



AMERICAN
BANKRUPTCY
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Alexander L. Paskay Memorial Bankruptcy Seminar

Consumer: 10 Ways to Make Your Chapter 13 Plan Successful

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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
www.flmb.uscourts.gov

In re

ADMINISTRATIVE ORDER
PRESCRIBING PROCEDURES FOR
CHAPTER 13 CASES FILED ON OR
AFTER OCTOBER 1, 2025

Administrative Order
FLMB-2025-1

**ADMINISTRATIVE ORDER PRESCRIBING PROCEDURES
FOR CHAPTER 13 CASES FILED ON OR AFTER OCTOBER 1, 2025**

This Administrative Order establishes uniform procedures for all Chapter 13 cases filed in this District on or after October 1, 2025. Accordingly, it is

ORDERED:

Debtor's failure to make timely payments to the Chapter 13 Trustee (the "Trustee") or to comply with any of the other requirements of this Order may result in dismissal or conversion of the case.

1. ***Service of this Administrative Order to Debtor.*** Debtor's attorney or, if Debtor has no attorney, the Trustee, must provide a copy of this Administrative Order to Debtor within 7 days of the petition date and promptly file a proof of service.
2. ***Additional Information Required to be Filed with the Court.*** If Debtor has not already filed the lists, statements, and schedules required by Federal Rule of Bankruptcy Procedure 1007, Debtor must do so no later than 14 days from the petition date.
3. ***Chapter 13 Plan.*** If Debtor has not already filed a Chapter 13 plan (the "Plan"), Debtor must file a Plan using the Middle District of Florida's [Model Chapter 13 Plan](#) available on the Trustee's website and on the Court's website, www.flmb.uscourts.gov, no later than 14 days from the petition date. (Note: do not use the Official Chapter 13 Plan, Form No. B113.) Any modifications to the Model Chapter 13 Plan must be included in the "Nonstandard Provisions" section of the Plan. Plans that are filed with the petition will be served on creditors by the Clerk; if the Plan is not filed with the petition, Debtor must serve a copy of the Plan upon all parties in interest and promptly file a proof of service.

* The word "Debtor" refers to both debtors in a case filed jointly by two individuals.

** The word "Plan" also refers to any amended plan; an amended plan supersedes all previously filed plans.

***All statutory references are to the Bankruptcy Code, Title 11 of the United States Code, unless otherwise noted. References to rules are to the Federal Rules of Bankruptcy Procedure.

4. **Plan Payments.** The Plan must provide for Debtor to make monthly payments to the Trustee (“Plan Payments”). As required by § 1326(a), Debtor must commence making Plan Payments to the Trustee no later than 30 days after the petition is filed and must continue making Plan Payments to the Trustee on the same date of each subsequent month. **If the Trustee does not receive Plan Payments when due, the Trustee may seek dismissal of the case.** Debtor must make Plan Payments by approved electronic transfer, cashier’s check, money order, or employee wage deduction. Each Plan Payment must include Debtor’s legibly printed name and the Chapter 13 case number, and must not identify Debtor’s social security number. Except for the pre-confirmation disbursements authorized in this Order, the Trustee must hold Plan Payments pending confirmation of the Plan. Payment information is available on the assigned Trustee’s website:

Fort Myers Cases
Trustee Daryl J. Smith
www.tampa13.com

Jacksonville Cases
Trustee Doug Neway
www.ch13jaxfl.com

Orlando Cases
Trustee Laurie Weatherford
www.c13orl.com

Tampa Cases
Trustee Kelly Remick (cases ending in CED or RCT)
www.ch13tampa.com
Trustee Daryl J. Smith (cases ending in CPM)
www.tampa13.com

5. **The Trustee’s Statutory Percentage Fee.** The Trustee is authorized to pay from the Plan Payments any fees and charges assessed against the estate by law under § 1326(b), including the Trustee’s fee authorized by 28 U.S.C. § 586 (the “Trustee’s Statutory Percentage Fee”). The Trustee’s Statutory Percentage Fee is a § 503(b) award earned upon receipt of each Plan Payment and may be distributed to the Trustee upon receipt of the Plan Payment.

6. **Payments to Secured Creditors.** Except as set forth in paragraph 7, Plan Payments must include *all* payments to secured creditors that will come due after filing the petition as follows:

A. For claims secured by real or personal property that is valued in the Plan, Plan Payments must include adequate protection payments based upon the proposed value of the property with interest.

B. For claims secured by mortgages for which the Plan proposes mortgage modification mediation (“MMM”), Debtor must file a motion for referral to MMM no later than 90 days from the later of the petition date or the date the case was converted to Chapter 13. Information and forms related to MMM are available in the Court’s Procedure Manual on the Court’s website,

www.flmb.uscourts.gov. Unless otherwise ordered by the Court, Plan Payments must include the following payments for mortgages for which the Plan proposes MMM:

- (i) For *homestead* properties, until the MMM is concluded, the lesser of:
 - a. 31% of Debtor's and any non-filing spouse's gross monthly income, after deducting homeowner association fees; or
 - b. the normal monthly contractual mortgage payment.
- (ii) For *non-homestead*, income-producing property, until the MMM is concluded, 75% of the gross rental income generated from the property.
- (iii) Notwithstanding the foregoing, the adequate protection payment must be in an amount sufficient to pay (a) homeowners' association fees, and (b) 1/12 of annual ad valorem property taxes and annual homeowner's insurance premiums.
- (iv) If Debtor obtains a mortgage modification at any time during the case, payments on the modified mortgage must be paid through the Plan. If the MMM does not result in a modified mortgage, then within 14 days of the mediator's final report or notice of denial of modification, Debtor must file an amended Plan that proposes treatment of the mortgage claim and the appropriate payment, if any.

C. For executory contracts or leases of real or personal property that the Plan proposes to assume, Plan Payments must include adequate protection payments equal to the regular monthly contractual payment. If there are prepetition arrearages, the Plan must provide for the prompt cure of arrearages. *See also* paragraph 9.

D. For claims secured by mortgages for which the Plan proposes to cure prepetition arrearages, Plan Payments must include (1) the regular postpetition contractual payment, (2) an amount equal to the total arrearages divided by the number of months in the term of the Plan.

E. Plan Payments do not need to include postpetition payments on claims secured by property surrendered in the Plan or by junior liens on Debtor's principal residence that the Plan proposes to value and strip.

7. ***Direct Postpetition Payments to Secured Creditors/Lessors.*** The Plan may provide for Debtor to make postpetition payments directly to secured creditors or lessors on claims that are not in default, for which no arrearages are being cured through the Plan, and that the Plan does not modify. Debtor must make direct payments via automatic debit/draft from a bank account and provide proof of payment to the Trustee upon request. The establishment of an automatic debit/draft at Debtor's request and creditors' or lessors' acceptance of ACH transfers do not violate the automatic stay. IF THE PLAN PROVIDES FOR DEBTOR TO MAKE DIRECT PAYMENTS TO A SECURED CREDITOR OR LESSOR, THE AUTOMATIC STAY IS TERMINATED, *IN REM*, AS TO THAT CREDITOR UPON THE FILING OF THE PLAN.

8. ***Adequate Protection for Secured Creditors and Lessors.*** Pending confirmation of a Plan, and as a condition of Debtor's continued possession or use of real or personal property subject to a security interest, the following, when taken collectively, constitute adequate protection to each such secured creditor/lessor:

A. Timely filing of the Plan and all required information.

B. Adequate protection payments required by § 1326(a)(1)(C) and payments to lessors are provided for in the Plan.

C. Debtor's timely Plan Payments to the Trustee.

D. All payments proposed in the initial or any amended Plan to the holders of secured claims and lessors are allowed as costs and expenses of preserving the estate within the meaning of § 503(b)(1)(A).

E. As soon as practicable prior to confirmation of the Plan, the Trustee shall disburse adequate protection payments to secured creditors and lessors if:

(i) The Plan provides for such payment to the secured creditor/lessor (including payments under the MMM program);

(ii) The secured creditor/lessor has filed a proof of claim OR Debtor or the Trustee has filed a proof of claim under § 501(c); and

(iii) No objection to the proof of claim is pending.

