

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)
)
CHAPTER 13 PRE-CONFIRMATION) GENERAL ORDER No. 05-07
ADEQUATE PROTECTION)
AND LEASE PAYMENTS)
)

IT IS HEREBY ORDERED, effective as to all Chapter 13 cases filed on or after October 17, 2005, as follows:

The Chapter 13 plan shall provide that § 1326(a)(1) pre-confirmation adequate protection and lease payments are to be paid in the plan and through the Chapter 13 Trustee. The plan shall list the creditor name, address, last four digits of the account number, payment due date and payment amount for each creditor receiving § 1326 (a)(1) pre-confirmation adequate protection or lease payments. The debtor must immediately commence plan payments to the Trustee for the amounts necessary to pay these pre-confirmation payments plus statutory Trustee's fees. The debtor shall not reduce plan payments to the Trustee under § 1326(a)(1)(B) and (C) without an order of the Court. A creditor may file a motion requesting a change in the amount of the § 1326(a)(1) pre-confirmation payments pursuant to § 1326(a)(3). Until the creditor's motion is resolved, the Chapter 13 Trustee shall continue to make the payments proposed to such creditor as set forth in the plan.

The Chapter 13 Trustee is authorized to pay § 1326(a)(1) pre-confirmation payments set forth in the proposed plan without entry of an order of the Court. No payments shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to the creditors within 30 days of the filing of the proof of claim unless sufficient funds have not been paid by the debtor to the Trustee in order to make such payments within seven (7) working days prior to the end of such 30 day period. The Chapter 13 Trustee is authorized to deduct from an allowed claim, as of the date of payment, each § 1326(a)(3) pre-confirmation payment made by the Trustee.

If a creditor obtains an order for payments under § 1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the Trustee any payments due and owing upon dismissal of the case from funds collected by the Trustee under § 1326(a)(1)(A) less statutory trustee fees and allowed § 503(b) claims including debtor's attorney fees.

DATED: October 13, 2005

/s/ Timothy J. Mahoney
Timothy J. Mahoney, Chief Judge