

FILED
U.S. Bankruptcy Court
Western District of NC
MAR 09 2016
Steven T. Salata, Clerk
Charlotte Division
ASW

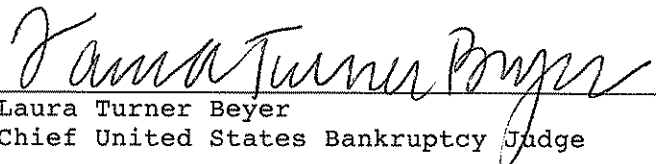
UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

JUDGMENT ENTERED ON MAR 09 2016

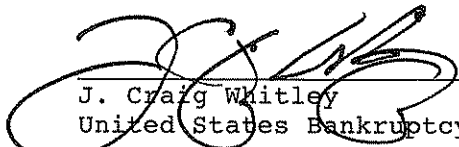
IN RE:)
)
Matters of Practice and) ADMINISTRATIVE ORDER
Procedure Before the Court) AMENDING LOCAL RULE
) 3015-1 AND ESTABLISHING
) LOCAL RULE 3015-2

It appearing that in order to fully comply with the United States Supreme Court's opinion in Harris v. Viegelaahn, 575 U.S. ___, (2015), and to prescribe a formal procedure for the Chapter 13 Trustees to follow to properly distribute such reserved funds to the appropriate parties in interest, the District's current Local Rule of Bankruptcy Practice and Procedure 3015-1 must now be amended and a new Local Rule of Bankruptcy Practice and Procedure 3015-2 must now be added;

Based upon the foregoing, it is hereby ORDERED that the Court's existing Local Rule of Practice and Procedure 3015-1 as now amended and new Local Rule of Practice and Procedure 3015-2, copies of which are attached to this Order and incorporated by reference herein, both be adopted and apply to all new Chapter 13 cases filed on or after the date of entry of this Order and to all pending Chapter 13 cases to the extent practicable.



Laura Turner Beyer
Chief United States Bankruptcy Judge



J. Craig Whitley
United States Bankruptcy Judge

Local Rule 3015-1
Disposition of Funds in Dismissed Chapter 13 Cases

- (a) **Chapter 13 Trustee's Administrative Set Up Fee.** Pursuant to 11 U.S.C. § 1326(a)(2) the Chapter 13 Trustee shall be allowed an administrative claim of \$200 in cases dismissed prior to confirmation.

- (b) **Funds Received by the Chapter 13 Trustee Prior to Confirmation and Prior to Dismissal.** Unless otherwise ordered by the Court, the funds shall be distributed in the following sequence:
 - (1) Adequate protection payments provided for in 11 U.S.C. § 1326(a)(2) and Local Rule 3012-1;
 - (2) The \$200 Chapter 13 Trustee set-up fee;
 - (3) Unpaid debtor attorney's fees and any other administrative claims allowed by 11 U.S.C. § 503(b); and
 - (4) To the debtor in care of the debtor's attorney, if any.

- (c) **Funds Received by the Chapter 13 Trustee Post-Confirmation and Prior to Dismissal.** Unless otherwise ordered by the Court, any funds held by the Chapter 13 Trustee will be distributed pursuant to the terms of the confirmed plan.

- (d) **Funds Received by the Chapter 13 Trustee After Dismissal.** Unless otherwise ordered by the Court, any funds received by the Chapter 13 Trustee after the date of the dismissal of a case will be returned to the party who sent the funds.

Local Rule 3015-2
Disposition of Funds in Converted Chapter 13 Cases

Unless otherwise ordered by the Court, any funds received by the Chapter 13 Trustee and not yet distributed prior to the conversion of a case shall be disposed of as follows:

- (a) Funds on hand of \$2,500 or less shall be disbursed to the debtor in care of the debtor's attorney, if any, by the Chapter 13 Trustee;
- (b) If the funds on hand exceed \$2,500, the Chapter 13 Trustee shall file and timely serve on all parties in interest a notice of the amount of funds on hand and the Trustee's intention to disburse to the debtor all of the funds remaining undisbursed that the Trustee was holding as of the date of conversion of the case. Any party who objects to the proposed disbursement to the debtor shall have 28 days from the date of the filing of the Chapter 13 Trustee's notice within which to formally file an objection or other response and request that a hearing be held. The objecting or responding party shall provide written notice to all parties of the date, time, and location of the hearing. Any hearing shall be held on the next available court date as provided by the Clerk, but in no event more than 30 days following the date of the filing of the objection or response. If no objection or response is timely filed as set forth herein, all of the funds on hand shall be paid by the Chapter 13 Trustee to the debtor in care of the debtor's attorney, if any. If, after notice and a hearing, the Chapter 13 Trustee's request for authority to disburse all funds to the debtor is denied in whole or in part, the funds on hand shall be paid by the Chapter 13 Trustee as ordered by the Court.