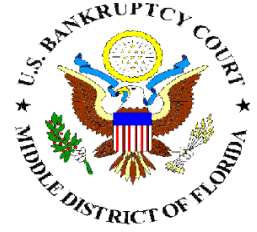





Caryl E. Delano
Chief Judge

United States Bankruptcy Court
Middle District of Florida
801 N. Florida Avenue, Suite 932
Tampa, FL 33602
(813) 301-5190



Sheryl L. Loesch
Clerk of Court

TO: Chapter 13 Practitioners

FROM: Hon. Caryl E. Delano 

DATE: November 6, 2023

SUBJECT: Proposed Revisions to Chapter 13 Administrative Order, Model Plan,
and Order Confirming Plan

Earlier this year, in an effort to facilitate the confirmation of Chapter 13 cases on a more expedited basis, I appointed an Ad Hoc Committee to review and make suggestions for revisions to our current Administrative Order Prescribing Procedures in Chapter 13 Cases (No. FLMB-2020-7), the Model Plan, and the Order Confirming Plan. The members of the Ad Hoc Committee included the Middle District's Chapter 13 Trustees and attorneys who frequently represent debtors and creditors in Chapter 13 cases.

Our judges reviewed the Committee's suggestions, and after numerous discussions with each other and the Trustees, accepted many and rejected a few of the Committee's suggestions. The proposed revisions are posted for comment commencing on November 6, 2023, and ending on November 20, 2023. Attorneys and parties who appear before the Court are encouraged to review the proposed revisions. The Court appreciates all comments and will consider them prior to the December 1, 2023 effective date of the revisions.

Summary of Substantive Revisions to the Administrative Order Governing Procedures in Chapter 13 Cases

Paragraph 1 – Debtors' attorneys (and Trustees for unrepresented debtors) must file a proof of service of the Administrative Order on the Debtor.

Paragraph 6.B.(iii) – If the Plan provides for mortgage modification mediation and the mediation does not result in a modified mortgage, Debtor must file an amended Plan within 14 days of the mediator's final report or notice of denial of a modification.

Paragraph 7 – clarifies that creditors' and lessors' acceptance of direct payments via ACH transfer does not violate the automatic stay.

Paragraph 8.F. – Debtor’s timely payment of Plan Payments to the Trustee is deemed contractually timely as to the secured creditor/lessor.

Paragraphs 11 and 12 clarify the refund of undisbursed payments if the case is dismissed or converted and the deadline for filing administrative expense claims, including claims by Debtor’s attorney for fees.

Paragraph 14 – the reimposition of the automatic stay is effective upon Debtor’s filing and service of an amended Plan that provides for a secured creditor or lessor.

Paragraph 16.A. – provides that “Debtor must be able to testify at the meeting of creditors scheduled under § 341(a) and Rule 2003(a) that Debtor has filed all tax returns for all taxable periods ending during the four-year period ending on the petition date.”

Paragraphs 26, 27, and 28 – address extensions of time to object to Debtor’s claimed exemptions.

Paragraph 30 – clarifies Debtor’s duty to disclose to the Trustee and file appropriate amendments to report changes in financial circumstances.

Summary of Revisions to the Model Plan

Section A – a check box has been added on the first page to indicate that student loans are provided for in Section E, Nonstandard Provisions.

Section 5(g) applies to secured claims being paid through the Plan under § 1322(b)(2) and also under § 1322(c)(2) for claims secured by Debtor’s principal residence that mature during the Plan.

Summary of Revisions to the Order Confirming Plan

Revisions to the Order Confirming Plan are largely stylistic, however, please note the following substantive revisions:

Paragraph 6 provides that Debtor’s timely Plan Payments to the Trustee are deemed to be paid contractually on time as to secured creditors.

Paragraphs 12, 13, and 14 clarify the disallowance of claims and distributions by the Trustee.

Paragraphs 16 and 17 clarify the refund of undisbursed payments if the case is dismissed or converted and the deadline for filing administrative expense claims, including claims by Debtor’s attorney for fees.

Paragraph 28 clarifies the Debtor’s duty to disclose changes in financial circumstances and assets.

The “Appendix” to the Order Confirming the Plan (relating to the filing of tax returns and payment of taxes) has been deleted.