision: 7/26/2018 3:26:26 PM

Description

The court permits additional counsel to represent a debtor at various court proceedings such as a § 341 Meeting of Creditors, Confirmation Hearing, or a non-evidentiary/evidentiary hearing. Generally, a coverage attorney will file a notice of limited appearance in all cases in which he or she will appear. Many times this is a service that benefits both the debtor and non-local debtor's counsel.

Forms

[Notice of Limited Appearance of Additional Counsel and Rule 2016 Statement of Compensation](#)

Objection to Claims

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Objection to Claim
 - Bankruptcy > Trustee/U.S. Trustee > Objection to Claim
-

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 502\(a\)](#)
[Fed. R. Bankr. P. 3007](#)
[Fed. R. Bankr. P. 7001](#)
[Fed. R. Bankr. P. 7004](#)
[Fed. R. Bankr. P. 9014](#)
[Local Rule 2002-4](#)
[Local Rule 3007-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:35:16 AM

Description

Any party in interest may file an objection to claim, although they are most commonly filed by trustees and debtors. Filing an objection to claim may initiate a contested matter depending on the objection and may cause a hearing, full trial, or resolution without a hearing. An objection to claim may be filed to object to one claim or multiple claims subject to conditions in Federal Rule of Bankruptcy Procedure 3007(e). When an objection to claim objects to multiple claims, it is called an omnibus objection to claim. An omnibus objection to claim may cause the entry of multiple orders.

Filing Checklist

1. Review the objection to determine if it:
 - ☐ Is signed;
 - ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - ☐ Is properly served and includes a proper certificate of service; and
 - ☐ Is filed with negative notice that contains correct language and is located on the first page.
 - ❖ **Note:** Response period is 30 days (plus an additional three days for service if any party was served by U.S. Mail).
2. Review **omnibus** objections to claims to determine if it:
 - ☐ States in a conspicuous place that claimants receiving the objection should locate their names and claims in the objection;
 - ☐ Lists claimants alphabetically and provides the applicable claim numbers;
 - ❖ **Note:** Lists claim numbers consecutively with other omnibus objections filed by the same objector.

- ☐ States the grounds of the objection for each claim; and
- ☐ Objects to less than 100 claims.

Forms

[Objection to Claim](#)

[Order Sustaining Debtor's Objection to Claim](#)

Objection to Debtor's Claim of Exemptions

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Objection to Debtor's Claim of Exemptions
 - Bankruptcy > Trustee/U.S. Trustee > Objection to Debtor's Claim of Exemptions
-

Negative Notice: Chapter 7 cases only.

Accompanying Orders: N/A

Code and Rule References:

[Fla. Const. art. X, § 4](#)

[Fla. Const. art. II § 10](#)

[Fla. Stat. 222.25](#)

[11 U.S.C. § 522](#)

[Fed. R. Bankr. P. 4003](#)

[Local Rule 2002-4](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:36:04 AM

Description

The Bankruptcy Code allows a debtor to exempt property from administration by the trustee for the benefit of the estate. A debtor may use the exemptions listed in the Bankruptcy Code or exemptions available under Florida law. The debtor is required to list all property claimed as exempt on Schedule C.

If the debtor fails to timely claim his or her exemptions or file his or her schedules, a dependent of the debtor may file the list within 30 days of the expiration of the original deadline.

The trustee, a creditor, or other party in interest may file an objection to the list of property claimed as exempt within 30 days of the conclusion of the Section 341 meeting or within 30 days of the filing of an amendment to Schedule C. The trustee may file an objection to property claimed as exempt at any time during the immediate 12 months after a case is closed if the debtor fraudulently asserted a claim of exemptions.

The Court may extend the time for filing an objection to the debtor's claim of exemptions if a motion is filed within 30 days of the conclusion of the Section 341 meeting or within 30 days of the filing of an amendment to Schedule C.

Filing Checklist

Review the objection to determine if it:

- ☐ Is signed;

- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Includes the following required language: If the Court [sustains the objection/grants the motion], Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset; and
- ☐ Is filed with negative notice that contains the correct language and is located on the first page (for Chapter 7 cases only)
 - ❖ **Note:** Response period if 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Review the proposed order to determine if it:

- ☐ Follows the Court's Style Guide and format for submission of proposed orders; and
- ☐ Includes the following **required** language: "If the Court [sustains the objection/ grants the motion], Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset."

Forms

[Order Sustaining Objection to Exemptions](#)

Objections to Confirmation – Chapter 13

Docketing Event

Bankruptcy > Plan, Disclosure Statement Related Items > Objection to Confirmation

Negative Notice: No.

Accompanying Orders: No.

Code and Rule References:

[11 U.S.C. § 1324](#)

[11 U.S.C. § 1327](#)

[Fed. R. Bankr. P. 3015](#)

[Admin. Order FLMB-2020-7](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/15/2020

Last Revision: 1/25/2021 9:44:32 AM

Description

Any party may object to the confirmation of a Chapter 13 Plan. Administrative Order FLMB-2020-7 provides the Court, at the initial or any subsequent confirmation hearing, will consider on a *preliminary, non-evidentiary basis* any objection to confirmation. If an evidentiary hearing is needed or if cause exists to defer confirmation, the Court will continue the confirmation hearing to a future date, as noted on the docket.

Local practice dictates whether the Chapter 13 Trustee's objection to confirmation is written, raised orally, or disclosed in the Recommendation Concerning Confirmation of Chapter 13 Plan filed in the case.

Filing Checklist

Review the objection to determine if:

- ☐ The objection is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ The objection is properly served and includes a proper certificate of service.

Forms

[Objection to Chapter 13 Plan](#)

Presumption of Abuse—Chapter 7

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion to Dismiss Case Pursuant to 11 U.S.C. 707(b)(1) and (b)(2)
 - Bankruptcy> Miscellaneous> Debtor(s) Rebuttal of Presumption of Abuse
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 704\(b\)\(1\)\(A\), \(b\)\(2\)](#)

[11 U.S.C. § 707\(b\)\(1\), \(2\)\(A\)](#)

[Fed. R. Bankr. P. 1017](#)

[Fed. R. Bankr. P. 2002\(f\)\(10\)](#)

[Fed. R. Bankr. P. 5008](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 10/26/17

Last Revision: 1/23/2018 9:31:36 AM

Description

Among the changes introduced by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) was a set of interlocking provisions defining “current monthly income” and establishing a means test to determine whether relief under Chapter 7 should be presumed abusive.

Individual debtors in a Chapter 7 case must file a statement of income and means test calculation. According to the information required to be entered on that statement, the debtor may declare that a presumption of abuse arises. Additionally, the notice of commencement of case includes a statement on whether the presumption of abuse arises that is based on the information entered upon the filing the statement.

The United States Trustee must review the statement and other materials filed by the Chapter 7 individual debtor and shall, within ten days after the first meeting of creditors, file a statement with the Court as to whether there is a presumption of abuse. 11 U.S.C. § 707(b).

The Clerk shall prepare and provide a notice regarding the United States Trustee’s findings to all creditors within seven days after docketing by the United States Trustee.

The United States Trustee, after filing a statement of presumed abuse, shall within thirty days file either a motion to dismiss the debtor’s case or a motion to convert the case. In lieu of filing a motion to dismiss and/or a motion to convert, the United States Trustee shall file a statement on why such a motion is not appropriate.

Reaffirmation Agreements and Related Papers—Chapter 7

Docketing Event

- Bankruptcy > Miscellaneous > Reaffirmation Agreement
 - Bankruptcy > Motions/Applications/Objections > Motion for Approval of Reaffirmation Agreement
 - Bankruptcy > Miscellaneous > Rescission of Reaffirmation Agreement
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 524\(c\),\(d\),\(k\), and \(m\)](#)

[Fed. R. Bankr. P. 4008\(a\)](#)

[Local Rule 4008-1](#)

[Official Form B2400A/B ALT](#)

[Official Form B427](#)

[Official Form B2400B \(Motion for Approval of Reaffirmation Agreement\)](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:37:32 AM

Description

A reaffirmation agreement is a voluntary agreement made between debtor and creditor to repay an otherwise dischargeable debt.

A hearing will be scheduled for all reaffirmation agreements filed by an unrepresented debtor. At the hearing, the Court may advise the debtor of the legal ramifications of the agreement and will decide if the agreement is in the best interest of the debtor. For represented debtors, a hearing may be scheduled in certain situations. Upon review of the reaffirmation agreement, a court order will be entered only when court approval is required.

The debtor may rescind a reaffirmation agreement any time before the Court issues the discharge or within 60 days after the agreement is filed with the Court, whichever is the latest.

Reaffirmation agreements should be filed using the Official Forms.

Filing Checklist

Review the reaffirmation agreement to determine if it:

- ☐ Uses an Official Form;
- ☐ Attaches a Cover Sheet ([Official Form B427](#));
- ☐ Is signed by the debtor and creditor;
- ☐ Is signed before the Court issued a discharge;
- ☐ Is signed by attorney of record and box checked (if attorney elects not to sign, a hearing may be set at the direction of the judge);

- ☐ Is filed before the case was closed; and
- ☐ Includes a signed and dated certificate of service.

Response/Objections to Motions and Applications

Docketing Event

- Bankruptcy > Answer/Response > Reference an Existing Motion/Application > Objection, Reply, or Response
 - Adversary > Answers > Reference an Existing Motion/Application > Objection, Reply, or Response
 - Bankruptcy > Answers/Response > Other Answers/Responses/Objections > Answer, Answer to Involuntary Petition, Objection-Other Than Motions, Response-Other Than Motions
 - Adversary > Answers > Other Answers/Responses/Objections > Answer, Answer to Involuntary Petition, Objection - Other Than Motions, Response - Other Than Motions
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. 9011\(a\)](#)

[Local Rule 2090-1](#)

[Local Rule 9013-3](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:38:12 AM

Description

Responses and objections often are filed to oppose or address a previously filed paper. They may be titled “response,” “reply,” “answer,” or “objection.” Typically, an objection is in opposition to something, and a response may be in opposition or may agree or consent to the underlying paper.

This procedure addresses responses and objections to motions, applications, and other papers. It does not address Objections to Claim, Objections to Confirmation, Objections to Discharge, Objections to Exemptions, or Answers to Adversary Complaints or Third Party Complaints. Those items are addressed in separate procedures.

Filing Checklist

Review the responsive paper to determine if:

- ☐ There is an underlying document on the docket to which the responsive paper refers;
- ☐ It is filed by a corporation (must be represented by an attorney);
- ☐ It is signed;
- ☐ Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF; and
- ☐ If required, it includes a signed and dated certificate of service that complies with [Local Rule 9013-3](#).

Schedules, Statements, and Chapter 12 or 13 Plans (received after initial case filing)

Docketing Event

- Bankruptcy > Miscellaneous > Schedules (original schedules, individual schedules, or amended schedules)
 - Bankruptcy > Miscellaneous > Summary of Assets
 - Bankruptcy > Miscellaneous > Statement of Financial Affairs
 - Bankruptcy > Miscellaneous > Statement of Current Monthly Income/Mean Test Calculation – Chapter 7 (B122A-1 / B122A-2)
 - Bankruptcy > Miscellaneous > Statement of Current Monthly Income/Calculation of Disposable Income – Ch 13 (B122C-1 / B22C-2)
 - Bankruptcy > Miscellaneous > Statement of Current Monthly Income – Chapter 11 (B122B)
 - Bankruptcy > Miscellaneous > Statement of Intentions
 - Bankruptcy > Miscellaneous > Statement About Your Social Security Numbers
 - Bankruptcy > Plans, Disclosure Statements, and Related Matters > Chapter 13 Plan (Original plan only)
 - Bankruptcy > Plans, Disclosure Statements, and Related Matters > Chapter 12 Plan (Original plan only)
 - Bankruptcy > Miscellaneous > Statement Of Corporate Ownership
 - Bankruptcy > Miscellaneous > 20 Largest Unsecured Creditors
 - Bankruptcy > Miscellaneous > Statement of Operations for Small Business
 - Bankruptcy > Miscellaneous > Chapter 11 Case Management Summary
 - Bankruptcy > Miscellaneous > Certificate Of Credit Counseling
 - Bankruptcy > Miscellaneous > Certificate of Exigent Circumstances re: Credit Counseling
 - Bankruptcy > Miscellaneous > Equity Security Holders
 - Bankruptcy > Miscellaneous > Statement/Disclosure of Compensation of Attorney
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 1746](#)

[Fed. R. Bankr. P. 1008](#)

[11 U.S.C. § 521](#)

[Fed. R. Bankr. P. 9011](#)

[Fed. R. Bankr. P. 1007](#)

[Local Rule 5005-1](#)

Fee: \$31 if changes are made to schedules D, E, or F (other than a change of address of a creditor or addition of an attorney for a creditor originally listed on the schedules or matrix with an address).

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 9/9/2020 10:39:25 AM

Description

This procedure is for filing schedules or statements after the initial filing of a bankruptcy case. Schedules and statements refer to the official forms filed by the debtor along with (or shortly after filing) the petition detailing the debtor's assets, liabilities, exemptions, executory contracts, current

income and expenditures, and parties jointly responsible (co-debtors) for the debtor's liabilities, and other financial information.

The statement of financial affairs comprises questions the debtor must answer in writing that summarizes the debtor's financial history, transactions and operations, sources of income, transfers of property, and lawsuits by creditors, among other information.

The statement of current monthly income evaluates income and expenses compared to the national averages. Depending on the chapter, this statement is used to identify presumptively abusive filings, plan commitment periods, plan payment amounts, and distribution amounts to creditors.

The statement of intention is a declaration made by a Chapter 7 debtor concerning plans for dealing with consumer debts secured by property of the estate. The statement of social security number requires the debtor to identify all social security numbers (and individual taxpayer identification numbers) by which the debtor may be identified.

Filing Checklist

- ☐ Ensure the most current forms are used.
- ☐ If you are filing a statement of social security number, statement of financial affairs, schedules A-J, summary of your assets, statement of monthly income, Chapter 12 plan, Chapter 13 plan, statement of intention, corporate ownership statement, Chapter 11 list of 20 largest creditors, Chapter 11 small business balance sheet, or Chapter 11 case management summary, ensure the document is signed.
 - ❖ **Note:** For schedules A-J and the summary of your assets, these documents do not have signature lines. Therefore, these documents must be filed with a declaration of schedules to be considered signed.
- ☐ If you are an attorney filing schedules D, E, or F, and you are adding additional creditors from what was provided at the initial filing, ensure the notice of bankruptcy case was served on additional creditors and the Chapter 12 or 13 plan was served on additional creditors. Ensure the filing fee is paid. Ensure additional creditors are uploaded/added to the matrix.
- ☐ The document is signed under penalty of perjury by the debtor;
 - ❖ **Note:** Verifications should comply with Fed. R. Bankr. P. 9011(e) and 28 U.S.C. § 1746.
- ☐ If you are a *pro se* party and are filing schedules D, E, or F, and you are adding additional creditors from what was provided at the initial filing, ensure the filing fee is paid.
- ☐ **Exception to the filing fee:** when a debtor is granted permission to proceed *in forma pauperis*, that debtor is not required to pay the fee for adding creditors.
- ☐ **Exception to the filing fee:** if no creditors were provided when the case was initially filed, no fee is required.

Student Loan Management Program

Docketing Event

If filed by Debtor or Creditor, use:

- Bankruptcy > Notices > Notice of Participation in Student Loan Management (SLM)
- Bankruptcy > Notices > Notice of Resolution
- Bankruptcy > Notices > Notice of No Resolution

If filed by Trustee or U.S. Trustee, use:

- Bankruptcy > Trustee/U.S. Trustee > Notice of Participation in Student Loan Management (SLM)
- Bankruptcy > Trustee/U.S. Trustee > Notice of Resolution
- Bankruptcy > Trustee/U.S. Trustee > Notice of No Resolution

Negative Notice: N/A

Accompanying Orders: Yes, for applications related to student loan management

Code and Rule References:

[Third Amended Administrative Order FLMB-2019-5](#)

Fee: N/A

Applicable Chapters: ALL

Implemented: 10/1/2019

Last Revision: 8/9/2020 10:41:25 AM

Description

To facilitate the resolution of student loan issues for the benefit of debtors and lenders for cases filed in the Middle District of Florida, Third Amended Administrative Order FLMB-2019-5 (the “Administrative Order”) prescribing procedures for a student loan management program for debtors and their student loan lenders was entered. This program will allow the parties to seek repayment options through a student loan management program (“SLM” or “SLM Program”). The Administrative Order has an effective date of October 1, 2019.

