

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

Consent to Action At Hearing on)	Administrative Order No. <u>10-06</u>
Trustee's Motion to Dismiss in)	(Southern Division - ONLY
Chapter 13 Cases)	Applicable in Cases Assigned to
)	Judge Mitchell)

**ADMINISTRATIVE ORDER AUTHORIZING AND ALLOWING
THE FILING OF A CONSENT TO ACTION IN CHAPTER 13 CASES**

The provisions of this Administrative Order are applicable ONLY if a hearing is scheduled on a Trustee's Motion to Dismiss before Judge Mitchell and in a case assigned to Judge Mitchell.

An Attorney may file a Consent to Action At Hearing on a Trustee's Motion to Dismiss in Chapter 13 cases; the Consent filed **MUST** be identical to the form attached to this Administrative Order. If the Consent is complete and is filed properly as well as timely, the Debtor and Debtor's Counsel do not have to appear at the hearing. Counsel shall be sure to notify the Debtor if they do not need to be present.

If the Consent form is not timely filed, is not properly filed, if it is incomplete or if the form has been altered in any way, then the Trustee's Motion to Dismiss will be heard as scheduled and noticed. If Debtor and/or Debtor's counsel fail to appear, the court will still proceed with the hearing.

Dated this the 28th day of July, 2010.


TAMARA O. MITCHELL
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In re:

) Case No.
)
Debtor.)

**CONSENT TO ACTION AT HEARING ON
TRUSTEE'S MOTION TO DISMISS**

Comes now the Debtor and hereby consents to the following action being taken in this case at the hearing on the Trustee's Motion to Dismiss:

- ☐ The case may be dismissed.
- ☐ The case shall be converted to one under chapter 7 at the Debtor's request.
- ☐ The Debtor shall resume his/her regular payments to the Trustee.
The Debtor consents that the Trustee's Motion to Dismiss will be conditionally DENIED pending compliance by the Debtor with these conditions: (1) the Debtor shall cause a full plan payment to be received in the Trustee's office before 4:00 p.m., 30 days from the date of the hearing on the Trustee's Motion to Dismiss; and, (2) the Debtor shall cause all plan payments due during the next 12 months to be received in the full amounts due in the Trustee's office before 4:00 p.m. on the dates due. The Debtor further consents that if he/she fails to satisfy these conditions, the Trustee may file a Notice of Continuing Default with the Court, with copies to the Debtor and Debtor's attorney, after which the Court may grant the Trustee's Motion to Dismiss and may dismiss this case without further notice or hearing.
- ☐ The Trustee shall issue a payroll deduction order to the employer of the Debtor,
_____ (name of Debtor) at:
- _____
(employer's name)
- _____
(employer's address)
- _____
(employer's telephone number)

The Debtor understands that he/she shall make direct payments to the Trustee until the employer begins the deductions.

DATE:

CONSENTED TO BY:

DEBTOR*

CHAPTER 13 TRUSTEE

DEBTOR*

ATTORNEY FOR DEBTOR(S)

***This form must be signed by the Debtor.**