F. The Trustee's disbursements to secured creditors/lessors are deemed adequate protection payments. Creditors' acceptance of such payments is not a waiver of their rights to contest confirmation or Debtor's valuation of collateral, to request relief from the automatic stay on grounds other than a default in payments, or to request additional adequate protection. If Debtor timely pays Plan Payments in an amount sufficient for the Trustee to disburse adequate protection payments to secured creditors/lessors as set forth in the Plan, such adequate protection payments are deemed contractually timely as to the secured creditor/lessor.

G. Within 14 days of a secured creditor's written request, Debtor must provide proof of insurance to the secured creditor as required by the loan documents.

H. Within 72 hours of a secured creditor's telephonic request, Debtor must allow inspection of the collateral as required by the loan documents.

9. ***Executory Contracts and Unexpired Leases.*** The Plan must provide for (a) the assumption or rejection of executory contracts and unexpired leases, and (b) the prompt cure of arrearages with respect to any contracts or leases to be assumed under the Plan. *See also* Paragraph 6.C.

10. ***Secured Creditors/Lessor's Obligations.***

A. If a secured creditor/lessor desires to receive payments at an address other than the address in the secured creditor's proof of claim, the secured creditor must file a Notice of Payment Address Change with the Clerk and provide written notice to the Trustee.

B. If the Plan provides for payments to a creditor that holds a security interest in Debtor's principal residence under § 1322(b)(5), the creditor must comply with Rule 3002.1 with respect to payment changes and requests for postpetition fees and costs. The Trustee may adjust the Plan payments accordingly and notify Debtor of any such payment change. However, if a secured creditor is subject to an order directing MMM, the implementation of any notice under Rule 3002.1 is abated until the conclusion of the mediation.

11. ***Refund of Undisbursed Plan Payments if Case is Dismissed or Converted.*** If the case is dismissed or converted to a case under Chapter 7 or Chapter 11, subject to the provisions of Paragraph 12 and as soon as practicable, the Trustee shall refund to Debtor any undisbursed funds in the Trustee's possession after subtracting (a) any Trustee's Statutory Percentage Fee not previously disbursed under paragraph 5 of this Order, and (b) any allowed unpaid administrative expense claims, including Debtor's attorney's claim for fees, from the amount refunded to Debtor. The Trustee may remit payment to the holders of allowed administrative expense claims directly to the holders.

12. ***Administrative Expense Claims if Case is Dismissed or Converted.*** If the case is dismissed or converted to a case under Chapter 7, Chapter 11, or Chapter 12, applications for unpaid administrative expense claims, including applications for Debtor's attorney's fees, must be filed no later than 14 days after entry of the order dismissing or converting the case. Applications may be filed using the negative notice provisions of Local Rule 2004-2. No application is necessary for fees previously awarded by the Court.

13. ***Termination of the Automatic Stay and Codebtor Stay.*** If the Plan (a) provides for the surrender of property 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, then upon the filing of the Plan, the affected secured creditor or lessor is granted *in rem* relief from the automatic stay to pursue its remedies against the property that is security for the claim or the subject of the lease and both *in rem* and *in personam* relief against any codebtor.

14. ***Reimposition of the Automatic Stay.*** If Debtor files an amended or modified Plan to include payments to a secured creditor or lessor not previously provided for in the Plan, the automatic stay is reimposed as to that secured creditor or lessor automatically upon the filing and service of the amended or modified Plan unless the secured creditor or lessor has concluded its state law foreclosure or repossession remedies. Debtor must serve the amended or modified Plan upon the affected creditor or lessor, and any known successor in interest to the creditor or lessor, immediately after filing the amended or modified Plan and file proof of service.

15. ***Modification of the Automatic Stay.*** The automatic stay is modified to permit creditors whose claims are secured by mortgages on Debtor's real property to communicate directly with Debtor in good faith regarding the possible modification or refinance of the mortgage obligation.

16. **Meeting of Creditors and Documents to be Submitted to Trustee.** Debtor must appear at the meeting of creditors scheduled under § 341(a) and Rule 2003(a) (the “Meeting of Creditors”). No later than 7 days before the initial Meeting of Creditors, Debtor must provide the following to the Trustee:

A. Copies of (i) tax returns for the two years preceding the petition date, or (ii) a declaration or affidavit that Debtor was not required to file tax returns. In addition, if Debtor was required to file any tax returns during the four-year period preceding the petition date, then Debtor must be able to testify at the Meeting of Creditors that Debtor has filed the returns. Notwithstanding the foregoing, if Debtor has not filed any required tax return that became due during the four-year period preceding the petition date, Debtor must file the delinquent return(s) with the appropriate taxing authority, and no later than the day before the initial Meeting of Creditors, provide copies to the Trustee of the returns for the two years preceding the petition date.

B. Copies of all pay stubs, pay advices, or documentation of income sources for the six-month period ending on the last day of the month preceding the month of the petition date; and

C. Other documentation as the Trustee may request, including information regarding any non-debtor spouse’s income, other documents required by the Bankruptcy Code or court order, or information needed to administer the Chapter 13 case.

As required by Rule 9037 and Local Rule 1001-3, Debtor and Debtor’s attorney must ensure that appropriate personally identifiable information is redacted from documents prior to providing them to the Trustee.

17. **Notice of Domestic Support Obligations.** At the initial Meeting of Creditors, Debtor must inform the Trustee of any domestic support obligation, as defined in § 101(14A), and provide the following information: the name of the holder of the claim, the address of the holder of the claim, the state court case number (if applicable), and the telephone number of the holder of the claim. Debtor must promptly provide the same information to the Trustee for any domestic support obligation that arises after the meeting of creditors.

18. **Confirmation Hearing.** The Clerk is directed to schedule an initial confirmation hearing between 20 and 45 days after the date first set for the Meeting of Creditors. Debtor must be current in Plan Payments and ensure that the case is ready for confirmation, if possible, at the initial confirmation hearing. After the Meeting of Creditors, the Trustee may file and serve a Recommendation Concerning Confirmation of the Plan (the “Recommendation”). At least seven days prior to the initial confirmation hearing, Debtor must correct any deficiencies noted in the Recommendation. At the confirmation hearing, the Court will consider confirmation of the Plan and, on a preliminary, non-evidentiary basis, all pending motions and objections, including any motion to dismiss, objection to confirmation, and objection to claim. If an evidentiary hearing is needed or there is cause to defer confirmation, the Court will note the date for the continued confirmation hearing on the docket and, if Debtor is not represented by an attorney, serve a notice or order continuing the hearing. The Trustee may raise objections to confirmation of the Plan at any confirmation hearing.

19. ***Preconfirmation Deadline for Filing Amended Plans and Certain Motions.*** The following must be filed no later than 28 days after the deadline for filings proofs of claims:

- A. An amended Plan, if necessary to obtain confirmation;
- B. Motions to determine secured status of claims; and
- C. Motions to avoid liens, if necessary to obtain confirmation.

20. ***Deadline for Filing Objections to Claims.*** Debtor must file objections to claims no later than 28 days after the deadline for filing proofs of claim or 14 days after a creditor files an amended proof of claim.

21. ***Service Requirements.*** Debtor must serve a copy of any amended Plan upon the Trustee and all other parties in interest and promptly file a proof of service. Debtor must serve a copy of any motion or objection on the Trustee and affected creditors in the manner required by Rule 7004.

22. ***Duties of Debtor's Attorney (if Applicable).*** Upon appearing as counsel for Debtor, Debtor's attorney must assist Debtor in all matters related to the case unless the Court has granted the attorney's motion to withdraw from the case. Debtor's attorney must not withhold legal advice or service from Debtor because of lack of payment and may not demand payment from Debtor or any person on behalf of Debtor as a condition of providing legal advice or service.

23. ***Disclosure of Attorney's Fees.*** As required by § 329 and Rule 2016(b), Debtor's attorney must disclose:

- A. Any prepetition retainer paid to the attorney for Debtor's benefit as well as the source of the retainer paid;
- B. Filing fees collected from Debtor and remitted to the Court;
- C. Any compensation to be paid under the Plan; and
- D. Postpetition payments made to the attorney by Debtor or other person for Debtor's benefit. Such payments must be held in the attorney's trust account pending Court approval.

