

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
WALTER CHARLES KLAUBO and) CASE NO. 05-61290 JPK
WILMA ADRIENNE KLAUBO,) Chapter 13
)
Debtors.)

ORDER FOR HEARING

On December 8, 2007, the debtors, by counsel, filed a Motion for Order Authorizing Sale of Real Property, requesting the Court's authority to sell property located at 10005 Fillmore Court, Crown Point, Indiana, pursuant to the terms of the contract attached to that motion. That contract provides for a gross sales price of \$150,000.00. The Court approved the sale by order entered on January 7, 2008, in accordance with the terms of a proposed form of order submitted by debtors' counsel. On January 22, 2008, a Report of Sale of Real Estate was filed, to which was attached a copy of the closing statement with respect to sale of the real property. This statement discloses a sale price for the property of \$155,000.00. The closing statement evidences payment of a broker's commission, and while perhaps the broker to whom the commission was paid was approved by the Court's order entered on September 5, 2007, the Court never entered an order approving compensation for a professional under the provisions of 11 U.S.C. § 330. The closing statement, and the report of sale, also appear to state that the net proceeds derived from the sale payable to the seller were not in fact paid at the closing to the Chapter 13 Trustee, but rather were paid to the debtors somehow, and were then turned over to the Chapter 13 Trustee.

All of the foregoing is less than acceptable in terms of a sale of property in a Chapter 13 bankruptcy estate subject to the jurisdiction of this Court.

IT IS ORDERED that a hearing will be held on **February 25, 2008, at 1:00 P.M.** to review the nature of the transaction disclosed by the Report of Sale of Real Estate.

Dated at Hammond, Indiana on February 7, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee