

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

IN RE: **KEYBOARD(Debtor's Name(s))**

Chapter 13

Case No. **KEYBOARD(Case Number)**

O R D E R

This matter came upon the confirmation hearing on debtor(s)' proposed Chapter 13 plan and any objections thereto, and the trustee's motion to dismiss or convert. It appearing to the court that the debtor(s)' plan is not ready for confirmation, it is hereby **ORDERED**:

1. _____ The hearings on the confirmation of debtor(s)' proposed Chapter 13 plan and any objections thereto and the trustee's motion to dismiss are:

_____ (a) **CONTINUED** to _____ at _____.

_____ (b) **CONTINUED** to the same date and time as any hearing on the modified plan to be filed as required in paragraph 6 below.

2. _____ This continuance is conditioned upon the debtor(s) keeping their plan payments current. Failure to do so results in dismissal on the continued hearing date or automatic dismissal without further notice or hearing twenty-one (21) days after the trustee's certification unless the debtor files a timely response to the certification.

3. _____ The debtor(s) shall have until _____ to bring plan payments current, otherwise, the case will be dismissed at the continued hearing date or will be automatically dismissed twenty-one (21) days after the trustee's certification that plan payments are delinquent unless the debtor(s) timely file a response to the certification.

4. _____ The hearing on confirmation, and any objections thereto, and the trustee's motion to dismiss/convert are continued to _____ at _____ a.m./p.m. at which time all the conditions marked with an "X" on the attached Exhibit A must have been accomplished or the debtor(s) shall appear at that time and show cause why the case should not be dismissed.

5. _____ Confirmation of the debtor(s)' existing Chapter 13 plan is **DENIED**.

6. _____ Debtor(s) shall have until _____ to file a modified plan. Upon failure to do so, or to request an extension of time prior to the due date for the modified plan, this case shall be dismissed without further notice or hearing, unless

on or before the due date for the modified plan counsel files a certification that there is no need to file a modified plan.

Should a modified plan be timely filed, counsel shall serve it in accord with existing procedures and orders of this court; provided however, that no service shall be required as to any class of creditors not adversely affected by the amended plan, as certified in writing by counsel for the debtor(s) and endorsed as agreed by the trustee, which certification shall be filed with the Clerk no later than the date by which service of the modified plan is required to be made. In all cases of plan modification, service shall be made upon any creditor who has any pending objection to confirmation or a specific request for notice.

7. _____ Counsel for the debtor(s) shall submit a wage deduction order to the court no later than _____ or the debtor(s) shall appear at the continued hearing date to show cause why no wage deduction order should be entered.
8. _____ Should the trustee be prepared to recommend confirmation, she/he may submit a confirmation order for entry prior to the continued hearing provided there is no pending objection by a creditor to confirmation.
9. _____ Other provisions: _____.

Debtor(s)' counsel shall serve a copy of this order upon the Chapter 13 trustee and all creditors or their counsel who have filed objections, a motion to dismiss or convert, or an unresolved motion for relief from the automatic stay.

Entered: **KEYBOARD**(Date)

U. S. Bankruptcy Judge

We consent:

Chapter 13 Trustee

Debtor's counsel

EXHIBIT A TO ORDER OF CONTINUANCE

___1. Debtor(s) are to make regular & timely plan payments & be current in *amended* plan payments as of the adjourned hearing date.

(All of the following items which are marked with an "X" are to be accomplished by the Debtor(s) or received by the Trustee at least ten (10) calendar days prior to the adjourned hearing date unless otherwise noted below or otherwise noted on Exhibit A of the Initial (or Supplemental) Trustee's Report and Objections Following Meeting of Creditors and Notice to Dismiss or Convert Case ["the Trustee's Report"])

___2. The following documents are to be provided to the Trustee: HUD-1
 2 mos. recent paystubs from new job Amended: Sch. I Sch. J
 To support increases in Sch. J expenses To justify decrease in plan payments
 To justify decrease in base gross

___3. The following amendments to the Plan are to be made: Cure default in plan payments
 Resolve Trustee's disposable income objection Make plan 100% payout to unsecured creditors
 Provide for secured creditor(s): _____
 Provide for priority creditor(s): _____
 Cure arrears on secured creditor(s): _____
 Increase plan payments: _____
 Provide adequate protection payments for secured creditor(s): _____
 Provide special notice for secured creditor(s): _____
 Change language in para. # _____ re: _____

___4. Any amended plan is to be properly filed and noticed so that it can be heard on the adjourned hearing date.

___5. The following motions are to be properly filed and noticed so that they can be heard on the adjourned hearing date:
 To extend/impose automatic stay For additional attorneys fees
 To allow direct plan payments by debtor(s) For adequate protection payments
 To avoid lien(s): _____
 To object to claim(s): _____

___6. The following objections or matters are to be resolved prior to the adjourned hearing date or Counsel is to be prepared to argue them on that date, and the Trustee is to be notified as to the status of these matters at least five calendar days prior to that date:

Motion(s) to lift stay Objection(s) to confirmation
 Trustee's disposable income objection Lien avoidance motion(s)
 Objection to claim(s)

___7. All items set forth on Exhibit A to the Trustee's Report to be completed and received by the Trustee.

___8. Other: "Drop dead" order to be entered
 Wage Deduction order to be entered & working Pre-confirmation affidavit to be filed
 Certifications by atty. for atty. fees for motion to lift stay Trustee retains disposable income objection
 Amend Wage Deduction Order to match modified Plan Debtor(s) not eligible for discharge
 Debtor to arrange automatic monthly payment for mortgage / vehicle
 Update on income/employment of _____
 Trustee's motion to dismiss to be resolved by entry of order increasing plan payments over remainder of plan
 Plan must pay 100% to unsecured creditors b/c of: Chapter 7 test Disposable income test
 Trustee will object to any future modified plan that decreases "pot" to unsecured creditors
 Debtor(s) to be current in plan payments, case to be converted to Chap. 7, or case to be dismissed