If Debtor's attorney fails to timely and completely file these disclosures or comply with all requirements in this Order, the Court may reduce the amount of attorney's fees awarded or order the disgorgement of fees. If the case is converted or dismissed, the Court retains jurisdiction to review the total amount of attorney's fees requested by or paid to Debtor's attorney.

24. ***Tax Returns and Refunds While Case is Pending.*** While the case is pending, Debtor must timely file all tax returns and make all tax payments and deposits when due. For each tax return that becomes due after the case is filed, Debtor must provide to the Trustee, within 14 days of the filing of the return, a complete copy of the tax return (including, if debtor owns a business, a complete copy of the business return) together with all related W-2s and Form 1099s. Unless otherwise

consented to by the Trustee or ordered by the Court, Debtor must turn over to the Trustee all tax refunds in addition to regular Plan Payments. Debtor must not instruct the Internal Revenue Service or other taxing agency to apply a refund to the following year's tax liability. **Debtor must not spend tax refunds without first having obtained the Trustee's consent or Court approval.**

25. ***Filing Claims on Behalf of Creditors.*** Under Rule 3004, within 30 days after the expiration of the deadline for filing proofs of claim, Debtor may file a proof of claim on behalf of a creditor if the creditor has not timely filed a claim and the Plan provides for payments to the creditor.

26. ***Extension of Time for the Trustee to File Objections to Debtor's Claimed Exemptions.*** To facilitate the efficient administration of the Chapter 13 case, the Court extends the time for the Trustee to file an objection to Debtor's claimed exemptions to the date of the confirmation hearing, including to the date of any continued confirmation hearing. The Trustee or any party in interest may include an objection to Debtor's claimed exemptions in an objection to confirmation of the Plan. The foregoing does not limit the right of any party in interest to object to Debtor's claimed exemptions under Rule 4003(b).

27. ***Objections to Claimed Exemptions under § 522(q).*** Nothing in paragraph 26 affects the rights of parties in interest to object to Debtor's claimed exemptions under § 522(q).

28. ***Deadline to Object to Claimed Exemptions in Converted Cases.*** Unless the exceptions in Rule 1019(2)(B) apply, if Debtor's Chapter 13 case is converted to a Chapter 7 case, the Court will set a new deadline for parties in interest to object to Debtor's claimed exemptions.


29. ***Cooperation with the Trustee.*** Debtor and Debtor's attorney must cooperate with the Trustee to the greatest extent possible during the pendency of the Chapter 13 case, both before and after the Plan is confirmed. Upon the Trustee's oral or written request, Debtor must provide to the Trustee any requested information, including books, documents, records, and papers, relating to property of the estate or Debtor's interest in a business, corporation, or trust. Within 28 days of the Trustee's request, Debtor must, at Debtor's expense, obtain and deliver to the Trustee a current appraisal of real or personal property performed by a qualified appraiser in an acceptable format. If necessary, Debtor may file an application to employ a professional under § 327 for this purpose.

30. ***Debtor's Duty to Supplement.*** Debtor must promptly disclose to the Trustee and file appropriate amendments with the Court reporting all changes to Debtor's financial circumstances, including, but not limited to, inheritances, personal injury claims and settlements, new or additional employment, loss of employment, and reduction or increase to income.

31. ***Notice to Creditors and Other Interested Parties.*** All parties must comply with the noticing and service requirements of Local Rule 2002-1. Failure to timely serve orders and notices may cause denial of the party's motion.

32. *Consequences of Default.* If Debtor fails to make payments to the Trustee when due or fails to timely comply with any of the requirements of this Order, the case may be dismissed or converted to a case under Chapter 7 of the Bankruptcy Code upon motion by the Trustee or a party in interest.

DATED: October 1, 2025.



JACOB A. BROWN
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

www.flmb.uscourts.gov

In re)	
)	
ADMINISTRATIVE ORDER)	Administrative Order
PRESCRIBING PROCEDURES FOR)	FLMB-2022-1
STUDENT LOAN MODIFICATION)	
PROGRAM)	
_____)	

**ADMINISTRATIVE ORDER PRESCRIBING
PROCEDURES FOR STUDENT LOAN MANAGEMENT PROGRAM
IN ALL BANKRUPTCY CASES EFFECTIVE FEBRUARY 2, 2022¹**

Over 44 million Americans have unpaid student loans totaling more than \$1.5 trillion. Many student loan borrowers file bankruptcy cases due to financial difficulties they encounter in repaying their student loans. In order to facilitate the consensual resolution of student loan issues for the benefit of debtors and lenders and to avoid litigation, effective February 2, 2022, the United States Bankruptcy Court for the Middle District of Florida prescribes the following district-wide program for debtors and their student loan lenders to seek repayment options through a student loan management program (“SLM” or “SLM Program”). Accordingly, it is

ORDERED that the following procedures apply to the SLM Program in the Middle District of Florida:

1. **Purpose.** The SLM Program creates a forum for debtors and lenders to discuss consensual repayment options for student loans. The goal of SLM is to facilitate communication and the exchange of information in an efficient and transparent manner, and to encourage the parties to consensually reach a feasible and jointly beneficial agreement under the administrative oversight of the United States Bankruptcy Court for the Middle District of Florida.

2. **Definitions.** These definitions apply to the SLM Program:

a. **Creditor:** A holder, guarantor, governmental unit, or trustee of an Eligible Loan, and the servicer of any Eligible Loan (“Servicer”).

b. **Debtor:** An individual or joint debtor in a case filed under Chapter 7, 11, 12, or 13 of the Bankruptcy Code.

¹ This Administrative Order modifies and clarifies the procedures set forth in prior Administrative Orders Prescribing Procedures for Student Loan Management Program (Admin. Order. Nos. FLMB-2019-1, FLMB-2019-2, FLMB-2019-4, and FLMB-2019-5).

c. **Document Preparation Software:** A secure online program that facilitates the preparation of an Initial SLM Package by completing Standard SLM Documents and generating a checklist of required supporting documents. Creditors may customize the supporting documents, applications, and forms and shall specify their requirements for supporting documentation. Creditors may use forms in current use and may modify, amend, or update forms as desired when participating in the SLM Program. Debtor's use of the Document Preparation Software ensures that the Initial SLM Package to Creditor is complete and accurate and should expedite Creditor's review.

d. **Eligible Loan:** Any educational benefit overpayment or loan (i) made, insured, or guaranteed by a governmental unit; (ii) made under any program funded in whole or in part by a governmental unit; or (iii) any loan that purports to be a student loan on which Debtor is an obligor. Debtor may use the SLM Program to facilitate participation in the U.S. Department of Education's rehabilitation, consolidation, or repayment plans but only as permitted by federal law or regulations promulgated by the U.S. Department of Education.

e. **IDR Payments:** Payments made to Creditor under an IDR Plan.

f. **IDR Plan:** An income-driven repayment plan.

g. **Initial SLM Package:** Standard SLM Documents and supporting documentation as designated by each Creditor to initiate the assessment of Debtor's Student Loan Repayment Options. Creditors are not required to create new forms to participate in the SLM Program.

h. **Loan Consolidation:** The consolidation of Student Loans made under certain Federal Programs into a new Direct Consolidated Loan under the process established by the U.S. Department of Education as set forth in 34 C.F.R. § 685.220.

i. **Loan Rehabilitation:** The process established by the U.S. Department of Education to remove the default status from a federal student loan as set forth in 34 C.F.R. § 682.405.

j. **Petition Date:** The date on which Debtor's bankruptcy petition is filed.

k. **Portal:** A secure online service that allows Standard SLM Documents and communications to be submitted, retrieved, and tracked between the Required Parties and which Chapter 13 Trustees may access. The submission of documents to the Portal by Debtors and Creditors provides transparency by making information immediately available to all parties through a secure website. The Court lists approved Portals on its website, www.flmb.uscourts.gov.

l. **Recertification:** The requirement that Debtor's eligibility for an IDR Plan be recertified annually or at other specified time periods.

m. **Required Parties:** Debtor, Debtor's attorney (if any), Creditor, and Creditor's attorney (if any).

n. **Standard SLM Documents:** Industry-standard forms required by Creditors to initiate a review of Debtor's Student Loan Repayment Options on any Eligible Loan.

o. **SLM Period:** The period during which SLM is in effect before its expiration or termination by order of the Court.

p. **SLM Program Payment:** A payment made by Debtor to Creditor including an IDR Payment.

q. **Student Loan Repayment Options:** The full range of solutions available to Debtor on any Eligible Loan including, but not limited to, rehabilitation, consolidation, any IDR Plan, or settlement. Any consensual rehabilitation, repayment, IDR Plan, or consolidation of an Eligible Loan must comply with all laws and regulations promulgated by the U.S. Department of Education. Participation in the SLM Program does not require any Creditor to add or modify existing repayment options.

