

****REVISED****

**Procedure for Resolving Motions to Dismiss Case
for Failure to Make Plan Payments**

To Debtors' Attorneys:

Attached are several form agreed orders to streamline the process for resolving the trustee's motions to dismiss for failure to make plan payments, but only in cases with confirmed plans. These agreed orders – and only these agreed orders – can be used to get the motion to dismiss off the docket and avoid a hearing.

As a general rule, if the debtor's case is this old:	the Trustee will agree to the attached form order giving the debtor(s) this long to be current, plus the standard 1-year probation:
Less than 6 months old	30 days to be current, with probation
Less than 1 year and more than 6 months old	60 days to be current, with probation
More than 1 year old	90 days to be current, with probation

If you wish to convert the case, the Trustee will agree to the attached form order giving the debtor(s) **30 days to convert** or the case will be dismissed.

If one of the attached form orders is agreeable with you and your clients, follow this procedure to get the motion off the docket and avoid a hearing:

1. You must prepare the appropriate agreed order. Do not change the terms of these agreed orders or attempt to submit an order that does not conform to one of the above conditions.
2. At least seven (7) days before the hearing, email the proposed agreed order to agreedorders@ch13edky.com.
3. If the Trustee agrees, someone from the trustee's office will send you an email giving you the authority to /s/ the trustee's name to the agreed order.
4. You then **PRINT THE AGREED ORDER TO PDF (like you would a Word document), SAVE IT,** and file that saved PDF proposed order with the court, or print the form to paper, scan it, and file it. If you do not submit the agreed order to court, the case will remain on the docket and is subject to being dismissed for non-appearance at the hearing. **DO NOT FILE THE FILL-OUT-ABLE PDF FORM** or the data you typed into the form will be lost.
5. After entry of the agreed order, *the Trustee will serve* the order on the Debtor by mail along with a "Probation Notice," a copy of which will be filed with the Certificate of Service.
6. If the trustee does not agree to your agreed order, someone from the trustee's office will so inform you, and the case will remain on the court's docket.

If you intend to file a motion to modify the plan in response to the trustee's motion to dismiss, or propose some other method to catch up the delinquency, the motion to dismiss will remain on the docket, and you will need to attend the hearing on the motion to dismiss.

If the trustee's motion to dismiss is for some reason other than failure to make plan payments, the motion will remain on the docket. The trustee cannot resolve the matter by agreed order.

If the motion to dismiss has been filed in a case in which a plan has not been confirmed, the motion will remain on the docket. The trustee will not resolve the matter by agreed order.

PLEASE NOTE THAT SUBMITTING THESE PROPOSED AGREED ORDERS TO THE TRUSTEE LESS THAN SEVEN (7) DAYS BEFORE THE COURT HEARING WILL LIKELY BE TOO LATE TO GET THE CASE OFF THE DOCKET.