

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

AMENDED LOCAL GENERAL ORDER NO. 20

The manner in which motions of the chapter 13 trustee to dismiss chapter 13 debtor cases will be handled is:

1. The chapter 13 trustee shall file a motion to dismiss the case. The motion shall contain the following information:

- (a) the number of months the debtor's payments are in default;
- (b) the amount necessary to cure the arrearage;
- (c) the amount by which plan payments must be increased or decreased to pay the debtor's proposed plan as confirmed or amended;
- (d) a suggested injunction period to be imposed if the case is dismissed;
- (e) any other relief sought by the trustee.

2. Every motion to dismiss will be set for hearing.

3. The debtor and/or his attorney must be present at the hearing or the case will be dismissed unless, at least 24 hours prior to the hearing, the debtor and/or his attorney deliver to the chapter 13 trustee a fully completed "Consent Order to Trustee's Motion Dismiss," a copy of which is attached to this General Order. If a fully completed consent order is delivered to the trustee, no hearing will be held on the motion, the consent order will be filed and entered and the chapter 13 trustee will proceed accordingly, unless the Court orders otherwise.

4. If a "Consent Order to Trustee's Motion to Dismiss" is delivered less than 24 hours before the hearing on the motion is scheduled or a consent order is not delivered at all, the debtor and/or his attorney must appear at the hearing to avoid dismissal of the case. At the hearing, the debtor and counsel may be required to complete a consent order prior to being heard. The debtor and/or his attorney shall be prepared to explain to the Court why the debtor's situation does not permit completion of a consent order if one is not completed.

5. The Court, in its discretion, may overrule a consent order and order other relief. The Court may order a debtor and/or his attorney to attend a hearing on a motion to dismiss even if a consent order has been filed.

6. This General Order will be effective for motions scheduled for dismissal hearings on September 1, 2001 and thereafter. Debtors and their counsel may use the consent order immediately if they obtain the information necessary to complete it from the chapter 13 office internet service.

Dated: July 30, 2001

MARGARET A. MAHONEY
CHIEF BANKRUPTCY JUDGE

WILLIAM S. SHULMAN
U.S. BANKRUPTCY JUDGE