3. **Eligibility.** Any Debtor who has an Eligible Loan and a case pending before the United States Bankruptcy Court for the Middle District of Florida may participate in the SLM Program.

4. **Chapter 13 Trustees.** Consistent with the duties of Chapter 13 trustees under the United States Bankruptcy Code, the Chapter 13 Trustee may participate in SLM if he or she desires.

5. **Participation in SLM.** Debtor, Creditor, or the Chapter 13 Trustee may initiate SLM at any time after the commencement of the bankruptcy case by filing a Notice of Participation in SLM (the "Notice of SLM"). Before filing the Notice of SLM, Debtor must pay any unpaid bankruptcy filing fees in full and complete the required Document Preparation Software.

6. **Service of Notices.** Except for SLM Program documents and/or notices that are exchanged by the parties within the Portal, Debtor shall serve all notices that are filed with the Court, including the Notice of SLM, and any Notice of Resolution, as set forth in Fed. R. Bankr. P. 7004(b)(5) as follows:

a. Debtor shall serve a copy of the Notice of SLM and any Notice of Resolution by first class mail postage prepaid on Creditor's (and, if applicable, Servicer's) named officer(s) at Creditor's (and, if applicable Servicer's) headquarters' address.

b. For Federal Loans held by the U.S. Department of Education, Debtor shall serve copies of the Notice of SLM and any Notice of Resolution on the U.S. Department of Education by first class mail as follows:

i. For cases filed in Tampa and Fort Myers Divisions:

United States Attorney's Office, MDL
400 North Tampa Street, Suite 3200
Tampa, FL 33602
Attn.: Civil Division – Bankruptcy

- ii. For cases filed in Orlando Division:

United States Attorney's Office, MDFL
400 West Washington Street, Suite 3100
Orlando, FL 32801
Attn.: Civil Division – Bankruptcy

- iii. For cases filed in Jacksonville Division:

United States Attorney's Office, MDFL
300 North Hogan Street, Suite 700
Jacksonville, FL 32202
Attn.: Civil Division – Bankruptcy

- iv. For cases filed in Middle District of Florida, all Divisions:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-001

Office of the General Counsel
U.S. Department of Education
ATTN: Deputy General Counsel
Lyndon Baines Johnson (LBJ) Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202

And, to assist in processing, by email to:

FSABankruptcy@ed.gov

With subject line “Bankruptcy SLM Program MDFL.”

7. **SLM Duties.** The following duties apply during the SLM Period:

a. **Good-Faith Requirement.** The Required Parties shall act in good faith throughout the SLM Period. Good faith includes, but is not limited to, promptly responding to all inquiries through the Portal and providing all requested documentation and information.

b. **Deadlines.** The Required Parties shall comply with all deadlines in the SLM Program.

c. **Communication Through the Portal.** During the SLM Period, all material communications between the Required Parties and the Chapter 13 Trustee regarding SLM, if any, shall occur exclusively through the Portal, unless otherwise permitted by the Court.

8. **Automatic Stay.** The automatic stay under 11 U.S.C. § 362(a) is modified to (a) facilitate the SLM Program and (b) encourage the Required Parties to explore consensual Student Loan Repayment Options and execute the required documents for any option selected. By participating in the SLM Program, Debtor acknowledges that it shall not be a violation of the automatic stay or other state or federal laws for Creditor to send Debtor normal monthly statements regarding payments due and any other communications, including, without limitation, notices of late payments or delinquency. These communications expressly may include telephone calls and emails if Debtor has agreed to electronic communications under normal processes established by Creditor. If Debtor contends that Creditor has violated the automatic stay while the SLM Period is in effect, Debtor may serve a motion asserting a violation of the automatic stay on Creditor under Fed. R. Bankr. P. 7004(b)(5) and Paragraph 6 of this Order. However, Debtor may not file the motion until 21 days (plus three days for mailing) from the date of service of the motion in order to provide Creditor the opportunity to address and/or correct the allegations in the motion.

9. **SLM Procedures.** These procedures shall apply to the SLM Program:

a. **Duration.** The SLM Period initially shall be 180 days from the Notice of SLM, unless otherwise agreed to by the parties or ordered by the Court.

b. **Dismissal of bankruptcy case may not be required.** Required Parties may not require the dismissal of Debtor's bankruptcy case as a condition precedent to an agreement reached through the SLM Program.

10. **Debtor's Duties in SLM.** Debtor's duties in SLM include the following:

a. **Submit Initial SLM Package.** Within seven days after the earlier of filing the Notice of SLM or Creditor's registration on the Portal, Debtor shall (i) upload Debtor's Initial SLM Package using the required Document Preparation Software and a copy of this Order to the Portal; and (ii) pay the Portal submission fee directly to the Portal vendor. Creditor will not receive a notice of the submission until the fee is paid.

b. **Submit requested additional or corrected documents.** Upon Creditor's request, Debtor shall promptly provide additional or corrected documents through the Portal.

c. **Conclusion of SLM.** Within 14 days of the date when Creditor and Debtor conclude the SLM process, Debtor shall file with the Court a Notice of Resolution, that includes the payment amount or other terms agreed by the parties, or a Notice of No Resolution stating that the parties have not reached a consensus.

11. **Creditor's Duties in SLM.** Creditor's duties in SLM include:

a. **Register on the Portal.** No later than 30 days after a Notice of SLM is filed, Creditor and Creditor's counsel (if any) shall register on the Portal. Note: A single registration on the Portal by Creditors and their counsel is effective as to all Notices of SLM.

b. **Acknowledge receipt of Initial SLM Package.** No later than 30 days after Debtor submits a completed Initial SLM Package on the Portal, Creditor shall acknowledge receipt of the Initial SLM Package on the Portal and designate a single point of contact and legal counsel (if any).

c. **Process Debtor's Application.** Within 30 days of receipt of Debtor's Initial SLM Package, Creditor shall notify Debtor if any additional or corrected documentation is needed. Creditor shall determine Debtor's eligibility for any Student Loan Repayment Option within 60 days of receipt of the Initial SLM Package or, if timely requested, receipt of any additional or corrected documentation.

d. **Promptly respond to Debtor's supplementations and inquiries.** Creditor shall promptly review Debtor's additional or corrected documentation and respond to Debtor's inquiries via the Portal.

12. **SLM Procedures in Chapter 13 Cases.** The following SLM procedures apply in Chapter 13 cases:

a. **If Debtor is current on Student Loan(s) as of the Petition Date.** If a Chapter 13 Debtor is current on a federal Student Loan(s) as of the Petition Date,

i. Debtor may propose a Chapter 13 plan that separately classifies the Student Loan(s) (subject to Paragraph 12.f. below) and provides for Debtor to pay Creditor (a) directly, or (b) through Chapter 13 plan payments made to the Chapter 13 Trustee (the "Trustee"); and

ii. Debtor may, in addition, seek SLM. If Debtor and Creditor reach an agreement, Debtor shall pay all SLM Program Payments through Debtor's Chapter 13 plan payments.

b. **If Debtor is in default on Student Loan(s) as of the Petition Date.** A Chapter 13 Debtor who is in default on more than one federal Student Loan as of the Petition Date and who has not previously obtained a Loan Consolidation may seek SLM for the purpose of obtaining a Loan Rehabilitation or a Loan Consolidation.

i. **Loan Rehabilitation.**

(a) If Debtor pays the Trustee nine monthly Chapter 13 plan payments within 20 days of each payment's due date during a period of ten consecutive months, Debtor will be deemed to have made Student Loan Payments on time, and Debtor will be eligible for an IDR Plan;

