

JUDGMENT ENTERED ON JAN 22 2010

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

In re)	
)	
PROCEDURES IN AID OF)	ADMINISTRATIVE ORDER
THE ADMINISTRATION OF)	<u>AMENDING PROCEDURE FOR</u>
CHAPTER 13 PLANS)	THE DISBURSEMENT OF
)	POST-PETITION CONDUIT
)	MORTGAGE PAYMENTS

The Court has considered this matter and it appears that certain amendments to the procedures previously adopted for the disbursement of post-petition conduit mortgage payments in Chapter 13 cases in this District are appropriate and should be adopted at this time,

Based upon the foregoing, **IT IS HEREBY ORDERED** that the Court's "*Administrative Order Establishing Procedure for the Disbursement of Post-petition Conduit Mortgage Payments to be Effective July 1, 2009*" now be amended as set forth herein below:

1. Section 1(b) is amended to read as follows:

"Administrative Arrearage is the total amount of two full post-petition mortgage payments".

2. The third sentence of Section 2(a) of the Court's Administrative Order is amended to read as follows:

"The first full regular plan payment must be made within thirty (30) days after the petition date and the second full regular plan payment must be made within sixty (60) days after the petition date."

3. The second sentence of Section 4(a) of the Court's Administrative Order is amended to read as follows:

“The Administrative Arrearage claim shall be combined for payment with the Pre-Petition Arrearage claim, if any exists, and shall be paid in full on a pro-rata basis with non-conduit secured claims.”

4. A new second sentence to Section 4(b) is added to read as follows:

“If no proof of claim has been filed by, or on behalf of, the Real Property Creditor by the deadlines set forth in Federal Rules of Bankruptcy Procedure 3002(c) or 3004, the trustee is authorized to release any funds then being reserved on account of such claim for general disbursement pursuant to the terms of the confirmed plan.”

5. Line 7 of Section 4(d) is revised to read as follows:

“...disburse all funds received from the debtor, *less the trustee’s statutory commission*, first toward payment...”

6. A new Section 5(a) is added to read as follows:

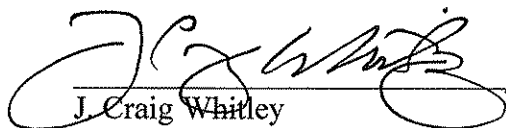
“All Real Property Creditors shall credit the first conduit mortgage payment disbursed by the trustee to the calendar month and year as set forth in the Order Confirming Plan. Should any Real Property Creditor object to the commencement date for the credit of payments as designated in the Order, it shall file such objection with the Court within fifteen (15) days following the Order entry date and serve copies on the trustee, the debtor and the attorney for the debtor. A hearing shall be held on any objections that may be filed with such notice as is appropriate to be provided by the Court.”

7. Existing Paragraphs 5 (a), (b), (c), (d) and (e) of the Court’s Order shall be redesignated as Paragraphs 5 (b), (c), (d), (e) and (f), respectively.

8. The second sentence of new Section 5(b) is amended to read as follows:

“The proof of claim must clearly separate the pre-petition arrearage from the Administrative Arrearage.”

9. The provisions of this Order shall apply to all cases filed under Chapter 13, or converted to Chapter 13, on or after March 1, 2010 and shall apply to all pending Chapter 13 cases to the extent practicable.



J. Craig Whitley
Chief United States Bankruptcy Judge



George R. Hodges
United States Bankruptcy Judge