The Debtor, Creditor or Trustee may initiate the SLM at any time after the commencement of the case by filing a Notice of Participation in Student Loan Management Program (SLM) provided the filing fee has been paid, in full, and the filing party has completed the Document Preparation Software. After a Notice of Participation is filed, the Debtor, Creditor, and their attorneys (if any) must comply with the duties and deadlines provided in the Administrative Order. Upon conclusion of the mediation, one of two possible notices will be filed: (1) a Notice of Resolution (if the parties reach an agreement); or (2) a Notice of No Resolution (if the parties do not reach an agreement). If a Notice of Resolution is filed in a Chapter 13 case, within 30 days, the Debtor must amend the plan to provide for payment to the Creditor as a separate class under Non-Standard Provisions, or if the Chapter 13 plan is confirmed, the Debtor must file a motion to modify the plan to provide for payment to the Creditor as a separate class. The amended Chapter 13 plan or modification must provide for payment to the Creditor through the plan subject to any future changes required under the income-driven repayment plan. The Chapter 13 plan may not provide for the discharge of the student loan without further Court order.

Attorneys may request fees for assisting Debtors with SLM. Debtor's counsel may receive reasonable compensation for all work involved in the SLM process and may accept a "no look" as an administrative expense and as permitted in the Administrative Order. The Administrative Order also provides the minimum tasks an attorney must perform to receive the "no look" fee. Debtor's counsel may seek additional fees for *extraordinary* services provided during SLM by filing a separate application attaching contemporaneous time records.

Filing Checklist: Notice of Participation in Student Loan Management (SLM):

Before filing the notice, ensure the:

- ☐ Filing fee has been paid, in full; and
- ☐ Document Preparation Software is completed.

Review the notice to determine if it:

- ☐ Contains the debtor and co-debtor name(s);
- ☐ Contains the name of the creditor holding the student loan(s);
- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.
 - ❖ **Note:** If the Notice is not served when the Notice is filed, then a proof of service is required.

Filing Checklist: Notice of Resolution – Student Loan Management (Due 14 days after completion of Student Loan Management (SLM) process)

Review the notice to determine if it:

- ☐ Contains the debtor and co-debtor name(s);
- ☐ Contains the agreed upon dollar repayment amount;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Within 30 days filing the Notice of Resolution in a Chapter 13 case:

- ☐ An amended plan providing payment to the Creditor as a separate class under Non-Standard Provisions, or if the Chapter 13 plan is confirmed, a motion to modify the plan providing payment to the Creditor as a separate class is filed;
- ☐ The amended plan or proposed modification pays the Creditor through the plan subject to any future changes required under the income-driven repayment plan; and
- ☐ The amended plan or proposed modification does not seek to discharge the student loan without further Court order.

Filing Checklist: Notice of No Resolution – Student Loan Management (Due 14 days after completion of Student Loan Management (SLM) process)

Review the notice to determine if it:

- ☐ Contains the debtor and co-debtor name(s)
- ☐ Contains the name of the creditor holding the student loan(s);
- ☐ Includes the document number of the Notice of Participation in Student Loan Management Program;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service.

Forms

[Notice of Participation in Student Loan Management Program](#)

[Notice of Resolution – Student Loan Management Program](#)

[Notice of No Resolution – Student Loan Management Program](#)

Suggestion of Death

Docketing Event

Bankruptcy>Miscellaneous>Suggestion of Death

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 1016](#)

[Fed. R. Civ. P. 25](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, and 13

Implemented: 7/26/2018

Last Revision: 8/14/2020 1:46:02 PM

Description

Filing a Suggestion of Death alerts the Court that a debtor has died; it does not automatically trigger the dismissal of a bankruptcy case. If the heirs determine requesting dismissal to be the best course of action, a separate motion will be needed.

If all other filing requirements are satisfied, then filing a suggestion of death will waive the financial management course requirement.

Forms

[Suggestion of Death](#)

Summons – Involuntary Summons

Docketing Event

- Bankruptcy > Request a Summons > Request for Third Party or Involuntary Summons
- Bankruptcy > Miscellaneous > Request for Third Party or Involuntary Summons
- Bankruptcy > Miscellaneous > Involuntary Summons Service Executed
- Bankruptcy > Miscellaneous > Involuntary Summons Service Unexecuted

Notes:

- ❖ Use the Involuntary Summons Service Executed event when recording service of any summons, including the initial, alias, pluries, or third-party summons. It is very important to use this event and not the certificate of service or proof of service events when docketing the certificate of service for a summons.
- ❖ Ensure a copy of the summons that was served is included as part of your service PDF when recording service of any summons.

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 303](#)

[Fed. R. Bankr. P. 1010](#)

[Fed. R. Bankr. P. 1003](#)

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Bankr. P. 1004](#)

[Form B2500E](#)

Fee: N/A

Applicable Chapters: 7, 11

Implemented: 2/9/2016

Last Revision: 10/23/2019 9:03:56 AM

Description

The process for requesting an involuntary summons is similar to the alias/pluries summons with one important distinction: for this type of summons, a completed summons form must be submitted during the entry. Summons forms can be found on our website at <http://www.flmb.uscourts.gov/forms/>. It is only necessary to provide one form for issuance.

A message screen during docketing will remind you that a form is necessary and that the event is not to be used for alias or pluries summons. When prompted, indicate an involuntary summons is requested. The involuntary summons must be issued by Clerk's Office staff and is not processed via automation. Upon review of the request, a member of the Clerk's Office staff will issue the summons. Attorneys will be notified of the summons issuance entry through their usual manner of electronic notification (individual or daily summary emails). It may also be viewed on the docket by clicking the document link for the image. A copy of the involuntary petition must be served along with the summons and service of the involuntary petition must be noted in the Certificate of Service.

- ❖ **Note:** PACER charges may apply if viewed from the docket as opposed to viewing the electronic notification, which provides a "free look."

Transcripts – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Notices > Notice of Intent to Request Redaction of Transcript
 - Bankruptcy > Miscellaneous > Statement of Personal Data Identifier Redaction Request
 - Bankruptcy > Motions/Applications/Objections > Motion for Additional Redactions to Transcript
 - Bankruptcy > Trustee/U.S. Trustee > Motion for Additional Redactions to Transcript
 - Bankruptcy > Trustee/U.S. Trustee > Notice of Intent to Request Redaction of Transcript
 - Bankruptcy > Court Reporter – Transcript with Redactions
 - Adversary > Notices > Notice of Intent to Request Redaction of Transcript
 - Adversary > Miscellaneous > Statement of Personal Data Identifier Redaction Request
 - Adversary > Motions/Applications > Motion for Additional Redactions to Transcript
 - Adversary > Court Reporter – Transcript with Redactions
-

Negative Notice: N/A

Accompanying Orders: Yes, for Motion for Additional Redactions to Transcript.

Code and Rule References:

[Fed. R. Bankr. P. 5007](#)

[Fed. R. Bankr. P. 9037](#)

[Local Rule 5077-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/2018

Last Revision: 8/2/2021 9:13:40 AM

Description

A transcript is a written record of all proceedings including testimony in a trial, hearing, or deposition. They are requested and paid for via the official court reporter or a transcriptionist. The Court keeps a list of approved court reporters and transcriptionists on its website: http://www.flmb.uscourts.gov/court_reporters/.

[Here](#) is a generic purchase order for a transcript from an approved agency.

To order a transcript of a court hearing, contact an approved agency and provide the following information : (1) the case name and number; (2) the hearing date and time; (3) the judge's name; (4) the ordering attorney's name and the party that attorney represents; and (5) whether the transcript is in connection with an appeal.

Official transcripts of Bankruptcy Court proceedings may only be filed by an official court reporter and shall, at the time of initial filing on the CM/ECF docket, be docketed using the appropriate transcript docketing event to ensure appropriate viewing restrictions are set. Court approved court reporters and transcriptionists are provided with special access to CM/ECF for docketing of transcripts.

Parties interested in reviewing a transcript during the restricted viewing period may purchase a copy from the official court reporter or transcriptionist or view the transcript at the public terminals located at the Court's intake windows.

Pursuant to the Judicial Conference's Privacy Policy and Local Rule 5077-1, certain personal identifier information should be redacted. During court proceedings, participants are requested to use caution to avoid disclosing certain personal identifiers. Personal identifiers include:

- Social Security numbers;
- Taxpayer Identification Number;
- Financial account numbers other than the last 4 digits of the account number;
- Names of minor children; and
- Dates of birth.

Fed. R. Bankr. P. 9037 also includes the Taxpayer Identification Number in the list of personal identifiers subject to privacy protection. Pursuant to Local Rule 5077-1, the Court has a detailed process to notify the participants in a hearing when an official transcript is filed by the official court reporter or transcriptionist. This process allows participants seven calendar days from the date of filing the transcript (not the date of the hearing) to file a Notice of Intent to Request Redaction. If timely filed, the filer then has 21 calendar days from the filing of the transcript to file a Statement of Personal Data Identifier Redaction Request. At that time, the official court reporter or transcriptionist has 28 calendar days from the date of the filing of the Statement of Personal Data Identifier Redaction Request to file a redacted transcript.

Parties may also file a Motion for Additional Redactions for redaction of something other than the standard personal identifiers. This Motion must be filed within 21 calendar days of the Notice of Intent to Request Redaction.

Note: Transcripts filed by someone other than an official court reporter may be docketed and attached to a Notice of Filing. For transcripts that are not an official transcript of a Bankruptcy Court proceeding and/or are not filed by the official court reporter or transcriptionist, the Court has no requirement to review the transcript to locate or address any privacy issues. This may include, for example, transcripts of depositions, 341 meetings, or state court proceedings.

To acquire a transcript of a 341 creditors meeting, contact the United States Trustee's Office:

Guy A. Van Baalen, Assistant U.S. Trustee
501 East Polk Street, Suite 1200
Tampa, FL 33602
Phone: (813) 228-2000
Fax: (813) 228-2303

OR

William J. Simonitsch, Assistant U.S. Trustee
400 W. Washington Street, Suite 1101

Orlando, FL 32801
Phone: (407) 648-6301
Fax: (407) 648-6323

Filing Checklist for Notice of Intent to Request Redaction of Transcript:

- ☐ Is filed seven days or fewer after the transcript is filed.

Filing Checklist for Motion for Additional Redactions to Transcript:

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Includes the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ Needs to be filed as a sealed paper, if so, follow the sealed paper procedure.

Filing Checklist Statement of Personal Identified Redaction Request:

- ☐ Is filed 21 days or fewer after the transcript is filed.

Filing Checklist Transcript with Redactions:

- ☐ Is filed 31 days or fewer after the file date of the original transcript.

Other Useful Information:

[Judiciary Policy on Court Reporting](#)
[Federal Court Reporting Program](#)
[Transcript Fee Rates](#)

Transfer of Claim and Withdrawal of Transfer of Claim

Docketing Event

- Bankruptcy > Claims Related Matters > Transfer/Assignment of Claim (including Transfer w/Waiver of Notice)
 - Bankruptcy > Claims Related Matters > Withdrawal of Transfer of Claim
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 3001\(e\)](#)

[Bankruptcy Court Miscellaneous Fee Schedule ¶ 20](#)

Fee: \$26

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 12/1/2020 7:50:25 AM

Description

The right to a claim may be transferred from one party (the transferor) to another (the transferee) under any of the four categories of claims transfers included in Federal Rule of Bankruptcy Procedure 3001(e). Evidence of the transfer is provided by the filing of a Transfer of Claim (sometimes called an “Assignment of Claim”).

Transfers of Claims may be filed by one or both the transferor and transferee. In certain instances provided in the Federal Rules of Bankruptcy Procedure, the Court is required to provide notice of the transfer unless both the transferor and transferee signed the transfer of claim.

Transfers of Claims documents may transfer more than one claim. A fee is charged for each claim being transferred.

Occasionally, a Transfer of Claim is withdrawn by filing a Withdrawal of Transfer of Claim. Filing a Withdrawal of Transfer of Claim transfers a claim back to the previous owner and is processed the same as the initial Transfer of Claim. The Transfer of Claim should state the claim number, the amount of the claim, and the names and addresses of the transferor and the transferee. The transferee’s signature is required.

Upon the filing of a Transfer of Claim or Withdrawal of Transfer of Claim, CM/ECF will automatically update the claims register to reflect the new owner of the claim.

On the evening of filing a Transfer of Claim or Withdrawal of Transfer of Claim, an automated notice is generated and sent to the transferor and transferee. The notice provides a 21-day response time. Parties must timely object to the transfer or retransfer.

Filing Checklist

Review the Transfer of Claim to determine if:

- ☐ The document is signed;
- ☐ The filing fee is paid when required;
 - ❖ **Note:** Federal Agencies are not required to pay the filing fee.
- ☐ The claim number, the amount of the claim, and the names and addresses of the transferor and transferee are included.

Forms

[Transfer of Claim Other Than for Security](#)

Waiver of Discharge—Chapter 7

Docketing Event

Bankruptcy > Miscellaneous > Waiver of Discharge

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 727\(a\)\(10\)](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 2/9/2016

Last Revision: 1/23/2018 9:22:47 AM

Description

A debtor may waive entry of discharge by filing a Waiver of Discharge under 11 U.S.C. § 727(a)(10). A debtor should sign the waiver after the petition date. Once the Court approves the Waiver of Discharge, no discharge is entered.

Filing Checklist

Review the waiver to determine if:

- ☐ Waiver indicates debtor intends to waive his or her discharge as to all creditors;
 - ☐ Waiver is dated after the petition file date;
 - ☐ Debtor(s) discharge has not been entered; and
 - ☐ Waiver is signed by the debtor(s);
- ❖ **Note:** Both debtors should sign in a joint case. However, if it is a joint case and the waiver is for only one debtor, the debtor to whom it pertains should sign the waiver.

Accompanying Orders

Docketing Event: Will vary based on what paper/matter is being filed.

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References: N/A

Fee: Some matters listed on the Accompanying Orders List may require a fee.

Applicable Chapters: 7, 11, 12, and 13

Implemented: 7/9/2016

Last Revision: 7/26/2019 3:25:20 PM

Description

The Court permits and encourages submission of proposed orders simultaneously with the docketing of certain papers, with no requirement for hearing or waiting for Court to request proposed order.

The Court maintains an [Accompanying Orders List](#) that outlines the matters that may be submitted simultaneously with a proposed order. The Court will prepare orders for those matters listed on the top section of the Accompanying Orders List. Movants should submit proposed orders for those matters listed on the bottom section of the Accompanying Orders List.

Helpful Information

[Style Guide](#)

Adversary Closing

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7041](#)

[Fed. R. Civ. P. 41](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 4/13/2018

Last Revision: 4/13/2018 7:40:32 AM

Description

Adversary proceedings are ready to close after: (1) dismissal; (2) entry of an order approving a compromise or settlement agreement; or (3) entry of an order or judgment (including a default judgment) addressing the relief requested in an adversary complaint.

All defendants and all counts in the adversary complaint must be addressed before an adversary proceeding can be closed. An adversary proceeding may not be closed prior to the expiration of the appeal time from an entered order or judgment. An adversary proceeding will remain open while an appeal is pending.

If an order approving a settlement is entered in the main case that disposes of all counts in the adversary complaint, the Court will enter an order closing the adversary proceeding.

There are separate procedures on adversary dismissals, adversary defaults, and motions to approve compromise or settlement agreements.

After Hours Filing Procedure

Docketing Event N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 5001-2](#)

Fee: Certain motions may require filing fees.

Applicable Chapters: 7, 11, 12, 13.

Implemented: 3/15/2012

Last Revision: 9/28/2017 12:06:36 PM

Description

If CM/ECF is inaccessible, an Electronic Filing User's system is inoperable, or an emergency requires the paper filing of a document to meet a filing deadline, [Local Rule 5001-2](#) explains how paper documents may be filed after hours.

This procedure shall only be used to file papers after the Clerk's Office public hours of operation of 8:30 a.m. to 4:00 p.m. This procedure is not to be used as a convenience to any party. Any paper received by facsimile after midnight to 4:00 pm on a workday will be discarded.

The first page and the signature page must be received by facsimile no earlier than 4:01 p.m. eastern standard time and no later than midnight eastern standard time. **Only send these two pages of the document. If more than one document, send first and signature page of each document.**

The complete original document with any required fee must be received and time stamped by the Clerk's Office or filed electronically using CM/ECF no later than 12:00 p.m. eastern standard time on the Court's next business day. The filer should notify the Clerk's Office of the previous day's initial two page transmission.

Upon receipt of the original document and fee, if any, the Clerk's Office will stamp the following notation on the document:

"This document is deemed filed on _____ pursuant to Local Rule 5001-2 governing after-hours filing"

If the original document is not received timely, the Clerk's Office will note that fact, and the facsimile will have no force or effect.

The Clerk's Office will not assign a case number or adversary number to a document until the original is filed with the Court. The Clerk's Office will not acknowledge the filing of the document to any creditor or other party until the original is filed.

Documents filed under the above procedures will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Clerk's Office.