(b) Creditor shall promptly calculate the amount of the rehabilitation payment upon Creditor's receipt of Debtor's income and expense information. Within 15 business days of Creditor's calculation of the Loan Rehabilitation amount, Creditor shall send Debtor a Loan Rehabilitation agreement stating the amount of the calculated rehabilitation monthly payment. Debtor must sign the Loan Rehabilitation agreement and send copies to Creditor and to the Trustee;

(c) Debtor shall make payments during the Loan Rehabilitation period and IDR Payments under any IDR Plan through the Plan with the Trustee disbursing payments to Creditor; and

(d) If Debtor and Creditor reach an agreement for an IDR Plan (i) prior to confirmation of Debtor's Chapter 13 plan, Debtor shall file an amended Chapter 13 plan that provides for IDR Payments to be paid through the Chapter 13 plan; or (ii) after confirmation, Debtor shall file a motion to modify the confirmed Chapter 13 plan that provides for the IDR Payments to be paid through the Chapter 13 plan.

ii. **Loan Consolidation.** If Debtor and Creditor reach an agreement for Loan Consolidation and for Debtor to repay the Direct Loan Consolidation Loan under an IDR Plan, Debtor shall make those payments directly to Creditor.

c. **If Debtor is in default on a consolidated Direct Federal Student Loan and has obtained a Loan Rehabilitation after August 14, 2008.** If Debtor is in default as of the Petition Date on a consolidated Direct Federal Student Loan, Debtor's only remedy is to cure the prepetition default in the Chapter 13 plan.

i. Debtor may seek SLM and either Creditor or Debtor may file a proof of claim; Debtor may file a Chapter 13 plan that separately classifies Creditor (subject to provides Paragraph 12.f. below) to cure arrearages through the Chapter 13 plan; and

ii. During the time that the Student Loan is in default, Debtor shall not receive forgiveness credit toward an IDR Plan, and the Student Loan will continue to accrue interest at the contract rate; and

iii. When Debtor has completed Chapter 13 plan payments, Debtor may file a motion for an order determining that payments on the Student Loan are current as of the date of the motion. Debtor may serve the motion using the negative notice procedures of Local Rule 2002-4 and shall serve the motion and any resulting Court order on Creditor as provided for in Paragraph 6.b. of this Administrative Order.

d. **Debtor must file a Notice of Resolution.** If Debtor and Creditor reach a resolution, Debtor must file a Notice of Resolution within 30 days. If Debtor's Chapter 13 plan has been confirmed, and the Trustee is paying the SLM Program Payment through the Chapter 13 plan, the Trustee may treat the Notice of Resolution as a Notice of Payment Change under the provisions of the Court's Order Confirming Plan.

e. **Separate classification.** If Debtor's Chapter 13 plan separately classifies Student Loans, (i) the Trustee, the United States Trustee, and other parties in interest are not prohibited from objecting to the separate classification; and (ii) the Trustee shall make no further pro rata distributions to the separately classified Creditor during the Chapter 13 case.

f. **Nonstandard provisions in Chapter 13 plans.** If Debtor's Chapter 13 plan separately classifies a Student Loan, the Chapter 13 plan shall include the following provisions in the Plan's Nonstandard Provisions section:

i. This Plan does not provide for any discharge, in whole or in part, of student loan obligations under 11 U.S.C. §523(a)(8). If Debtor intends to seek the discharge of a student loan obligation, Debtor must file a separate adversary proceeding requesting such relief from the Court.

ii. Debtor may seek enrollment in any IDR Plan for which Debtor is eligible without further Order of the Court.

iii. Debtor's IDR Payments to the Trustee shall constitute payments to the Creditor for purposes of eligibility of forgiveness under any existing federal programs.

iv. Debtor understands that Creditor is not required to allow enrollment in any IDR Plan unless Debtor otherwise qualifies for such plan.

v. Debtor agrees to recertify eligibility in the applicable IDR Plan annually or as otherwise required and shall, within 30 days following Creditor's determination of change in the IDR Payment, Debtor shall file a notice with the Court of the amount such payment. The procedures set forth in Paragraph 12 apply to Recertification.

vi. It shall not be a violation of the automatic stay or other state or federal laws for Creditor to send Debtor normal monthly statements regarding IDR Payments due and any other communications including, without limitation, notices of late payments or delinquency. These communications may expressly include telephone calls and emails if Debtor has agreed to electronic communications under normal processes established by Creditor.

g. **Debtor may seek enrollment in any Student Loan Repayment Option at any time.** Debtor may seek enrollment in any Student Loan Repayment Option at any time and is not disqualified from seeking a Student Loan Repayment Option because of the pending bankruptcy case even if the Required Parties have agreed to a resolution or the Court has approved an earlier Student Loan Repayment Option.

h. **Debtor may seek consolidation of Eligible Loans without Court approval.** Debtor may seek to consolidate Eligible Loans without obtaining the Court's approval. However, Debtor must be otherwise eligible for any Loan Consolidation option sought according to applicable statute and regulations. All consolidated Student Loans obtained postpetition shall be paid directly by Debtor outside of the Chapter 13 plan and not by the Trustee. Debtor must provide proof of any postpetition consolidation of Student Loans to the Trustee.

13. **Debtor's Attorney's Fees.** Debtor's counsel is entitled to reasonable compensation for services rendered in representing Debtor in the SLM process and may request attorney's fees in Chapter 13 cases by filing a fee application or by providing for the payment of fees in Debtor's Chapter 13 plan. If Debtor is a debtor in a Chapter 13 case, the fees shall be paid as an administrative

expense in addition to the fees and costs incurred by Debtor's attorney in representing Debtor in the bankruptcy case.

a. **SLM Program Fees.** The "presumptively reasonable" fee for representing Debtor in the SLM Program is \$1,500.00 and includes, at minimum, the following services:

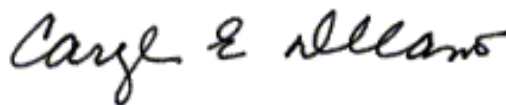
- i. Filing the Notice of SLM;
- ii. Preparation of the Initial SLM Package;
- iii. Preparation of any additional forms required throughout the SLM Program;
- iv. Submission of all documentation through the Portal;
- v. Filing other required motions or papers; and
- vi. Preparation of proposed orders and settlement papers, if applicable.

b. **Annual Recertification Fee.** In addition, Debtor's counsel may charge \$250.00 per year to assist Debtor with recertification of Debtor's IDR Plan and/or the filing of any related notices or amended schedules with the Court, if applicable. In Chapter 13 cases, the Trustee is authorized to disburse \$250.00 to Debtor's counsel upon the filing of a Notice of Recertification with the Court.

c. **Additional Compensation.** Debtor's counsel may seek additional compensation by separate application attaching contemporaneous time records for *extraordinary* services provided during SLM.

14. **Notice to Debtors with Federal Student Loans.** Debtors with Federal Student Loans have the option to apply directly to the U.S. Department of Education, either through their loan servicer or the U.S. Department of Education's website at, www.studentaid.gov, free of cost, to determine resolution and/or repayment options.

DATED: February 2, 2022.



CARYL E. DELANO
Chief United States Bankruptcy Judge

AMERICAN BANKRUPTCY INSTITUTE

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

DIVISION
www.flmb.uscourts.gov

In re _____,)
)
) Case No. __: __-bk-____-____
) Chapter ____
Debtor(s).)
)
_____)

**DEBTOR(S)' VERIFIED
MOTION TO [EXTEND OR IMPOSE] AUTOMATIC STAY**

Debtor(s) seek entry of an order extending [or imposing] the automatic stay under 11 U.S.C. § [362(c)(3)(C) or 362(c)(4)(D)].

1. **Date of Filing.** Debtor(s) filed this bankruptcy case on [insert filing date].

2. [If seeking to extend the stay] **Date on Which the Stay Will Terminate:** Absent an order of the Court, the automatic stay will terminate on [insert date].

3. **Most Recently Filed Prior Case.** On [insert filing date], Debtor(s) previously filed a Chapter __ case, Case No. [insert case number] [if not filed in the Middle District of Florida, add in the _____ District of _____].

