

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

In Re:
Debtor(s)

97-00000-WSS-13

TRUSTEE'S MOTION TO DISMISS

John C. McAleer, III, Trustee in this Chapter 13 proceeding, respectfully reports that the debtor(s) has failed to comply with the Court's Confirmation Order. The Debtor(s) should have paid \$_____. The debtor has paid \$_____ to date causing a delinquency of \$_____ or _____ months.

For the plan to be completed within the confirmed period of time, payments shall be \$_____ PER MONTH.

Wherefore, the Trustee prays this Court will grant this motion to dismiss with 90 day injunction, or in the alternative, increase plan payments as stated above.

NOTICE AND OPPORTUNITY TO OBJECT AND FOR HEARING

PLEASE CONTACT YOUR ATTORNEY IMMEDIATELY UPON RECEIPT OF THIS MOTION TO DISCUSS A RESPONSE TO THIS MOTION.

You must file a proper written objection to this motion within thirty (30) days from the date of service of this Motion. Upon the filing of the written objection, a dismissal hearing will be set at which you must appear. The written objection must state the specific reasons for the objection. It must be filed with the Chapter 13 Trustee, John C. McAleer III, P.O. Box 1884, Mobile, AL 36633; Clerk of Court, 201 St. Louis St., Mobile, AL 36602; and any other appropriate person according to the Federal Rules of Bankruptcy Procedure.

OR

You may avoid appearing at a dismissal hearing by filing a properly written consent order, which is enclosed, on or before _____. A cashier's check or money order in the amount of \$_____ must accompany the consent order if you wish to remain in Chapter 13. The consent order and payment must be filed with John C. McAleer III, Chapter 13 Trustee, P.O. Box 1884, Mobile, AL 36633 OR 161 ST. MICHAEL ST., MOBILE, AL 36602.

IF YOU DO NOT FILE A PROPERLY WRITTEN OBJECTION OR SUBMIT A CONSENT ORDER WITH A FULL PAYMENT AS SET FORTH ABOVE, WITHIN THE TIME PERMITTED, THE COURT WILL ASSUME THAT YOU DO NOT OPPOSE THE GRANTING OF THIS MOTION, WILL CONSIDER THIS MOTION WITHOUT A HEARING, AND MAY GRANT THE RELIEF REQUESTED IN THIS MOTION.

CERTIFICATE OF SERVICE

I CERTIFY THAT ON 00/00/0000, I SERVED A COPY OF THE ABOVE MOTION TO THE PARTIES LISTED BELOW BY MAILING SAME BY UNITED STATES MAIL.

UNITED STATES BANKRUPTCY CLERK
DEBTOR
ATTORNEY