Tampa Facsimile Telephone Number – (813) 301- 5192
Orlando Facsimile Telephone Number – (407) 237-8005
Jacksonville Facsimile Telephone Number – (904) 301-6494

Agreed Orders

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 9072-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 4/30/2019

Last Revision: 7/1/2019

Description

Local Rule 9072-1(d) provides five instances where an agreed or consent order may be submitted:

1. The parties have previously filed an agreed or joint motion, application, or objection that is signed by all necessary parties;
2. The movant represents in the motion, application, or objection that the movant has obtained consent of the other parties to the entry of a proposed order attached to the motion, application, or objection;
3. A separate consent with the signature of all necessary parties is submitted;
4. An agreed order signed by all necessary parties is submitted (no prior motion, application, or objection required); **OR**
5. The movant submits an order that recites in the preamble that the submitting party represents that the other parties have agreed to the form and content of the order, e.g., “By submission of this order for entry, the submitting counsel represents that the opposing party consents to its entry.”

If a hearing is scheduled on a matter and the proposed agreed order resolves that matter, the proposed agreed order should include a statement that the hearing is no longer necessary and is canceled.

Nothing in this procedure or the Local Rules is intended to preclude the Court from conducting a hearing on the matter even if a proposed agreed order is submitted.

Filing Checklist

Review the agreed or joint motion, application, or objection to determine if:

- ☐ It is signed by all necessary parties. If yes, then submit a proposed agreed order.

Review the motion, application, or objection to determine if:

- ☐ It includes the statement that the movant has obtained consent of the other parties to the entry of a proposed order **AND** attaches that proposed order to the motion, application, or objection. If yes, then submit a proposed agreed order.

Review the consent to determine if:

- ☐ It is signed by all necessary parties. If yes, then submit a proposed agreed order.

Review the proposed agreed order to determine if it:

- ☐ Is signed by all necessary parties. If yes, then no prior motion, application, or objection is required.
- ☐ Is associated with a joint motion, application, or objection that is signed by all necessary parties. If yes, then no signatures are needed on the proposed agreed order.
- ☐ Is associated with a separate consent that is signed by all necessary parties. If yes, then no signatures are needed on the proposed agreed order.
- ☐ Includes a statement in the preamble that the submitting party represents the other parties have agreed to the form and content of the order.
 - For example, this statement would satisfy the Local Rule: “By submission of this order for entry, the submitting counsel represents that the opposing party consents to its entry.”

Forms

[Agreed Order – Joint Motion](#)

[Agreed Order - Preamble Statement](#)

[Agreed Order – Signatures](#)

Amended Orders

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: Yes, an amended order may be submitted simultaneously with a Motion to Amend.

Code and Rule References:

[Local Rule 9072-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 4/30/2019

Last Revision: 7/1/2019

Description

Under Local Rule 9072-1(e), if a party requires the substantive amendment of a previously entered order, the party may file a motion for entry of an amended order together with an amended order OR submit an agreed amended order. Refer to the procedure on Agreed Orders for how to submit an agreed or consent order.

If the amendment does not affect the substance of the ruling (for example, the amended order is simply to correct a legal description), a party may submit an amended order. An agreed order is unnecessary.

All amended orders must include a footnote on the order's first page that states the reason for the amendment.

Filing Checklist

Review the motion to amend order to determine if it:

- ☐ Is signed;
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Has the Attorney's name and address that are complete and consistent with the filing attorney's name and address in CM/ECF; and
- ☐ Is accompanied by an amended order attached to the motion.

Review the proposed amended order to determine if it:

- ☐ Includes a footnote on the first page describing the reason for the amendment; and
- ☐ Substantively amends a previously entered order, then it must be an agreed amended order.

Forms

[Amended Order](#)

Appeal Cover Sheet – Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Appeal > Appeal Cover Sheet
 - Adversary > Appeal > Appeal Cover Sheet
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 8000 series](#)

[Local Rule 8003-1](#)

[Local Rule 8009-1](#)

Fee: A notice of appeal has a filing fee of \$298 [Fee is \$5.00 for filing and \$293.00 for docketing the appeal].

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/26/2018

Last Revision: 9/9/2020 8:00:04 AM

Description

Notices of appeal filed under Fed. R. Bankr. P. 8003 and 8004 shall be accompanied by an appeal cover sheet, provided below.

Refer to the 8000 series of the Federal Rules of Bankruptcy Procedure for more information about appeals to the District Court or Bankruptcy Appellate Panel.

Forms

[Appeal Cover Sheet](#)

Becoming an Electronic Filer

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: N/A

Implemented: 4/13/2018

Last Revision: 4/13/2018 7:43:48 AM

Description

Each attorney or creditor must complete the Court's On-Line Training Program prior to receiving a login to file through this Court's CM/ECF system. Attorneys and creditors who actively file in other Bankruptcy Courts may be exempt from the training requirement.

Attorneys:

Attorneys Located within the Middle District of Florida [Non CM/ECF Bankruptcy Filer]:

Attorneys located within the Middle District must be admitted to practice in the Middle District of Florida and complete the Court's Online Training Program, which is available through the following link, before being issued a login to this Court's filing system: https://ecf-train.flmb.uscourts.gov/cgi-bin/flmb_training.pl. Attorneys requesting Mediator access should add that information in the Comments field.

Attorneys Located within the Middle District of Florida [CM/ECF Bankruptcy Filer in Another District]:

Attorneys located within the Middle District, admitted to practice in this District, AND certified to file electronically in another Bankruptcy Court (including those admitted pro hac vice) are not required to complete the Court's Online Training Program and should complete the Court's Out of District Registration form, which is contained in this link: <http://pacer.flmb.uscourts.gov/cmecf/registration3.asp>. Upon verification of admission to practice and certification to file electronically in other Courts, a login to this Court's filing system will be issued.

Attorneys Located outside the Middle District of Florida [Admitted to Practice in the Middle District who require FULL FILING Privileges]:

Attorneys located outside the boundaries of the Middle District, but admitted to practice in this District through the United States District Court, should complete the Court's Out of District Registration form, which is contained in this link: <http://pacer.flmb.uscourts.gov/cmecf/registration3.asp>. Once admission to practice is verified and

if the attorney is an active electronic filer in another Bankruptcy Court, a login to this Court's filing system will be issued. If the attorney is NOT an active electronic filer in another Bankruptcy Court, completion of the Court's Training Program is required.

Attorneys Located outside the Middle District of Florida [NOT Admitted to Practice in the Middle District OR who only require LIMITED FILING Privileges]:

Attorneys located outside the boundaries of the Middle District and NOT admitted to practice in the Middle District do not qualify for full attorney filing privileges. Instead, they may request limited access to file certain documents: Notice of Appearance, Proofs of Claims and other Claim Related documents. To request limited filing access, complete the Limited Participation Registration form contained in the following link: <http://pacer.flmb.uscourts.gov/cmecf/registration2.asp>. If the attorney is not an electronic filer in another Court, completion of the Court's Training Program is required.

Limited Filer Access:

Creditors:

Creditors may request limited filing access by completing the Limited Participation Registration form, which is contained in this link: <http://pacer.flmb.uscourts.gov/cmecf/registration2.asp>. Limited filing privileges shall include the ability to file Notices of Appearance, Proofs of Claim, Transfers of Claim, Reaffirmation Agreements, and other claim related matters. Additional privileges may be added at the discretion of the Clerk. This information is required for CM/ECF registration and will be kept confidential.

PLEASE NOTE: Limited filers do not automatically receive electronic notices upon the issuance of a login. Limited Filers will need to add the applicable case numbers to their user account (Maintain Your ECF Account/Email Information/Send notices in these additional cases).

Personal Financial Management Course Providers:

Agencies approved by the United States Trustee's Office to provide post-petition instructional courses concerning personal financial management who wish to file certificates of completion of the course should complete the Court's Personal Financial Management Course Provider Registration form, which is contained in this link: <http://pacer.flmb.uscourts.gov/cmecf/registration5.asp>.

CD Requests - How to Request a CD of Courtroom Digital Audio

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: \$32 per CD.

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/2018

Last Revision: 12/1/2020 8:05:29 AM

Description

All courtroom proceedings in the U.S. Bankruptcy Court for the Middle District of Florida are captured on digital audio. These recordings are the official record of courtroom proceedings and will be used by transcription agencies when producing transcripts. Please note that 341 meetings are not part of our courtroom proceedings and therefore not recorded by the Court.

The recording system in the courtroom is ultra-sensitive. Whether at a counsel table or even in the audience, all conversation will be recorded by the system. If you must speak confidentially with a client and/or colleague, you may wish to leave a courtroom to avoid having the conversation recorded.

To request a CD, click on [this link](#).

You will be contacted when the CD is ready for pick up. The fee for one CD is \$32. This fee is prescribed by the Judicial Conference of the United States. You may pay the fee by money order or cashier's check only as the Court **does not** accept cash payments. If the audio from a proceeding cannot fit on one CD, you will be charged for multiple CDs.

If a proceeding is multiple days, only one request needs to be completed, but the party must note each day on the request. For example, a request for audio from a three-day trial would need to include all three dates requested.

Note: You do not need to request an audio CD from the Court when requesting a transcript. The transcription agency will contact the Court for a digital audio recording of your request.

How to Obtain Copies and Certified Copies

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: Click [here](#) for fee information listed under “Miscellaneous Fees.”

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/2018

Last Revision: 2/4/2019 3:19:04 PM

Description

Copies and certified copies may be obtained directly from the Court for a per page fee and a certification fee.

Files that are no longer housed in our courthouse facilities are archived at the Archive Center in Georgia. To retrieve files through the mail, the requestor must include the case name, case number, and search fee for the archived information. However, there is no charge for researching this information to customers who come to the Clerk’s office. The Clerk’s office will first verify the case was filed in that particular division. The Clerk’s office will then provide the “Request for Bankruptcy Case File” form, with the accession number, box number, and location number. Once you receive this information, you may contact the Archive Center in Georgia, for copies. The telephone number for the center is (770) 968-2100, fax number is (770) 968-2547, and their website is: [National Archives Center](#). Please note that the Archive Center requires a fee for this service.

Note: Case information may not be available for cases filed prior to a certain date. Information for such older cases can only be obtained through the Archive’s Center in Atlanta, Georgia. Copies can be requested directly from the Archive Center, but certain information will be needed from the Court. Please contact the Clerk's Office where the case was filed for availability of the file or for instructions on ordering archived information, Tampa at (813) 301-5065, Orlando at (407) 237-8000, and Jacksonville at (904) 301-6490.

Forms

[Copy Request Form](#)

Submitting a Change of Address [Electronic Filer]

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: All

Implemented: 4/30/2019

Last Revision: 4/30/2019 10:04:01 AM

Description

Attorneys must maintain current contact information with the Court. The Court automated the process of updating account information when it created an on-line Change of Address form.

To effect a change of address (that does not involve a move from one firm to another), complete the form in the following link:

<http://pacer.flmb.uscourts.gov/cmecf/changeaddress.asp>.

This form should also be used to notify the Court of an attorney's name change or a firm name change (that does not involve the merger of multiple firms).

You are not required to file individual Notices of Change of Address in cases pending in this District. Once the notification of Change of Address is received, the Clerk's Office processes the change and makes an entry on the docket in each open case associated with the attorney who has requested the change.

Submitting a Change of Law Firm [Electronic Filer]

Docketing Event**N/A**

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:**N/A**

Fee: N/A

Applicable Chapters: All

Implemented: 4/30/2019

Last Revision: 4/30/2019 10:08:38 AM

Description

Attorneys must maintain current contact information with the Court. The Court automated the process of updating account information when it created three on-line Change of Law Firm forms.

Each form is identified below.

Use this form if all cases are moving with the attorney to a new firm:

http://pacer.flmb.uscourts.gov/cmecf/changelawfirm_all.asp

Use this form if all cases are remaining with the attorney's former firm:

http://pacer.flmb.uscourts.gov/cmecf/changelawfirm_none.asp

Use this form if some cases are moving with the attorney to a new firm and some cases are remaining with the attorney's former firm:

<http://pacer.flmb.uscourts.gov/cmecf/changelawfirm.asp>

Every case (both open and closed) associated with the attorney changing law firms must be addressed in the documentation attached to the on-line submission. An attorney from the firm you are leaving must be named to take over representation in any cases not moving to the new firm. Additionally, a representative from your former firm must sign off on any changes requested in the submission.

To obtain a list of cases associated with your attorney record:

- Login to CM/ECF as if filing a document;
- Select "Query" from the Main Menu Bar;
 - ❖ **Note:** You may be prompted to login again. Login with your PACER login and password.
- Enter your last name and first name in the appropriate fields;
- Select Attorney from the "Type" menu;
- Click "Run Query"; and
- A list of cases will display.

In the three situations identified above, you do not have to file individual Motions or Notices in cases pending in this District. Once the notification of Change of Law Firm is received, the Clerk's Office processes the changes and makes entries on the docket in each open case. The docket entry will indicate that either one attorney has been substituted for another or that the attorney has moved to a new law firm.

Changing/Resetting Your ECF Password

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: All

Implemented: 4/30/2019

Last Revision: 4/30/2019 10:39:37 AM

Description

To change your password in CM/ECF, go to Utilities → Change Your Password (located under Your Account). Once changed, log out and log back in to ensure you can access the filing system with your new password.

Once a login (user name) and password are issued, your password cannot be retrieved by the Clerk's Office.

If you do not recall your password, you can obtain a new password through the Court's on-line Password Recovery Program. A link to the program is available on the Court's website or through this link:

<https://pacer.flmb.uscourts.gov/fwxfmb/ecfpwd/ecfpw.fwx>.

You must provide your login name and the primary e-mail address associated with your filing account when completing the form.

Before completing the form, remember:

- Generally, each court unit requires a separate login for access to CM/ECF. PACER logins are required for viewing case related reports and documents in every federal court.
- Some courts now use the "Next Generation" of CM/ECF. This program includes *Central Sign On*. Once all courts use "Next Generation," this feature will allow electronic filers to use the same login and password for filing electronically in any federal court. **The United States Bankruptcy Court for the Middle District of Florida has not yet moved to the "Next Generation" of CM/ECF.**
- Entering the correct login will ensure a new password is created. This Court's login does not include your bar identification number.
- Logins are case sensitive and, generally, do not include capital letters. Make sure your "Caps Lock" setting on your keyboard is off when entering your login information.

- The e-mail address entered in the recovery form must be the primary email address associated with the filing account. If you have changed law firms, or otherwise changed your email address, the recovery process will not work.

If the information entered in the password recovery form corresponds with the information the Court has on file, an e-mail containing a new password will be sent to the e-mail address in the form. The new password is contained in a link within the e-mail. **The e-mail cannot be forwarded to another e-mail address or the password will be void.**

If you do not receive an e-mail within 15 minutes, there was an issue with the recovery process. Please contact the Help Desk at ecfhelp@flmb.uscourts.gov.

Competing Orders

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 9072-1\(a\)\(2\)](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 12/19/2018

Last Revision: 7/1/2019 3:57:33 PM

Description

The proposed order submission process in CM/ECF permits the submission of a competing form of order (also known as disputed form of order). Proposed competing orders shall be uploaded (1) as a PDF and (2) as a Microsoft Word version that is redlined to reflect the suggested revisions to the order.

Competing orders should be submitted through the “Order Upload” function located on the Bankruptcy and Adversary Menus in CM/ECF. The process follows the normal order upload process that requires the submitter to check the box on the submission screen indicating “Dispute as to Form.” The submitter will then be prompted to upload the PDF and Word versions of the order.

There is no limit on the number of parties who may upload a competing order. An attorney or party directed by the Court to submit a proposed order, but who knows that the opposing party disputes the form of the order, should also use this procedure and upload both PDF and Word versions of the proposed order. In this circumstance, the Word version need not be redlined.

Questions regarding this process may be submitted to the Court's Help desk at ecfhelp@flmb.uscourts.gov.

Helpful Information

[Proposed Orders](#)

Completing the Court's CM/ECF On-line Training Program

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: All

Implemented: 4/30/2019

Last Revision: 4/30/2019 10:41:10 AM

Description

Each attorney or creditor must complete the Court's On-Line Training Program ("Training Program") before receiving a login to file through this Court's CM/ECF system. Attorneys and creditors who actively file in other bankruptcy courts may be exempt from the Training Program. For more information, use this link: https://ecf-train.flmb.uscourts.gov/cgi-bin/flmb_training.pl.

The Training Program has three parts.

Step 1: Registration.

Step 2: Viewing the Training Modules.

Step 3: Retrieving and Completing a Training Exercise.

Use your mouse to left-click on the navigational prompts (i.e. Next, Continue, Submit, etc.) when navigating through the Training Program. If you attempt to navigate using the [Tab] or [Enter] keys, you will encounter issues and likely will have to repeat certain portions.

Step 1 – Registration

Once you have completed registration, you will receive a login and temporary password for completing the Training Program. You **MUST** change the password to receive credit for the portions of the program you complete (your new password should be less than ten characters).

Once you have changed your password, record the login and password. You are required to login each time you access the Training Program. Failure to login each time may result in no credit. You may have to repeat those portions. There is no override to this.

Attorneys in the Middle District of Florida must complete either the Debtor Attorney Training or Creditor Attorney Training. The Limited Filer training will not allow for attorney access and will delay receipt of a login. Creditors and attorneys outside the Middle District of Florida are provided limited filing access and should complete the Limited Filer portion of the Training Program.