4. **Reason for Dismissal of Prior Case.** The most recently filed prior case was dismissed on [insert dismissal date] for the following reasons(s): [check box for all that apply]

- failure to commence making plan payments.
- failure to make plan payments.
- failure to file a plan.
- failure to confirm a plan.
- failure to file other required documents (list): [list documents]
- Other (explain): [provide explanation]

Implemented 05/12/2025

5. ***History of Previously Filed Bankruptcy Cases.*** (check the box that that applies)

Other than the most recently filed prior case, Debtor(s) has/had had no other pending bankruptcy cases in the preceding one-year period; or

Debtor(s) has/had that following bankruptcy case(s) pending in the one-year period before filing this case, which was/were dismissed for the following reason(s):

Case No.:	
District:	
Date Filed:	
Reason for Dismissal:	(provide explanation and/or other relevant information)

6. ***Comparison of Debtor’s Income and Expenses in Current Case and the Most Recently Filed Prior Case:*** [use the most recent Schedules I/J, as amended, from the prior case]:

	Current Case¹	Prior Case [Insert Case Number]
Schedule I Net income (line 12)		
Schedule J Monthly Expenses (line 22c)		
Schedule J Monthly Net Income (line 23c)		
Plan Payment		
Wage Order	Yes or No	Yes or No

7. ***Plan Payments made in Prior Case(s):***

Case No. [Insert case number] [Insert total plan payments made]

Case No. [Insert case number] [Insert total plan payments made]

¹ If Schedules I and J have not been filed in this case, include estimates based on information available at the time this declaration is filed.

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8. *Motions for Relief from the Automatic Stay in Prior Case(s)*. Prior to the dismissal of any case(s) pending in the one-year period before the filing of this case, there were no motions for relief from the automatic stay that (a) the Court granted, or (b) were pending, except:

[None or provide explanation]

9. *Change in Personal or Financial Circumstances*. As set forth below, Debtor(s)' personal or financial circumstances have substantially changed since the filing of the most recent prior case such that the reason for dismissal in that case is not likely to recur:

[Provide explanation]

WHEREFORE, Debtor(s) respectfully request that the Court enter an order extending [or imposing] the automatic stay as to all creditors until such time as the stay would terminate as a matter of law under 11 U.S.C. §§ 362(c)(1) or (c)(2) or until further order of the Court.

/s/ Signature
Attorney for Debtor(s)
Attorney Name
Attorney Bar No.
Attorney E-Mail
Attorney Address
Attorney Phone Number

DEBTOR(S) VERIFICATION STATEMENT AND SIGNATURE

I, [insert debtor name], declare [or certify, verify, or state] under penalty of perjury [if executed outside the U.S., include “under the laws of the Unites States of America”] that the foregoing is true and correct.

[If applicable] I, [insert Joint Debtor's name], declare [or certify, verify, or state] under penalty of perjury [if executed outside the U.S., include “under the laws of the Unites States of America”] that the foregoing is true and correct.

Signature of Debtor

Dated

Signature of Joint Debtor

Dated

PROOF OF SERVICE

A true and correct copy of the foregoing has been sent by either electronic transmission or U.S. Mail, postage prepaid, on [Insert Date] to:

/s/ Signature
Attorney for Debtor(s)
Attorney Name
Attorney Bar No.
Attorney E-Mail
Attorney Address
Attorney Phone Number

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
_____ DIVISION

In re:

_____,
Debtor*.

Case No. _____
Chapter 13

_____/

**ORDER [GRANTING OR DENYING]
DEBTOR’S MOTION TO [EXTEND OR IMPOSE] THE AUTOMATIC STAY**

THIS CASE came on for hearing on [date and time] on Debtor’s Motion to [Extend or Impose] the Automatic Stay under 11 U.S.C. § [362(c)(3)(C) or 362(c)(4)(D)] (Doc. No. __) (“Motion”). For the reasons stated on the record, the Motion is:

_____ Denied
_____ Granted (pending a continued hearing on _____) as to:

- _____ A. _____.
- _____ B. All creditors except those to which the automatic stay does not apply by operation of Debtor’s Chapter 13 Plan and paragraph 13 of the Court’s *Administrative Order Prescribing Procedures for Chapter 13 Cases* entered in this case.

The Court at its discretion may file written findings and conclusions at a later date.

Attorney for Debtor is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and to file a proof of service within 3 days of entry of the order.

* All references to “Debtor” refer to both debtors in a case filed jointly by two individuals.

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Official Form 410S1

Notice of Mortgage Payment Change

12/25

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: _____

Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Date of payment change: _____
Must be at least 21 days after date of this notice

New total payment: \$ _____
Principal, interest, and escrow, if any
For HELOC payment amounts, see Part 3

Part 1: Escrow Account Payment Adjustment

1. Will there be a change in the debtor's escrow account payment?

- No
- Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: _____

Current escrow payment: \$ _____ New escrow payment: \$ _____

Part 2: Mortgage Payment Adjustment

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

- No
- Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: _____

Current interest rate: _____% New interest rate: _____%

Current principal and interest payment: \$ _____ New principal and interest payment: \$ _____

Part 3: Annual HELOC Notice

3. Will there be a change in the debtor's home-equity line-of-credit (HELOC) payment for the year going forward?

- No
 - Yes.
- Current HELOC payment: \$ _____
- Reconciliation amount: + \$ _____ or
- \$ _____

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Debtor 1 _____
First Name Middle Name Last Name

Case number (if known) _____

Amount of next payment (including reconciliation amount) \$ _____

Amount of the new payment thereafter (without reconciliation amount) \$ _____

Part 4: Other Payment Change

4. Will there be a change in the debtor's mortgage payment for a reason not listed above?

- No
- Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: _____

Current mortgage payment: \$ _____ New mortgage payment: \$ _____

Part 5: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

X _____ Date ____/____/____
Signature

Print: _____ Title _____
First Name Middle Name Last Name

Company _____

Address _____
Number Street

City State ZIP Code

Contact phone (____) ____-____ Email _____

Official Form 410C13-M1 (12/25)

United States Bankruptcy Court

_____ District of _____

In re _____, Debtor

Case No. _____
Chapter 13

Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim

The [trustee/debtor] states as follows:

1. The following information relates to the mortgage claim at issue:

Name of Claim Holder: _____ **Court claim no.** (if known): _____

Last 4 digits of any number used to identify the debtor's account: _____

Property address: _____

City State ZIP Code

2. As of the date of this motion, [I have/the trustee has] disbursed payments to cure arrearages as follows:

- a. Allowed amount of the prepetition arrearage, if any: \$ _____
- b. Total amount of the prepetition arrearage disbursed, if known: \$ _____
- c. Allowed amount of postpetition arrearage, if any: \$ _____
- d. Total amount of postpetition arrearage disbursed, if known: \$ _____
- e. Total amount of arrearages disbursed: \$ _____

3. As of the date of this motion, [I have/the trustee has] disbursed payments for postpetition fees, expenses, and charges as follows:

- a. Amount of postpetition fees, expenses, and charges noticed under Rule 3002.1(c) and not disallowed: \$ _____
- b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

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4. As of the date of this motion, [I have/the trustee has] made the following payments on the postpetition obligations: \$ _____

[5. If needed, add other information relevant to the motion.]

6. I ask the court for an order under Rule 3002.1(f)(3) determining the status of the mortgage claim addressed by this motion and whether the payments required by the plan to be made as of the date of this motion have been made.

Signed: _____ Date: ____/____/____

(Trustee/Debtor)

Address _____
Number Street

City State ZIP Code

Contact phone (____) ____-____ Email _____

Official Form 410C13-M1R (12/25)

United States Bankruptcy Court

District of _____

In re _____, Debtor

Case No. _____

Chapter 13

Response to [Trustee's/Debtor's] Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim

_____ (claim holder) states as follows:

1. The following information relates to the mortgage claim at issue:

Name of Claim Holder: _____ **Court claim no. (if known):** _____

Last 4 digits of any number used to identify the debtor's account: _____

Property address: _____

2. Arrearages

The total amount received to cure any arrearages as of the date of this response is

\$ _____.

Check all that apply:

As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.

As of the date of this response, the debtor has not paid in full the amount required to cure any prepetition arrearage on this mortgage claim. The total prepetition arrearage amount remaining unpaid as of the date of this response is:

\$ _____.

As of the date of this response, the debtor has not paid in full the amount required to cure any postpetition arrearage on the mortgage claim. The total postpetition arrearage amount remaining unpaid on the date of this response is:

\$ _____.

