**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. |

**DEBTOR'S MOTION TO MODIFY SECTION 4.3 AND PART 7 OF CONFIRMED PLAN TO SUBSTITUTE AO 20-03 FOR AO 17-07**

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 11 U.S.C. § 1329, Rule 3015 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Administrative Order No. 20-03 ("AO 20-03"),[[1]](#footnote-1) for entry of an order substantially in the form of the attached proposed order (the "Proposed Order").[[2]](#footnote-2) In support of the relief requested, the Debtor shows the court as follows:

1. The Debtor's Plan in the Case is in a form approved by the District on or after December 1, 2017 (in accordance with Bankruptcy Rule 3015-1).
2. The Debtor's Plan has been confirmed.
3. In § 4.3 of the Plan, the Debtor selected the option to pay the Compensation "in accordance with any applicable administrative order regarding fees entered in the division where the case is pending."
4. At the time of Confirmation, the applicable administrative order was AO 17-07.
5. AO 17-07 also is incorporated, by reference, in part 7 of the Plan, which specifies that the Trustee will make the monthly payments required in parts 3 through 6 of the Plan "in the sequence of payments set forth in the administrative order for the division in which this case is pending."
6. On February 10, 2020, the Western Division entered AO 20-03.
7. AO 20-03 supersedes and replaces AO 17-07 in Western Division Chapter 13 Cases filed on or after the date of AO 20-03 (February 10, 2020) and in Western Division Chapter 13 Cases in which the Confirmation hearing is scheduled (or rescheduled) for a date that is more than 30 days after the date of AO 20-03 (i.e., after March 11, 2020).
8. Although AO 20-03 is not retroactively made applicable to the Case by its terms, AO 20-03 authorizes the Debtor file a motion to substitute AO 20-03 (for AO 17-07) under § 4.3 and part 7 of the Debtor's confirmed Plan.
9. The Debtor hereby requests (A) that court modify § 4.3 and part 7 of the Debtor's Plan to incorporate AO 20-03 (not AO 17-07) by reference and (B) that, from and after the date of the order granting the relief requested hereby, the Trustee disburse Regular Funds received by the Trustee in accordance with the Default Payment Sequence.

**WHEREFORE, PREMISES CONSIDERED,** the Debtor requests entry of an order substantially in the form of the Proposed Order.

Dated:

Signature of Attorney for Debtor or pro se Debtor

Print Name: Enter Name

Address: Enter Address

Telephone No. Enter Telephone No.

**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 GRANTING DEBTOR'S MOTION TO MODIFY SECTION 4.3 AND PART 7 OF CONFIRMED PLAN TO SUBSTITUTE AO 20-03 FOR AO 17-07**

This matter is before the court on the *Debtor's Motion to Modify Section 4.3 and Part 7 of Confirmed Plan to Substitute AO 20-03 for AO 17-07* (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 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.) For the reasons set forth herein; based on the filings, evidence, and all other matters before the court; pursuant to 11 U.S.C. § 1329, Bankruptcy Rule 3015, and AO 20-03; and for cause shown, it is ORDERED:

1. The Motion is GRANTED.
2. Effective as of the date of this order (the "Effective Date"), the reference in § 4.3 of the Debtor's confirmed Plan to the "applicable administrative order regarding fees entered in the division where the case is pending" and the reference in part 7 of the Debtor's confirmed Plan to the "administrative order for the division in which this case is pending" shall be deemed to refer to AO 20-03, not AO 17-07.
3. From and after the Effective Date, the Trustee shall disburse Regular Funds received by the Trustee in the Case in accordance with the Default Payment Sequence.

Dated:

UNITED STATES BANKRUPTCY JUDGE

**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** |

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of this certificate of service, I caused the *Debtor's Motion to Modify Section 4.3 and Part 7 of Confirmed Plan to Substitute AO 20-03 for AO 17-07*, the proposed order attached thereto, and this certificate of service[[3]](#footnote-3) to be served on the creditors and other interested parties identified on the attached mailing matrix[[4]](#footnote-4) by First-Class United States Mail.

Dated: Select date

Signature of Attorney for Debtor or pro se Debtor

1. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in AO 20-03. [↑](#footnote-ref-1)
2. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address ([orders\_jhh@alnb.uscourts.gov](mailto:orders_jhh@alnb.uscourts.gov)). If the movant fails to submit the Proposed Order within **three (3) days** after the expiration of the response period, the court may enter an order denying the Motion, without prejudice, for lack of prosecution, or notice the Motion for hearing. [↑](#footnote-ref-2)
3. This certificate of service must be attached to, and filed with, the motion. [↑](#footnote-ref-3)
4. Attach a current, official mailing matrix for the case. [↑](#footnote-ref-4)