Step 2 – View the Training Modules

Complete the training by viewing the required Electronic Learning Modules associated with your section of the Training Program (i.e. Creditor Attorney, Debtor Attorney, or Limited Filer). Each required module can be accessed by left-clicking the blue hyper-links to view them. Once the required modules are viewed, they will be marked “Completed.”

Step 3 – Retrieving and Completing Training Exercise

Left-click the option “[Click here](#)” to select the training assessment that corresponds with the training modules you viewed. Enter your email address in the textbox. The training assessment will be sent via email and will have the subject line: [Filing Assignment for Admission to US Bankruptcy Court - Middle District of Florida](#). Enter your email address carefully as only one request for the assessment can be made.

When completing the test filings, it is unnecessary to draft actual pleadings. Create fictitious information and documents to go along with each required filing. If you completed the Debtor Attorney portion of the training program and use Petition Preparation Software to assist with filing new cases, you are encouraged to use it to complete the training exercise.

Once the test filings are completed, refer to the e-mail containing the instructions for completing the assessment and left-click “[I have completed the assignment](#).” Log back into the Training Program and verify the accuracy the information entered when registering to complete the course.

Directions for Filing Evidentiary Exhibits for Trial in CM/ECF – Bankruptcy and Adversary

Docketing Event N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 9070-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 8/3/2015

Last Revision: 9/9/2020 8:32:34 AM

Description

Preparation of Exhibits

Introduction

The following describes the process for electronic filing of Evidentiary Exhibits with the Court. Click [here](#) to access Local Rule 9070-1, the rule associated with this process. After completing your filing, CM/ECF will report the exhibits you filed in list format with the Exhibit List at the top followed by a numerically sorted list of filed exhibits.

Exhibits	
Exhibit Index	1 page
Exhibit 1	1 page
Exhibit 2	1 page
Exhibit 3	1 page
Exhibit 4	1 page
Exhibit 5	1 page

Exhibit List

The Exhibit List shall be electronically stored as an individual Portable Document Format (PDF) file that lists each exhibit in numerical order and includes the following: case caption, identity of the party submitting the exhibits (e.g., plaintiff, defendant, debtor, creditor, etc.), and columns with the following headings: “Exhibit Number,” “Document Description,” “Date Identified,” “Date Admitted,” and “With or Without Objection.” No markings should be made in the “Date Identified” and “Date Admitted” columns, which shall be used by the courtroom deputy to record the exhibits that are identified and offered into evidence and those that are received into evidence. Refer to Appendix A to the [Local Rule 9070-1](#).

Format of Exhibits

Each exhibit, preceded by an Exhibit Cover Sheet (refer to Appendix B to the [Local Rule 9070-1](#)) shall be electronically stored in an individual PDF file. Each PDF file shall have a unique identification name and number (e.g., “Debtor’s Exhibit 1”). To facilitate the submission of exhibits via CM/ECF, the individual PDF files of the exhibits should be contained in a single folder.

Filing Exhibits in CM/ECF

Hyperlink Location

Access to file Electronic Stored Exhibits with the Court is found on both the Bankruptcy and Adversary menus in CM/ECF. To upload your exhibits, click the hyperlink Evidentiary Exhibits for Trial.

Electronically Stored Exhibit Upload [Evidentiary Exhibits for Trial](#)

An input screen will display to collect the case number, the party whom you represent, description of the exhibits, the Exhibit List, and the exhibits you wish to file. An example of the entry screen is displayed below:

The screenshot shows a web form titled "Electronically Stored Exhibit Upload" with the subtitle "Evidentiary Exhibits for Trial". The form contains the following fields and labels:

- Case number:** A text input field.
- This filing is on behalf of:** A text input field.
- Brief Description of Exhibits:** A text input field with the placeholder text "(ie - Plaintiff's Exhibits)".
- Exhibit Index:** A label next to a "Choose File" button and the text "No file chosen".
- Exhibits:** A label next to a "Choose Files" button and the text "No file chosen".

To file your exhibits, complete steps 1 through 6 below. Step 5 will vary based on your internet browser. When you reach Step 5, follow the appropriate method for your internet browser.

Step 1: Case Number

Enter the case number. After you enter the case number, a list box will populate with associated parties.

Step 2: Select a Party

Choose the party you represent.

Step 3: For Trials in Contested Matters Only (Not Adversary Proceedings): Identify the Related Docket Entry

This step is for use in contested matters in the main bankruptcy case and is not applicable to adversary proceedings. After you enter the main bankruptcy case number, the screen will expand and display the following:

Select the primary docket entry related to the Exhibits you are filing

Click the Show List button. A screen will pop up and display the docket entries for each paper filed in the case. Select the primary docket entry related to the trial (e.g., Motion for Relief from Stay, Motion to Determine Secured Status and to Strip Lien Effective Upon Discharge, Objection to Claim), then click the Continue button.

Related Docket Entry Selection

Select the Primary Docket Entry that relates to the Evidentiary Exhibit upload.
Click the Continue button to return to the previous screen.

Select	Document	File Date	Description
<input type="checkbox"/>	152	08/25/2015	Motion to Continue/Reschedule Hearing
<input type="checkbox"/>	150	08/24/2015	Motion to Continue/Reschedule Hearing
<input type="checkbox"/>	149	08/24/2015	Motion for Reconsideration
<input type="checkbox"/>	143	08/11/2015	Motion to Extend Time
<input type="checkbox"/>	135	06/19/2015	Motion to Continue/Reschedule Hearing
<input type="checkbox"/>	119	05/27/2015	Motion to Continue/Reschedule Hearing
<input type="checkbox"/>	115	05/21/2015	Motion to Extend Time
<input type="checkbox"/>	109	05/01/2015	Motion to Convert Case to Chapter 7
<input type="checkbox"/>	97	03/24/2015	Motion to Continue/Reschedule Hearing
<input type="checkbox"/>	96	03/24/2015	Motion to Determine Secured Status/Value (and Strip Lien if applicable)
<input type="checkbox"/>	95	03/24/2015	Motion to Determine Secured Status/Value (and Strip Lien if applicable)
<input type="checkbox"/>	94	03/24/2015	Motion to Determine Secured Status/Value (and Strip Lien if applicable)
<input type="checkbox"/>	93	03/24/2015	Motion to Value
<input type="checkbox"/>	77	02/24/2015	Application/Motion/Request for Payment of Administrative Expenses
<input type="checkbox"/>	76	02/24/2015	Application/Motion/Request for Payment of Administrative Expenses
<input type="checkbox"/>	61	02/09/2015	Motion for Relief from Stay (not for amended motions)

Step 4: Exhibit Description

Enter the description of the exhibits, for example "Plaintiff's Exhibits" or "Defendant's Exhibits."

Step 5: Select Exhibit List

Click the button next to the Exhibit List label. A dialog box will open for you to select the PDF file of the Exhibit List.

Step 6: Select Exhibits

This step allows you to select the individual exhibits to be uploaded. There are two methods for uploading exhibits; the method you use will depend upon your internet browser.

If you are using one of the more recent internet browsers listed below, refer to [Method 1](#).

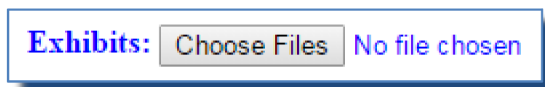
- IE version 10 or newer
- Google Chrome version 6.0 or newer
- Mozilla version 3.6 or newer
- Safari version 5.0 or newer
- Opera version 11 or newer

If your browser predates those listed above, refer to [Method 2](#).

Step 6 - Method 1: Newer Browser

Newer browsers are capable of selecting multiple PDF files at one time. This means that you do not need to upload one exhibit at a time; instead, all of the exhibits stored in a single folder will be uploaded together. This greatly reduces the time to complete the upload. Before you begin, if you have not already done so, move all the exhibits you wish to upload to a single folder.

To select your exhibits, begin by clicking the button on the input screen to the right of the Exhibits: label.



Use one or more of the selection techniques below when the Choose File dialog box opens: [File selection with Ctrl+A](#):

This will select all files in the folder. If this folder also contains the Exhibit List or files that are not exhibits or are not in PDF format, deselect those files to exclude them from the upload by scrolling the file into view,; then press and hold the Ctrl key and then left click the file. **Note: Do not include the Exhibit List as a file to be uploaded with the exhibits; the Exhibit List has already been uploaded in Step 4 above.**

File selection with Shift key and mouse left-click:

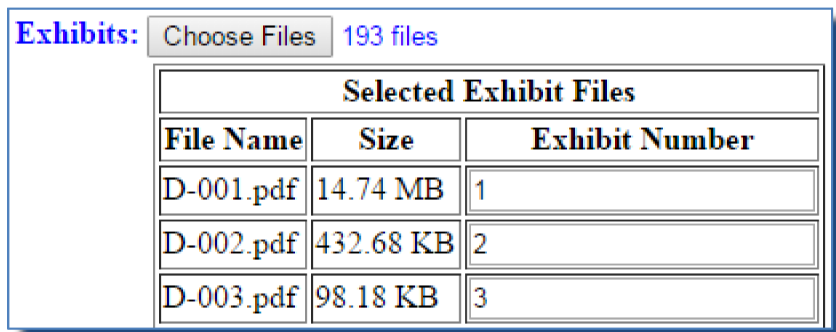
To select a range of files at one time, hold down the Shift key and left click the first exhibit. While continuing to hold down the shift key, scroll to the last exhibit and left-click. All files within the range will be selected for uploading. If any files in the selected range need to be excluded from the exhibit upload, use the Ctrl + left click technique described above.

File selection with Ctrl key and mouse left-click:

While pressing the Ctrl key, left-click the mouse on each file you are uploading. This process will take longer than Ctrl+A, however, it allows you to cherry pick files quickly.

When all the pdf files have been selected for upload, press the “upload”, “ok”, “select” or “open” button in your dialog box.

When you close the file dialog box and return to the input screen, the list of the files you have chosen will display in list form on the input screen. Next to each file is a text box which will contain the exhibit number of the associated PDF file. This box will auto-populate based on the name of the PDF file. For example, if your file is named Exhibit 5.pdf, the text box will preload with the number 5. If the file name does not contain a number, you will need to manually type the number into the text box.



The screenshot shows a dialog box titled "Exhibits:" with a "Choose Files" button and a status bar indicating "193 files". Below this is a table titled "Selected Exhibit Files" with three columns: "File Name", "Size", and "Exhibit Number". The table contains three rows of data.

Selected Exhibit Files		
File Name	Size	Exhibit Number
D-001.pdf	14.74 MB	1
D-002.pdf	432.68 KB	2
D-003.pdf	98.18 KB	3

Note: if you attempt to upload a file other than a PDF file or your file is too large, red text will display and prevent you from continuing. If this occurs, you will need to go back to the beginning of Step 5 Method 1 and redo your file selection.

Continue to Step 7.

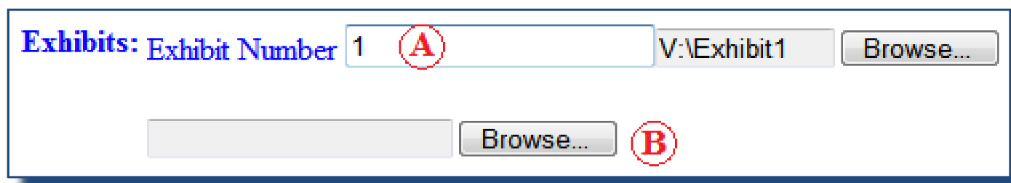
Step 6 - Method 2: Legacy Browser

If your browser is older than one of versions listed above, you will upload individual exhibits one at a time using the traditional CM/ECF (browse) method.

Click the Browse button

Exhibits:

In the file dialog box double-click the pdf Exhibit The screen will display:



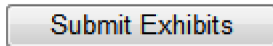
The screenshot shows a web form with the label "Exhibits: Exhibit Number". The text box contains the number "1", which is circled in red and labeled with a red "A". To the right of the text box is a file path "V:\Exhibit1" and a "Browse..." button. Below this, there is another empty text box, a "Browse..." button, and a red "B" in a circle.

After selecting a file, a text box labeled Exhibit Number will display. This text box will contain the exhibit number of the associated PDF file (A). This box will auto-populate if a number is embedded in the name of the PDF file. For example, if your file is named Exhibit 5.pdf, text box (A) will preload with the number 5. If the file name does not contain a number, you will need to manually type the number into the text box.

To add additional exhibits, press the browse button (B). When all exhibits have been selected, continue to Step 7.

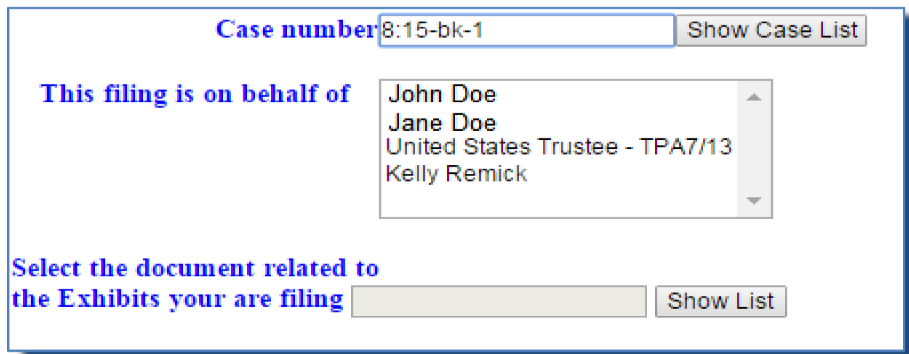
Step 7: Submit Exhibits

Press the Submit Exhibits button on the bottom of the input page.



All the entries will be validated prior to upload. If an Exhibit number is duplicated, you will receive a message on the screen and will need to correct the duplication before proceeding.

Please be patient after pressing the Submit Exhibits button. The process may take several minutes depending on the number of exhibits being uploaded. The submission is complete when a Notice of Electronic Filing displays on your computer screen. Do not logout of CM/ECF, close your browser or navigate away from this page before receiving the Notice of Electronic Filing on your screen or the process will stop and the exhibit upload will be aborted.

A screenshot of a web form for submitting exhibits. The form has a blue border and a light gray background. At the top, there is a label "Case number" in blue, followed by a text input field containing "8:15-bk-1" and a "Show Case List" button. Below this, the text "This filing is on behalf of" is in blue, followed by a dropdown menu with four options: "John Doe", "Jane Doe", "United States Trustee - TPA7/13", and "Kelly Remick". At the bottom, the text "Select the document related to the Exhibits your are filing" is in blue, followed by a text input field and a "Show List" button.

Case number 8:15-bk-1 Show Case List

This filing is on behalf of John Doe
Jane Doe
United States Trustee - TPA7/13
Kelly Remick

Select the document related to the Exhibits your are filing Show List

Electronic Bankruptcy Noticing

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: 7, 11, 12, and 13

Implemented: 7/26/2018

Last Revision: 7/26/2018 11:41:22 AM

Description

EBN is a free service offered to notice recipients whereby court notices are transmitted electronically through the BNC program. EBN provides significant cost savings to the judiciary by eliminating the production and mailing of paper notices and associated postage costs. It also expedites the notice delivery process, as electronic notices are delivered promptly following notice retrieval from each court. Notices that would be mailed to multiple locations can be routed to a centralized address.

Helpful Links:

[Electronic Bankruptcy Noticing](#)

Emergency Matters Alert Notification to Clerk's Office – Electronic Case Filing Only

Docketing Event N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 9013-1](#)

[Local Rule 5001-2](#)

Fee: N/A (however, certain motions accompanying the Alert Notification may require a filing fee)

Applicable Chapters: 7, 11, 12, 13

Implemented: 9/29/2017

Last Revision: 11/5/2019 1:21:11 PM

Description

This procedure is for attorneys filing papers electronically via CM/ECF. Non-represented parties must file their items in paper at the Court and do not need to complete this notification form. Non-represented parties who have an emergency to file after-hours may look to Local Rule 5001-2 for the after-hours filing procedures.

For attorney users filing via CM/ECF, please fill in all fields in the notification form linked below to alert the Clerk's Office that you are filing an emergency motion or paper with the Court. The only matters that should be the subject of the notification form are motions or papers that have been electronically filed requesting an emergency hearing in accordance with Local Rule 9013-1. Please note that Local Rule 9013-1 requires, among other things, the filing of a Certification of Necessity that sets forth sufficient facts justifying the need for a hearing on an emergency basis.

Be sure that a confirmation message appears after submission of the notification form. There is no need for additional phone calls or emails to the Clerk's Office. If your matter is determined not be an emergency, it will not be treated as such, and you will not be notified. For questions regarding case information, please contact the Case Administrator.

Please note: If CM/ECF is not accessible, the filing user will be allowed to fax the complete emergency document to the Clerk's office after 4:00 p.m. eastern standard time. The fax should contain proof that the system is not accessible (like a screen shot). The Clerk's office will docket the fax as an original.

