



Michael G. Williamson
Chief Judge

United States Bankruptcy Court
Middle District of Florida
801 N. Florida Avenue, Suite 840
Tampa, Florida 33602



Sheryl L. Loesch
Clerk of Court

TO: Attorneys and Parties Appearing Before the Court

FROM: Michael G. Williamson, Chief United States Bankruptcy Judge

DATE: August 1, 2017

SUBJECT: Public Notice of Proposed Revisions to Administrative Order Prescribing Procedures for Chapter 13 Cases, Model Plan, and Presumptively Reasonable Fees for Chapter 13 Debtors' Attorneys to be effective September 15, 2017

On December 1, 2017, absent contrary congressional action, revised Federal Rule of Bankruptcy Procedure 3015, new Rule 3015.1, and an Official Form of Chapter 13 plan will go into effect.

Revised Rule 3015 requires the use of the Official Form unless a Local Form has been adopted in compliance with new Rule 3015.1. As with many other districts, the judges of the Middle District of Florida, in consultation with the District's Chapter 13 Trustees, have decided to adopt a Local Form (which we refer to as the Model Plan) in compliance with new Rule 3015.1 and to revise the Administrative Order Prescribing Procedures for Chapter 13 Cases (the "Administrative Order").

Revisions to Model Plan

New Rule 3015.1 requires that a single Local Form be adopted for the district after public notice and opportunity for public comment. Accordingly, the Court has posted the revised Model Plan for public comment through August 31, 2017. A link for comments is provided on the Court's website. After the Court has considered comments from the public, use of the Model Plan will be required as of September 15, 2017.

There are numerous stylistic revisions to the Model Plan. The substantive revisions, highlighted in yellow, are summarized as follows:

- New Section A tracks the language of the Official Form regarding the valuation of secured claims, avoidance of security interests, and nonstandard provisions.
- New Section C more clearly provides for attorney's fees to be paid through the plan, including fees for mortgage modification mediation and postconfirmation monitoring fees.

- Section C.5 incorporates language from the Administrative Order regarding the preconfirmation disbursement of adequate protection payments to secured creditors.
- As required by new Rule 3015.1, the revised Model Plan includes in Section C.5(e) a separate paragraph for secured claims to which § 506 valuation does not apply under the final paragraph of § 1325(a) (the so-called “hanging paragraph”).
- New Section C.6 provides for the treatment of leases and executory contracts and for prepetition disbursement of adequate protection payments to lessors.
- As required by new Rule 3015.1, the revised Model Plan includes a certification by debtor’s attorney, or the debtor if not represented by an attorney, that the plan is identical to the Model Plan other than the nonstandard provisions included in Section E.

Revision to the Administrative Order

The Administrative Order has been revised to provide for the preconfirmation disbursement of adequate protection payments to lessors, and if an executory contract or lease is assumed, for the prompt cure of any arrearages.