

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE:

Administrative Order  
FLMB-JAX-2014-1

ADMINISTRATION OF CHAPTER 13 CASES

FILED ON OR AFTER JULY 1, 2014

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GENERAL ORDER RELATING TO CHAPTER 13 CASES

FILED ON OR AFTER JULY 1, 2014

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 made substantial changes in the duties of the Trustee and debtors, confirmation procedures, debtors' compliance, allowance of administrative expenses and adequate protection. In order to comply with the new Act, it is

ORDERED:

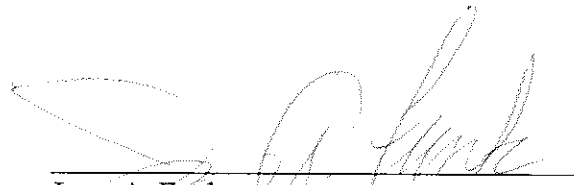
1. The Orders of the Court listed below shall remain applicable only to cases filed on or before October 16, 2005:
  - a. General Order Imposing Time Limitations Requiring Certifications By Trustee and Debtor(s) and Imposition of Penalty in Chapter 13 Cases, dated August 1, 1990;
  - b. Order Amending in Part General Order Imposing Time Limitations, Requiring Certifications by the Trustee and Debtor(s) and Imposition of Penalty in Chapter 13 Cases, dated March 8, 1991; and
  - c. General Order Requiring Interim Payments and Requiring Adequate Protection Payments in Chapter 13 Cases to be Paid Through the Standing Trustee, dated April 25, 1994.
2. The Orders of the Court listed below shall remain applicable only to cases filed on or after October 17, 2005 and on or before July 1, 2014

- a. General Order Relating to Chapter 13 cases filed on or after October 17, 2005, dated October 24, 2005
3. The remaining paragraphs of this Order apply to all Chapter 13 cases filed on or after July 1, 2014.
4. The debtor shall commence making the payments proposed by the plan no later than thirty (30) days after the plan is filed or the order for relief, whichever is earlier. Debtor's plan must provide adequate protection payments for each claim secured by collateral that the debtor intends to retain.
5. The Trustee shall immediately commence making adequate protection payments without further order of the Court to the secured creditors listed in the debtor's plan who have timely filed a proof of claim. Payments are to be sent as follows:
  - a. To the address in the proof of claim,
  - b. To the address as requested by the creditor in writing,
  - c. As directed by the Court.
6. The debtor's Chapter 13 plan shall list the creditor's name, address, last 4 digits of the account number, collateral description and payment amount for each secured creditor entitled to adequate protection.
7. All adequate protection payments shall be paid as follows:
  - a. The debtor shall pay directly to the lessor all payments scheduled in a lease of real or personal property for that portion of the obligation that becomes due after the order for relief. Absent a timely objection to confirmation of the proposed plan, the debtor is presumed to have made these payments as required under 11 U.S.C. § 1326(a). The Chapter 13 plan shall provide that payments to lessors will be paid directly and there shall be no reduction in the Chapter 13 plan payment for these direct payments.
  - b. Pre-confirmation adequate protection payments to a creditor holding a claim secured by real or personal property shall be paid through the Chapter 13 Trustee, unless the Court orders otherwise.
    - i. The Trustee is directed to hold any adequate protection payments intended for a mortgage creditor that is participating in a pending and unresolved Mortgage Modification Mediation. Said Mortgage Creditor

shall retain a lien on the funds being held by the Chapter 13 Trustee and upon completion of the mediation and/or agreement of a Trial Payment Plan or Permanent Modification, the Trustee is directed to disburse the funds being held for the benefit of said mortgage creditor at the next regularly scheduled disbursement date.

8. All adequate protection payments paid through the Chapter 13 Trustee shall be subject to the Trustee's statutory percentage fee, as set by the designee of the United States Attorney General. All adequate protection payments through the Chapter 13 Trustee shall be made in the ordinary course of the Trustee's business from funds in the case as they become available for distribution to claimants and shall be made in the equal monthly amount provided for the claimant in the Chapter 13 plan unless the plan provides otherwise.
9. Upon the dismissal or conversion of a case to another chapter prior to the confirmation of a Chapter 13 plan, the Chapter 13 Trustee shall make the adequate protection payments to creditors that have filed proofs of claim prior to the date of dismissal or conversion from any funds available for that purpose received on or before the date of the entry of the order of dismissal or conversion.
10. The Court may, after motion by an interested party and upon notice and a hearing, modify, increase, or reduce adequate protection payments pending confirmation of the plan.

DATED at Jacksonville, Florida, this June 27, 2014

  
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Jerry A. Funk  
United States Bankruptcy Judge

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