Tampa Facsimile Telephone Number – (813) 301- 5192
Orlando Facsimile Telephone Number – (407) 237-8005
Jacksonville Facsimile Telephone Number – (904) 301-6494

Please click [here](#) for the link to the on-line notification form.

Forms

[Certificate of Necessity](#)

Expense Reimbursement Guidelines

Docketing Event N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 2016](#)

[Local Rule 2016-1\(e\)](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 6/21/2013

Last Revision: 1/23/2018 10:08:10 AM

Description

Consistent with [Local Rule 2016-1\(e\)](#) and [Bankruptcy Rule 2016](#), this expense reimbursement guideline is intended to serve as a guide to professionals who submit employment and expense applications to the Court. Reimbursement for expenses is confined to the actual and reasonable expenses that are necessary to perform the assignment. Any application for reimbursement must be supported by documentation as appropriate.

Factors relevant to a determination that the expense is proper include the following:

1. **Reasonable and Economical.** Whether the expense is reasonable and economical. (For example, first class and other luxurious travel mode or accommodations will normally be objectionable.)
2. **Standard Practices.** Whether the requested expenses are customarily charged to non-bankruptcy clients of the applicant. The Court will consider the customary practice of the firm in charging or not charging non-bankruptcy clients for particular expense items. The practice should remain consistent regardless of the client. The Court recognizes that there will be differences in billing practices among professionals.
3. **Documentation.** Whether the applicant has provided a detailed itemization of all expenses including the date incurred, description of expense (*e.g.*, type of travel, type of fare, rate, destination), and the method of computation.
4. **Unusual Items.** Whether the applicant has explained unusual items in greater detail.
5. **Proration.** Whether the applicant has prorated expenses where appropriate between the estate and other cases (*e.g.*, travel expenses applicable to more than one case) and has adequately explained the basis for any such proration.
6. **Actual Cost.** Whether expenses incurred by the applicant to third parties are limited to the actual amounts billed to, or paid by, the applicant on behalf of the estate.

Types of Reimbursable Travel and Expenses

- Common carrier fees (coach), rental car fees (small and mid-size vehicles only), mileage calculated using the Internal Revenue Service's current optional standard mileage rate, tolls, and parking costs (but not parking or violation tickets).
- Ground transportation such as taxis, buses, and subways.
- Tips to porters and baggage handlers.
- Meals and gratuities.
- Lodging.
- The actual cost of office supplies, facsimile, and copy services.
 - Internal photocopy expenses must be reasonable, not to exceed \$0.15 per page.
 - External photocopy expenses are reimbursable at cost.
 - Facsimiles should not exceed \$1.00 per page received.
- Postage.
- Messenger services, where necessity is shown.
- Computerized research (with supporting documentation, identified by client and matter).

Expenses Not Subject to Reimbursement

- Personal hotel expenses, such as movie rentals or gym fees.
- Alcohol and entertainment expenses.
- Repairs and maintenance work for personal vehicles.
- Office overhead expenses not particularly attributable to an individual client or case (such as word processing, proofreading, secretarial and other clerical services, rent, utilities, office equipment and furnishings, insurance, taxes, local telephones and monthly car phone charges, lighting, heating and cooling, and library and publication charges).
- Paralegal services (although not reimbursed as an expense, may be compensated as a paraprofessional under 11 U.S.C. § 330).
- Expenses exceeding the actual amount incurred to the applicant.
- Other professional services incurred without approval. A professional employed under 11 U.S.C. § 327 may not employ, and charge as an expense, another professional (i.e., special

litigation counsel employing an expert witness) unless the employment is approved by the Court prior to rendering the employment.

Expense Reimbursement Plan for Pro Bono Representation by Appointment

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 2091-2](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/2018

Last Revision: 1/24/2018 11:17:18 AM

Description

There are bankruptcy cases, contested matters, and adversary proceedings that may warrant the appointment of counsel for *pro se* litigants with limited financial resources. The Court established a plan governing those appointments.

Appointment of Counsel:

- A. The Clerk of Court shall maintain a list of attorneys, provided by the local bankruptcy bar associations, willing to provide pro bono representation (the “Pro Bono List”). The Pro Bono List shall indicate which division of the Court the attorney is willing to offer services.
- B. If a judge finds that the appointment of pro bono counsel is warranted, the judge may ask the Deputy-in-Charge to contact an attorney from the Pro Bono List to accept the appointment. If the attorney accepts the appointment, the judge will enter an order of appointment.
- C. A judge may request the appointment of a particular attorney for an entire case, adversary proceeding or contested matter, or for a limited purpose (for example, to represent a litigant during a settlement conference or trial, to file a response to a dispositive motion, or to appear at a deposition).
- D. The Clerk of Court must maintain a record of all orders of appointment.

Duration & Extent of Representation:

- A. An appointment is limited to the particular case, adversary proceeding, or contested matter for which the appointment is made.
- B. An attorney who wants relief from an appointment must move to withdraw in accordance with the requirements of Local Rule 2091-2.

- C. Unless the Court grants a motion to withdraw, appointed counsel must represent the party until final judgment or final resolution of a designated issue.
- D. Appointed counsel may, but is not required to, represent the client in any appeal. If appointed counsel decides not to represent the client on appeal, he or she must notify the client of the requirements of filing a notice of appeal or cross-appeal in time for such a notice to be filed.

Reimbursable Expenses:

- A. While appointed counsel is encouraged to pay any expenses he or she wishes, this policy allows counsel to seek reimbursement for reasonable litigation expenses.
- B. Appointed counsel should first pursue any expenses recoverable under the United States Code, the Federal Rules of Bankruptcy Procedure, any contractual provision, or the like, before petitioning the Court for reimbursement of expenses.
- C. The Court will reimburse expenses for the preparation and presentation of the case, contested matter, or adversary proceeding to the extent they are reasonable, necessary, and otherwise recoverable under this plan. The Court will determine the appropriateness of reimbursements on a case-by-case basis.
- D. Expenses exceeding \$1,000 will not be reimbursed absent demonstrated exceptional circumstances.
- E. The following expenses *may be* reimbursed:
 - 1. Fees for the attendance of court reporters;
 - 2. Subpoena fees;
 - 3. Witness fees;
 - 4. Expenses for deposition transcripts;
 - 5. Expenses for an investigator up to \$75 an hour;
 - 6. Expenses for an expert;
 - 7. Expenses for travel (limited to lodging expenses and transportation expenses with mileage at the rate for official government travel in effect during the travel);
 - 8. Expenses for an interpreter;
 - 9. Expenses for copying and printing up to \$.15 a page unless electronic submission of documents would have sufficed;
 - 10. Expenses for delivery service unless electronic submission of documents would have sufficed;
 - 11. Mediation fees, unless the Court has a list of mediators willing to provide services on a pro bono basis; and
 - 12. Preapproved expenses for other items upon demonstrated good cause.

- F. The following expenses *may not* be reimbursed:
1. Expenses for office overhead, including long-distance telephone calls, facsimile transmissions, and secretarial expenses;
 2. Computer-assisted research;
 3. Expenses not ordinarily billed to a fee-paying client;
 4. Expenses recovered through settlement;
 5. Expenses not properly documented;
 6. Expenses recovered after an award under the United States Code, the Federal Rules of Bankruptcy Procedure, any contractual provision, or the like;
 7. Expenses awarded against appointed counsel or the party represented by appointed counsel;
 8. Any filing or service-of-process fees already paid;
 9. Any expense associated with an appeal to the United States Court of Appeals for the Eleventh Circuit; and
 10. Attorney's fees.

Procedure for Requesting Reimbursement of Expenses:

- A. Appointed counsel may request reimbursement of expenses through the online submission of a completed "Request for Reimbursement of Bankruptcy Pro Bono Expenses" form.
1. The request will not be part of the docket or otherwise shared with opposing counsel.
 2. Appointed counsel must submit documentation with the request.
 3. A request for reimbursement ordinarily must include all reimbursement requests in a single submission and must not be submitted before the case is closed or the representation has otherwise ended and no later than 45 days after the earlier of either. Upon demonstrated exceptional circumstances, the Court may, upon request, reimburse expenses exceeding \$1,000 before the case is closed or the representation has otherwise ended.
 4. Appointed counsel must obtain preapproval for any single expense in excess of \$500 for which he or she expects reimbursement. Appointed counsel may obtain pre-approval through the online submission of a completed, "Request for Pre-approval of Pro Bono Expense Over \$500" form. Appointed counsel may not include in any petition for reimbursement any single expense exceeding \$500 for which preapproval was not obtained.

- B. If appointed counsel has withdrawn or been dismissed before the end of the matter for which they have been appointed, the Court may withhold reimbursement of expenses until the end of the case to properly apportion expenses between counsel.
- C. If the Court reimburses any expense later recovered, the attorney must return the amount to the Court.
- D. Under appropriate circumstances, the presiding judge may require the submission of a proposed budget.

Authority & Procedure for Approving Request for Reimbursement of Expenses:

- A. The presiding judge may approve single or total expenses up to \$1,000. The presiding judge and the Bench Bar Fund Committee must approve single or total expenses exceeding \$1,000 and up to \$10,000. The presiding judge, the Bench Bar Fund Committee, and the Board of Judges must approve single or total expenses exceeding \$10,000.
 - B. The Clerk of Court will route requests and obtain approvals in the following order: first to the presiding judge, then, if necessary, to the Bench Bar Fund Committee, then, if necessary, to the Board of Judges.
 - C. At each level of review, the request will be considered as expeditiously as possible.
 - D. If a request for reimbursement of any expense is denied, appointed counsel may, within 30 days of the denial, request reconsideration from the same level of review, or, if there is one, the next highest level of review.
-

Forms

[Request for Reimbursement of Bankruptcy Pro Bono Expenses](#)

[Request for Pre-approval of Pro Bono Expense Over \\$500](#)

How to Become a Mortgage Modification Mediation Mediator

Docketing Event: N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Admin. Order FLMB-2015-5](#)

[Admin. Order FLMB-2019-6](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 09/29/2017

Last Revision: 12/23/2019 3:30:00 PM

Description

The Bankruptcy Court for the Middle District of Florida is a national leader in facilitating mediation to assist parties in agreeing to the consensual modification of residential mortgages.

Since February 1, 2013, the Clerk of Court has maintained a list of mediators in each Division of this Court who are certified to mediate modifications of residential mortgages involved in foreclosure actions (“Mortgage Mediator”).

To be certified by the Court as a Mortgage Mediator, the Mortgage Mediator must:

- A. Be a Florida Supreme Court Certified Circuit Court Mediator;
- B. Have completed at least eight hours of training approved by the Chief Bankruptcy Judge or his or her designee that focuses on modifying residential mortgages in bankruptcy proceedings;
- C. Agree to accept two mediation assignments per year without compensation; and
- D. Submit an application (form below) to the Clerk of Court together with appropriate proof of compliance with all three requirements listed above (A, B, and C).

Helpful Information

[Approved Residential Mortgage Modification Courses](#)

[District Wide form for Admission to List of Residential Mortgage Foreclosure Mediators](#)

[Mortgage Modification Mediators for the District](#)

Language Interpreters and Services to the Hearing-Impaired and Other Persons with Communications Disabilities

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 1827\(d\)\(1\)](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/2017

Last Revision: 9/9/2020 8:34:45 AM

Description

It is the policy of the United States Bankruptcy Court for the Middle District of Florida that reasonable accommodations are provided to persons who speak only or primarily a language other than English or who suffer from a hearing impairment.

Services

- **Language Line Services:** A telephonic interpreter language line service is available to all parties in the courtroom for non-evidentiary hearings like status conferences, pretrial conferences, and reaffirmation agreement hearings. The service offers translation in over 240 languages. It is unnecessary for parties to prearrange for this service. However, parties may wish to do so by calling the Courtroom Deputy assigned to the presiding judge before the hearing.
- **In-Person Interpreter Services:** For interpreters beyond the Language Line Services, the Court will provide an in-person language interpreter only if the Government initiates the proceeding. 28 U.S.C. § 1827(d)(1) (2012). In other cases, the parties will have to obtain a language interpreter and pay the interpreter's compensation.
- **Sign Language Services:** The Court will provide and pay for sign language interpreters, auxiliary aids, and other auxiliary services to participants in proceedings who are deaf, hearing impaired, or have other communications disabilities. The Court considers a participant's primary choice of auxiliary aid or services.
 - "Auxiliary aids and services" include qualified sign language interpreters, assisted listening devices or systems, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.
 - "Participants" in court proceedings include parties, attorneys, and witnesses. The services are not required for spectators. The Court may elect to provide these services where it is determined to be appropriate like providing an interpreter for a deaf spouse of a debtor so the spouse may follow along during the hearing.

- “Court proceedings” include trials, hearings, ceremonies, and other public programs or activities conducted by the Court. The United States Trustee convenes Section 341 meetings. Section 341 meetings are not considered court proceedings. Contact the United States Trustee’s office if services are required at a Section 341 meeting.
- The Court will honor a participant’s choice of auxiliary aid or service unless the Court can show (1) another equally effective means of communications is available, (2) using the means chosen would cause a fundamental alteration in the nature of the court proceeding, or (3) an undue financial or administrative burden.
- **Jurors:** Prospective jurors who speak only or primarily a language other than English are disqualified from service as a juror. The Jury Selection and Service Act covers the determination of whether a prospective juror with a communications disability is legally qualified to serve as a juror. If an individual with a communications disability is found so qualified, a sign language interpreter or other auxiliary aid or service will be provided.

Requests for Services

The Clerk of Court must ensure interpreter services are available when requested and properly authorized. The Deputy-in-Charge will serve as the access coordinator for the respective Division of the Court.

- **Language Line Services:** It is unnecessary for parties to prearrange for this service; however, parties may wish to do so by calling the Courtroom Deputy assigned to the presiding judge prior to the day of the hearing.
- **In-Person Interpreter Services (including Sign Language)** - All requests for in-person interpreter services must be made in writing to the Deputy-in-Charge and received at least fourteen (14) calendar days before the scheduled court proceeding. The request must be specific (for example, spell out if the request is for an auxiliary aid, the services of a sign language interpreter, etc.). No other person or party may accept such requests or contract for such interpreter services. Address and facsimile information is available on the Court’s website (<http://www.flmb.uscourts.gov>) or by contacting the appropriate Deputy-in-Charge at the number listed below.
 - Jacksonville (904) 301-6500
 - Orlando (407) 237-8055
 - Tampa and Fort Myers (813) 301-5131

Cancellation of Services

Should events occur that require the cancellation of requested in-person interpreter services, the requesting party must notify the appropriate Deputy-in-Charge at least two working days in advance. Failure to notify the Deputy-in-Charge of a cancellation of a request for services may cause the requesting party to bear the cost of cancellation.

Mailing Matrix - Instructions for Debtors Not Represented by Counsel Filing Master Mailing Matrices in Computer Readable Format

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 1007-2](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 8/1/1996

Last Revision: 9/9/2020 8:45:23 AM

Description

Local Rule 1007-2 requires Debtors not represented by counsel provide a master mailing matrix to the Clerk in a computer readable format in all cases regardless of size.

Here are the requirements for submitting the master mailing matrix in computer readable format.

If you have any questions or problems regarding these requirements, please contact the Court's Help Desk at ecfhelp@flmb.uscourts.gov.

1. You will need:
 - a. A computer with the ability to produce text only files to CD or USB stick.
 - b. A CD burner or USB stick on which to copy the file(s). **Note:** these will not be returned to you after processing.
 - c. A program that will produce text files such as a word processor or text editor, or other programs with the capability of producing output in text only format. **Note:** Many Bankruptcy programs have the capability of producing output in text format.
2. How do you produce these matrices?
 - a. Simply follow the same instructions as you would to produce a matrix on hard copy and format as follows:
 - Lists should be typed in one column "left justified." Individuals should be listed in last name, first name format.
 - Each name and address must consist of no more than 4 (four) total lines single spaced, with at least one blank line between each of the name/address blocks.
 - ZIP codes must be located on the same line as the city and state. This must be the last line of each name/address block. The city and state also need to be separated by a comma.
 - Nine-digit ZIP codes should be typed with a hyphen separating the two groups of digits.
 - All states must be two-letter postal abbreviations.
 - CA would be the proper abbreviation for California.

- A list of abbreviations is included in this procedure.
 - Each line of information must be 28 characters or less in length.
 - Entities with more than one address may be listed as many times as necessary to assure proper notice.
 - Do not include the following entities because they will be added automatically by clerk's office staff and retrieved from the system for noticing:
 - Debtor
 - Attorney for the Debtor(s)
 - Joint Debtor
 - U.S. Trustee
 - Case Trustee
 - Do not type "attention" lines or account numbers on the last line. If needed, this information must be placed on the second line of the name/address block. (City, State and Zip must be on the last line.)
 - Do not use a header or footer to identify your case. Label the CD or USB.
- b. Save this data in text only format in a file named Creditor.txt.
 - c. Copy or print the file(s) to a formatted compact disk or USB stick. (These must be formatted for Windows.)
 - d. Label the CD or USB with the case name and file it with the petition. Example: John Doe Inc. creditor.txt 1/26/2016.
 - e. Only one case should be included on each CD or USB. Only one creditor.txt file can be processed from each and they are not returned.

