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U.S. DISTRICT COURT OF OHIO
AKRON

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

IN RE:)
) **Administrative Order No. 08-09**
ADMINISTRATION OF CHAPTER 13)
CASES - *Trustee Motion to Modify*)
Confirmed Plan to Change Percentage Paid) JUDGE MARILYN SHIEA-STONUM
to Creditors)

The Chapter 13 Trustee serving this Court location (the "Trustee") has requested permission to begin filing a revised motion to modify a confirmed Chapter 13 plan (the "Confirmed Plan") to change the percentage being paid to creditors (the "Revised Motion to Modify") which, after the passage a specified period of time and absent any objection, would act to modify the Confirmed Plan. The Court believes that the use of such pleading would contribute to the efficient administration of Chapter 13 cases while providing due process to all parties served with the Revised Motion to Modify. The Revised Motion to Modify replaces the Trustee's current use of a "Motion to Modify and Conditional Order approving the Modification." The Revised Motion to Modify is designed to give notice to interested parties of the Trustee's interpretation of how, pursuant to 11 U.S.C. § 1329, the Confirmed Plan must be modified to comply with all the applicable provisions of the Bankruptcy Code and, if no objection is filed, to provide a basis for modification of the Confirmed Plan.

The Court hereby grants the Trustee's request and approves the use of the Revised Motion to Modify beginning on OCTOBER 1, 2008 and on the following terms and conditions.

1. The Trustee is not required to attach a copy of the Confirmed Plan to the Revised Motion to Modify but the Trustee is required to clearly forth in that Revised Motion to Modify the proposed changes to the Confirmed Plan and the reason that such changes are deemed necessary.

2. Parties in interest shall have forty (40) days from the date of service of the Revised Motion to Modify to file an objection to the Revised Motion to Modify and to request a hearing before the Court pursuant to 11 U.S.C. § 102. Objections to the Revised Motion to Modify must be served on debtor(s), counsel for debtor(s) and the Trustee.
3. If no party in interest requests a hearing on the Revised Motion to Modify within forty (40) days from the date the Revised Motion to Modify is served by the Trustee on parties in interest, the Revised Motion to Modify will be deemed an order of the Court and the Confirmed Plan will, pursuant to 11 U.S.C. § 1329(b)(2), be modified consistent with the changes set forth in the Revised Motion to Modify.

IT IS SO ORDERED.


MARILYN SHEA-STONUM
U.S. Bankruptcy Judge