**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

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| **In re:**  **Click to enter DEBTOR and JOINT DEBTOR,**  **Debtor(s).** |  | **Case No. Case number-JHH**  **Chapter 13** |

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| NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING  Pursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail.  If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.  If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested. |

**CHAPTER 13 DEBTOR'S MOTION TO SET ASIDE DISMISSAL ORDER AND RESCHEDULE HEARING ON TRUSTEE'S MOTION TO DISMISS**

The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") move the court, pursuant to Rule 9023 of the Federal Rules of Bankruptcy Procedure and Rule 59 of the Federal Rules of Civil Procedure, for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) setting aside the order dismissing the Case (Doc. Enter Doc.) (the "Dismissal Order") and rescheduling the hearing on the chapter 13 trustee's motion to dismiss the Case (Doc. Enter Doc.) (the "Trustee's Motion to Dismiss"). As grounds for the Motion, the Debtor states as follows:

1. On Enter or select date case dismissed, the court entered the Dismissal Order, granting the Trustee's Motion to Dismiss.
2. Prior to dismissal, the court confirmed the Debtor's chapter 13 plan and all applicable claims bar dates expired.
3. The Motion is filed within 14 days after the date of the Dismissal Order.
4. The Case was dismissed for Enter reason(s) case was dismissed.
5. The Debtor avers that good cause exists to set aside the Dismissal Order. Specifically, the Debtor alleges: Enumerate specific grounds for setting aside the dismissal.

**WHEREFORE, PREMISES CONSIDERED,** the Debtor requests entry of an order substantially in the form of the attached Proposed Order, setting aside the Dismissal Order and rescheduling the hearing on the Trustee's Motion to Dismiss on not less than 7 days' notice to the Debtor, the Debtor's attorney, the chapter 13 trustee, and the creditors or other interested parties included on the mailing matrix for the Case.

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

Print Name: Enter Name

Address: Enter Address

Telephone No. Enter Telephone No.

Email: Enter Email Address

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of this certificate of service, I caused the Motion, the exhibit(s) to the Motion (the "Exhibit(s)"), including the Proposed Order, and this certificate of service[[2]](#footnote-2) to be served on the creditors and other interested parties identified on the attached mailing matrix[[3]](#footnote-3) by First-Class United States Mail.

I also hereby certify that on the date of this certificate of service, I caused the Motion, the Exhibit(s), and this certificate of service to be served on the parties listed below by the means specified (if none, leave blank):

|  |  |
| --- | --- |
| **Name and Address**  (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service**  (If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

**EXHIBIT A**

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

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| **In re:**  **Click to enter DEBTOR and JOINT DEBTOR,**  **Debtor(s).** |  | **Case No. Case number-JHH**  **Chapter 13** |

**ORDER SETTING ASIDE DISMISSAL ORDER AND RESCHEDULING HEARING ON TRUSTEE'S MOTION TO DISMISS**

This matter is before the court on the *Debtor's Motion to Set Aside Dismissal Order and Reschedule Hearing on Trustee's Motion to Dismiss* (Doc. Enter Doc #) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. The Motion was served on all creditors and other interested parties with the Western Division Administrative Order No. 20-01 negative notice legend informing the parties of their opportunity to respond. No party filed a response within the time permitted, and, therefore, the court considers the Motion to be unopposed and deems admitted the uncontroverted factual allegations set forth in the Motion. (*See* Admin. Order No. 20-01.) It appears to the court that the Motion should be granted. Accordingly, it is ORDERED:

1. The Motion is granted, and the Dismissal Order is set aside.
2. The Trustee's Motion to Dismiss is rescheduled for hearing on [JHH Chambers to Insert Date] at [JHH Chambers to Insert Time] in Room 2600, Federal Courthouse, 2005 University Boulevard, Tuscaloosa, Alabama 35401.

Dated:

UNITED STATES BANKRUPTCY JUDGE

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address ([ordersjhh@alnb.uscourts.gov](mailto:ordersjhh@alnb.uscourts.gov)) in accordance with Western Division Administrative Order Number 20-01. [↑](#footnote-ref-1)
2. This certificate of service must be attached to, and filed with, the Motion. [↑](#footnote-ref-2)
3. Attach a current, official mailing matrix for the Case. [↑](#footnote-ref-3)