Additional information:

3. You may use Word Perfect, Microsoft Word, Notepad, Wordpad, or any other word processor or editor with the capability of creating text only files.
4. Many Bankruptcy programs have the capability of producing output in text format.
5. You may use other programs that you are currently using to produce schedules, etc. as long as you can produce the text file output. This eliminates duplication of data entry.

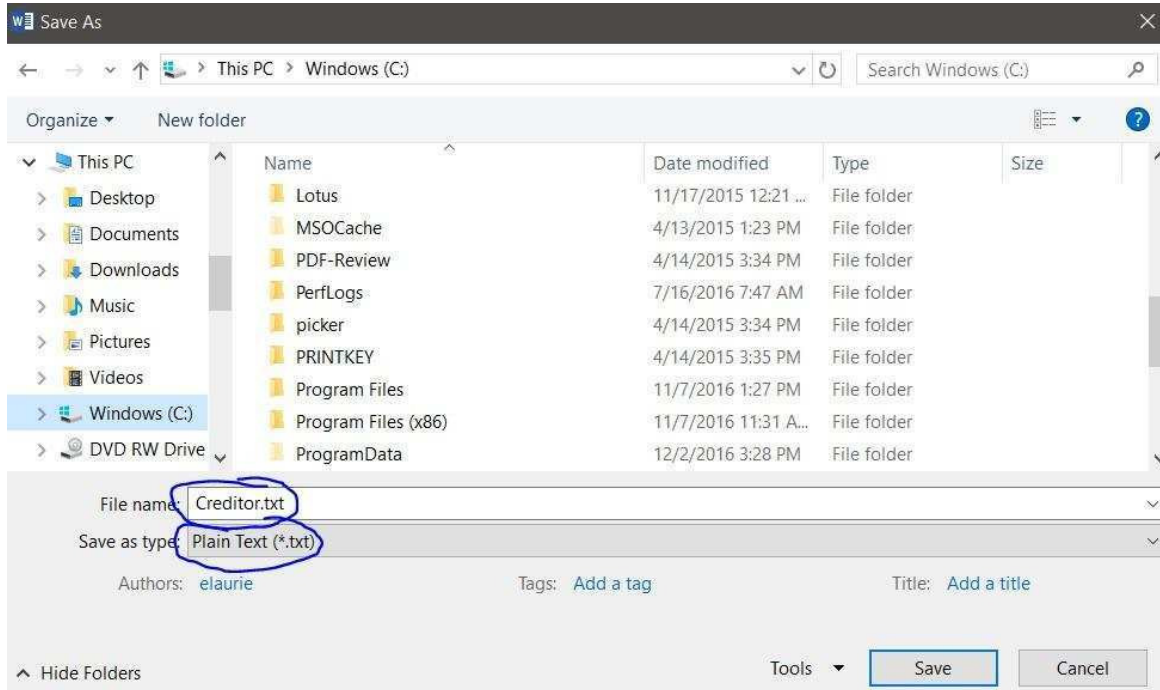
Updated instructions for filing master mailing matrices in computer readable format will be maintained at the Court's intake counters in Jacksonville, Orlando, and Tampa, on PACER, and on the Court's Internet home page at <http://www.flmb.uscourts.gov>.

SAMPLE TEXT FILE SAVES

Using Word to save a document as a text file:

1. Choose File and Save As;

2. Select Location where you want to save the document;
3. Change **File Name** to “Creditor”;
4. Change **Save as Type** to “Plain Text”;
5. Copy or save the file to the appropriate CD or USB drive.



Creating a matrix disk using a Bankruptcy program:

❖ **NOTE:** Some Bankruptcy programs differ. If these instructions do not apply to the package you are using, contact the software vendor for instructions.

1. Make sure your software is configured to print in text mode (not graphics).
2. Select the print to disk option.
3. Place a blank formatted disk into your CD drive or USB port.
4. Print the matrix.
5. Type "D:\creditor.txt" or "E:\creditor.txt" when prompted for a file name.

SAMPLE CREDITOR LIST

Alldere, R.U., Esq.
2 Rushing Court
San Diego, CA 92189

Careless, Maria
25 North Aria Blvd.
Grecian, NY 80062

Charles Prince Productions
3 Diana Court
Balmoral, MD 12960

First City Nat'l Bank of Beaumont
P.O. Box 3391
Beaumont, TX 77704

General Nuisance Elimination
P.O. Box 1230
Baltimore, MD 20984

Kelley Appliances
Attn: Parts Division
462 9th Avenue, North
Seattle, WA 98109

Miller, Larry, Jr.
Landover Food & Bev.
Suite 12B
Burg, MD 24309-5182

Household Finance Corp., Acct. # 1234567
305 Ponce de Leon Blvd.
Coral Gables, FL 33134

STANDARD 2 LETTER POSTAL ABBREVIATIONS

Alabama	AL	Texas	TX
Alaska	AK	Utah	UT
Arizona	AZ	Vermont	VT
Arkansas	AR	Virginia	VA
California	CA	Washington	WA
Colorado	CO	West Virginia	WV
Connecticut	CT	Wisconsin	WI
Delaware	DE	Wyoming	WY
District of Columbia	DC		
Florida	FL		
Georgia	GA		
Hawaii	HI		
Idaho	ID		
Illinois	IL		
Indiana	IN		
Iowa	IA		
Kansas	KS		
Kentucky	KY		
Louisiana	LA		
Maine	ME		
Maryland	MD		
Massachusetts	MA		
Michigan	MI		
Minnesota	MN		
Mississippi	MS		
Missouri	MO		
Montana	MT		
Nebraska	NE		
Nevada	NV		
New Hampshire	NH		
New Jersey	NJ		
New Mexico	NM		
New York	NY		
North Carolina	NC		
North Dakota	ND		
Ohio	OH		
Oklahoma	OK		
Oregon	OR		
Pennsylvania	PA		
Puerto Rico	PR		
Rhode Island	RI		
South Carolina	SC		
South Dakota	SD		
Tennessee	TN		

Maintain Your ECF Account

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: All

Implemented: 4/30/2019

Last Revision: 4/30/2019 10:42:39 AM

Description

Some information associated with your filing account is protected and must be updated by a member of the Clerk's Office. However, electronic filers may update their phone number, fax number, and e-mail addresses. Electronic filers may adjust the method by which they receive electronic notices and the information in those notices.

Please note: Based on the nature of the updates made and whether you are associated with any cases in our Court, you may be presented with the number of "Submit" buttons noted in each section below. Once you have updated the applicable information, please click each "Submit" button presented to complete the update process. If you do NOT receive a confirmation that your changes were successful, you can assume they failed.

To update a phone or facsimile number:

- Login to CM/ECF, as if filing a document;
- Select "Utilities" from the Main Menu Bar;
- Select "Maintain Your ECF Account" (located under the heading: **Your Account**);
- Update the phone or fax number by entering the updated number in the appropriate text box;
- Left-click "Submit"; and
- Left-click "Submit" again.

You will receive a receipt that the update succeeded.

To update an email address:

- Login to CM/ECF, as if filing a document;
- Select "Utilities" from the Main Menu Bar;
- Select "Maintain Your ECF Account" (located under the heading: **Your Account**);
- Left-click "Email information" (located toward the bottom of the screen);
- Update the e-mail address (in both email fields) and click "Return to Account screen."

- ❖ **Note: You may update the primary e-mail address and/or the secondary e-mail address from this screen. If adding multiple e-mail addresses, you may only do that in the secondary e-mail address field. You should NOT separate the e-mail addresses by commas, colons, or semicolons. Instead, click “Enter” to move to the next line in the text box.**

- Left-click “Submit”; and
- Left-click “Submit” again.

You will receive a receipt that the update succeeded.

To add a secondary email address:

- Login to CM/ECF as if filing a document;
- Select “Utilities” from the Main Menu Bar;
- Select “Maintain Your ECF Account” (located under the heading: **Your Account**);
- Left-click “Email information” (located toward the bottom of the screen);
- Add the additional e-mail address in the secondary e-mail address fields;
 - ❖ **Note: If adding multiple e-mail addresses, you should NOT separate the addresses by commas, colons, or semicolons. Instead, click “Enter” to move to the next line in the text box.**
- Check the box to the left of Send the notices specified below *to the secondary address* and left-click “Return to Account screen”;
- Left-click “Submit”; and
- Left-click “Submit” again.

You will receive a receipt that indicates the update succeeded.

To “watch” a case without filing a Notice of Appearance (or other document):

- Login to CM/ECF as if filing a document;
- Select “Utilities” from the Main Menu Bar;
- Select “Maintain Your ECF Account” (located under the heading: **Your Account**);
- Left-click “Email information” (located toward the bottom of the screen);
- Check the box to the left of *Send notices in these additional cases*;
- Enter the complete case number in the text box;
 - ❖ **Note: The format should be Office Code: Year-Case Type-Case Number, i.e. 8:15-bk-00234 or 3:10-ap-00055.**
- Left-click “Return to Account Screen”;
- Left-click “Submit”;
- Left-click “Submit” again, if applicable

You will receive a receipt that the update succeeded.

Please remember: While you will receive electronic notifications, because you are not a “participant” in the case, you may not have the free view of the document. If the case number is

listed in this field, it will always prevent you from receiving the free look. Should you become a case participant by filing a document in this case, you must remove the case number from this screen so that you will no longer be prevented from receiving the free look. **To discontinue notices for Bankruptcy Cases related to Adversary Proceedings in which you are not a participant:**

By default, attorneys receive electronic notification in any Bankruptcy Case related to any Adversary Proceeding in which they are a participant. To discontinue notices in the Bankruptcy Case:

- Login to CM/ECF as if filing a document;
- Select “Utilities” from the Main Menu Bar;
- Select “Maintain Your ECF Account” (located under the heading: **Your Account**);
- Left-click “Email information” (located toward the bottom of the screen);
- Left-click the radio button to the left of *Send notices for adversary proceeding in which I am directly involved but not for their related bankruptcy cases*;
- Left-click “Return to Account Screen”;
- Left-click “Submit”; and
- Left-click “Submit” again.

You will receive a receipt that the update succeeded.

Remember: If required by the Court, you may receive notices for some Bankruptcy Cases even if you do not elect to receive notices.

To update or change the format of the Notices of Electronic Filing you receive:

Attorneys may receive (1) a Daily Summary Report that generates one e-mail just after midnight and includes the previous day’s activity or (2) a notice for each filing that generates an e-mail each time a paper is filed. To change the format of the notices you receive:

- Login to CM/ECF as if filing a document;
- Select “Utilities” from the Main Menu Bar;
- Select “Maintain Your ECF Account” (located under the heading: **Your Account**);
- Left-click “Email information” (located toward the bottom of the screen);
- Left-click the radio button to the left of the notification you would like to receive.
 - **“Send a notice for each filing”** results in the immediate notification of any document entered in any case to which you are associated.
 - **“Send a Daily Summary Report”** results in one summary notification of all activity that occurred in the cases to which you are associated. This summary is delivered shortly after midnight the day following the activity. For example, activity that occurred on Wednesday will be included in the summary delivered on Thursday.
- Left-click “Return to Account screen”;
- Left-click “Submit”; and
- Left-click “Submit” again.

You will receive a receipt that the update succeeded.

Remember: All recipients of these notices will receive the same type of notification.

Negative Notice—Adversary Proceedings

Docketing Event: N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 2002-4](#)

[Local Rule 7001-1](#)

[Local Rule 9013-3](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/4/2020 12:30:20 PM

Description

Local Rule 2002-4 provides that certain motions, objections, and other papers may be considered by the Court without an actual hearing if the negative notice procedure described in the rule is followed and no party in interest objects to the relief requested. Local Rule 7001-1(k)(4) provides the following motions in an adversary proceeding be filed by negative notice: (A) motions to dismiss and other motions under Fed. R. Bankr. P. 7012; (B) motions to amend pleadings; (C) motions regarding joinder or substitution of parties; (D) motions for leave to intervene; (E) motions to abstain; (F) motions for summary judgment; (G) motions related to discovery; (H) motions for attorney's fees or costs under Fed. R. Bankr. P. 7054; and (I) motions under Fed. R. Bankr. P. 9023 and 9024.

The negative notice procedure eliminates the need for a hearing in most unopposed matters. This saves time and money for the parties, attorneys, and the Court. Even in the absence of an objection, the Court still may set a hearing to consider the requested relief. The Court has established a Negative Notice list ("[Negative Notice List](#)"), which is posted on the Court's website. Other motions, objections, and matters not listed on the Negative Notice List may be considered by the Court using the negative notice procedure if permitted by the presiding judge.

Filing Checklist

1. Motions in adversary proceedings filed pursuant to the negative notice procedure shall:
 - ☐ Be served in the manner and on the parties as required by the applicable provisions of the Federal Rules of Bankruptcy Procedure, Local Rules, or court order;
 - ☐ Be filed with proof of such service unless all parties are represented by counsel or have consented to service via CM/ECF;
 - ☐ Contain a negative notice legend using the language below and language must be **prominently displayed on the face of the first page of the paper** (see form below); and
 - ☐ Contain the correct negative notice language, including a valid address for one of the Court's staffed divisional offices (**the address must include the suite number**).

2. For the purpose of completing the negative notice legend, the number of days during which parties may object shall be 14 days, except summary judgment motions for which the response time shall be 21 days, unless otherwise ordered by the Court.
3. The negative notice legend shall be in the following form:

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

If you object to the relief requested in this paper you must file a response with the Clerk of Court at (address) [and, if the moving party is not represented by an attorney, mail a copy to the moving party at (address)] within (number) days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.

Negative Notice — Bankruptcy Case

Docketing Event: N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 2002-4](#)

[Local Rule 9013-3](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/4/2020 12:33:50 PM

Description

Local Rule 2002-4 provides that specified types of motions, objections, and other papers may be considered by the Court without an actual hearing if the negative notice procedure described in the rule is followed and if no party in interest objects to the relief requested.

The negative notice procedure eliminates the need for a hearing in most unopposed matters. This saves time and money for the parties, attorneys, and the Court. Even in the absence of an objection, the Court still may set a hearing to consider the requested relief. The Court has established a Negative Notice list (“[Negative Notice List](#)”), which is posted on the Court’s website. Other motions, objections, and matters not listed on the Negative Notice List may be considered by the Court using the negative notice procedure if permitted by the presiding judge.

Filing Checklist

1. Motions filed pursuant to the negative notice procedure shall:
 - ☐ Be served in the manner and on the parties as required by the applicable provisions of the Federal Rules of Bankruptcy Procedure, Local Rules, or court order;
 - ☐ Be filed with proof of such service in accordance with the provisions of Local Rule 9013-3;
 - ☐ Contain a negative notice legend **prominently displayed on the face of the first page of the paper** (see form below); and
 - ☐ Contain the correct negative notice language, including a valid address for one of the Court’s staffed divisional offices (**the address must include the suite number**).
2. For the purpose of completing the negative notice legend, the number of days during which parties may object shall be 21 days, unless otherwise stated in the Negative Notice List. For example, a Motion for Turnover requires a 30-day notice.

3. The negative notice legend shall be in the following form:

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

If you object to the relief requested in this paper you must file a response with the Clerk of Court at (address) [and, if the moving party is not represented by an attorney, mail a copy to the moving party at (address)] within (number) days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.

Post Confirmation Avoidance & Claim Litigation Form

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 1141](#)

[11 U.S.C. § 1142](#)

[11 U.S.C. § 1143](#)

[11 U.S.C. § 1144](#)

[11 U.S.C. § 1145](#)

[11 U.S.C. § 1146](#)

[Local Rule 3020-1\(c\)\(1\)](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 7/26/2018

Last Revision: 7/26/2018 11:47:45 AM

Description

The Post Confirmation Avoidance & Claim Litigation Form is designed to provide assistance to individual debtors and their counsel to prove eligibility for a discharge. This form is available as an Excel spreadsheet.

Forms

[Post Confirmation Avoidance & Claim Litigation Form \(Long Form\)](#)

[Post Confirmation Avoidance & Claim Litigation Form \(Short Form\)](#)

Presumptively Reasonable Attorney Fees in Chapter 13 Cases

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: 13

Implemented: 4/13/2018

Last Revision: 8/14/2020 7:56:55 AM

Description

Attorneys representing Chapter 13 debtors may receive a presumptively reasonable attorney fee without filing a fee application or maintaining contemporaneous time records, absent an objection or court order. *In re Newman*, Nos. 00-06154-8W3 and 01-12534-8W3, 2003 WL 751327 at *1 (Bankr. M.D. Fla. Feb. 18, 2003). In the Bankruptcy Courts throughout the Middle District of Florida, attorneys representing Chapter 13 debtors may charge up to these amounts as a presumptively reasonable attorney fee:

\$4,500.00 – For all bankruptcy related matters required for the successful confirmation and completion of a debtor’s case.