3. Postpetition Payments

(a) Check all that apply:

- The debtor is current on all postpetition payments, including all fees, charges, expenses, escrow, and costs.
- The debtor is not current on all postpetition payments. The debtor is obligated for the postpetition payment(s) that first became due on: ____/____/____.
- The debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing.

(b) The claim holder attaches a payoff statement and provides the following information as of the date of this response:

- i. Date last payment was received on the mortgage: ____/____/____
- ii. Date next postpetition payment from the debtor is due: ____/____/____
- iii. Amount of the next postpetition payment that is due: \$_____
- iv. Unpaid principal balance of the loan: \$_____
- v. Additional amounts due for any deferred or accrued interest: \$_____
- vi. Balance of the escrow account: \$_____
- vii. Balance of unapplied funds or funds held in a suspense account: \$_____
- viii. Total amount of fees, charges, expenses, negative escrow amounts, or costs remaining unpaid: \$_____

4. Itemized Payment History

Include if applicable:

Because the claim holder asserts that the arrearages have not been paid in full or states that the debtor is not current on all postpetition payments or that fees, charges, expenses, escrow, and costs are due and owing, the claim holder attaches an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- all prepetition and postpetition payments received;
- the application of all payments received;

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- all fees, costs, escrow, and expenses that the claim holder asserts are recoverable against the debtor or the debtor's principal residence; and
- all amounts the claim holder contends remain unpaid.

[5. If needed, add other information relevant to the response.]

_____ Date ____/____/____
Signature

Print _____ Title _____
Name

Company _____

If different from the notice address listed on the proof of claim to which this response applies:

Address _____
Number Street

_____ City State ZIP Code

Contact phone (____) ____-____ Email _____

The person completing this response must sign it. Check the appropriate box:

- I am the claim holder.
- I am the claim holder's authorized agent.

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Official Form 410C13-M2 (12/25)

United States Bankruptcy Court

_____ District of _____

In re _____, Debtor

Case No. _____
Chapter 13

Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim

The [trustee/debtor] states as follows:

1. The following information relates to the mortgage claim at issue:

Name of Claim Holder: _____ **Court claim no.** (if known): _____

Last 4 digits of any number used to identify the debtor's account: _____

Property address: _____

City

State

ZIP Code

2. As of the date of this motion, [I have/the trustee has] disbursed payments to cure arrearages as follows:

a. Allowed amount of the prepetition arrearage, if any: \$ _____

b. Total amount of the prepetition arrearage disbursed, if known: \$ _____

c. Allowed amount of postpetition arrearage, if any: \$ _____

d. Total amount of postpetition arrearage disbursed, if known: \$ _____

e. Total amount of arrearages disbursed \$ _____

3. As of the date of this motion, [I have/the trustee has] disbursed payments for postpetition fees, expenses, and charges as follows:

a. Amount of postpetition fees, expenses, and charges noticed under Rule 3002.1(c) and not disallowed: \$ _____

b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

2026 ALEXANDER L. PASKAY MEMORIAL BANKRUPTCY SEMINAR

4. As of the date of this motion, [I have/the trustee has] made the following payments on the postpetition obligations: \$ _____

[5. If needed, add other information relevant to the motion.]

6. I ask the court for an order under Rule 3002.1(g)(4) determining whether the debtor has cured all arrearages, if any, and paid all postpetition amounts required by the plan to be made as of the date of this motion.

Signed: _____
(Trustee/Debtor)

Date: ____ / ____ / ____

Address _____
Number Street

City State ZIP Code

Contact phone (____) ____ - _____ Email _____

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Official Form 410C13-M2R (12/25)

United States Bankruptcy Court

District of _____

In re _____, Debtor

Case No. _____

Chapter 13

Response to [Trustee's/Debtor's] Motion to Determine Final Cure and Payment of the Mortgage Claim

_____ (claim holder) states as follows:

1. The following information relates to the mortgage claim at issue:

Name of Claim Holder: _____ **Court claim no. (if known):** _____

Last 4 digits of any number used to identify the debtor's account: _____

Property address: _____

_____ City

_____ State

_____ ZIP Code

2. Arrearages

The total amount received to cure any arrearages as of the date of this response is

\$ _____.

Check all that apply:

As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.

As of the date of this response, the debtor has not paid in full the amount required to cure any prepetition arrearage on this mortgage claim. The total prepetition arrearage amount remaining unpaid as of the date of this response is:

\$ _____.

As of the date of this response, the debtor has not paid in full the amount required to cure any postpetition arrearage on this mortgage claim. The total postpetition arrearage amount remaining unpaid as of the date of this response is:

\$ _____.

3. Postpetition Payments

(a) Check all that apply:

- The debtor is current on all postpetition payments, including all fees, charges, expenses, escrow, and costs.
- The debtor is not current on all postpetition payments. The debtor is obligated for the postpetition payment(s) that first became due on: ____/____/____.
- The debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing.

(b) The claim holder attaches a payoff statement and provides the following information as of the date of this response:

- i. Date last payment was received on the mortgage: ____/____/____
- ii. Date next postpetition payment from the debtor is due: ____/____/____
- iii. Amount of the next postpetition payment that is due: \$_____
- iv. Unpaid principal balance of the loan: \$_____
- v. Additional amounts due for any deferred or accrued interest: \$_____
- vi. Balance of the escrow account: \$_____
- vii. Balance of unapplied funds or funds held in a suspense account: \$_____
- viii. Total amount of fees, charges, expenses, negative escrow amounts, or costs remaining unpaid: \$_____

4. Itemized Payment History

Include if applicable:

Because the claim holder disagrees that the arrearages have been paid in full or states that the debtor is not current on all postpetition payments or that fees, charges, expenses, escrow, and costs are due and owing, the claim holder attaches an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- all prepetition and postpetition payments received;

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- the application of all payments received;
- all fees, costs, escrow, and expenses that the claim holder asserts are recoverable against the debtor or the debtor's principal residence; and
- all amounts the claim holder contends remain unpaid.

[5. If needed, add other information relevant to the response].

_____ Date ____/____/____
Signature

Print _____ Title _____
Name

Company _____

If different from the notice address listed on the proof of claim to which this response applies:

Address _____
Number Street

City State ZIP Code

Contact phone (____) ____-____ Email _____

The person completing this response must sign it. Check the appropriate box:

- I am the claim holder.
- I am the claim holder's authorized agent.

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Official Form 410C13-N

Trustee's Notice of Disbursements Made

12/25

The trustee must file this notice in a chapter 13 case within 45 days after the debtor completes all payments due to the trustee. Rule 3002.1(g)(1).

Part 1: Mortgage Information

Name of claim holder: _____ Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Property address: _____

Number Street

City State ZIP Code

Part 2: Statement of Completion

The debtor has completed all payments due the trustee under the chapter 13 plan. A copy of the trustee's disbursement ledger for all payments to the claim holder is attached or may be accessed here: _____ (web address).

Part 3: Arrearages

	Amount
a. Allowed amount of prepetition arrearage:	\$ _____
b. Total amount of prepetition arrearage disbursed by the trustee:	\$ _____
c. Total amount of postpetition arrearage disbursed by the trustee:	\$ _____
d. Total amount of arrearages disbursed by the trustee:	\$ _____

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Part 4: Postpetition Payments

Check one:

- Postpetition payments are made by the debtor.
Postpetition payments are paid through the trustee.
Other: _____

If the trustee has disbursed postpetition payments, complete a and b below; otherwise leave blank.

- a. Total amount of postpetition payments disbursed by the trustee as of date of notice: \$ _____
b. The last ongoing mortgage payment disbursed by the trustee was the payment due on _____. All subsequent ongoing mortgage payments must be made directly by the debtor to the mortgage claimant.

Part 5: Postpetition Fees, Expenses, and Charges

Amount of postpetition fees, expenses, and charges disbursed by the trustee: \$ _____

Part 6: A Response Is Required by Bankruptcy Rule 3002.1(g)(3)

Within 28 days after service of this notice, the holder of the claim must file a response using Official Form 410C13-NR.

