

1850 1991

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

J. BARON GROSHON
BY: Wb
Deputy Clerk

In re:

PROCEDURES IN AID OF
THE ADMINISTRATION OF
CHAPTER 13 PLANS

)
)
) ADMINISTRATIVE ORDER
) AUTHORIZING ADMINISTRATIVE
) CLAIM BY TRUSTEE IN CASES
) DISMISSED PRIOR TO
) CONFIRMATION

The Court having considered this matter and it appearing that Section 1326(a)(2) of the Bankruptcy Code authorizes the Chapter 13 trustee to recover from any plan payments returned to a debtor in any Chapter 13 case dismissed prior to confirmation any costs of administration approved by the Court, and it further appearing that the costs incurred by the trustee in the set-up and processing of a case dismissed prior to confirmation total at least one hundred dollars (\$100.00),

And the Court concluding that the trustee is entitled to an administrative claim in such amount in any such Chapter 13 case administered through his office and that he should be allowed to recover such claim from plan payments made by the debtor,

Based upon the foregoing, IT IS HEREBY ORDERED that, pursuant to the notice and authorization provided herein, in any Chapter 13 case dismissed prior to confirmation, the trustee shall be allowed an administrative claim of one hundred dollars (\$100.00), said claim representing the actual costs to the trustee for the set-up and processing of the case, and that the trustee is authorized to recover, pursuant to Section 1326(a)(2), the amount of said claim from any plan payments made by the debtor and being held in anticipation of confirmation by the trustee, the attorney for the debtor, or any other party, PROVIDED; however, that in any such case where the trustee has incurred actual costs in excess of the presumptively reasonable amount of one hundred dollars (\$100.00), he may, by separate application pursuant to Section 503(a) of the Bankruptcy Code, seek reimbursement of such additional expenses, as well.

Dated this the 23rd day of August, 1991.

W. R. Sauter
Bankruptcy Judge

Arwyn R. Hodgin
Bankruptcy Judge