

This form is created for the sole use of the Chapter 13 Trustee and may not be reproduced or used for any other purpose other than to resolve a pending Motion to Dismiss filed by the Trustee in a chapter 13 bankruptcy case.

If you are an attorney representing a chapter 13 debtor or a pro se chapter 13 debtor and there is a pending motion to dismiss for arrears you may fill out this form and send it to the Trustee for review. ***Under no circumstances is this form to be filled out and filed with the Court without prior approval of the Trustee.***

If you are unsure of the current amount of arrears please call the Trustee's office to verify the figure. Please note that the figure provided by the Trustee's office DOES NOT include the current month's payment unless otherwise indicated by the Trustee.

This form should not be altered or changed in any way other than with the permission of the Trustee.

#### INSTRUCTIONS:

**HEADING:** Fill in the name of the debtor or debtors. Fill in the complete case number including the assigned judge.

**ARREARS AMOUNT:** Fill in the amount of arrears that is to be cured by the debtor(s). If unsure check with the Trustee's office before filling in this line.

**CURE DATE:** Fill in the date by which the arrears are to be cured.

**MONTHLY PAYMENT:** Fill in the current monthly plan payment amount. This should be the amount required by the confirmed plan or the most recent pending plan.

**SIGNATURE:** If you are an attorney fill in your name and signature block including your BBO number, address, phone number and email address. If you are a pro se debtor fill in your name, address and phone number.

**FILING WITH THE COURT:** If the Trustee approves of the form the Trustee will authorize you to include her electronic signature or will sign the form and send it back to you for filing with the Court. The form should be attached as an exhibit to a motion to approve and should be linked to the pending motion to dismiss.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

IN RE: \_\_\_\_\_  
Debtor(s),

Chapter 13  
Case No. \_\_\_\_\_

AGREED ORDER REGARDING TRUSTEE'S MOTION TO DISMISS

CAME ON FOR CONSIDERATION the Chapter 13 Trustee's motion to dismiss ("Motion") the case of the above captioned debtor(s), and it appearing that the parties have reached an agreement as to the Motion, it is hereby

**ORDERED THAT IF THE DEBTOR FAILS: I) TO PAY TO THE TRUSTEE BY CERTIFIED FUNDS, BANK CHECK, MONEY ORDER OR ELECTRONIC PAYMENT THROUGH TFS (AN AUTHORIZED THIRD PARTY PAYEE) THE SUM OF \$ \_\_\_\_\_ BY NOON\* ON \_\_\_\_\_; AND IN ADDITION II) TO REMAIN CURRENT DURING THE PENDENCY OF THIS AGREED ORDER ON THE MONTHLY PAYMENT OF \$ \_\_\_\_\_ TO THE TRUSTEE, THIS CHAPTER 13 CASE MAY BE DISMISSED BY THE CLERK OF THE COURT UPON AFFIDAVIT OF THE TRUSTEE, WITHOUT HEARING, AND IT IS FURTHER**

ORDERED that the debtor shall file no response to the Trustee's affidavit that does not contain a dispute of fact that said payments were timely made. Any response must be filed within 10 days of the filing by the Trustee and supported by an affidavit of the debtor.

ORDERED that this order is without prejudice as to the Trustee or the United States Trustee's right to be heard on any matter within their purview, by written pleading or otherwise.

Signed at Boston, Massachusetts, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
United States Bankruptcy Judge

AGREED TO AS TO SUBSTANCE AND FORM:

Carolyn A. Bankowski  
Standing Chapter 13 Trustee

Debtor/Debtor's Attorney

By: \_\_\_\_\_  
Carolyn A. Bankowski, BBO#631056  
Patricia A. Remer, BBO#639594  
Office of the Chapter 13 Trustee  
P.O. Box 8250  
Boston, MA 02114  
(617) 723-1313  
13trustee@ch13boston.com

By: \_\_\_\_\_

\* Payments must be received at P.O. Box 1131, Memphis, TN 38101-1131 by the date indicated. Unless otherwise noted, the arrearage amount does not include the current month.