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IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
AT AKRON

2001  
DISTRICT OF C-  
AKRON

IN RE: ADMINISTRATION OF ) ADMINISTRATIVE ORDER NO. 02-8  
CHAPTER 13 CASES- *Trustee* )  
*Recommendation Regarding Filed* ) CHAPTER 13  
*Claims* )  
) JUDGE MARILYN SHEA-STONUM



The chapter 13 Trustee's office serving this Court location has requested permission to begin use of a "Trustee Recommendation" pleading (the "Recommendation") that after the passage of a specified time period would function as the order of this Court. The Court believes that such procedure would contribute to the efficient administration of chapter 13 cases and would provide due process to all parties served with the Recommendation. The Recommendation replaces the Trustee's current motions to allow claims, motions to disallow claims, and claim stipulation. The Trustee has requested the use of the Recommendation in preparation for and transition to Electronic Case Filing. The Recommendation is designed to give notice to interested parties of the Trustee's interpretation of filed claims and, if no request for a hearing or other timely response is filed with the Court, to provide the basis for the Trustee's treatment of the claim.

The Court grants the Trustee's request and approves the use of the Recommendation before this Court on the following terms and conditions:

1. Pursuant to *In re Fiorilli*, 196 B.R. 83 (Bankr. N.D. Ohio 1996), § 502(a) of the Bankruptcy Code and Fed. R. Bankr. P. 3001(f), filed proofs of claim shall be paid by the Trustee as filed unless there is a timely objection to the claim.
2. Because this Court generally confirms plans before the claims bar date, to the extent that a plan contains provisions purporting to determine the priority or amount of specific claims, the plan does not control the status of specific claims filed in the case.

3. Parties in interest shall have 40 (forty) days from the date of service of the Recommendation to file an objection to the Recommendation and to request a hearing before the Court pursuant to § 102. Objections to the Recommendation and requests for hearing must be served on the debtor, the debtor's attorney, the creditor and the Chapter 13 Trustee.
4. If no party in interest requests a hearing on the Recommendation within 40 (forty) days from the date the Recommendation is served on the parties by the Trustee, the Trustee is authorized, directed, and ordered to pay the claim pursuant to the Recommendation. Absent a request for hearing, the Recommendation shall be deemed an order of the Court.
5. The Trustee is not required to attach a copy of the proof of claim to the Recommendation, but the Trustee shall clearly identify the proof of claim in the Recommendation.
6. After the entry of this Administrative Order, the Trustee is not required to individually sign copies of the Recommendation served on parties in interest.

**IT IS SO ORDERED.**

  
**MARILYN SHEA-STONUM**  
**Bankruptcy Judge**