

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF LOUISIANA**

BANKRUPTCY STANDING ORDER 2003-2

**OBJECTIONS TO CHAPTER 13 TRUSTEE'S
MOTIONS TO DISMISS OR CONVERT**

Pursuant to 11 U.S.C. §105 and Federal Rule of Bankruptcy Procedure 1001, the Court issues the following standing order to expedite chapter 13 hearings by proscribing the content of objections to the Chapter 13 trustee's motions to dismiss or convert and the deadline for filing and serving such objections.

Accordingly, **effective for all matters noticed or scheduled for a hearing to take place on and after April 30, 2003**, and until further notice,

IT IS ORDERED that Local Rules 1017-1 and 1017-3 are temporarily supplemented to add the following provisions concerning the dismissal and conversion of cases by the Chapter 13 trustee:

- (1) any objection to a trustee's motion to dismiss or convert must be filed in the record at least *fifteen* days prior to the scheduled hearing on the motion and must be served upon the trustee on the date of filing;
- (2) objections must be served in a manner to ensure that they are actually received by the trustee on the day on which they are filed;
- (3) the objection *must* include
 - (a) the reasons the debtor fell behind,
 - (b) if the debtor intends to cure the payment default, a detailed repayment schedule, including dates and amounts of payments, with repayment schedule not to exceed two months from the date of the filing of the motion to dismiss or convert,
 - (c) if the debtor contends that plan payments were not properly credited, the dates and amounts of payments allegedly made,
 - (d) where any evidence of payment is necessary to the debtor's defense, relevant documents, including, without limitation, copies of money orders, money order receipts, pay stubs, cancelled checks, etc. The documents must be *delivered* to the trustee at least *five* days prior to the hearing date.
- (4) a hearing will be held on the scheduled date *if and only if* a complying objection is timely filed; and
- (5) unless waived in writing prior to a hearing on trustee's motion to dismiss or convert, if necessary, the debtor's attendance at the hearing is *required*.

Other provisions of Local Rules 1017-1 and 1017-3 are not affected by this Standing Order, and shall remain unchanged.

BY THE COURT:

**Douglas D. Dodd
United States Bankruptcy Judge
Baton Rouge, Louisiana April 3, 2003**