

FILED

U. S. BANKRUPTCY COURT

APR 8 - 1993

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

WESTERN DISTRICT OF N C

By lwb DEPUTY

In re:

PROCEDURES IN AID OF)	ADMINISTRATIVE ORDER
THE ADMINISTRATION OF)	SETTING PROCEDURE FOR
CHAPTER 13 PLANS)	THE PROCESSING OF CERTAIN
)	PROOFS OF CLAIM OF IRS

The Court having considered this matter and it appearing that from time to time, the Internal Revenue Service (hereinafter "IRS") will file proofs of claim with the Chapter 13 standing trustees for the collection of federal taxes prior to the due date for the federal tax return, including extensions, under applicable law, and it further appearing to the Court that the majority of such claims will be satisfied by direct payment to IRS by the debtors on or before such due date, and that requiring the trustees to receive and process all such proofs of claim for inclusion in the debtors' plans when most will ultimately be otherwise satisfied by payment imposes an unnecessary administrative cost upon the trustees' operations,

And the Court concluding that such a process results in a less efficient administration of Chapter 13 plans in this District and should, therefore, be modified in such a way as to accommodate the filing of such proofs of claim for federal taxes while, at the same time, minimizing unnecessary costs of administration, and,

Based upon the foregoing, THE COURT ORDERS AS FOLLOWS:

1. The standing trustees shall accept for filing any and all properly-executed proofs of claim from IRS even when such proofs of claim are filed prior to the due date for the federal tax returns in question, including extensions, under applicable federal law;
2. The trustees shall proceed with no further administration of such proofs of claim until the due dates for the federal tax returns in question have, in fact, passed;
3. Following the passage of such return due dates, the IRS **MUST PROVIDE TIMELY WRITTEN NOTIFICATION** to the trustee if the taxes that are the subject of the respective proofs of claim remain unpaid and if the IRS desires to have the debts included for payment by the trustee through the respective Chapter 13 plans;
4. Unless and until the IRS provides such timely written notice to the trustee as set forth above, the proofs of claim are deemed to be **OBJECTED TO** by the trustee for the reason that the claims have

been satisfied by direct payment, and such objections are hereby
SUSTAINED by the Court;

Dated 4-8-93


Bankruptcy Judge


Bankruptcy Judge