Signature: X _____ Date: ___/___/___
Trustee: First Name _____ Middle Name _____ Last Name _____
Address: Number _____ Street _____
City _____ State _____ ZIP Code _____
Contact phone: (____) ____-____ Email: _____

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Official Form 410C13-NR

Response to Trustee's Notice of Disbursements Made

12/25

The claim holder must respond to the Trustee's Notice of Payments Made within 28 days after it was served. Rule 3002.1(g)(3).

Part 1: Mortgage Information

Name of claim holder: _____ Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Property address: _____
Number Street

City State ZIP Code

Part 2: Arrearages

The total amount received to cure any arrearages as of the date of this response: \$_____.

Check all that apply:

- The amount required to cure any prepetition arrearage has been paid in full.
- The amount required to cure the prepetition arrearage has not been paid in full. Amount of prepetition arrearage remaining unpaid as of the date of this notice: \$_____.
- The amount required to cure any postpetition arrearage has been paid in full.
- The amount required to cure the postpetition arrearage has not been paid in full. Amount of postpetition arrearage remaining unpaid as of the date of this notice: \$_____.

Part 3: Postpetition Payments

(a) Check all that apply:

- The debtor is current on all postpetition payments, including all fees, charges, expenses, escrow, and costs.
- The debtor is not current on all postpetition payments. The claim holder asserts that the debtor is obligated for the postpetition payment(s) that first became due on: ____/____/____.
- The debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing.

(b) The claim holder attaches a payoff statement and provides the following information as of the date of this response:

- i. Date last payment was received on the mortgage: ____/____/____
- ii. Date next postpetition payment from the debtor is due: ____/____/____
- iii. Amount of the next postpetition payment that is due: \$ _____
- iv. Unpaid principal balance of the loan: \$ _____
- v. Additional amounts due for any deferred or accrued interest: \$ _____
- vi. Balance of the escrow account: \$ _____
- vii. Balance of unapplied funds or funds held in a suspense account: \$ _____
- viii. Total amount of fees, charges, expenses, negative escrow amounts, or costs remaining unpaid: \$ _____

Part 4 Itemized Payment History

If the claim holder disagrees that the prepetition arrearage has been paid in full, states that the debtor is not current on all postpetition payments, or states that fees, charges, expenses, escrow, and costs are due and owing, it must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- all prepetition and postpetition payments received;
- the application of all payments received;
- all fees, costs, escrow, and expenses that the claim holder asserts are recoverable against the debtor or the debtor's principal residence; and
- all amounts the claim holder contends remain unpaid.

Part 5: Sign Here

The person completing this response must sign it. Check the appropriate box:

- I am the claim holder.
- I am the claim holder's authorized agent.

I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.

X _____ Date ____/____/____
Signature

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

Faculty

Hon. Caryl E. Delano is Chief Judge for the U.S. Bankruptcy Court for the Middle District of Florida in Tampa, initially appointed on June 25, 2008, and named Chief Judge on October 1, 2019. She also was appointed Presiding Judge of the Fort Myers Division in July 2012. In 2022, Judge Delano was appointed by the Eleventh Circuit to a second 14-year term as a bankruptcy judge. In 2022, she was appointed to the Bankruptcy Judges Advisory Committee to the Administrative Office of the U.S. Courts for a three-year term beginning in 2023. On July 6, 2023, the district court reappointed her as Chief Judge for another four-year term beginning on Oct. 1, 2023. Previously, Judge Delano practiced before the bankruptcy courts of the Central District of California for 14 years. In 1994, she returned to Tampa and most recently practiced law with the firm of Addison & Delano, P.A., where she concentrated her practice on bankruptcy and commercial litigation. Judge Delano has represented debtors and creditors in numerous chapter 11 cases and related adversary proceedings. She served as the liaison judge to the Middle District of Florida's Local Rules Lawyers' Advisory Committee from 2011-20 and is a member of the National Conference of Bankruptcy Judges Federal Rules Advisory Committee. In 2017, Judge Delano received the Southwest Florida Bankruptcy Professionals Association's Alexander L. Paskay Professionalism Award. In addition, she is a former executive director and past-president of the J. Clifford Cheatwood American Inn of Court. Judge Delano received her B.A. in English *cum laude* in 1976 from the University of South Florida and her J.D. in 1979 from Indiana University School of Law, having completed her final year of law school at Emory University School of Law.

Nicole Mariani Noel is a shareholder at Kass Shuler, P.A. in Tampa, Fla., where she has been practicing in the fields of bankruptcy, creditors' rights and insolvency, real estate, consumer and business litigation since 2009. She heads the Bankruptcy practice group for the firm and handles cases throughout the state of Florida in all districts, as well as District of Colorado, Eastern and Southern District of Texas, all three Districts in Tennessee, and the Northern and Southern Districts of Illinois. Ms. Noel is the president of the Tampa Bay Bankruptcy Bar Association (TBBBA) for the 2024-25 bar year. She formerly chaired the Bankruptcy Practice Group for the American Legal and Financial Network (ALFN) and the Case Law Update Subcommittee for the Real Property Finance and Lending Committee of the Real Property Probate and Trust Law Section of the Florida Bar. She also recently authored a chapter on bankruptcy in *Florida Foreclosure Law*, published by Fastcase. Ms. Noel is active in the community and is an adjunct professor at Stetson University College of Law, St. Petersburg College and Hillsborough Community College, teaching bankruptcy, real property finance, business law and civil litigation. She participated in the 2016 NextGeneration program, held during the National Conference of Bankruptcy Judges (NCBJ), and she was honored to become a Fellow for the Florida Bar Leadership Academy. In addition, she has been named one of ALFN's Junior Professionals and Executives Group (JPEG)'s standout young professionals to watch in 2016 and most recently received the 2023 Industry Achievement Award for the ALFN. Ms. Noel received her undergraduate degree from Florida State University and her M.B.A. and J.D. from Stetson University School of Business Administration and Stetson University College of Law, respectively.

Kelly Remick is the Chapter 13 Standing Trustee for the Tampa Division of the Middle District of Florida. Prior to her appointment as trustee, she worked for Chapter 13 Standing Trustee Jon Waage

as his senior staff attorney for nearly nine years. She also represented creditors in private practice for many years in bankruptcy and state court proceedings. Ms. Remick received her B.A. in political science from the University of Michigan and her J.D. from the University of Florida College of Law.

Hon. Luis E. Rivera, II is a U.S. Bankruptcy Judge for the Middle District of Florida in Tampa and Fort Myers, Fla. Prior to his appointment to the bench, he served as deputy chair of GrayRobinson, P.A.'s bankruptcy group and served as the managing shareholder of the firm's Fort Myers and Naples offices. He also served as a panel trustee in the Middle District of Florida from 2010 to his appointment. Judge Rivera is Board Certified in both Business and Consumer Bankruptcy Law by the American Board of Certification. He is an active member of The Florida Bar's Business Law Section and ABI, and in 2017 he was named to ABI's inaugural class of "40 Under 40" Emerging Leaders in Insolvency Practice. Judge Rivera received his B.A. in political science *magna cum laude* from Loyola University New Orleans, where he was an Ignatian Scholar, and his J.D. from Washington and Lee University School of Law, where he was editor-in-chief of the *Washington and Lee Journal of Civil Rights and Social Justice*.

Daryl J. Smith is the chapter 13 trustee for the Tampa-Fort Myers Divisions of the Middle District of Florida in Bradenton. He previously served as chapter 13 trustee for the Western District of Louisiana in Shreveport, and prior to that, as senior staff attorney to the chapter 13 trustee for the Western District of Tennessee in Memphis. Over the course of his career, Mr. Smith has administered and been involved in more than 20,000 chapter 13 bankruptcy cases. Prior to entering the field of bankruptcy law, Mr. Smith was an assistant district attorney for the State of Mississippi, where he tried 36 jury trials to verdict. He is an active member of the National Association of Chapter 13 Trustees (NACTT) and ABI. Mr. Smith is a frequent lecturer and panelist, and a published author on matters involving consumer bankruptcy and financial administration. His professional recognitions include selection as a National Conference of Bankruptcy Judges (NCBJ) Hon. Cornelius Blackshear Presidential Fellow and inclusion in ABI's "40 Under 40." Mr. Smith received his B.S. in political science at Murray State in 2008 and his J.D. at Mississippi College School of Law in 2012.