

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

STANDING ORDER CONCERNING CHAPTER 13 PRE-CONFIRMATION PAYMENTS

Payments required by 11 U.S.C. §1326(a)(1) shall be subject to the following provisions:

1. Pursuant to §1326(a)(1)(B), the debtor shall pay to the Chapter 13 trustee all payments scheduled in a lease of personal property, said payments to commence not later than 30 days after the date of the order for relief. The Chapter 13 trustee shall thereafter make payments to the lessor creditor as set forth in paragraph 3 hereinbelow.
2. Pursuant to §1326(a)(1)(C), the debtor shall pay to the Chapter 13 trustee pre-confirmation adequate protection payments, applicable to a creditor holding an allowed claim secured by personal property to the extent that the claim is attributable to the purchase of such property by the debtor, said payments to commence not later than 30 days after the date of the order for relief. The adequate protection payments, which are to protect against depreciation of the collateral and which are to be based on the value of the collateral, are to be proposed by the debtor and filed with the court. If a creditor believes that the proposal is insufficient, an objection to the amount of the adequate protection payments shall be filed by the creditor which will be considered by the court as contemplated by §1326(a)(3). The Chapter 13 trustee shall continue to make the payments as proposed by the debtor unless and until the court orders otherwise.

3. The Chapter 13 trustee shall make payments on a monthly basis pursuant to this order as soon as practicable after the filing of a proof of claim by the creditor to whom a payment is due. In the case of a secured claim, the said creditor shall provide evidence of the perfection of the relevant security interest to the Chapter 13 trustee prior to the commencement of payments.
4. In addition to the amount of the payments which are to be made to the creditors, the Chapter 13 trustee may assess an administrative fee for effectuating the payments required by this standing order and shall collect that additional fee from the debtor at the time of making the said lease or adequate protection payments. The administrative fee shall be equal to the percentage fee established by the United States Attorney General pursuant to 28 U.S.C. §586(e).
5. All payments made by the Chapter 13 trustee pursuant to this standing order shall be made in the ordinary course of the trustee's business from funds as they become available for distribution to the affected creditors. The practice of confirming Chapter 13 plans expeditiously in this district will be continued. Generally, confirmation will occur prior to the bar date for filing proofs of claim by non-governmental creditors.
6. The principal amount of the adequate protection recipient's claim shall be reduced by the amount of the adequate protection payments remitted to the claimant unless the court orders otherwise. Such adequate protection payments shall continue until the commencement of "equal monthly payments" under the confirmed Chapter 13 plan.

7. Upon the dismissal of a case, or conversion to another chapter, prior to the confirmation of the proposed Chapter 13 plan, the Chapter 13 trustee shall make the pre-confirmation adequate protection payments, or a portion thereof, from any funds available for that purpose, received on or before the date of the entry of the order of dismissal or conversion, to creditors, contemplated by §1326(a)(1)(B) and (C), that have filed proofs of claim prior to the date of the dismissal or conversion.

This standing order shall remain in effect until further order of the court.

This the 2nd day of May, 2006.

/s/ David W. Houston, III
DAVID W. HOUSTON, III
UNITED STATES BANKRUPTCY JUDGE