\$1,800.00 – Debtor representation in mortgage modification mediation ordered by the Bankruptcy Court. Fees not to exceed \$2,500.00 may be requested for more complex mortgage modification mediations. The fees for mortgage modification mediation shall cover payment for all related motions.

Monitoring Fee – An attorney may include a monthly monitoring fee, effective in the month following the Confirmation of the case, to cover all post-petition legal services.

Attorneys should include their fees in Section C(1) of the Chapter 13 Model Plan. If an attorney provides *extraordinary* services for a debtor in a Chapter 13 case, the attorney may file a fee application with contemporaneous time records to seek additional fees or costs.

The Court’s establishment of a Presumptively Reasonable Fee does not mean that a Chapter 13 debtor’s attorney cannot agree to represent debtors for a lower fee. The Court urges attorneys to do so in appropriate cases when circumstances suggest that the result will be a less substantial expenditure of the attorney’s time.

Related Procedures

[Application for Compensation – Chapter 13](#)

[Chapter 13 Model Plan](#)

Related Sample Forms

[Chapter 13 Model Plan \(Word\)](#)

[Chapter 13 Model Plan \(Non-Fillable Form\)](#)

[Chapter 13 Model Plan \(Fillable Form\)](#)

Proof of Claim

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 3001](#)

[Fed. R. Bankr. P. 3004](#)

[Fed. R. Bankr. P. 3005](#)

[Fed. R. Bankr. P. 9037](#)

[Local Rule 1001-2](#)

[Official Form B 410 \(Proof of Claim\)](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/5/2021 11:42:59 AM

Description

A proof of claim is a written statement setting forth a creditor's claim. A proof of claim shall conform to [Official Form B 410](#). Claims may be filed via the Court's CM/ECF system by CM/ECF registered users. Creditors, whether represented by an attorney or not, are requested to file Proof of Claim forms for all chapters electronically using the eProof of Claim hyperlink located on the Court's website. A login and password are not required. If the filer cannot file the claim electronically through the eProof of Claim hyperlink or CM/ECF, it may be filed in paper at the Clerk's Office in person or by mail.

- ❖ **Note:** All claimants who have filed or expect to file ten or more claims and/or claim-related papers, such as transfers of claims and withdrawals of claims, within any one-year period, shall file these claims and documents electronically through CM/ECF or the eProof of Claim hyperlink.
- ❖ **Note:** Local Rule 3001-2(c) requires the following: A creditor filing a proof of claim in a Chapter 13 case where the debtor is not represented by counsel shall serve the proof of claim on the debtor at the address indicated on the docket and file proof of service in accordance with Local Rule 9013-3.

If a creditor does not timely file a proof of claim, the debtor or trustee may file a proof of claim within 30 days after the expiration of the time for filing claims. If that happens, the clerk shall give notice of the filing to the creditor, the debtor, and the trustee.

Additionally, if a creditor does not timely file a proof of claim, any entity that is or may be liable with the debtor to that creditor or who has an interest in property securing a debt due to the creditor may file a proof of the claim within 30 days after the expiration of the time for filing claims. No

distribution shall be made on the claim unless there is satisfactory proof that the original debt will be diminished by the amount of distribution.

Pursuant to Fed. R. Bankr. P. 9037 all personal identifiers such as a complete social security number, complete date of birth, a complete financial account number, or the full name of a minor individual should be redacted from the proof of claim and all supporting documentation.

Filing Checklist

Review the proof of claim to determine if it is:

- ☐ Timely filed via CM/ECF or the eProof of Claim Hyperlink on the Court's website (see below for eProof of Claim Hyperlink)
- ☐ Being registered in the correct court and the correct case;
- ☐ Legible;
- ☐ Served on the Debtor at the address listed on the docket and contains a proof of service (**only** applicable in Chapter 13 cases where the debtor is unrepresented by counsel (pro se)); and
- ☐ Registered correctly for a creditor, creditor's authorized agent, debtor, or trustee.
 - ❖ **Note:** If claim is filed by the debtor or trustee on behalf of a creditor, a Notice of Claim will be sent to that creditor.
 - ❖ **Note:** When registering claims via CM/ECF, separate the claim form and attachments into separate PDF files. Upload the claim PDF file at the prompt and add the supporting attachment PDF files to the claim as additional attachments.

eProof of Claim Hyperlink

Creditors, whether represented by an attorney or not, are requested to file Proof of Claim forms for all chapters electronically using the eProof of Claim [hyperlink](#) located on the Court's website. A login and password are not required. Information on filing a proof of claim through this online program:

- This program contains a fillable B410 proof of claim form. Supplemental documentation to the claim may be attached. In the "filed by:" field, indicate on whose behalf the claim is being filed (e.g. "creditor" or "debtor"). An attorney may file the proof of claim through the website, or may submit via CM/ECF after obtaining a live CM/ECF login and password.
- Upon submission of a proof of claim through this program, the address of the creditor is automatically added to the mailing matrix of a case when a proof of claim is filed to ensure service of case-wide documents.
- **Amended claims:** if the claim amends a previously filed claim, the filer checks the box indicating that the claim amends a previously filed claim and selects the claim number being amended from the dropdown list of claim numbers.
- As part of the filing process through this program, the filer enters the full name and title of a creditor or other person authorized to file a proof of claim. If a party other than the creditor

files the proof of claim, the address of that party is included. Filing a proof of claim electronically deems the claim signed by the creditor or authorized person.

Proposed Orders

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 9072-1](#)

Fee: N/A

Applicable Chapters: ALL

Implemented: 2/9/2016

Last Revision: 8/2/2021 11:11:57 AM

Description

The Court transitioned to eOrders in CM/ECF effective May 18, 2015. All proposed orders are submitted via CM/ECF.

For your assistance, the Court prepared an [electronic learning module](#) for your review. Please ensure that anyone who submits orders views the electronic learning module prior to submitting an order.

Any CM/ECF user who has designated filing agents will need to make adjustments within CM/ECF to provide your filing agent with access to submit orders on your behalf. To assist you with this process, please follow the steps outlined in the following document: [CM/ECF eOrders Process for External Users](#).

A [Style Guide](#) providing revised order formatting for CM/ECF eOrders is posted on the Court's website.

Any CM/ECF user may review the status of a proposed order. To view the status, the user should go to "Reports" in CM/ECF, select "Proposed Order Query" and enter the relevant case information. The electronic learning module provides a step by step tutorial.

General Guidelines for All Proposed Order Submissions

Proposed orders must be generated in Word or Word Perfect and converted to Adobe Portable Document Format (PDF) with the exception of consent orders showing both signatures and orders where additional attachments are required to be submitted along with the order. Additionally, all proposed orders must be in compliance with the guidelines in the Style Guide that includes, but is not limited to, the following:

- ☐ Must include case name and full case number;
- ☐ Must include descriptive title, including name and docket number of the matter ruled upon and substance of the Court's ruling, e.g., granted or denied;
- ☐ If the matter was heard by the Court, must include the date of the hearing;

- ☐ If the matter was served using the negative notice provisions of Local Rule 2002-4, the language set forth in Local Rule 2002-4(e) must be included;
- ☐ If the order involves real property, it must contain a full and complete legal description of the real property;
- ☐ The first sentence of the order should begin with “THIS CASE” or “THIS PROCEEDING” in all caps;
- ☐ Before the Court’s decree should be the phrase “Accordingly, it is **ORDERED**” and “**ORDERED**” should be in all caps and bolded;
- ☐ The heading should be centered in all caps and bolded but only the text of the bottom line is underlined;
- ☐ Must be 12-point Times New Roman double-spaced font with justified left margins;
- ☐ Must have a 3-inch top margin, all other margins are to be one inch;
- ☐ Must not include a date or a signature line;
- ☐ Must be no larger than 8.5” x 11”; and
- ☐ Must include the following statement at the end of the order:
 - ❖ Attorney [or Trustee] is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within three days of entry of this order.
 - ❖ **Note:** Proposed orders that do not include this statement will be rejected and the submitting party will be required to submit a new order with the appropriate language included.

If a Motion is filed by negative notice, allow for negative notice period to run before the submission of a proposed order as outlined in the Court’s [Negative Notice List](#).

Proposed orders may be submitted simultaneously with filing of the underlying document for items listed on the Court’s [Accompanying Orders List](#).

Orders resulting from a hearing shall be submitted within three business days of the hearing.

Under Local Rule 9072-1(d), an agreed or consent order may be submitted if: (1) the parties have previously filed an agreed or joint motion that is signed by all necessary parties; (2) the movant represents in the motion that the movant has obtained consent of the other parties to the entry of a proposed order attached to the motion; (3) a separate consent with the signature of all necessary parties is filed; (4) an agreed order signed by all necessary parties is submitted (no prior motion required); or (5) the movant submits an order that recites in the preamble that the submitting party represents that the other parties have agreed to the form and content of the order, e.g., “By submission of this order for entry, the submitting counsel represents that the opposing party consents to its entry.”

Under Local Rule 9072-1(e), If a party requires the substantive amendment of a previously entered order, the party may file a motion for entry of an amended order together with an amended order, or submit an agreed amended order. Amended orders shall include a footnote on the order’s first page that states the reason for the amendment. If the amendment does not affect the substance of the ruling (e.g., merely to correct a legal description), a party may submit an amended order with a footnote on the order’s first page that sets forth the reason for the amendment

Failure to follow these guidelines may result in the rejection of the proposed order.

Forms

[Proposed Order Template](#)

Helpful Information

[Agreed Orders](#)

[Amended Orders](#)

[Competing Orders](#)

[Service Guidelines](#)

[Style Guide](#)

Service Guidelines

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 1001-2](#)

[Local Rule 9013-3](#)

Other code and rule references are listed in the chart below.

Fee: N/A

Applicable Chapters: All

Implemented: 4/15/2019

Last Revision: 1/26/2021 2:14:59 PM

Description

Most items filed with the Court must be served to provide notice to interested and affected parties. There are general rules for service and rules that provide service requirements for specific matters.

Proof of service language should be included on most papers filed with the Clerk's Office. Local Rule 9013-3 requires the item being served to be named in the proof of service. Please keep in mind that Local Rule 9013-3 also includes the elements that must be included in a proof of service.

Local Rule 9013-3(c) “***Proof of Service by an Attorney***. If proof of service is made by an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the attorney may make a certificate of service stating the date and manner of service and the name and address of the person served, certified by the signature of the attorney who made the service.”

Local Rule 9013-3(d) “***Proof of Service by a Non-Attorney***. If proof of service is made by a person other than an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the non-attorney shall make a statement under penalty of perjury stating the date and manner of service and the name and address of the person served, signed, and sworn to by the non-attorney who made the service and including the non-attorney's name, address, and relation to the party on whose behalf the service is made.”

Local Rule 1001-2 requires CM/ECF registration, so there are certain exclusions to the service guidelines only for CM/ECF users. Those exclusions are:

- Service on the Debtor when a paper is filed by the Debtor's attorney on the Debtor's behalf;
- Service on the Debtor's attorney;
- Service on the United States Trustee or his or her attorney;
- Service on the assigned Trustee or the Trustee's attorney; and
- Service on attorneys who receive service via CM/ECF.

DISCLAIMER: The Service Guidelines are not intended to represent a full and complete statement of the law. These guidelines should not be used as a substitute for legal research and analysis. These guidelines are for informational purposes only. Parties independently must review the Bankruptcy Code, Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, Local Rules, and perform any other necessary legal research for proper service.

Filing Checklist

In lieu of a formal checklist, please refer to the following Guide:

Paper Specific Service Requirements Guide

The following chart indicates who or what entity should be served with various papers under the Federal Bankruptcy Code and Rules, our Local Rules, and/or Administrative Orders of this Court.

Service Key:

D = Debtor.

DA = Debtor's attorney.

T = Trustee and Trustee's attorney, if there is one.

UST = United States Trustee and his or her attorney.

AP = Affected creditor or other party in interest.

ALL = All creditors and parties in interest, as listed on a Court-generated matrix.

L20 = L20 means Local Rule 1007-2 Parties in Interest List. Local Rule 1007-2(b) states: "In Chapter 11 cases, the Clerk shall maintain the list of creditors holding the 20 largest unsecured claims filed by the debtor pursuant to Fed. R. Bankr. P. 1007(d) and shall designate this list as the 'Local Rule 1007-2 Parties in Interest List' in CM/ECF. Upon appointment of a committee of unsecured creditors, the Clerk shall add the names and addresses of the committee members, counsel for the committee, if any, and authorized agents of the committee, if any, to the Local Rule 1007-2 Parties in Interest List and shall remove the names and addresses of the creditors holding the 20 largest unsecured claims. The Clerk shall also add to this list the names and addresses of parties who have filed requests for notice pursuant to Rule 2002-1(d) of these rules."

NOA = Parties who have entered an appearance by filing a paper on behalf of a party or by filing a Notice of Appearance.

COM = Creditor's Committee appointed in a Chapter 11 case.

Notes:

1. Parties filing a paper do not need to serve themselves or their attorneys.
2. There may be unique cases where a limited notice group was designated for serving various items. This chart does not address those situations.

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
Amended Chapter 13 Plan	13	Administrative Order FLMB-2020-7 Fed. R. Bankr. P. 2002(h)(1) Local Rule 2002-1(e)	<p>If filed within 70 days from the order for relief or order converting case to Chapter 13, then you serve ALL.</p> <p>If filed more than 70 days after the order for relief or order converting case to Chapter 13, then you may limit service to T, AP, and creditors who have filed proofs of claim or could file proofs of claim.</p>
Amended Voluntary Petitions	All	Fed. R. Bankr. P. 1009 Local Rule 1009-1(e)	T, UST, AP
Amendments of Schedules and Statements	7, 11, 12, 13	Fed. R. Bankr. P. 1009 Local Rule 1009-1(e)	<p>T, UST, AP</p> <p>If you are adding creditors, service is required on the added creditors. If applicable, you also must attach a copy of the § 341 Meeting Notice and the Chapter 13 Plan.</p>
Application for Administrative Expense	All	Fed. R. Bankr. P. 9034(e) Fed. R. Bankr. P. 2002(a)(6) Fed. R. Bankr. P. 2002(h)(1) Local Rule 2002-1 (b), (c) and (d)	<p>D, DA, T, UST, AP</p> <p>If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>within 70 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in a voluntary</p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p>Chapter 7, Chapter 12 or Chapter 13 case <u>more than 70 days</u> after the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days</u> after the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in a Chapter 11 case, then you also must serve L20.</p>
Application for Compensation and Expenses	All	11 U.S.C. § 330 11 U.S.C. § 331 Fed. R. Bankr. P.	If the Application requests \$1,000 or less, then you must serve the

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
		2002(a)(6) Fed. R. Bankr. P. 2002(h) Fed. R. Bankr. P. 9034(e) Local Rule 2002-1(b), (c) and (d)	<p>UST.</p> <p>If the Application requests more than \$1,000, then you must serve D, DA, T, and UST.</p> <p>If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>within 70 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>more than 70 days after</u> order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more</u></p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p>than 90 days after order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>In a Chapter 11 case, you also must serve L20.</p>
Application to Appoint Trustee or Examiner	11	Fed. R. Bankr. P. 2007.1 Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(g)	D, DA, UST
Application to Employ Professional Persons	7, 9, 11, 12	Fed. R. Bankr. P. 2014 Fed. R. Bankr. P. 9034(d)	UST
Cash Collateral: Motion to Use; Creditor's Motion to Prohibit	9, 11, 12	Fed. R. Bankr. P. 4001(b) & (d) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(f)	D, DA, T, UST, AP In a Chapter 11 case, you also must serve COM (if appointed).
Chapter 13 Plan (filed AFTER petition date)	13	Administrative Order FLMB- 2018-2	ALL
Involuntary Bankruptcy Petition	7, 11	Fed. R. Bankr. P. 1010 Fed. R. Bankr. P. 7004(a) or (b)	D, UST
Motion to Sell property of the estate (including Free and Clear of Lien)	All	Fed. R. Bankr. P. 2002(a)(2) Fed. R. Bankr. P. 2002(h) Fed. R. Bankr. P. 6004 Fed. R. Bankr. P. 9034(a)	D, DA, T, UST, AP If filed in a voluntary Chapter 7, Chapter 12, or Chapter 13 case within 70 days from the order

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
		<u>Local Rule 2002-1(b),(c) and (d)</u>	<p>for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>more than 70 days</u> after the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days after</u> order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			In a Chapter 11 case, you also must serve L20.
Motion Confirming Absence of Stay	7, 11, 12, 13	Fed. R. Bankr. P. 4001(a) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST, AP, and COM (if appointed).
Motion for Adequate Protection	7, 11, 12, 13	Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST
Motion for Authority to Maintain Pre-Petition Bank Accounts	11		UST
Motion for Authority to Pay Affiliate Officers' Salaries	11	Fed. R. Bankr. P. 2002(a) Fed. R. Bankr. P. 4001	UST, L20, and COM (if appointed).
Motion for Authority to Pay Critical Vendors	11	Fed. R. Bankr. P. 2002(a)	UST, L20, and COM (if appointed).
Motion for Authority to Pay Pre-Petition Wages	11		UST, L20, and COM (if appointed).
Motion for Cramdown	11		UST, AP If filed by someone other than the Debtor, then you also must serve D.
Motion for Final Decree	11	Fed. R. Bankr. P. 9034	If there is no request for discharge, then you must serve the UST. If there is a request for discharge and it is filed in an individual case, then you must serve ALL.
Motion for Mortgage Modification Mediation	7, 11, 12, 13	Administrative Order FLMB- 2019-6	T, UST, AP

