

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
BRENDA KAY NAVA,) CASE NO. 06-62253 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING

On June 26, 2008, the debtor, by counsel, filed a “Motion to Suspend Chapter 13 Plan Payments”. This motion states that the debtor was laid off from her employment on or about June 20, 2008, and that she expects to remain unemployed until September 1, 2008. Consequently, the motion requests “that her plan payments be suspended until she returns to work and the terms of his (sic) plan be extended accordingly”. The tendered form of order suspends the debtor’s plan payments until August 1, 2008.

The concept of suspending plan payments is essentially a form of plan modification, in this case – because the plan has been confirmed – a modification pursuant to 11 U.S.C. § 1329. In this case, notice of the proposed modification was properly given in accordance with N.D.Ind.L.B.R. B-2002-2(a)(12), and no objection or request for hearing was filed with respect to the motion. However, in order for a suspension to be effective, the Court must be advised of the actual due date of the first payment sought to be suspended by the debtor and the actual due date of the last payment sought to be suspended by the debtor, information which should be stated both in the motion and in the tendered form of order by which it is contemplated the motion will be approved. Additionally, the court is somewhat confused by a discrepancy between paragraph 1 of the motion and the apparent payment resumption date contemplated by the tendered form of order: the motion states the debtor will remain unemployed until September 1, 2008 and yet the order states that her payments are suspended only until July 31, 2008.

Finally, the proposed form of order should specifically state the number of months by which the original plan term is extended by the suspension of payments order.

IT IS ORDERED that a hearing will be held on **September 8, 2008, at 1:00 P.M.** to address the foregoing.

Dated at Hammond, Indiana on August 7, 2008.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee