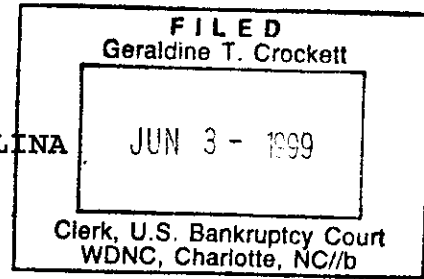


UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA



IN RE: )  
)  
No-Protest Notice of Motions )  
for Moratoriums in Chapter 13 )  
Cases )  
)  
)  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER

THIS CAUSE is before the Court to review the notice procedure pertaining to Motions for Moratoriums in Chapter 13 cases, and it appearing as follows:

1. Local Bankruptcy Rule 9013-1 permits certain motions to be noticed on a "no-protest" basis, whereby the movant serves a notice upon parties-in-interest advising them of the motion and further advising that if no hearing is requested in writing within a specified date, that the Court may decide the matter on the record without a hearing. Rule 9013-1 lists the matters for which such a notice is appropriate.

2. Bankruptcy Code Section 1329 permits modification of Chapter 13 plans postconfirmation under certain circumstances. Often this provision is employed by the debtor to seek a moratorium of plan payments, when the debtor is unable to make timely payment due to sickness, injury, unemployment or other unforeseen misfortune.

3. Currently, moratorium requests are not considered by this Court to be subject to the no-protest procedure of LR 9013-1 and a hearing is required in all cases. However, since other modification requests are covered by the Rule (LR 9013-1m), and inasmuch as most moratorium motions are uncontested, the Court believes it in the interests of judicial economy that moratorium motions be subject to the no-protest procedure.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Moratorium requests in Chapter 13 cases be deemed to be

437

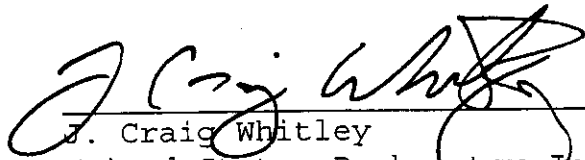
modifications under Section 1329 and LR 9013-1, subject to the no-protest procedure of LR 9013-1.

THIS the 3d day of June, 1999.



---

George R. Hodges  
United States Bankruptcy Judge



---

J. Craig Whitley  
United States Bankruptcy Judge