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
Motion for Relief From Co-Debtor Stay	13	11 U.S.C. § 1301 Fed. R. Bankr. P. 4001(a)	D, DA, T, Co-Debtor
Motion for Relief From the Automatic Stay	All	Fed. R. Bankr. P. 4001(a) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST, AP If filed in a Chapter 11 case, you also must serve COM (if appointed). If no COM was appointed, you also must serve L20.
Motion for Summary Judgment	All	Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 7056 Fed. R. Bankr. P. 9014	Parties involved in the subject matter of the summary judgment via their counsel or individually if non- represented.
Motion for Turnover	7, 11, 12 and 13		D, DA, T, UST, AP
Motion for Unclaimed Funds	All		U.S. Attorney
Motion to Dismiss (or Notice of) by Debtor – Chapter 13	13		T
Motion to Assume/Reject Executory Contract	All	Fed. R. Bankr. P. 6006(a), (c) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST, AP
Motion to Assume/Reject Unexpired Lease	All	Fed. R. Bankr. P. 6006(a), (c) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST, AP
Motion to Administratively Close Chapter 11 Individual Case	11		ALL
Motion to Administratively Reopen Closed Chapter 11 Case	11		ALL If it is filed by a creditor, then you must serve D

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			and DA.
Motion to Approve Compromise	All	Fed. R. Bankr. P. 2002(a)(3) Fed. R. Bankr. P. 2002(h) Fed. R. Bankr. P. 9019 Fed. R. Bankr. P. 9034(b) Local Rule 2002-1(b),(c) and (d)	<p>D, DA, T, UST, AP</p> <p>If filed in a Chapter 11 case, then you also must serve L20.</p> <p>If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>within 70 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>more than 70 days</u> after the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL.</p> <p>If filed in an involuntary</p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			Chapter 7 case <u>more than 90 days</u> after order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.
Motion to Avoid Lien under § 522(f)	All	Fed. R. Bankr. P. 4003(d) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014 Local Rule 4003-2(c)	T, UST, AP
Motion to Compel Abandonment (of Property)	7 and 11	Fed. R. Bankr. P. 6007(a)	D, DA, T, UST In a Chapter 11 case, you also must serve the COM (if appointed). In a Chapter 7 case, you also must serve ALL.
Motion to Convert (by Creditor) from Chapter 11 to 7	11	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 2002(a)(4) Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(c)	D, DA, T (if one is appointed), UST, COM (if appointed).
Motion to Convert (by Creditor) from Chapter 7 to 11	7	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 2002(a)(4) Fed. R. Bankr. P. 2002(h) Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(c) Local Rule 2002-1 (c) and (d)	D, DA, T, UST If filed in a voluntary Chapter 7 case <u>within 70 days</u> from the order for relief, then you also must serve ALL.

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p>If filed in a voluntary Chapter 7 case <u>more than 70 days</u> after the order for relief, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days after</u> order for relief, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p>
Motion to Convert (by Debtor) from Chapter 7 to 11	7	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 2002(a)(4) Fed. R. Bankr. P. 2002 (h) Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(c) Local Rule 2002-1 (c) and (d)	<p>T, UST</p> <p>If filed in a voluntary Chapter 7 case <u>within 70 days</u> from the order for relief, then you also must serve ALL.</p> <p>If filed in a voluntary Chapter 7 case <u>more than 70 days</u> after the order for relief, then you also must serve creditors</p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p>who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days after</u> order for relief, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p>
Motion to Convert (by Debtor) from Chapter 7 to 13	7	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 2002(a)(4) Fed. R. Bank. P. 2002(h) Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(c) Local Rule 2002-1 (c) and (d)	<p>T, UST</p> <p>If filed in a voluntary Chapter 7 case <u>within 70 days</u> from the order for relief , then you also must serve ALL.</p> <p>If filed in a voluntary Chapter 7 case <u>more than 70 days</u> after the order for relief , then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days</u> after order for relief, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p>
Motion to Convert (by Debtor-in-Possession) from Chapter 11 to 7	11	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 2002(a)(4) Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(c)	UST, L20, and COM (if appointed).
Motion to Determine Whether Debtor is a Health Care Business	7, 11	Fed. R. Bankr. P. 1021 Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	<p>D, DA, T, UST</p> <p>In a Chapter 11 case, you also must serve L20 and COM (if appointed).</p>
Motion To Determine Secured Status	All	Fed. R. Bankr. P. 3012 Fed. R. Bankr. P. 7004 Local Rule 3007-1(b) Local Rule 3012-1	<p>D, DA, T, UST, AP, NOA, and the Claimant. Service on the Claimant must be to the attention of the agent or representative who signed the proof of claim.</p>
Motion to Dismiss by Creditor	13	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 9014	D, DA, T

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
Motion to Dismiss by Creditor, Debtor, Trustee, US Trustee	7, 11 and 12	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 2002(a)(4) Fed. R. Bankr. P. 2002(h) Fed. R. Bankr. P. 9014 Fed. R. Bankr. P. 9034(c) Local Rule 2002-1 (c) and (d)	<p>D, DA, T, UST</p> <p>In a Chapter 11 case , you also must serve ALL.</p> <p>If filed in a voluntary Chapter 7 or Chapter 12 case within 70 days from the order for relief or order converting case to Chapter 12, then you also must serve ALL unless the motion is based on § 707(a)(3) or 707(b).</p> <p>If filed in a voluntary Chapter 7 or Chapter 12 case more than 70 days after the order for relief or order converting case to Chapter 12, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice unless the motion is based on § 707(a)(3) or 707(b).</p> <p>In a Chapter 7 case and the motion is based on § 707(a)(3) or 707(b), you must serve D, DA, T, and UST.</p>
Motion to Dismiss by Trustee	13	Fed. R. Bankr. P. 1017(f) Fed. R. Bankr. P. 9014	D, DA

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
Motion to Excuse Debtor from 341	All		T, UST
Motion to Extend Deadline to File a Complaint Under § 523 and/or § 727 or § 1328	7, 11, 13	Fed. R. Bankr. P. 4004 Fed. R. Bankr. P. 9013	D, DA, T, UST
Motion to Extend Exclusivity Period for Filing Plan of Reorganization	11	11 U.S.C. § 1121(d) Fed. R. Bankr. P. 9013	UST, L20
Motion to Extend Exclusivity Period for Filing Plan of Reorganization in Small Business Case	11	11 U.S.C. § 1121(e)(3) Fed. R. Bankr. P. 9013	UST, L20
Motion to Extend the Automatic Stay	7, 11, 13	Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014 Local Rule 4001-1(a)	T, UST, AP
Motion to Impose/Reimpose Stay	7, 11, 13	Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014 Local Rule 4001-1(a)	T, UST, AP
Motion to Lease Property	All	Fed. R. Bankr. P. 2002(a)(2) Fed. R. Bankr. P. 6004 Fed. R. Bankr. P. 9034(a) Local Rule 2002-1(c) and (d)	D, DA, T, UST, AP If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>within 70 days</u> from the order for relief or order converting case to Chapter 12 or Chapter 13, then you also must serve ALL. If filed in a voluntary Chapter 7, Chapter 12 or Chapter 13 case <u>more than 70 days</u> from the order for relief or order

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p>converting case to Chapter 12 or Chapter 13, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>If filed in an involuntary Chapter 7 case <u>within 90 days</u> from the order for relief, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days</u> after order for relief, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p> <p>In a Chapter 11 case, you also must serve L20.</p>
Motion to Modify Chapter 11 Plan of Reorganization Before Confirmation	11	Fed. R. Bankr. P. 3019(a)	D, DA, UST, T (if appointed), COM (if appointed)
Motion to Modify Chapter 13 Confirmed Plan	13	Fed. R. Bankr. P. 3015(h)	ALL
Motion to Modify Plan of Reorganization After Confirmation in Individual	11	Fed. R. Bankr. P. 3019(b) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	ALL

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
Debtor Case – Chapter 11			
Motion to Obtain Credit / or for Approval of Post Petition Financing	11	Fed. R. Bankr. P. 4001(c) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	UST, AP, L20, and COM (if appointed).
Motion to Reconsider or Vacate Order	All	Fed. R. Bankr. P. 9013	D, DA, T, UST, AP
Motion to Redeem	7	Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	T, UST, AP
Motion to Re-Open Case	All	Fed. R. Bankr. P. 9013	D, DA, T, UST, AP
Motion to Require (or to Compel) Trustee or Debtor in Possession to Assume/Reject Unexpired Lease or Executory Contract	9, 11, 12, 13	Fed. R. Bankr. P. 6006(b) and (c) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST, AP Here, the AP (affected party) will always include the party to the contract or lease.
Motion to Withdraw as Counsel	All	Local Rule 2091-2	D, DA, T, UST, and the withdrawing attorney's client.
Notice for Examination Under Rule 2004	All	Fed. R. Bankr. P. 2004 Fed. R. Bankr. P. 9013 Local Rule 2004-1	D, DA, T, UST, and the party to be examined
Notice of Abandonment or Disposition of Property filed by Trustee or Debtor in Possession	All	Fed. R. Bankr. P. 6007(a) & (b)	ALL
Notice of Withdrawal of Counsel Non-debtor party Pursuant to Local Rule 2091(b)	All	Local Rule 2091-2	D, DA, T, UST, and the withdrawing attorney's client.
Objection to Chapter 11 Plan	11	Fed. R. Bankr. P. 3017(a)	D, DA, T, UST, COM (if appointed)

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			If the Plan Proponent is not the Debtor, then you must also serve the Plan Proponent.
Objection to Chapter 12 Plan	12	Fed. R. Bankr. P. 3015(f) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T
Objection to Chapter 13 Plan	13	Fed. R. Bankr. P. 3015(f) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T
Objection to Claim	All	Fed. R. Bankr. P. 3007 Fed. R. Bankr. P. 7004 Local Rule 3007-1	<p>If the Objection is not filed by the Debtor, you must serve D, DA, T, UST, and the person most recently designated on the claimant's original or amended Proof of Claim (or most recent Transfer of Claim) to receive notices, at the address so indicated.</p> <p>If the Objection is filed by the Debtor, you must serve T, UST, and the person most recently designated on the claimant's original or amended Proof of Claim (or most recent Transfer</p>

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			of Claim) to receive notices, at the address so indicated.
Objection to Claim of Exemption	All	Fed. R. Bankr. P. 4003	D, DA, T
Objection to Disclosure Statement	11	Fed. R. Bankr. P. 3017 Fed. R. Bankr. P. 3017.1	D, DA, T (if appointed), UST, COM (if appointed).
Objection to or Request for Determination of Small Business Reorganization Case	11	Fed. R. Bankr. P. 1020(d) Fed. R. Bankr. P. 7004 Fed. R. Bankr. P. 9014	D, DA, T, UST, COM (if appointed).
Report and Notice of Intention to Sell	7	Fed. R. Bankr. P. 2002(a)(2) Fed. R. Bankr. P. 2002(h) Fed. R. Bankr. P. 6004 Fed. R. Bankr. P. 9034(a) Local Rule 2002-1(c) and (d) Local Rule 6004-1	D, DA, T, UST, AP, If filed in a voluntary Chapter 7 case within 70 days from the order of relief , then you must serve ALL. If filed in a voluntary Chapter 7 case more than 70 days after the order for relief, then you must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice. If filed in an involuntary Chapter 7 case within 90

PAPER	CHAPTER	BANKRUPTCY CODE/RULE; LOCAL RULE; or ADMINISTRATIVE ORDER	SERVICE
			<p><u>days</u> from the order for relief, then you also must serve ALL.</p> <p>If filed in an involuntary Chapter 7 case <u>more than 90 days</u> after order for relief, then you also must serve creditors who have filed a claim, creditors who still have time to file a claim, and parties who requested notice.</p>

Telephonic Appearances

Docketing Event: N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References: N/A

Fee: Yes. The fee is determined by CourtCall or CourtSolutions.

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/19/2016

Last Revision: 9/1/2021

Description

The Court allows parties to appear by telephone for certain hearings. Telephonic appearances are considered a privilege, not a right, and are subject to the judge's discretion.

Prior approval is not required for an attorney or party to appear at hearing by telephone.

Telephonic hearings are conducted using CourtSolutions or CourtCall as set forth below.

NOTE: In light of the ongoing Coronavirus crisis, the recommendations of the Centers for Disease Control, and the "Safer at Home" and "Stay at Home" orders of certain municipalities and counties in the State of Florida, effective Monday, March 16, 2020, and continuing until further notice, the Court has implemented the following policies:

- A. Judges in all Divisions will conduct all non-evidentiary hearings by telephone. Attorneys should arrange to appear via CourtCall or CourtSolutions as set forth below. Both CourtCall and CourtSolutions have agreed to waive their charges for *pro se* parties. A party who is not represented by counsel and is unable to coordinate with CourtCall or CourtSolutions should contact the judge's courtroom deputy. Contact information is listed on each judge's webpage.
- B. Individual judges may determine to continue evidentiary hearings and trials that are not time sensitive. In that event, Court staff will contact counsel for the parties, and the Court will enter an order continuing the hearing or trial.
- C. Any party who has a valid basis for requesting the continuance of an evidentiary or non-evidentiary hearing may file a motion to continue. Motions to continue shall include a statement (i) that the movant has conferred with counsel for opposing parties concerning the requested continuance and (ii) summarizing the position of the other parties concerning the request.

1. Requirements for Telephonic Appearances

- a. Except as set forth above, counsel resident in a Division of the Middle District generally must appear in person at all hearings and trials in that Division. Parties who are not represented by counsel may appear by telephone; parties who are represented by counsel may attend hearings by telephone in “listen only” mode.
- b. If possible, parties appearing telephonically should use a landline rather than a cell phone. Parties shall not use cell phones while in public spaces or while driving or riding in an automobile. If a cell phone is used, parties shall ensure that they have a strong cellular phone system or use the Wi-Fi calling option on their phones.
- c. Parties are strongly cautioned that the use and quality of Bluetooth technology, such as headphones and earbuds, may negatively affect the Court’s ability to hear them and the ability of a court reporter to prepare an accurate transcription.
- d. Counsel shall not connect their clients to the telephonic hearing by “conference call.” If the client wishes to listen in, the client must separately call into the hearing.
- e. When not addressing the Court, parties shall place their calls on “mute.”
- f. When addressing the Court, parties shall not use the speaker phone or the “hands-free” feature of their phones.
- g. When addressing the Court, parties shall:
 - i. wait until they are called upon by the Court to speak;
 - ii. announce his or her name each time the party starts to speak;
 - iii. make an extra effort to speak slowly, clearly, and calmly;
 - iv. pause a moment before speaking as delays in the transmission of calls are common;
 - v. not “speak over” or interrupt another speaker.
- h. If the Court cannot understand an attorney attending a hearing by telephone, the Court may, in its discretion, continue the hearing, request the attorney to file a written argument, or rule on the matter before it without consideration of the attorney’s statements.

2. CourtSolutions LLC – Judges Colton, Jennemann, Vaughan, and Williamson

- a. Telephonic appearances before Judges Jennemann, Colton, Vaughan, and Williamson are through CourtSolutions LLC.
- b. All persons who wish to listen to or participate in a scheduled hearing telephonically must register for a CourtSolutions account by visiting the CourtSolutions website at <https://www.court-solutions.com/>. Note: For unrepresented parties using CourtSolutions, please proceed to the website and select “Sign Up.” Before submitting the completed form, you must select “I am not an attorney” and “Certified Indigent.” Once the information is submitted you will receive an email with further instructions.
- c. For administrative purposes, registered participants must submit a request to appear telephonically on the business day prior to the hearing date through their CourtSolutions account. Clerk’s office staff will routinely approve requests for telephonic appearances conducted in compliance with these policies and procedures.
- d. CourtSolutions will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make that appearance.
- e. Counsel is responsible for dialing into the call by the time of the scheduled hearing. CourtSolutions does not place calls to counsel.
- f. Direct questions regarding charges and payment arrangements directly to CourtSolutions.

3. CourtCall – Judges Delano, Funk, and McEwen

- a. Telephonic appearances before Judges Delano, Funk, and McEwen are through CourtCall.
- b. Telephonic appearances must be arranged by contacting CourtCall at 866-582-6878 **not later than 5 p.m., EST, on the business day prior to the hearing date.**
- c. CourtCall will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make that appearance.
- d. Counsel is responsible for dialing into the call by the time of the scheduled hearing. CourtCall does not place calls to counsel.
- e. Direct questions regarding charges and payment arrangements directly to CourtCall.